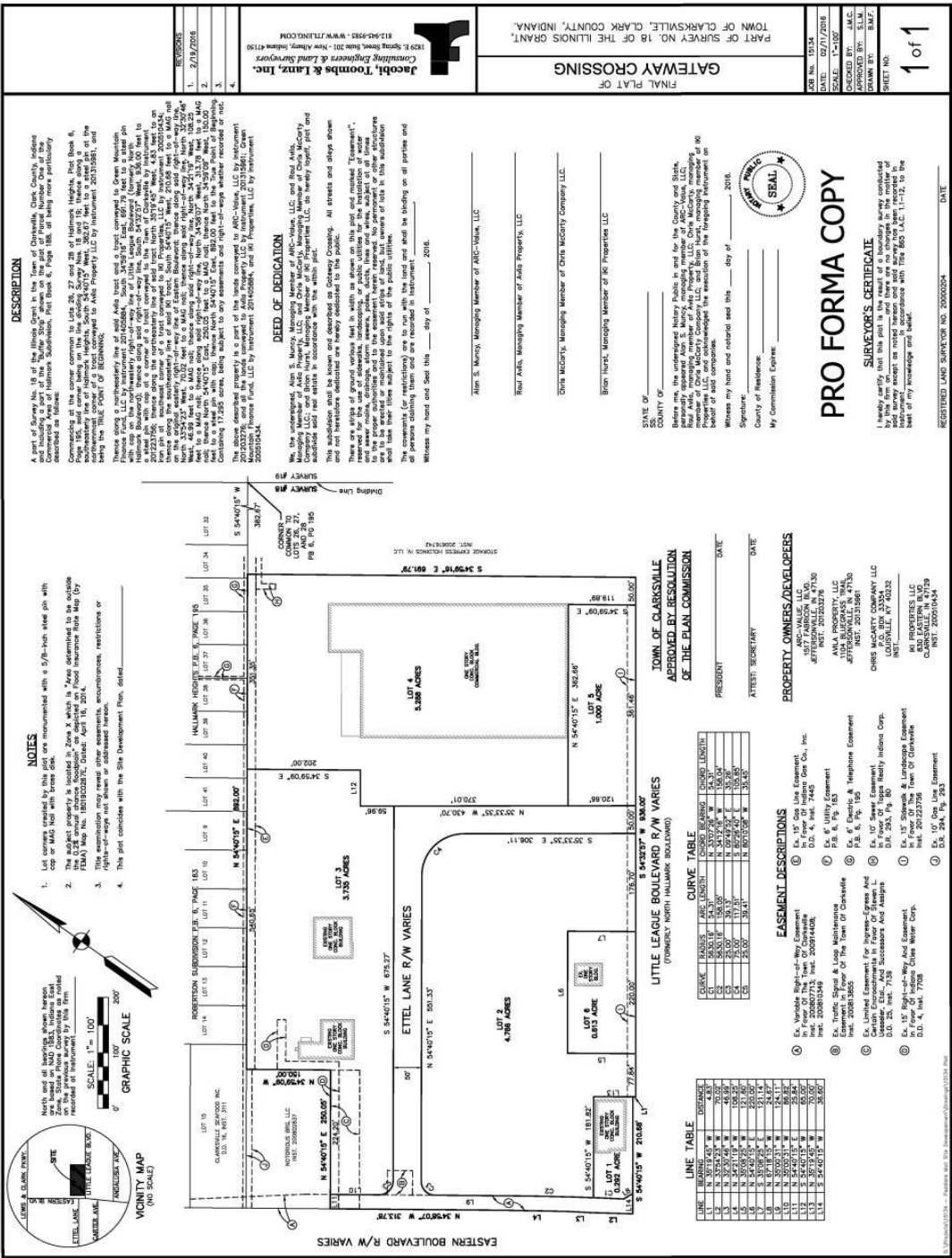


➤	These establishments conduct computer training (except computer repair), in computer programming, software packages, computerized business systems, computer electronics technology, computer operations, and local area network management. Instruction may be provided at the establishment's facilities or at an off-site location.
LBCS - 6145 - Fine and performing arts education	
➤	These establishments offer instruction in the arts, including dance, art, drama, and music.
LBCS - 6200 - Public administration	
LBCS - 6220 - Judicial functions	
➤	This category comprises civilian courts of law and correctional institutions.
LBCS - 6510 - Ambulatory or outpatient care	
LBCS - 6560 - Social assistance, welfare, and charitable services	
LBCS - 6562 - Child day care	
➤	Child day care establishments primarily care for infants and preschool children and often offer pre-kindergarten education programs. Some provide care services for older children.
LBCS - 6565 - Other family services	
➤	Hotline centers, suicide crisis centers, self-help organizations, etc., are some examples of establishments in this class.
LBCS - 6566 - Services for elderly and disabled	
➤	These establishments serve the elderly and persons with disabilities in a variety of ways (not at their homes). Services typically include group support, companionship, day care, homemaker services, etc. This class does not include housing for the elderly.
LBCS - 6567 - Veterans affairs	
➤	These establishments provide health and human services for veterans. Many such facilities also maintain liaison and coordination functions.
LBCS - 6568 - Vocational rehabilitation	
➤	Establishments in this class provide job counseling, job training, and other vocational services. Their primary clients are unemployed, underemployed, disabled, homeless, etc.
LBCS - 6710 - Funeral homes and services	
➤	This category comprises establishments preparing the dead for burial or interment and conducting funerals (i.e., providing facilities for wakes, arranging transportation for the dead, selling caskets and related merchandise). Funeral homes combined with crematories are also included.
LBCS - 6810 - Labor and political organizations	
➤	These establishments promote the interests of organized labor and union employees, national, state, or local political parties or candidates. Included are labor unions, political groups, and political fund-raising groups.
LBCS - 6820 - Business associations and professional membership organization	
LBCS - 6830 - Civic, social, and fraternal organizations	
➤	This category comprises establishments that promote the interests of their members, or that promote a particular cause (except labor, political, or professional organizations). These establishments may provide grantmaking foundations or charitable trusts, raise funds for social welfare activities, such as health, educational, scientific, and cultural activities. They may solicit contributions and offer memberships. Establishments in this category may operate bars and restaurants for their members.
LBCS - 7120 - Land development and subdivision	
➤	Establishments in this subcategory subdivide real property into lots and develop building lots for sale.

### C. Plan Documentation

See Drawing 95-280-1.

Drawing 95-280-1



Gateway Crossing development standards shall be in accordance with Development Standards shown on the approved PUD Plan.

**Table 95-280-2. Development Standards**

<i>Dimension</i>	<i>Measurement</i>
Minimum lot area	10,500
Minimum lot width	50 feet
Maximum lot coverage	50%
Minimum depth of front yard	10 feet
Minimum depth of rear yard	15 feet
Minimum width of each side yard	10 feet
Maximum height	50 feet

#### **Sec. 95-290 Coyle Chevrolet PUD**

##### **A. Specific Purpose**

The purpose of this district is to enable the continued operation of a prominent business along the Veteran's Crossing Corridor. The proposed PUD will be a limited use district that will not only allow continued operation of a car dealership, but also provide expansion opportunity. This district will protect the character at the important corner of Veteran's Parkway and Broadway Street, while also expanding economic development in to the Broadway District. The PUD will take steps towards objectives and policies outlined in the Comprehensive Plan, and will be governed by the development plan approved by the Plan Commission.

##### **B. Property**

The property is located along Veterans Parkway, between Broadway Street and Horn Street, and extends along a portion of Woodstock Drive. It contains a total of 8.243 acres.

##### **C. Land Use Classification**

Coyle Chevrolet PUD uses shall be in accordance with Table 95-290-1, Land Use Classification.

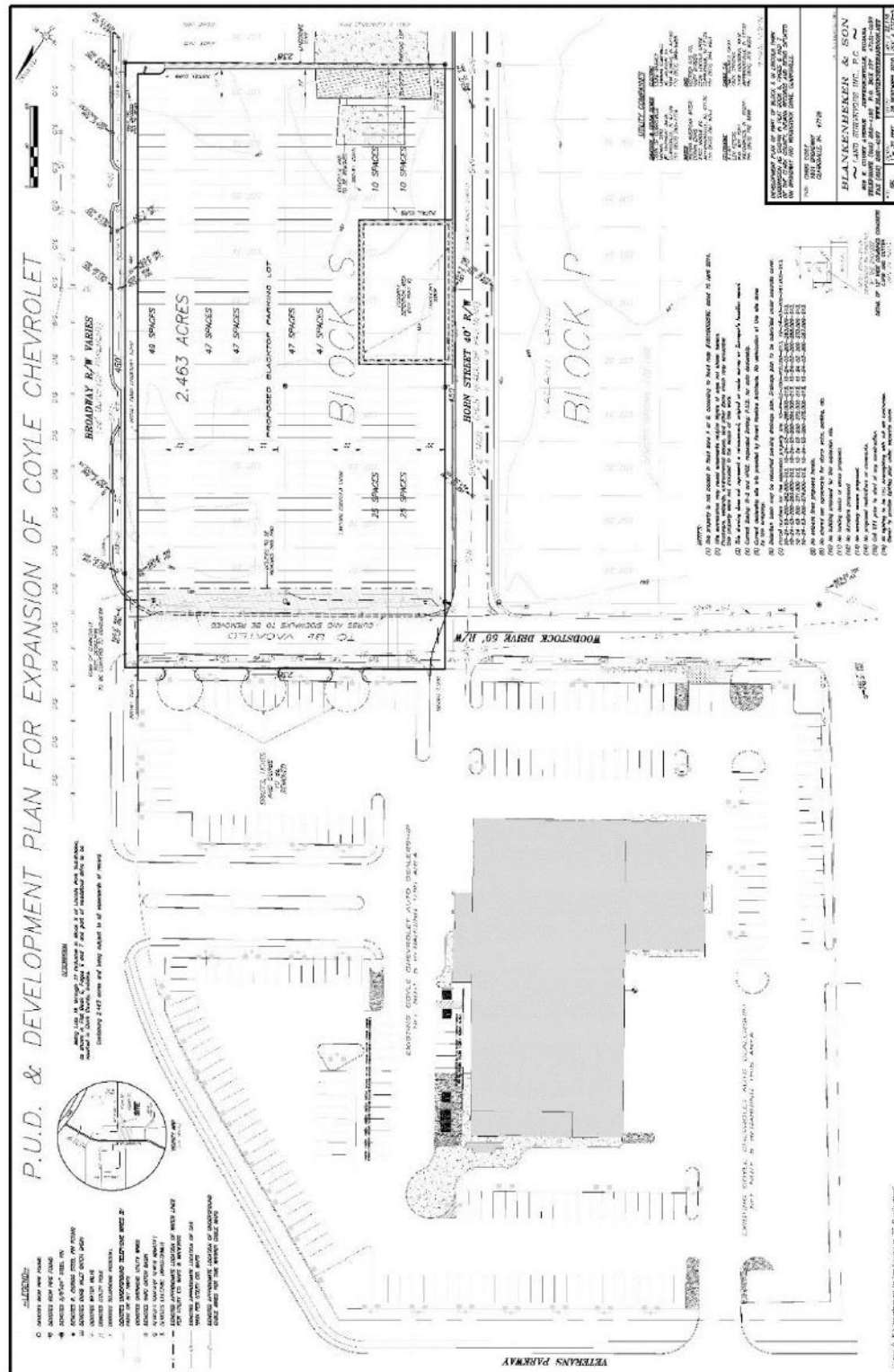
**Table 95-290-1. Land Use Classification**

<i>USES PERMITTED BY RIGHT</i>
<p>LBCS - 2110 - Automobile sales or service establishment, excluding medium &amp; heavy-duty trucks - <i>except the following with Special Exception, and that is in compliance with Section 150-10: Automotive Repair, Paint and Body Shop:</i></p> <ul style="list-style-type: none"> <li>➤ Aircrafts dealers</li> <li>➤ Automotive body shops</li> <li>➤ Automotive engine repair and replacement shops</li> <li>➤ Automotive paint shops</li> <li>➤ Automotive radiator repair shops</li> <li>➤ Automotive rustproofing and undercoating shops</li> <li>➤ Body shops, automotive</li> <li>➤ Engine repair and replacement shops, automotive</li> <li>➤ Transmission repair shops, automotive</li> <li>➤ Truck repair shops, general</li> <li>➤ Truck trailer body shops</li> <li>➤ Used utility trailer dealers</li> </ul> <p>LBCS - 2111 - Car dealer</p>

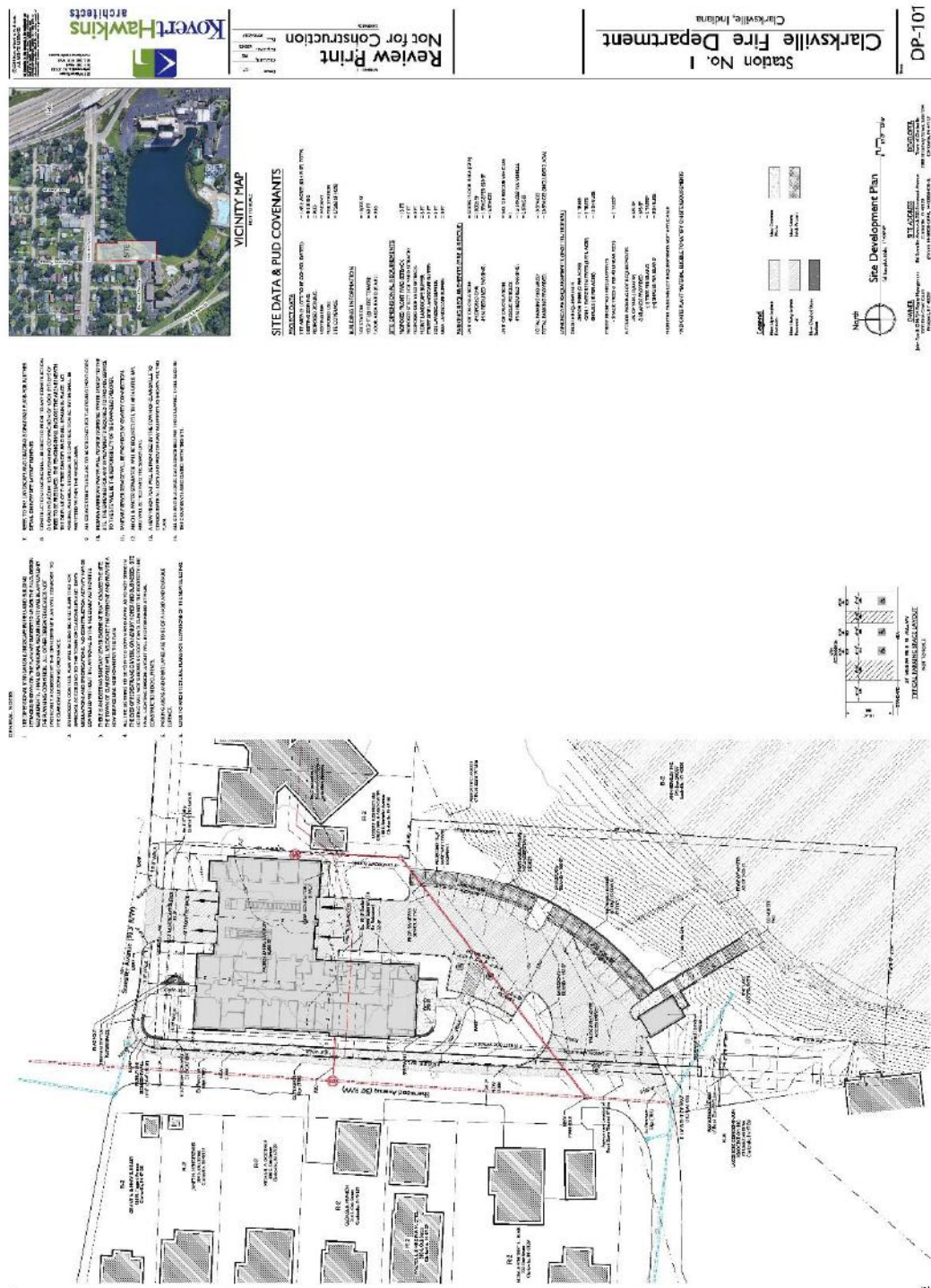
##### **D. Plan Documentation**

See Drawings 95-290-1 and 95-290-2.





**Sec. 95-300      Fire Station 1 PUD**







[illegible]



**Sec. 95-310      Clarksville Lofts****Planned Unit Development:**

The proposed Planned Unit development is intended for Single Resident Occupancy (SRO) use. Bringing an SRO use to the area will bring an adaptive reuse to an existing distressed property. Additional residential tenants will help stimulate commercial development along the State Route 31 corridor. Thus, encouraging continued investment and improvement of the surrounding area.

**Use Classification:**

The following land use table shows the permitted use that is appropriate for the propose Clarksville Lofts PUD. The SRO use has been chosen to encourage the best use of the site, and to help establish the site character within its surrounding context.

Planned Unit Development shall be in accordance with the Land Use Table Below.

PUD Permitted Use Table		
SRO	<b>Single Resident Occupancy</b>	A type of structure that has three or more separate single resident dwelling units, and each unit has separate entrance.

**Development standards and Guidelines:**

These guidelines have been set to encourage architectural uniqueness and set a standard for this PUD and future developments of the like. The dimensional standards of the PUD shall be in accordance with the table below:

PUD Dimensional Developmental		
Dimensions	Measurement	
Minimum lot area per attached SRO dwelling unit (i.e. apartment building or	1,589.94 SF per Unit	
Maximum dwelling units per acre for SRO	28	
Maximum height	35'	
Minimum lot width	160	
Minimum depth of front yard	10 feet unless otherwise denoted in the PUD	
Minimum depth rear yard	none	
Minimum width of each side yard	none	
Minimum floor area of living space (Floor area per unit measured by outside measurements)	Studio Plus	450 sqft
	One-Bedroom	600 sqft
Minimum usable open space	180 SF per dwelling unit	
Maximum lot coverage	50%	
Parking	1 space per unit, 1 visitor space per 4 units, plus one for office manager	

**Aesthetic Character**

Facades and exterior walls

Standard: The intent is to develop a SRO building that establishes a sense of place and provide visual interest to residents of the community. The aesthetic will help to identify the PUD as a desirable location within its surrounding context.

Materials and Colors

Standard: The exterior of the building shall enhance the architectural interest of the existing building and help promote the building as a standard for future surrounding development.

Predominant exterior building material shall be high quality materials, building trim and accent areas may feature bright colors. The façade should include at least two of the following:

1. Color change
2. Texture change
3. Material change
4. Architectural or structural change that may include among other architectural or structural elements projecting ribs or offsets

Below is an example of exterior building materials that can be used to enhance the character of the existing building and proposed club house within the Clarksville lofts PUD. To encourage visual interest the percentages should not be exceeded.

- a. Brick masonry, block masonry, stone, or stone veneer (Maximum percentage = 75%)
- b. Tinted, textured concrete / faux stone units / Fiber cement (Maximum percentage = 75 %)
- c. EIFS / Stucco/ Metal Material (Maximum percentage = 50%)
- d. Wood (Maximum percentage = 15%)

\*These standards for materials shall match the architect's proposed materials for the renovation of the existing building onsite.

Building roof shall have parapets that conceal rooftop equipment such as HVAC units from the public. Parapets shall not exceed one-third of the height of the supporting wall.

**Pedestrian Flow**

Standard: Resident accessibility within the Clarksville Lofts PUD is important to enhancing the use of amenity space provided. The flow of pedestrians shall create a scale that helps identify the site as a multi-family unit facility, while creating a secure connection between the resident and their community.

Crosswalks shall be utilized to visually and physically dictate the flow of residents onsite. They shall be enhanced with materials such as pavers, stamped concrete, stamped asphalt or striping that indicates the movement of pedestrians thus slowing the vehicular flow onsite. Enhancing the visual impact of the crosswalks will establish a defined pedestrian scale to the Clarksville Lofts allowing it to be friendlier and inviting.

Sidewalks shall be provided, leading to outdoor amenities, and enhancing the internal connectivity, and use of amenities provided within the PUD. They shall provide for safe defined travel of residential foot traffic and be compliant with ADA regulations.

#### **(Division 195) Parking**

Standard: Parking shall meet the intent of the Town of Clarksville's Planning and Zoning Ordinances (Division 195), unless otherwise noted in this PUD.

Angled parking shall be provided within the Clarksville lofts PUD, in order to maximize existing space and provide a balance of parking and open space. The below table illustrates the minimum requirements for angled parking within the PUD site.

PUD Minimum Parking Stall							
Parking Angle	SW Basic Stall Width	WP Stall Width Parallel to Aisle	VPw Stall Depth to Wall (ft)	Vpi Stall Depth to interlock (ft)	AW Aisle Width (ft)	W2 Wall to Wall (ft)	W4 Interlock to Interlock (ft)
60	9	10.4	19	17.5	20	58	55

Surface types for parking are designed to be minimally intensive and bled with the surrounding site features. Surface types may consist of asphalt, concrete, cobblestone, porous pavers, or brick. Striping of these areas will be performed as required. All parking spaces shall be striped, and all surface directional arrows shall be painted

#### **(Division 190) Lighting**

Standard: Lighting shall be in accordance to the Town of Clarksville's Planning and Zoning Ordinance (Division 190). Fixtures shall be consistent, but not necessarily identical, and distinct throughout the Planned Unit Development. Footcandles shall not exceed limits of Division 190, New parking lot light height shall be limited to 35 feet.

#### **(Division 200) Signage**

Standard: Signage shall be in accordance with The Town of Clarksville's Planning and Zoning Ordinance (Division 200), unless otherwise noted in this PUD.

##### **Monument sign**

No off- premise signs are permitted.

Monument signage shall be setback a minimum of ten (10') feet from the property line, and shall not impair visibility for traffic movement.

One monument sign that does not project higher than five (5) feet above the ground, and no more than sixty (60) square feet is permitted at the entrance of the site. It shall not impair the visibility for traffic movement.

**(Division 157) Accessory Structures**

Standard: Accessory structures shall be in accordance with The Town of Clarksville's Planning and Zoning Ordinance (Division 157), unless otherwise noted in this PUD.

Requirements for all Accessory Uses and Structures:

- a. There shall be a ten (10) foot separation between accessory structures and principal structures.
- b. Accessory structures shall be allowed to encroach upon the required setbacks and easements.
- c. The swimming pool, and activity area shall be the only accessory structures allowed in the front yard.
- d. Accessory structures shall be allowed in a rear yard, side yard, or front yard of the principal property.
- e. The cumulative square footage of all accessory structures shall not exceed 70% of the total gross square footage of the principal structure.

1. Fences, walls, and hedges:

Fences are encouraged to be used in combination with walls and hedges to create more visually pleasing screening. Fences are to be in accordance with the Town of Clarksville's Planning and Zoning Ordinance (157-80), except as noted in this PUD.

- a. In order to maintain privacy, and reduce sound onsite, the following fences shall be permitted:
  1. Panel fence
  2. Privacy fence Shadow box fence
  3. Aluminum fencing
  4. Masonry walls
- b. Fences, hedges, and shrubs shall be permitted to exceed four (4) feet, but shall not exceed six (6) feet.

2. Swimming Pools, Spas and Hot Tubs

Swimming pools shall be in accordance the Town of Clarksville's Planning and Zoning Ordinance (Section 157-120), except as noted in this PUD.

- a. A pool of the dimensions shown on the approved PUD plan is permitted to be built in the front yard.
- b. The pool shall be enclosed by a fence which shall not have any minimum setback from any property line.
- c. The surface area of the pool shall be permitted to exceed 25% of the yard in which it is located, or the dimensions on the approved development plan, whichever is most restrictive.

3. Shade Structures

Shade structures shall be permitted accessory structures, and shall contribute to the overall amenities provided onsite. The below shall be followed when constructing shade structures onsite.

- a. Shade structures shall be permitted in side yards, front yard, and rear yard.

- b. Shade structures shall not exceed fifteen (15) feet in height.
- c. Shade structures shall be constructed of materials that complement the principal structure onsite.
- d. Shade structures shall be permanent, and be installed and secured to meet the requirements of the Building Commissioner.
- e. Shade structures shall not conflict with any overhead utilities.

**(Division 165) Site Refuse**

Refuse requirements shall be in accordance of the Town of Clarksville Zoning Ordinance (Division 165), except as noted in this PUD.

- a. Refuse enclosures and containers shall not be more than four hundred (400) feet from each unit.
- b. Compaction and baling equipment shall be enclosed in the same manner as refuse enclosures, and shall be located no more than four hundred (400) feet from each user or multiple family dwelling units served.
- c. Refuse enclosure and gate materials shall meet the requirements as set forth by the Town of Clarksville Zoning Ordinance.

**Vision Clearance**

When a driveway, alley, or street intersects a public street, all fences, signs, walls, landscaping, or other elements shall for a distance of 10 feet on both sides' intersections have an unobstructed vision clearance at an elevation of from three (3) to six (6) feet in height from the finished grade of the abutting right-of-way on both sides of the driveway, alley, street, or intersection.

**Landscaping**

Landscape buffer areas, selection, installation, and maintenance shall be in accordance the Town of Clarksville Zoning Ordinance (Division 180), except as noted in this PUD.

**(Sec. 180-30) Landscape Buffer Requirements**

- a. The following structures are permitted in the landscape buffer:
  - Fences
  - Walls
  - Signs that are in compliance with the Clarksville Zoning Ordinance
  - Lighting that is in compliance with the Clarksville Zoning Ordinance
  - Trails and walkways
  - Structures of public utility. Structures required by public utilities, excluding small cell or tower facilities required to be approved by the Clarksville TRC

**(Sec. 180-110) On-Site and Street Frontage Landscaping Requirements**

- a. Where parking is adjacent to any roadway trees must be provided. These trees may count toward the overall



tree requirement. When trees are unable to fit into existing conditions a minimum four feet (4') tall masonry or decorative fence is required between the R.O.W. and the site.

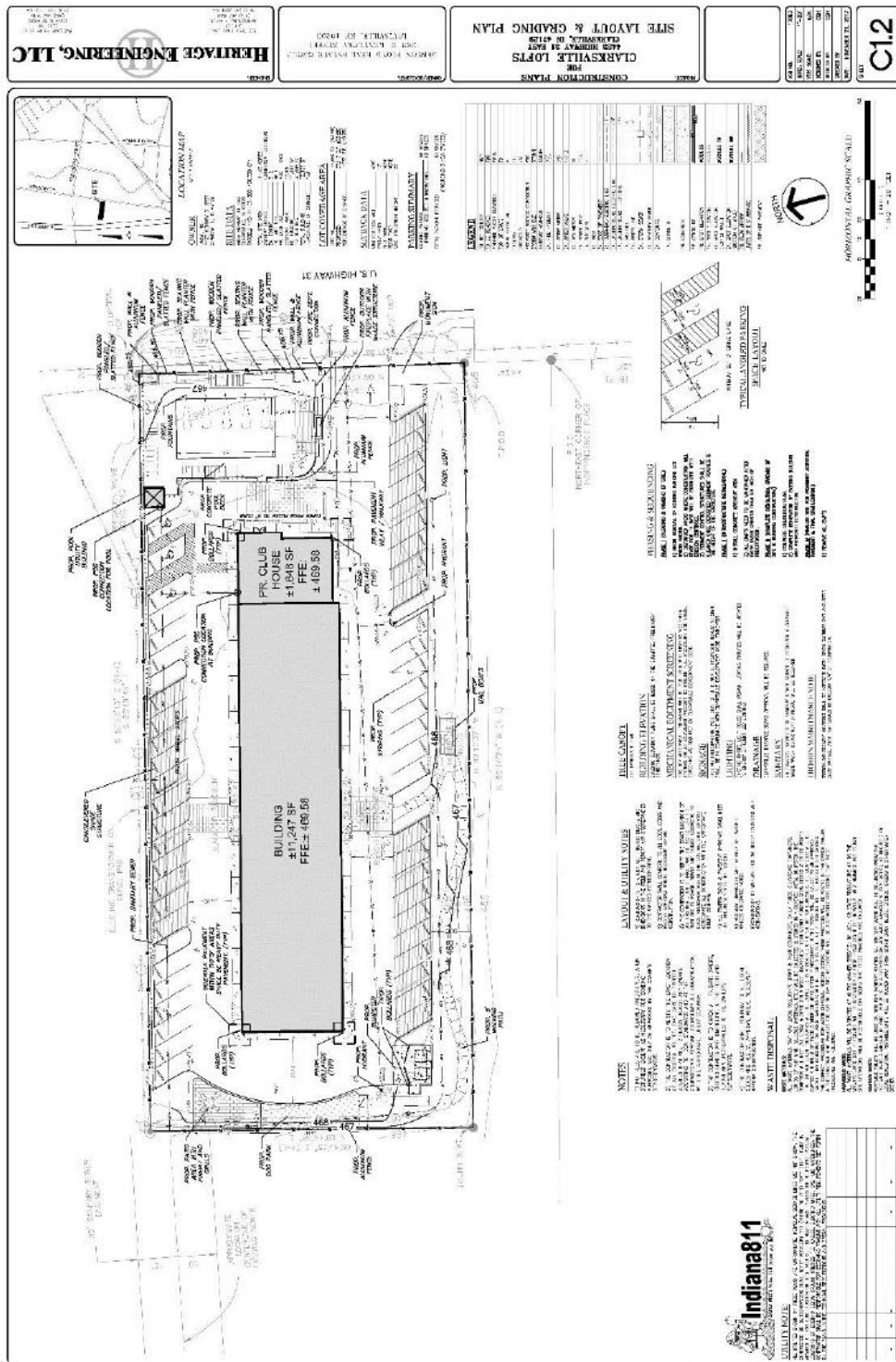
- b. One (1) tree shall be provided for every dwelling unit. Large, medium, and small evergreen trees may be used to count toward tree requirements. Large trees are encouraged when space is available. No single tree species may make up more than fifty percent (50%) of the tree species proposed.
- c. One (1) tree per every thirty (30) linear feet of road frontage shall be planted adjacent to the road. Trees planted along the road in residential developments may be credited toward the overall tree requirement. Trees may be clustered. When overhead utilities are present deciduous trees and evergreens must be selected that do not grow taller than twenty feet (20') or are of a columnar variety.

**(Sec.180-120) Buffer Yard Requirements**

- a. In order to maximize the potential of the site, no buffer yards shall be required for the Clarksville Lofts PUD.
- b. A minimum of three foot (3') high screening shall be provided along all property lines. This can be met with plant material, walls, or fencing. If plant material is used to meet this requirement, shrub material shall be installed at a minimum of thirty inches (30") height and reach a minimum mature height of thirty-six inches (36"), and tree material shall be installed at a minimum eight feet (8') height, two inch (2") caliper.

**(Sec. 180-130) Parking Area Landscaping**

- a. Parking lot islands shall include one tree or four shrubs, and one hundred (100) percent of every parking islands shall be covered with a permitted groundcover material to achieve complete coverage.
- b. Parking island trees shall count toward the overall tree requirement.
- c. When existing planting space is available, parking perimeter trees shall be required. One (1) tree per forty (40) linear feet of the parking lot length shall be provided. Trees may be clustered.
- d. There shall be one shrub per three (3) feet of the parking lot length. Shrubs may be clustered. When existing planting space is not conducive for shrub growth, a solid fence is required (min. 4')
- e. Perimeter parking lot landscaped areas that are not planted with trees or shrubs shall be covered with grass or other permitted groundcover or grass.
- f. No combustible mulch shall be permitted within fifteen feet (15') of any building exit, including unit doors.
- g. Refer to the recommended plant list provided in table 180-4 and 180-5 of the Town of Clarksville Zoning Ordinance.



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**Sec. 100-10 Specific Purpose**

This district includes manufacturing, wholesaling, and warehousing uses with minimum nuisances that can be screened or buffered from non-industrial uses, and the entire operation is within a completely closed building. No storage of raw materials, manufactured products, or any other materials is permitted in a non-screened open area. Loading and unloading berths are completely enclosed or shielded by solid screening.

**Sec. 100-20 Land Use Classification**

I-1 uses shall be in accordance with Table 100-1, Land Use Classification. Additional LBCS may be included. See Division 225 - Special Exception.

**Table 100-1. Land Use Classification***USES PERMITTED BY RIGHT*

LBCS - 2112 - Bus, truck, mobile homes, or large vehicles - *Only the following are permitted:*

- Recreation vehicles (RV) dealers
- Recreational vehicles parts and accessories stores
- Travel trailer dealers
- Used recreational vehicles (RV) dealers

LBCS - 2120 - Heavy consumer goods sales or services - *Only the following are permitted:*

- Agricultural machinery and equipment repair and maintenance services
- Aircraft upholster repair
- Armature rewinding services (except on an assembly line or factory basis)
- Blade sharpening, commercial and industrial machinery and equipment
- Boat, pleasure, repair and maintenance services without retiling new boats
- Clothes dryer, household-type, repair and maintenance services without retailing new
- Commercial and industrial machinery repair and maintenance services
- Commercial refrigeration equipment repair and maintenance services
- Construction machinery and equipment repair and maintenance services
- Electric motor repair and maintenance services, commercial or industrial
- Farm machinery and equipment repair and maintenance services
- Food machinery repair and maintenance services
- Forestry machinery and equipment repair and maintenance services
- Forklift repair and maintenance services
- Furniture refinishing shops
- Heavy machinery and equipment repair and maintenance services
- Hydraulic equipment repair and maintenance services
- Industrial equipment and machinery repair and maintenance services
- Industrial truck (e.g., forklifts) repair and maintenance services

- Machine tools repair and maintenance services
- Material handling equipment repair and maintenance services
- Mechanical power transmission equipment repair and maintenance services
- Mining machinery and equipment repair and maintenance services
- Motor repair and maintenance services, commercial or industrial
- Motorboat (i.e., inboard and outboard) repairs and maintenance services
- Motorcycle repair shops without retailing new motorcycles
- Navigational instruments (e.g., radar, sonar) repair and maintenance services
- Outboard motor repair shops
- Paper making machinery repair and maintenance services
- Printing trade machinery repair and maintenance services
- Reconditioning shipping barrels and drums
- Refrigeration equipment repair and maintenance services, industrial and commercial-type
- Saw repair and maintenance (except sawmills without retailing new saws)
- Services machinery and equipment repair and maintenance services
- Sewing machine, household-type, repair shops without retailing new sewing machines
- Service machinery and equipment repair and maintenance services
- Stereo equipment repair shops without retailing new stereo equipment
- Stove, household-type, repair and maintenance services without retailing new stoves
- Textile machinery repair and maintenance services
- Tractor, farm or construction equipment repair and maintenance services
- Tractors, lawn and garden repair and maintenance services without retailing new lawn and garden tractors
- Truck refrigeration repair and maintenance services
- Upholster (except motor vehicle) repair services
- Washing machines, household-type, repair and maintenance services without retailing new washing machine
- Water heater repair and maintenance services without retailing new water heaters
- Weighing equipment (e.g., balance, scales) repair and maintenance services

LBCS - 2144 - Mail order or direct selling establishment - *Only the following are permitted:*

- Coffee break, services providers, direct selling - *serving places of regular work*
- Mail-order houses fulfillment center

LBCS - 2321 - Commercial property - related - *Only the following are permitted:*

- Industrial building rental or leasing
- Warehousing self-storage

LBCS - 2332 - Leasing trucks, trailers, RV's, etc. - *Only the following are permitted:*

- Semi-trailer rental or leasing

LBCS - 2334 - Leasing commercial, industrial machinery, and equipment - *Except the following:*

- Construction machinery and equipment rental or leasing without operator
- Crane rental or leasing without operator
- Earth moving equipment rental or leasing without operator
- Logging equipment rental or leasing without operator
- Mining machinery and equipment rental or leasing
- Oil field machinery and equipment rental or leasing
- Oil well drilling machinery and equipment rental or leasing
- Well drilling machinery and equipment rental or leasing

LBCS - 2418 - Veterinary services - *Only the following are permitted:*

- Livestock inspecting and testing services, veterinary
- Livestock veterinary services
- Veterinary services, livestock

LBCS - 2550 - Mobile food services - *Only the following are permitted:*

- Canteens, mobile - *food truck serving places of regular work*

- Lunch wagon - *food truck serving places of regular work*

LBCS - 3220 - Paper and printing materials permitted - *All permitted uses only by special exception, except the following which are not permitted:*

- Absorbent paper stock manufacturing
- Chipboard (paperboard) stock manufacturing
- Chipboard, laminated or surface coated, made from purchased paperboard
- Groundwood paper, coated, made from purchased paper
- Insulating batts, fills, or blankets made from purchased paper
- Kraft paper stock manufacturing
- Kraft paper stock manufacturing
- Newsprint paper manufacturing
- Pads, incontinent and bed, manufacturing
- Pallets, corrugated and solid fiber, made from purchased paper or paperboard
- Paper (except newsprint, uncoated groundwood) manufacturing
- Vulcanized fiber products made from purchased paperboard

LBCS - 3360 - Electrical equipment, appliance, and components manufacturing - *Except the following:*

- Atom smashers (i.e., particle accelerators) manufacturing
- Automobile storage batteries manufacturing
- Batteries, primary, dry or wet, manufacturing
- Batteries, rechargeable, manufacturing
- Battery chargers, solid-state, manufacturing

LBCS - 3400 - Miscellaneous manufacturing

LBCS - 3410 - Jewelry and silverware

LBCS - 3420 - Dolls, toys, games, and musical instruments

LBCS - 3430 - Office supplies, inks, etc.

LBCS - 3440 - Signs

LBCS - 3510 - Durable goods - *Except the following:*

- Clay construction materials (except refractory) wholesaling
- Communications equipment wholesaling
- Concrete building products wholesaling
- Construction machinery and equipment wholesaling
- Construction materials, electrical, wholesaling
- Containers, industrial, wholesaling
- Conveying equipment (except farm) wholesaling
- Conveying equipment, farm, wholesaling
- Cooking equipment, commercial, wholesaling
- Cooking equipment, electric household-type, wholesaling
- Cooking equipment, gas, household-type, wholesaling
- Cooperage stock wholesaling
- Cordage wholesaling
- Cranes, industrial, wholesaling
- Cranes, mining, wholesaling
- Crushed stone wholesaling
- Cultivating machinery and equipment wholesaling
- Drums, new and reconditioned, wholesaling
- Engines and parts, aircraft, wholesaling
- Farm machinery and equipment wholesaling
- Feeders, animal, wholesaling
- Ferroalloys wholesaling



- Ferrous metal wholesaling
- Fiberglass building materials (except insulation, roofing, siding) wholesaling
- Fluid-power transmission equipment wholesaling
- Forestry machinery and equipment wholesaling
- Forklift trucks (except log) wholesaling
- Foundry machinery and equipment wholesaling
- Foundry products wholesaling
- Fuel, coal and coke, wholesaling
- Gasoline service station equipment wholesaling
- Germ stones wholesaling
- General merchandise, durable goods, wholesaling
- General-line scrap wholesaling
- General-purpose industrial machinery and equipment wholesaling
- Generators, electrical (except motor vehicle), wholesaling
- Generators, motor vehicle electrical, new, wholesaling
- Generators, motor vehicle, electrical, used wholesaling
- Glass scrap wholesaling
- Glass, automotive, wholesaling
- Guided missiles and space vehicles wholesaling
- Heating boilers, steam and hot water, wholesaling
- Heating equipment, hot water, wholesaling
- Hoists (except automotive) wholesaling
- Hoists, automotive, wholesaling
- Hose, industrial, wholesaling
- Industrial machinery and equipment (except electrical) wholesaling
- Industrial trucks, tractors, or trailers wholesaling
- Inks, printing, wholesaling
- Internal combustion engines (except aircraft, non-diesel automotive, non-diesel trucks) wholesaling
- Locomotives wholesaling
- Logging equipment wholesaling
- Lumber (e.g., dressed, finished, rough) wholesaling
- Marine supplies, (except pleasure) wholesaling
- Mason's material wholesaling
- Material handling machinery and equipment wholesaling
- Metallic concentrates wholesaling
- Metals, ferrous and nonferrous, wholesaling
- Metals, precious, wholesaling
- Metalworking machinery and equipment wholesaling
- Military vehicles (except trucks) wholesaling
- Mill supplies wholesaling\Millwork wholesaling
- Minerals (except construction materials, petroleum) wholesaling
- Mining machinery and equipment (except petroleum) wholesaling
- Mining machinery and equipment, petroleum, wholesaling
- Molding (e.g., sheet metal, wood) wholesaling
- Nonferrous metals (except precious) wholesaling
- Oil well machinery and equipment wholesaling
- Oil well supply houses wholesaling
- Oil, waste, wholesaling
- Ordinance and accessories wholesaling
- Ore concentrates wholesaling
- Ores (e.g., gold, iron, lead, silver, zinc) wholesaling

- Paper and pulp industries manufacturing machinery wholesaling
- Paper, scrap, wholesaling
- Pig iron wholesaling
- Pipe, metal, wholesaling
- Pipeline machinery and equipment wholesaling
- Plastics scrap wholesaling
- Pollution control equipment (except air) wholesaling
- Pollution control equipment, air, wholesaling
- Power transmission equipment, electrical, wholesaling
- Power transmission supplies (e.g., gears, pulleys, sprockets) mechanical, wholesaling
- Prefabricated buildings (except wood) wholesaling
- Prefabricated buildings, wood, wholesaling
- Printing inks wholesaling
- Printing trade machinery, equipment, and supplies wholesaling
- Pulpwood wholesaling
- Pumps and pumping equipment, industrial-type, wholesaling
- Quarrying machinery and equipment wholesaling
- Radar equipment wholesaling
- Rags wholesaling
- Railroad cars wholesaling
- Railroad equipment and supplies wholesaling
- Railroad ties, wood, wholesaling
- Rails and accessories, metal, wholesaling
- Reconditioned barrels and drums wholesaling
- Recyclable materials (e.g., glass, metal, paper) wholesaling
- Refinery machinery and equipment wholesaling
- Refrigeration equipment and supplies, commercial-type, wholesaling
- Regulators, voltage (except motor vehicle), wholesaling
- Road construction and maintenance machinery wholesaling
- Rods, metal (except precious), wholesaling
- Rubber goods, mechanical (i.e., extruded, lathe-cut, molded). wholesaling
- Rubber scrap and scrap tires wholesaling
- Sand (except industrial), wholesaling
- Sand, industrial, wholesaling
- Sawmill machinery, equipment, and supplies wholesaling
- Scrap materials wholesaling
- Semi-finished metal products wholesaling
- Sheet metal roofing materials wholesaling
- Shipping containers (except disposable plastics, paper) wholesaling
- Shipping pails, metal wholesaling
- Ships wholesaling
- Smelting machinery and equipment wholesaling
- Snow plows wholesaling
- Snow blowers (except household-type) wholesaling
- Special purpose industrial machinery and equipment wholesaling
- Spray painting equipment, industrial-type, wholesaling
- Sprayers, farm, wholesaling
- Spreaders, fertilizer, wholesaling
- Springs, steel, wholesaling
- Steel wholesaling
- Steel wool wholesaling

- Stone, building or crushed, wholesaling
- Storage batteries (except automotive) wholesaling
- Storage tanks, metal, wholesaling
- Street sweeping and cleaning equip met wholesaling
- Structural clay tile (except refractory) wholesaling
- Subway cars wholesaling
- Tarred felts wholesaling
- Textile machinery and equipment wholesaling
- Textile waste wholesaling
- Ties, wood, wholesaling
- Tile, structural clay (except refractory) wholesaling
- Timber and timber products (except lumber) wholesaling
- Tractors, highway, wholesaling
- Tractors, industrial, wholesaling
- Trailers, industrial, wholesaling
- Trailers, motor vehicle, wholesaling
- Transformers, electronic, wholesaling
- Transformers, electronic, wholesaling
- Tubing metal, wholesaling
- Turbines (except transportation), wholesaling
- Turbines, transportation, wholesaling
- Ventilating equipment and supplies (except household-type fans) wholesaling
- Wire rope (except insulated) wholesaling
- Wood products (e.g., chips, post, shavings, ties) wholesaling

LBCS - 3520 - Nondurable goods - *Except the following:*

- Acids wholesaling
- Adhesives and sealants wholesaling
- Agricultural chemicals wholesaling
- Agricultural limestone wholesaling
- Animal hair wholesaling
- Automotive chemicals (except lubrication greases, lubrication oils) wholesaling
- Bovine semen wholesaling
- Caustic soda wholesaling
- Chemical additives (e.g., concrete, food, fuel, oil) wholesaling
- Chemical gases wholesaling
- Chemicals (except agriculture) (e.g., automotive, household, industrial, photographic) wholesaling
- Chemicals, agricultural, wholesaling
- Chicken and chicken products (except packaged frozen) wholesaling
- Chicks wholesaling
- Cleaning compounds and preparations wholesaling
- Coal tar products, primary and intermediate, wholesaling
- Crude oil terminals
- Crude oil wholesaling (except bulk, stations, terminals)
- Crude rubber wholesaling
- Cured fish wholesaling
- Cutting of purchased carcasses (except boxed meat cut on an assembly-line basis)
- Deodorants (except personal) wholesaling
- Detergents wholesaling
- Dogs Wholesaling
- Dressed furs and skins wholesaling
- Drilling muds wholesaling

- Dry ice wholesaling
- Dyes, industrial, wholesaling
- Dyestuffs wholesaling
- Explosives (except ammunition, fireworks) wholesaling
- Feathers wholesaling
- Feed additives wholesaling
- Fermented malt beverages wholesaling
- Fertilizer and fertilizer materials wholesaling
- Fiber cans and drums wholesaling
- Fish (except canned, packaged frozen) wholesaling
- Flavoring extracts (except for fountain use) wholesaling
- Fresh fish wholesaling
- Fresh meats wholesaling
- Fresh poultry wholesaling
- Fresh seafood wholesaling
- Frozen fish (except packaged) wholesaling
- Fuel oil bulk stations and terminals
- Fuel oil truck jobbers
- Fuel oil wholesaling (except bulk stations, terminals)
- Furs, raw, wholesaling
- Garden supplies, (e.g., fertilizers, pesticides) wholesaling
- Gases, compressed and liquefied (except liquefied petroleum gas), wholesaling gasoline bulk stations and terminals
- Gasoline wholesaling (except bulk stations, terminals)
- Grain elevators wholesaling grain
- Grain wholesaling
- Greases, inedible animal and vegetable, wholesaling
- Gum and wood chemicals wholesaling
- Hogs wholesaling
- Hop extracts wholesaling
- Hops wholesaling
- Horses wholesaling
- Ink, writing, wholesaling
- Inorganic chemicals wholesaling
- Janitorial chemicals wholesaling
- Lacquers wholesaling
- Laundry soap, chips, and powder, wholesaling
- Lime, agricultural, wholesaling
- Liquefied gases (except LP) wholesaling
- Liquefied petroleum gas (LPG) bulk stations and terminals
- Liquefied petroleum gas (LPG) wholesaling (except bulk stations, terminals)
- Liquors wholesaling
- Livestock (except horses, mules) wholesaling
- Livestock auction markets (except horses, mules)
- Livestock auction markets, horses and mules
- Livestock feeds wholesaling
- Livestock, horses and mules, wholesaling
- Lubricating oils and greases bulk stations and terminals
- Lubricating oils and greases wholesaling (except bulk stations, terminals)
- Meats and meat products (except canned, packaged frozen) wholesaling
- Meats, cured or smoked, wholesaling

- Meats, fresh, wholesaling
- Mineral supplements, animal, wholesaling
- Mulch wholesaling
- Oil additives wholesaling
- Oil drilling muds wholesaling
- Oil kernels wholesaling
- Oil nuts wholesaling
- Oil, petroleum, bulk station and terminals
- Oil, petroleum, wholesaling (except bulk stations, terminals)
- Oils, cooking and salad, wholesaling
- Oils, inedible, animal or vegetable, wholesaling
- Oilseed cake and meal wholesaling
- Oilseeds wholesaling
- Organic chemicals wholesaling
- Pesticides (except agricultural) wholesaling
- Pesticides, agricultural wholesaling
- Pet supplies (except pet foods) wholesaling
- Petroleum and petroleum products bulk station and terminals
- Petroleum and petroleum products wholesaling (except bulk stations, terminals)
- Petroleum brokers
- Pipe tobacco wholesaling
- Polishes (e.g., automobile, furniture, metal, shoe, stove) wholesaling
- Poultry and poultry products (except canned, packaged frozen) wholesaling
- Poultry, live and dressed, wholesaling
- Poultry, packaged frozen, wholesaling
- Processed meats (e.g., luncheon, sausage) wholesaling
- Processed poultry (e.g., luncheon) wholesaling
- Propane bulk stations and terminals
- Remnants, piece goods, wholesaling
- Resins, plastics, wholesaling
- Resins, synthetic rubber, wholesaling
- Rosins wholesaling
- Rubber, crude wholesaling

LBCS - 7110 - Building, developing, and general contracting

LBCS - 7130 - Industrial, commercial and institutional building construction

LBCS - 7210 - Building equipment and machinery installation contractors

LBCS - 7220 - Excavation contractor

LBCS - 7230 - Water well drilling contractor

LBCS - 7240 - Wrecking and demolition establishment

LBCS - 7250 - Structural steel erection contractor

LBCS - 7320 - Concrete contractor

LBCS - 7410 - Highway and street construction;

LBCS - 7420 - Bridge and tunnel construction

LBCS - 7430 - Water, sewer, and pipeline construction

LBCS - 7440 - Power lines, communication and transmission lines

LBCS - 7450 - Industrial and other non-building construction

LBCS - 9220 - Spraying, dusting, and other related services



**Sec. 100-30 Development Standards**

I-1 developments shall be designed in accordance with Table 100-2, Dimensional Development Standards.

<b>Table 100-2 Dimensional Development Standards</b>	
<i>Dimension</i>	<i>Measurement</i>
Minimum lot area	One acre
Minimum lot width	100 feet
Maximum lot coverage	50%
Minimum depth of front yard	40 feet
Minimum depth of rear yard	40 feet
Minimum width of each side yard	20 feet
Maximum height	50 feet

**Sec. 100-40 Performance Standards**

See also Article 4, Division 197 - Performance Standards. When the following standards differ from Division 197 - Performance Standards, the stricter of the two shall apply.

**A. Vibration**

1. No industrial use may cause continuous earth-born vibrations at any residential district boundary.

**B. Dust, Smoke, and Particulate Matter**

1. Dust, smoke, or particulate matter shall not be a nuisance or endanger the public health, safety, general welfare, or comfort; or cause injury to property.
2. Dust, smoke, particulate matter, and similar airborne material shall be subject to the standards and regulations of the Indiana Department of Environmental Management.

**C. Noxious Matter**

1. No use or structure shall discharge noxious, toxic, or corrosive matter; or fumes or gases in such a concentration as to be detrimental to or endanger the public health, safety, or welfare; or cause injury to property.

**D. Odor**

1. No use or structure shall emit an odor across lot lines in such quantities as to be readily detectable at any point along the lot line. No odor shall be permitted to be detrimental to or endanger the public health, safety, or welfare; or cause injury to property.

**E. Noise**

1. Noise levels shall fall in accordance with Table 100-3 on the next page.

**Table 100-3 Noise Level Permitted in Decibels**

<b>Zones</b>	<b>Time of Day</b>	
	<b>Daytime</b>	<b>Nighttime</b>
Residential	72	62
Business	78	70

- a. "Daytime" for non-stationary sources shall mean 6 a.m. to 11 p.m.
- b. "Nighttime" for non-stationary sources shall mean 11 p.m. to 6 a.m.
- c. "Daytime" for stationary (fixed) sources shall mean 7 a.m. to 9 p.m.
- d. "Nighttime" for stationary (fixed) sources shall mean 9 p.m. to 7 a.m.

**F. Heat, Glare or Lighting**

- 1. No use shall produce heat or glare that creates a hazard perceptible from any point beyond any lot line. Lighting shall not cause a nuisance due to light trespass, spill, glare, reflected glare, or visual discomfort, regardless of standards of illumination, and shall be in conformance with the zoning. Outdoor lighting shall conform to *Division 190 - Lighting Regulations* of this Zoning Ordinance, or the standards outlined in this division, whichever is stricter.

**G. Waste Matter**

- 1. No use shall accumulate any waste matter, whether liquid, gas or solid, within the lot or discharged beyond any lot line, in violation of the applicable standards and regulations of the Town, Clark County Health Department; the Indiana Department of Environmental Management of the State of Indiana; or in such a manner as to be a nuisance or endanger the public health, safety, or welfare; or cause injury to property.

**H. Fire Hazards**

- 1. Solid substances, ranging from free or active burning to intense burning, may be stored, used, or manufactured only within completely enclosed buildings having incombustible exterior walls; and protected throughout by an automatic fire-extinguishing system.
- 2. The storage, utilization, or manufacture of flammable liquids or materials, which produce explosion, flammable vapors, or gases, shall be permitted in accordance with the rules and regulations of the Indiana Department of Homeland Security, stating that the plans and specifications for a heavy or general industrial use comply with the rules and regulations of the Indiana Department of Homeland Security, and shall accompany the application for an "Improvement Location Permit".
- 3. "Free burning" means a rate of combustion described by a substance that burns actively and easily supports combustion.
- 4. "Intense burning", means a rate of combustion described by a substance that burns with a high degree of activity and is consumed rapidly.

**I. Detonation Materials**

- 1. No activity may take place that involves the sale, storage, use, or manufacture of materials that decompose by detonation, including fireworks, except in accordance with the stricter of the rules issued by the Indiana Department of Homeland Security, or this Zoning Ordinance.
- 2. These materials include primary explosives such as lead oxide, lead styphnate, fulminates, and tetracene; high explosives such as TNT, RDX HNY, PETN, and picric acid; propellants, fireworks, and their components, such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as

magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty-five percent (35%); and nuclear fuels, fissionable materials and products, and reactor elements such as uranium 235 and plutonium 239.

**Sec. 100-50      Fireworks**

1. Warehousing, storing, or sale, whether wholesale or retail, of any fireworks, novelties, or trick noisemakers are prohibited in all zone districts except the I-1 or I-2 districts, other than those approved in IC 22-11-14-8 as may be amended. Additionally, in these districts, the wholesale or retail activities shall be separated by six-hundred (600) feet as measured by the nearest property line.

**Sec. 100-60      Building Permits**

The Building Commissioner shall not issue a building permit for an I-1 development until the Planning Department has approved the plans.

**Sec. 100-70      Landscaping**

See Division 180 - Landscape Regulations

**Sec. 100-80      Lighting**

See Division 190 – Lighting Regulations

**Sec. 100-90      Signs**

See Division 200 – Sign Regulations

**Sec. 100-100      Parking**

See Division 195 – Off-Street Parking and Loading Regulations

**Sec. 100-110      Access Management Plan**

See Division 155 - Access Management Plan

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**Sec. 105-10 Specific Purpose**

This district includes objectionable land uses and a full range of manufacturing, wholesaling, and warehousing uses in an urban area. It includes uses that are difficult to screen and buffer from non-industrial uses, and that have operations that cannot normally be enclosed within a building. It also includes uses that generate large amounts of traffic that are not compatible with residential, neighborhood, or general business land uses.

**Sec. 105-20 Land Use Classification**

I-2 uses shall be in accordance with Table 105-1, Land Use Classification. Additional LBCS may be included. See Division 225 - Special Exception.

**Table 105-1. Land Use Classification*****USES PERMITTED BY RIGHT***

Any use permitted by right in the I-1 District

LBCS - 2115 - Parts, accessories, or tires - *only the following are permitted:*

- Used automotive parts stores
- Used automotive tire dealers
- Used tire dealers

LBCS - 2144 - Mail order or direct selling establishment - *only the following are permitted:*

- Mail-order house, fulfillment center
- Coffee break service providers. Direct selling, serving places of regular work

LBCS - 2550 – Mobile food services - *only the following are permitted*

- Canteens, mobile, serving places of regular work
- Lunch wagon, food truck serving places of regular work

LBCS - 3110 - Food and beverage manufacturing- *All uses in this category with the following uses requiring special exception:*

- Bacon, slab and sliced, made from purchased carcasses
- Bacon, slab and sliced, produced in slaughtering plants
- Beef carcasses, half carcasses, primal and sub-primal cuts, produced in slaughtering plants
- Beef produced in slaughtering plants
- Beef stew made from purchased carcasses
- Beef, primal and Sub-primal cuts, made from purchased carcasses
- Boxed beef made from purchased carcasses
- Boxed beef produced in slaughtering plants
- Boxed meats produced in slaughtering plants
- Canned meats (except poultry) produced in slaughtering plants

- Cannery, fish
- Cannery, shellfish
- Canning poultry (except baby and pet food)
- Canning, fish, crustacean, and mollusks
- Cured hides and skins produced in slaughtering plants
- Ducks, slaughtering and dressing
- Fats, animal (except poultry, small game), produced in slaughtering plants
- Fats, animal, rendering
- Fish and marine animal oils produced in a cannery
- Fish and seafood chowder canning
- Fish egg bait canning
- Fish food for feeding fish manufacturing
- Fish freezing (e.g., blocks, fillets, ready-to-serve products)
- Fish meal produced in a cannery
- Fish meal produced in a fresh and frozen seafood plant
- Fish, canned and cured, manufacturing
- Fish, curing, drying, pickling, salting, and smoking
- Fish, fresh or frozen, manufacturing
- Fish, fresh prepared, manufacturing
- Geese, processing, fresh, frozen, canned, or cooked
- Geese, slaughtering and dressing
- Pork carcasses, half carcasses, and primal and sub-primal cuts produced in slaughtering plants
- Pork, primal and sub-primal cuts, made from purchased carcasses
- Poultry (e.g., canned, cooked, fresh, frozen)
- Poultry (e.g. canned, cooked, fresh, frozen) processing
- Poultry canning (except baby, pet food)
- Poultry slaughtering, dressing, and packing
- Processed poultry manufacturing
- Rabbits slaughtering and dressing
- Rendering animals (carrion) for feed
- Rendering fats
- Rendering plants
- Salter meats made from purchased carcasses
- Sauerkraut manufacturing
- Sausage and similar cased products made from purchased carcasses
- Sausage casings, collagen, made from purchased hides
- Sausage casings, natural, produced in slaughtering plant
- Seafood and seafood products canning
- Seafood and seafood products curing
- Seafood dinners, frozen, manufacturing
- Seafood products, fresh prepared, manufacturing
- Seafood products, frozen, manufacturing
- Seafood, fresh prepared, manufacturing
- Seasoning salt manufacturing
- Seaweed process (e.g., dulse)
- Shellfish and shellfish products canning
- Shellfish curing
- Shellfish products, fresh prepared, manufacturing



- Shellfish products, frozen, manufacturing
- Shellfish, fresh prepared, manufacturing
- Shellfish, frozen, manufacturing
- Slaughtering, custom
- Small game, processing, fresh, frozen, canned or cooked
- Small game, slaughtering, dressing and packing
- Smoked meats made from purchased carcasses
- Soups, frozen, fish and shellfish, manufacturing
- Stearin, animal, rendering
- Tallow produced in a slaughtering plant
- Tallow produced in rendering plant
- Turkey feeds, prepared, manufacturing
- Turkeys, processing, fresh, frozen, canned, or cooked
- Turkeys, slaughtering and dressing
- Variety meats, edible organs made from purchased meats
- Variety meats, edible organs, made in slaughtering plants
- Veal carcasses, half carcasses, primal and sub-primal cuts, produced in slaughtering plants
- Veals, primal and sub-primal cuts, made from purchased carcasses
- Vegetable bringing
- Vegetable canning
- Vegetable flour manufacturing
- Vegetable flour, meal, and powders, made in flour mills
- Vegetable juice concentrates, frozen, manufacturing
- Vegetable juices canning
- Vegetable juices, fresh, manufacturing
- Vegetable manufacturing, cut or peeled, fresh
- Vegetable oils (except soybean) made in crushing mills
- Vegetable oils made from purchased oils
- Vegetable pickling
- Vegetable starches manufacturing
- Vegetable table dehydrating
- Vinegar manufacturing
- Wet milling, corn and other vegetables

LBCS - 3130 - Textiles manufacturing

LBCS - 3210 - Wood products manufacturing establishment

LBCS - 3220 - Paper and printing material manufacturing - *Only the following with special exception:*

- Asphalt paper made in paper mills
- Ground wood paper, coated laminated, or treated in paper mills
- Ground wood paper, coated, made in paper mills
- Ground wood paper, newsprint, made in paper mills
- Ground wood pulp manufacturing
- Molded pulp products, manufacturing (e.g., egg cartons, food containers, food trays)
- Newsprint mills
- Office paper, made in paper mills (e.g., computer printer, photocopy, plain paper)
- Paper, coated, laminated or treated, made in paper mills (except newsprint, uncoated ground wood)
- Paper, manufacturing (except newsprint, uncoated ground wood)
- Paper, ground wood products made in paper mills (except newsprint, uncoated ground wood)

- Ground wood
- Paper mills (except newsprint, uncoated ground wood paper mills)
- Paper mills, newsprint
- Paper mills, uncoated ground wood
- Pulp and newsprint combined manufacturing
- Pulp and paper, combined manufacturing (except ground wood, newsprint)
- Pulp and paperboard combined manufacturing
- Pulp manufacturing (i.e., chemical, mechanical, or semi chemical processes)
- Pulp manufacturing without making paper (made from bagasse, linters, rags, straw, wastepaper, or wood)
- Pulp mills and ground wood paper, uncoated and untreated, manufacturing
- Pulp mills not making paper or paperboard
- Pulp mills producing paper (except ground wood, newsprint)
- Pulp mills producing paperboard
- Pulp products, molded, manufacturing
- Sanitary products made in paper mills
- Saturated felts made in paper mills
- Sheathing paper ground wood made in paper mills (except newsprint, uncoated ground wood)
- Tar paper, building and roofing, made in paper mills
- Toilet paper made in paper mills
- Towels, paper, made in paper mills
- Uncoated ground wood paper mills
- Wet machine board mills
- Wood pulp manufacturing

LBCS - 3230 - Furniture and related products manufacturing

LBCS - 3360 - Electrical equipment, appliance, and components manufacturing - *except the following to be approved by special exception:*

- Atom smashers, manufacturing (i.e., particle accelerators)

LBCS - 3370 - Transportation equipment, automobiles, etc. manufacturing

LBCS - 3400 - Miscellaneous manufacturing

LBCS - 3410 - Jewelry and silverware

LBCS - 3420 - Dolls, toys, games, and musical instruments

LBCS - 3430 - Office supplies, inks, etc.

LBCS - 3440 - Sign manufacturing

LBCS - 3510 - Durable goods - *Except the following to be approved by Special Exception:*

- Metal scrap and waste wholesaling
- Metallic concentrates wholesaling
- Metals, ferrous and nonferrous, wholesaling
- Metals, precious, wholesaling
- Metalworking machinery and equipment wholesaling
- Military vehicles (except trucks) wholesaling
- Mill supplies wholesaling\Millwork wholesaling
- Minerals (except construction materials, petroleum) wholesaling
- Mining machinery and equipment (except petroleum) wholesaling
- Mining machinery and equipment, petroleum, wholesaling
- Molding (e.g., sheet metal, wood) wholesaling

- Motor vehicle parts, used, wholesaling
- Oil, waste, wholesaling
- Ordinance and accessories wholesaling
- Ore concentrates wholesaling
- Ores (e.g., gold, iron, lead, silver, zinc) wholesaling
- Paper and pulp industries manufacturing machinery wholesaling
- Paper, scrap, wholesaling
- Plastics scrap wholesaling
- Pulpwood wholesaling
- Reconditioned barrels and drums wholesaling
- Recyclable materials (e.g., glass, metal, paper) wholesaling
- Rubber scrap and scrap tires wholesaling
- Sand (except industrial), wholesaling
- Sand, industrial, wholesaling
- Sawmill machinery, equipment, and supplies wholesaling
- Scrap materials wholesaling
- Semi-finished metal products wholesaling
- Sheet metal roofing materials wholesaling
- Shipping containers (except disposable plastics, paper) wholesaling
- Shipping pails, metal wholesaling
- Ships wholesaling
- Smelting machinery and equipment wholesaling
- Snow plows wholesaling
- Snow blowers (except household-type) wholesaling
- Stone, building or crushed, wholesaling
- Tarred felts wholesaling
- Textile waste wholesaling
- Tire recapping machinery wholesaling
- Tires, scrap, wholesaling
- Tires, used (except scrap), wholesaling
- Waste materials wholesaling
- Wood products (e.g., chips, post, shavings, ties) wholesaling

LBCS - 3520 - Nondurable goods

**Sec. 105-30 Development Standards**

R-3 developments shall be designed in accordance with Table 30-2, Dimensional Development Standards.

<b>Table 105-2. Development Standards</b>	
<i>Dimension</i>	<i>Measurement</i>
Minimum lot area	One acre
Minimum lot width	200 feet
Maximum lot coverage	50%
Minimum depth of front yard	50 feet
Minimum depth of rear yard	50 feet
Minimum width of each side yard	40 feet
Maximum height, inclusive of smoke stacks and any roof mounted equipment	75 feet

**Sec. 105-40 Performance Standards**

See also Article 4, Division 197 - Performance Standards. When the following standards differ from Division 197 - Performance Standards, the stricter of the two shall apply, unless state or federal regulations are more stringent.

Any use established in an Industrial I-2 District shall not be permitted to carry out any activity or operation or use of land, building or equipment that produces an irritant to the sensory perceptions greater than the standard measures for safeguarding human safety and welfare. Enforcement of this division may require the Town to require certification from a qualified professional.

**A. Noise.**

1. No operation or activity shall be carried out in the Industrial District which cause or create measurable noise levels exceeding the maximum sound intensity levels prescribed in table 105-3.

<b>Table 105-3 Decibel Limits</b>			
<i>Octave Band Frequency (cycle per second)</i>	<i>I Maximum Permitted Sound Levels (in decibels)</i>		<i>II Maximum Permitted Sound Levels (in decibels)</i>
More Than	But Not More Than	Along Residence District Boundaries	Along Businesses District Boundaries
20	75	72	79
75	150	67	74
150	300	59	66
300	600	52	59
600	1200	46	53
1200	2400	40	47
2400	4800	34	41
4800	-----	32	39

## B. Dust, Soot, Dirt, Fly Ash and Products of Wind Erosion.

1. No person, firm, or corporation shall operate or cause to be operated, maintain or cause to be maintained, any process for any purpose, a furnace, or combustion device for the burning of coal and/or other natural or synthetic fuels without maintaining recognized and approved equipment, means, methods, devices or contrivances to reduce the quantity of gas-borne or airborne solids carried in fumes emitted, directly or indirectly, into the open air, to a concentration level (per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit), not exceeding 0.20 grains. For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50) percent of full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be completely eliminated insofar as escape or emission into open air is concerned. The Zoning Administrator may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.

## C. Vibration.

1. No industrial use may cause earth-born vibrations at any residential district boundary. Machines or operations which cause vibration shall be permitted, but no operation shall be permitted to produce ground transmitted oscillations which cause a displacement exceeding that specified in the table 105-4 as measured at the property line. These vibrations shall be measured with a seismograph or accelerometer; preferably the former. For purposes of this Ordinance, steady state vibrations are vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations measured on or beyond the boundary line of residentially used areas adjacent to an Industrial I-2 Zone District, shall be reduced to one-half (1/2) the indicated permissible levels.

**Table 105- 4. Maximum Permitted Vibrations**

Frequency (cycle per second)		I	II
More Than	But Not More Than	Displacement (inches)	Displacement (inches)
0	10	.0020"	.0004"
10	20	.0010"	.0002"
20	30	.0006"	.0001"
30	40	.0004"	.0001"
40	50	.0003"	.0001"
50	*	.0002"	.0001"

## D. Odor.

1. The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line, when diluted in the ratio of one (1) volume of odorous air to four (4) or more volumes of clean air, so as to produce a public nuisance or hazard beyond lot lines is prohibited.

## E. Glare and Heat.

1. Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines, except during the period of construction of the facilities to be used and occupied. Bare bulbs used in signs in or near a residentially used area shall be no greater than ten (10) watts. Within five hundred (500) feet of a residentially used area, bare bulbs which are visible in the residential area may not exceed fifteen (15) watts.

## F. Fire and Safety Hazards.

1. The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all regulations of the Town and Clark County, and with all Indiana rules and regulations as established by the Fire Prevention Act, Act 207, P.A. of 1941, as amended.
2. Further, all storage tanks of flammable liquid materials above ground shall be completely surrounded by retaining walls which shall contain the total capacity of all tanks so enclosed. Bulk storage tanks of flammable liquids below ground shall be located no closer to the property line than the greatest depth to the bottom of the buried tank. Such tank design and placement shall also meet applicable State requirements.

G. Sewage Wastes.

1. No industrial sewage wastes shall be discharged into sewers that will cause chemical reaction, either directly or indirectly, with the materials of such pipe or other structure construction to impair the strength or durability of sewer structures; cause mechanical action that will destroy or damage the sewer structures; cause restriction of the hydraulic capacity of sewer structure; cause placing of unusual demands on the sewage treatment equipment or process; cause limitation of the effectiveness of the sewage treatment process; cause danger to public health and safety or cause obnoxious conditions inimical to the public interest. The disposal of sewage wastes shall further be subject to the restrictions of the Town Sewer Ordinance. Specific conditions controlling sewage wastes are as follows:
  - a. The acidity or alkalinity shall be neutralized within an average pH range of between five (5) and five and one-half (5 1/2) to seven and one-half (7 1/2) as a daily average on volumetric basis, with a permissible temporary variation in pH of 4.50 to 10.0.
  - b. The wastes shall contain no Cyanides.
  - c. Wastes shall contain no Chlorinated solvents in excess of 0.1 p.p.m.; no Fluorides in excess of 10 p.p.m.; no more than 5 p.p.m. of Hydrogen Sulfide; and shall contain no more than 10 p.p.m. of Chromates.
  - d. The wastes shall not contain any insoluble substance in excess of 10,000 p.p.m.; exceed a daily average of 500 p.p.m.; fail to pass a No. 8 Standard Sieve; or have a dimension greater than one-half (1/2) inch.
  - e. The wastes shall not have a Chlorine demand greater than fifteen (15) p.p.m.
  - f. The wastes shall not contain Phenols in excess of 0.05 p.p.m.

H. Noxious Matter

1. No use or structure shall discharge across the lot lines noxious, toxic, or corrosive matter; or fumes or gases in such a concentration as to be detrimental or endanger the public health, safety, comfort, or general welfare; or cause injury to property.

I. Heat or Glare

1. No use shall produce heat or glare creating a hazard perceptible from any point beyond any lot line.

J. Waste Matter

1. No use shall accumulate any waste matter, whether liquid gas or solid, within the lot or discharged beyond any lot line, in violation of the applicable standards and regulations of the Clark County Health Department; the Indiana Department of Environmental Management of the State of Indiana; or in such a manner as to be a nuisance or endanger the public health, safety, or welfare; or cause injury to property.

K. Fire Hazards

1. Solid substances, ranging from free or active burning to intense burning, may be stored, used, or manufactured only within completely enclosed buildings having incombustible exterior walls; and protected throughout by an automatic fire-extinguishing system.
2. The storage, utilization, or manufacture of flammable liquids or materials, which produce explosion, flammable vapors, or gases, shall be permitted in accordance with the rules and regulations of the Indiana Department of Homeland Security, stating that the plans and specifications for a heavy or general industrial use comply with the rules and regulations of the Indiana Department of Homeland Security, and shall accompany the application for an "Improvement Location Permit".

3. "Free burning" means a rate of combustion described by a substance that burns actively and easily supports combustion.
4. "Intense burning", means a rate of combustion described by a substance that burns with a high degree of activity and is consumed rapidly.

L. Detonation Materials

1. No activity may take place that involves the sale, storage, use, or manufacture of materials that decompose by detonation, including fireworks, except in accordance with the stricter of the rules issued by the Indiana Department of Homeland Security, or this Zoning Ordinance.
2. These materials include primary explosives such as lead oxide, lead styphnate, fulminates, and tetracene; high explosives such as TNT, RDX HNY, PETN, and picric acid; propellants, fireworks, and their components, such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty-five percent (35%); and nuclear fuels, fissionable materials and products, and reactor elements such as uranium 235 and plutonium 239.

M. Smoke

1. No I-2 industrial use may emit more than sixty smoke units per hour per stack, or smoke in excess of Ringelmann No. 2. However, once during any 6-hour period, for soot blowing, process purging and fire cleaning, each stack shall be permitted additional ten smoke units and during that time it may emit smoke up to and including Ringelmann No. 3.
2. "Ringelmann number" means the number of the area on the Ringelmann chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann chart is described in the U.S. Bureau of Mines Information Circular 6888; as may be amended or updated, or replaced on which are illustrated graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered as no smoke or Ringelmann No. 0, and "smoke unit" means the number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation. Each reading shall then be multiplied by the time in minutes during which it is observed. The products so computed shall then be added to give the total number of smoke units observed during the entire observation period.

N. Particulate Matter

1. Emission Rate

The rate of emission of particulate matter from all sources within the boundaries of any lot may not exceed a net figure of three pounds per hour per acre for a I-2 industrial use, of which no more than ten percent by weight may be particles larger than 44 microns (325 mesh).

2. Emission Height

The allowance for height of emission shall be in accordance with Table 105-5 (interpolate for intermediate values).

3. Emission Velocity

The allowance for velocity of emission shall be in accordance with Table 105-6 (interpolate for intermediate values).

O. Other Particulate Pollutants

1. Dust and other kinds of air pollution that are borne by the wind from such sources within lot boundaries as storage areas, yards, and roads shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, or other means.
2. As used in this subsection, the term "particulate matter" means divided liquid or solid material that is discharged and carried along in the air.

**Table 105-5. Emission Height Allowances**

<i>Height of Emission Above Grade (ft.)</i>	<i>Correction for Light Industrial Use (pounds per hour per acre)</i>	<i>Correction for General Industrial Use (pounds per hour per acre)</i>
50'	0.01	0.02
100'	0.06	0.12
150'	0.10	0.20
200'	0.16	0.32
300'	0.30	0.60
400'	0.50	1.00
500' and above	0.50	1.50

**Table 105-6. Emission Velocity Allowances**

<i>Exit Velocity Up General (feet per second)</i>	<i>Correction for Light Industrial Use (pounds per hour per acre)</i>	<i>Correction for Industrial Use (pounds per hour per acre)</i>
0'	0	0
20'	0.03	0.06
40'	0.09	0.18
60'	0.16	0.32
80'	0.24	0.48
100' and above	0.50	1.00

**P. Toxic Materials**

- The emission of toxic and nontoxic materials may not produce any concentration at a residence or business district boundary line exceeding thirty-five (30) percent of the threshold limit values for toxic materials in industry as set forth in "Threshold Limit Values" for the current year, as adopted at the most recent annual meeting of the American Conference of Governmental Industrial Hygienists.

**Q. Illumination**

- No use may cause illumination at or beyond any boundary line in excess of one tenth (0.1)-foot candle. Lighting shall not cause a nuisance or visual discomfort due to light trespass, spill, glare, or reflected glare, regardless of standards of illumination, and shall be in conformance with the zoning. Outdoor lighting shall conform to Division 190 - Lighting Regulations of this Zoning Ordinance.

**R. Fireworks**

- Warehousing or storing, or sale whether wholesale or retail sale of any fireworks, novelties, or trick noisemakers that comply with Indiana Code 22-11-14 and the OSHA Safety Guidelines for retail sales of consumer fireworks are permitted, unless requirements of town ordinance are more restrictive.

**Sec. 105-50 Landscaping**

See Division 180 - Landscape Regulations

**Sec. 105-60 Lighting**

See Division 190 – Lighting Regulations

**Sec. 105-70 Signs**

See Division 200 – Sign Regulations

**Sec. 105-80 Parking**

See Division 195 – Off-Street Parking and Loading Regulations

**Sec. 105-90 Access Management Plan**

See Division 155 - Access Management Plan



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### Sec. 120-10 Specific Purpose

Neighborhood Guidelines Plan Overlay Regulations reflect the changes in the Town over the centuries. The Neighborhood Guidelines Plan (NGP) addresses conditions unique to an area when other zoning mechanisms have not or cannot achieve the desired results. The NGP modifies zoning regulations for specific areas. Each neighborhood has its own set of regulations established in the original recording of plats, additions, and subdivisions.

The objective is to maintain the visual character and density of recognized neighborhoods, and manage the design of infill and residential conversions in neighborhoods by:

- A. Accommodating greater density while respecting desired neighborhood character.
- B. Encouraging quality design while facilitating affordable housing.
- C. Providing for automobile parking while contributing to pedestrian-friendly street frontages.
- D. Meeting density standards while providing usable open space.
- E. Minimizing impervious surfaces while ensuring durable vehicle areas.
- F. Allowing the new while respecting the old.

An emphasis is placed on encouraging desirable development, rather than simply regulating against bad design. As an implementing mechanism, guidelines of infill housing that meet the original regulatory requirements of recorded plats, additions, and subdivisions are part of this zoning ordinance.

### Sec. 120-20 Neighborhood Guidelines Plan as Part of Zoning Ordinance

The Neighborhood Design Guidelines Plan shall be considered part of this zoning ordinance, as if incorporated within the text of this ordinance.

### Sec. 120-30 Neighborhood Guidelines Plan Overlay Regulations Maps

The boundaries of each neighborhood are shown on maps and made a part of this zoning ordinance. In addition, plan boundaries are identified on the Neighborhood Guidelines Plan Map.

### Sec. 120-40 Establishment and Removal of Neighborhood Guidelines Plan Overlay Regulations

A plan may be established or removed as the result of a planning study that is reviewed and adopted through the comprehensive plan procedure.

### Sec. 120-50 Scope of Neighborhood Guidelines Plan Overlay Regulations

The following shall be considered when establishing any new Neighborhood Guidelines Plan Overlay Regulations:

- A. Neighborhood Guidelines Plan standards and regulations shall be applied in conjunction with a base zone. The plan provisions may modify any portion of the development standards and regulations of the base zone, overlay zone, or other regulations of this Ordinance. Approval of development or construction may be conditional and necessitate additional requirements, or allow exceptions to general regulations.

- B. In any recorded plat, addition, or subdivision, the development standards, including lot area coverage and setbacks, shall apply to any development within the geographic area of the neighborhood. In addition, the guidelines establish styles, materials, landscaping, and similar elements of design.
- C. Relationship to other standards and regulations.
- D. When there is a conflict between the regulations, development standards of the base zone, or other regulations of this Zoning Ordinance, the Neighborhood Guidelines Plan regulations shall control.

**Sec. 120-60      New Neighborhood Guidelines Plan Overlay Regulations Adoption Criteria**

After adoption of this Zoning Ordinance, a new Neighborhood Plan may be established if all the following adoption criteria are met:

- A. The area proposed for the Neighborhood Plan has special characteristics or problems of a natural, economic, historic, public facility, or transitional land use or development nature which are not common to other areas of the Town.
- B. Existing base and overlay zone provisions are inadequate to achieve a desired public benefit, or to address an identified problem within the area.
- C. The proposed plan and regulations are the result of a study or plan documenting the special characteristics or problems of the area, and how a plan will best address relevant issues.
- D. The standards, policies, goals, and objectives of the Neighborhood Plan are in substantial conformance with the Comprehensive Plan.

**Sec. 120-70      Development Standards**

- A. Development standards are those of the original recorded subdivision, addition, or plat.
- B. Where no set back lines are indicated on the original subdivision, additions, or plat, the front setback shall be determined from setbacks of adjacent lots.
- C. Square footage of an infill or replacement unit shall be consistent, within 100 square feet of adjacent units.
- D. Side yard setbacks, where setback lines are not indicated on recorded subdivision, addition, or plats, shall be determined by averaging the setbacks of units adjacent on each side and rear of the property.

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**Sec. 130-10 Statutory Authorization, Findings of Fact, Purpose, and Objectives****A. Statutory Authorization**

The Indiana Legislature has in IC 36-7-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Town Council of the Town of Clarksville does hereby adopt the following floodplain management regulations.

**B. Findings of Fact**

- A. The flood hazard areas of the Town of Clarksville are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, inadequately flood-proofed, or otherwise unprotected from flood damages.

**C. Statement of Purpose**

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities.
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.
- D. Control filling, grading, dredging, and other development which may increase erosion or flood damage.
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- F. Make federally subsidized flood insurance available for structures and their contents in the Town of Clarksville by fulfilling the requirements of the National Flood Insurance Program.

**D. Objectives**

The objectives of this ordinance are:

- A. To protect human life and health.
- B. To minimize expenditure of public money for costly flood control projects.
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

- D. To minimize prolonged business interruptions.
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.
- F. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.

#### Sec. 130-20 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

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

- A. **Zone A:** Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown.
- B. **Zone AE and A1-A30:** Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. (Zone AE is on new and revised maps in place of Zones A1-A30.)
- C. **Zone AO:** Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.
- D. **Zone AH:** Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.
- E. **Zone AR:** Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection.
- F. **Zone A99:** Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown.

**ACCESSORY STRUCTURE** (*appurtenant structure*) - A structure with a floor area 400 square feet or less that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds

**ADDITION** (*to an existing structure*) - Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

**APPEAL** - A request for a review of the floodplain administrator's interpretation of any provision of this ordinance.

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

**BASE FLOOD** - The flood having a one percent chance of being equaled or exceeded in any given year.

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

**BASEMENT** - That portion of a structure having its floor sub-grade (below ground level) on all sides.

**BOUNDARY RIVER** - The part of the Ohio River that forms the boundary between the Kentucky and Indiana.

**BOUNDARY RIVER FLOODWAY** - The floodway of a boundary river.

**BUILDING** - see "Structure."

**COMMUNITY** - A political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

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

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

**DEVELOPMENT** - Any man-made change to improved or unimproved real estate including but not limited to:

- A. Construction, reconstruction, or placement of a structure or any addition to a structure;
- B. Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a recreational vehicle on a site for more than 180 days;
- C. Installing utilities, erection of walls and fences, construction of roads, or similar projects;
- D. Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- E. Mining, dredging, filling, grading, excavation, or drilling operations;
- F. Construction and/or reconstruction of bridges or culverts;
- G. Storage of materials; or
- H. Any other activity that might change the direction, height, or velocity of flood or surface waters.
- I. "Development" does not include activities such as the maintenance of existing structures and facilities such as painting and re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

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

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

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

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

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

**FEMA** - The Federal Emergency Management Agency.

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

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

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

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

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

**FLOOD PROTECTION GRADE (FPG)** - The elevation of the regulatory flood plus two feet at any given location in the SFHA. (see “Freeboard”)

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

**FLOODPLAIN MANAGEMENT** - The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

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

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

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

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

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

**FRINGE** - Those portions of the floodplain lying outside the floodway.

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

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

**HISTORIC STRUCTURES** - Any structures individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

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

**LETTER OF FINAL DETERMINATION (LFD)** - A letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.

**LETTER OF MAP CHANGE (LOMC)** - A general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F). The definitions are presented below:

**LETTER OF MAP AMENDMENT (LOMA)** - An amendment by letter to the currently effective FEMA map that establishes that a property is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.

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

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

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

**LOWEST FLOOR** – means the lowest elevation described among the following:

- A. The top of the lowest level of the structure.
- B. The top of the basement floor.
- C. The top of the garage floor, if the garage is the lowest level of the structure.
- D. The top of the first floor of a structure elevated on pilings or pillars.
- E. The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters, unless the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters (flood openings). Such enclosed space shall be usable solely for the parking of vehicles and building access. Designs for meeting the flood opening requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:
  1. provide a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls; if a structure has more than one enclosed area, each shall have openings on exterior walls;
  2. the total net area of all openings shall be at least one (1) square inch for every one square foot of enclosed area; the bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.

**MANUFACTURED HOME** - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

**MANUFACTURED HOME PARK OR SUBDIVISION** - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

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

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

**NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929** - As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

**NEW CONSTRUCTION** - Any structure for which the “start of construction” commenced after the effective date of the community’s first floodplain ordinance.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION** - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community’s first floodplain ordinance.

**NON-BOUNDARY RIVER FLOODWAY** - The floodway of any river or stream other than a boundary river.

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

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

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

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

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

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

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

**REGULATORY FLOOD** - The flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Section 130-30 of



this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

**REPETITIVE LOSS** - Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeds 25% of the market value of the structure before the damage occurred.

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

**SPECIAL FLOOD HAZARD AREA (SFHA)** - Those lands within the jurisdiction of the Town of Clarksville subject to inundation by the regulatory flood. The SFHAs of the Town of Clarksville are generally identified as such on the Clark County, Indiana and Incorporated Areas Flood Insurance Rate Map dated April 16, 2014 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).

**START OF CONSTRUCTION** - Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

**SUBSTANTIAL DAMAGE** - Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

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

**VARIANCE** - A grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

**VIOLATION** - The failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

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

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

**ZONE** - A geographical area shown on a FIRM that reflects the severity or type of flooding in the area.

**ZONE A** - See definition for A Zone.

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

## **Sec. 130-30 General Provisions**

### **A. Lands to Which This Ordinance Applies**

This ordinance shall apply to all SFHAs and known flood prone areas within the jurisdiction of The Town of Clarksville, Indiana.

### **B. Basis for Establishing Regulatory Flood Data**

This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below

1. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of the Town of Clarksville shall be as delineated on the one-percent annual chance flood profiles in the Flood Insurance Study of Clark County, Indiana and Incorporated Areas and the corresponding Flood Insurance Rate Map dated April 16, 2014 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.
2. The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of the Town of Clarksville, delineated as an "A Zone" on the Clark County, Indiana and Incorporated Areas Flood Insurance Rate Map dated April 16, 2014 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review, subsequently approved.
3. In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.
4. Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

### **C. Establishment of Floodplain Development Permit**

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard.

### **D. Compliance**

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

**E. Abrogation and Greater Restrictions**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**F. Discrepancy between Mapped Floodplain and Actual Ground Elevations**

1. In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.
2. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
3. If the elevation (natural grade) of the site in question is above the base flood elevation and not located within the floodway, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner shall be advised to apply for a LOMA.

**G. Interpretation**

In the interpretation and application of this ordinance all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body, and;
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

**H. Warning and Disclaimer of Liability**

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

**I. Penalties for Violation**

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the Town of Clarksville.

1. A separate offense shall be deemed to occur for each day the violation continues to exist.
2. The Floodplain Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
3. Nothing herein shall prevent the Town from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

**Sec. 130-40 Administration****A. Designation of Administrator**

The Town Council of the Town of Clarksville hereby appoints the Floodplain Administrator to administer and implement the provisions of this ordinance.

**B. Permit Procedures**

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing.

Specifically, the following information is required:

**1. Application Stage**

- a. A description of the proposed development.
- b. Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams.
- c. A legal description of the property site.
- d. A site development plan showing existing and proposed development locations and existing and proposed land grades.
- e. Elevation of the top of the planned lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD.
- f. Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed.
- g. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering study is required and any watercourse changes submitted to DNR for approval and then to FEMA as a Letter of Map Revision. (See Sec.130-40 C.6) for additional information.)

**2. Construction Stage**

Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the applicant to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. (The Floodplain Administrator shall review the lowest floor elevation survey data submitted.) The applicant shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project. Any work undertaken prior to submission of the elevation certification shall be at the applicant's risk. The Floodplain Administrator shall review the lowest floor elevation survey data submitted. The applicant shall correct any deficiencies detected by such review. Failure to submit the elevation certification or failure to make correction required shall be cause to issue a stop-work order for the project.

Upon establishment of the floodproofed elevation of a floodproofed structure, it shall be the duty of the applicant to submit to the Floodplain Administrator a floodproofing certificate. Certification shall be prepared by or under the direction supervision of a registered professional engineer and certified by same. (The Floodplain Administrator shall review the floodproofing certification submitted.) The applicant shall correct any deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the floodproofing certification or failure to make correction required shall be cause to issue a stop-work order for the project.

**3. Finished Construction**

Upon completion of construction, a FEMA elevation certificate which depicts all finished construction, is required to be submitted to the Floodplain Administrator. If the project includes a floodproofing measure, a FEMA floodproofing certificate is required to be submitted by the applicant to the Floodplain Administrator.

**C. Duties and Responsibilities of the Floodplain Administrator**

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but are not limited to:

1. Review all floodplain development permits to assure that the permit requirements of this ordinance have been satisfied.
2. Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations.

3. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Sec.130-40, E and G (1) of this ordinance, and maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).
4. Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits/authorizations are to be maintained on file with the floodplain development permit.
5. Maintain and track permit records involving additions and improvements to residences located in the floodway.
6. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.
7. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to this ordinance.
8. Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
9. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
10. Review certified plans and specifications for compliance.
11. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Sec. 130-40, B.
12. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with Sec. 130-40, B.
13. Perform a minimum of three inspections to ensure that all applicable ordinance and floodplain development requirements have been satisfied. The first upon the establishment of the Flood Protection Grade reference mark at the development site; the second upon the establishment of the structure’s footprint/establishment of the lowest floor; and the final inspection upon completion and submission of the required finished construction elevation certificate. Authorized Town shall have the right to enter and inspect properties located in the SFHA.
14. Stop Work Orders
  - a. Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.
  - b. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
15. Revocation of Permits
  - a. The floodplain administrator may revoke a permit or approval, issued under the provisions of the ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
  - b. The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

**Sec. 130-50 Provisions for Flood Hazard Reduction****A. General Standards**

In all SFHAs and known flood prone areas the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
9. Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance.
10. Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.
  - a. The excavation shall take place in the floodplain and in the same property in which the authorized fill or structure is located.
  - b. Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same property in which the authorized fill or structure is located, will be accessible to the regulatory flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled.
  - c. The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by flood water.
  - d. The fill or structure shall not obstruct a drainage way leading to the floodplain.
  - e. The grading around the excavation shall be such that the excavated area is accessible to the regulatory flood water.
  - f. The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement.
  - g. Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this Sec. 130-40.

**B. Specific Standards**

In all SFHAs, the following provisions are required:

1. In addition to the requirements of Sec. 130-50 A all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
  - a. Construction or placement of any structure having a floor area greater than 400 square feet.

- b.* Addition or improvement made to any existing structure, where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land).
- c.* Reconstruction or repairs made to a damaged structure, where the cost of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred.
- d.* Installing a travel trailer or recreational vehicle on a site for more than 180 days.
- e.* Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.
- f.* Reconstruction or repairs made to a repetitive loss structure.
- g.* Addition or improvement made to any existing structure with a previous addition or improvement constructed since the community's first floodplain ordinance.

**2. Residential Structures**

New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Sec. 130-50,B (4).

**3. Non-Residential Structures**

New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Sec. 130-50, B (4). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:

- a.* A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in Sec. 130-40, C (12).
- b.* Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

**4. Elevated Structures**

New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG.

In the event that this division requires a residential structure to be elevated, the residential structure will be permitted to exceed the height requirement for its zone if necessary to have the lowest floor at or above the FPG.

Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and shall be useable solely for parking of vehicles, building access or storage. Fully enclosed areas below the lowest floor, which are subject to flooding, shall be designed to allow for the entry and exit of floodwaters and automatically equalize hydrostatic flood forces on exterior walls (flood openings). Designs for meeting the flood opening requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

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

- b.* The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.
- c.* Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- d.* Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
- e.* The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- f.* The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.
- g.* Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.
- h.* Property owners shall be required to execute a flood openings/venting affidavit acknowledging that all openings will be maintained as flood vents, and that the elimination or alteration of the openings in any way will violate the requirements of Article 5, B. (4). Periodic inspections will be conducted by the Floodplain Administrator to ensure compliance. The affidavit shall be recorded, along with the deed, in the office of the Clark County Recorder.
- i.* Property owners shall be required to execute and record with the structure's deed a non-conversion agreement declaring that the area below the lowest floor (where the interior height of the enclosure exceeds 6 feet) shall not be improved, finished or otherwise converted; the community will have the right to inspect the enclosed area. The non-conversion agreement shall be recorded in the office of the Clark County Recorder.

**5. Structures Constructed on Fill**

A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

- a.* The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in permit file.
- b.* The fill shall extend 10 feet beyond the foundation of the structure before sloping below the BFE.
- c.* The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
- d.* The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
- e.* The top of the lowest floor including basements shall be at or above the FPG.
- f.* Fill shall be composed of clean granular or earthen material.

**6. Standards for Manufactured Homes and Recreational Vehicles**

Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

- a.* These requirements apply to all manufactured homes to be placed on a site outside a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood:
  - i.* The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - ii.* Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Sec. 130-50, B(4).
  - iii.* Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.



- b. These requirements apply to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood:
  - i. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - ii. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Sec. 130-50, B(4).
  - iii. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
- c. Recreational vehicles placed on a site shall either:
  - i. Be on site for less than 180 days.
  - ii. Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
  - iii. Meet the requirements for “manufactured homes” as stated earlier in this section.

#### 7. Accessory Structures

Relief to the elevation or dry floodproofing standards may be granted for accessory structures. Such structures must meet the following standards:

- a. Shall not be used for human habitation.
- b. Shall be constructed of flood resistant materials.
- c. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.
- d. Shall be firmly anchored to prevent flotation.
- e. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.
- f. Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Sec. 130-5, B(4).

#### 8. Above Ground Gas or Liquid Storage Tanks

All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement.

#### C. Standards for Subdivision Proposals

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres.
5. All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.
6. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

#### D. Critical Facility

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and

sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

**E. Standards for Identified Floodways**

Located within SFHAs, established in Sec. 130-30, B, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of a non-substantial addition/ improvement to a residence in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval for the fill is required from the Indiana Department of Natural Resources.)

No action shall be taken by the Floodplain Administrator until a permit or letter of authorization (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway or letter of authorization has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Sec. 130-50 of this ordinance have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

No development shall be allowed, which acting alone or in combination with existing or future development, that will adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.

For all projects involving channel modifications or fill (including levees) the Town shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

**F. Standards for Identified Fringe**

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Sec. 130-50 of this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

**G. Standards for SFHAs without Established Base Flood Elevation and/or Floodways/Fringes.**

1. Drainage area upstream of the site is greater than one square mile:

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

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

Once the Floodplain Administrator has received the proper permit for construction in a floodway (including letters of authorization) or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less

restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Sec. 130-50 of this ordinance have been met.

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

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

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Sec. 130-50 of this ordinance have been met.

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

#### **H. Standards for Flood Prone Areas**

All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required per Sec. 130-50.

### **Sec. 130-60 Variance Procedures**

#### **A. Designation of Variance and Appeals Board**

The Board of Zoning Appeals shall hear and decide appeals and requests for variances from requirements of this ordinance.

#### **B. Duties of Variance and Appeals Board**

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Clark County Circuit Court.

#### **C. Variance Procedures**

In passing upon such applications, the board shall consider all technical evaluations, all relevant factors, all standards specified in other divisions of this ordinance, and;

1. The danger of life and property due to flooding or erosion damage.
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
3. The importance of the services provided by the proposed facility to the community.
4. The necessity to the facility of a waterfront location, where applicable.
5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
6. The compatibility of the proposed use with existing and anticipated development,
7. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
8. The safety of access to the property in times of flood for ordinary and emergency vehicles.
9. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.
10. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

#### **D. Conditions for Variances**

1. Variances shall only be issued when there is:
  - a. A showing of good and sufficient cause.

- b. A determination that failure to grant the variance would result in exceptional hardship.
- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- 2. No variance for a residential use within a floodway subject to Sec. 130-50, E or G (1) of this ordinance may be granted.
- 3. Any variance granted in a floodway subject to Sec. 130-50, E or G (1) of this ordinance will require a permit from the Indiana Department of Natural Resources.
- 4. Variances to the Provisions for Flood Hazard Reduction of Sec. 130-50, B may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
- 5. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 6. Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.
- 7. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See Sec. 130-60, E).
- 8. The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See Sec. 130-60, E).

**E. Variance Notification**

Any applicant to whom a variance is granted that allows the lowest floor of a structure to be built below the flood protection grade shall be given written notice over the signature of a community official that:

- 1. The issuance of a variance to construct a structure below the flood protection grade will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and;
- 2. Such construction below the flood protection grade increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance.

**F. Historic Structure**

Variances may be issued for the repair or rehabilitation of “historic structures” upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an “historic structure” and the variance is the minimum to preserve the historic character and design of the structure.

**G. Special Conditions**

Upon the consideration of the factors listed in Sec. 130-60, and the purposes of this ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

**Sec. 130-70 Severability**

If any division, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

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#### **Sec. 140-10 Specific Purposes**

Because groundwater existing within portions of Town of Clarksville may contain naturally occurring contaminants above US EPA's maximum levels; because the presence of naturally occurring contaminants makes portions of the Town, including groundwater within Clarksville, unfit, unsafe, or unhealthy for humans; because the Town Council finds that the public health, safety, and welfare of Clarksville residences is best protected by restricting installation or use of new water wells in restricted areas; and because a public water utility system is maintained so it provides a safe and reliable water supplied to customers throughout the entire Town, it is the purpose of this ordinance to prohibit water wells in certain portions of the Town.

#### **Sec. 140-20 Property**

The property is shown on Map 140-1. Any restricted area covered by this zoning overlay shall be depicted on the zoning map of the Town of Clarksville.

#### **Sec. 140-30 Definitions**

The term "water well" means any system used to extract groundwater for human consumption or other use. The term does not include groundwater wells used as part of an environmental investigation or remediation project.

#### **Sec. 140-40 Prohibition**

As of February 6, 2012, the installation or use of any new water well at any property within the restricted area is prohibited.

#### **Sec. 140-50 Violation**

No person, including any corporation, partnership or association, shall use, drill, or otherwise install any new water well within the restricted area shown on Map 140-1 in violation of this Ordinance. Violations of this ordinance shall be punishable in the same manner as other sections of the Clarksville Zoning Ordinance. Each day that such person continues to operate any such water wells shall be a separate violation.

#### **Sec. 140-60 Water Improvements**

Nothing in this Ordinance shall be construed as requiring Clarksville or any public water utility to install or provide any water improvements or services to any person or premise that is not otherwise currently in existence on February 6, 2012.

#### **Sec. 140-70 Written Notice**

Pursuant to IC 36-1-6-11, Clarksville must give written notice to the Indiana Department of Environmental Management of the adoption of this ordinance within 30 days of its passage. The Town is hereby ordered to provide such notice to IDEM at the following address:

Section Chief  
Voluntary Remediation Program  
MC 66 – 22  
100 North Senate Ave.  
Indianapolis, IN 46204

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### Sec. 150-10      Specific Purpose

This division is designed to protect the health, safety, morals, and general welfare as well as property use and value through the application of regulations applicable to all zone districts. Division 150 includes element-specific regulations that generally, but not always, apply to property use rather than zone district classification. Additionally, this division provides regulations for unique uses or events, which may not fit entirely within an existing zoning district or other division, and is intended to allow these uses or events to occur while protecting neighboring properties from any adverse impacts.

### Sec. 150-20      Noise

Noise levels shall be as follows: “daytime” for non-stationary sources means six (6) a.m. to eleven (11) p.m. and “night time” for non-stationary sources shall mean eleven (11) p.m. to six (6) a.m.; “daytime” for fixed sources shall mean seven (7) a.m. to nine (9) p.m. and “night time,” for fixed sources shall mean nine (9) p.m. to seven (7) a.m. No public-address (PA) systems shall be permitted. Refer to Table 150-1.

**Table 150-1. Decibels**

Land Use	Time of Day	
	Day Time	Night Time
Residential	75	62
Business	75	70

### Sec. 150-30      Exceptions to Height Limits

No building shall be erected, reconstructed, or structurally altered to exceed the height limits established and specified for use in the zoning district in which such building is located.

No such structure, or any space above the height limit, shall be allowed for the purpose of advertising or providing additional floor space for residential, business, telecommunications facilities, or industrial use. Unless otherwise certified to the ability to

meet the level of service for fire protection by the appropriate fire chief, all structures above or equivalent to three stories shall have sprinklers.

**A. Exceptions from Height Requirements**

Unless otherwise prescribed by this ordinance, the following may exceed the height limitation of a district:

1. The housing structure of elevators.
2. Ventilating fans or similar equipment required to operate and maintain a building.
3. Fire walls.
4. Mechanical equipment.
5. Chimneys and smokestacks.
6. Water tanks.
7. Grain elevators and silos.
8. Antennas, excluding cell towers.
9. A residential structure located within the floodplain overlay district as outlined in Division 130-50 Provisions for Flood Hazard Reduction

**Sec. 150-40 Screening of Mechanical Equipment**

**A. Roof-Mounted Equipment**

In the R-3, B-1, B-2, VPCZ, EBCZ, MD, AB, GO, RPO, OTC, OPS zone districts, all roof-mounted equipment, excluding solar energy systems but including communication equipment, must be screened in one of the following ways:

1. A parapet as tall as the tallest part of the equipment.
2. A screen around the equipment that is as tall as the tallest part of the equipment.
3. If the equipment is a satellite dish or other communication equipment, and if it is added to the façade of a penthouse that contains mechanical equipment, it shall be no higher than the top of the penthouse, flush mounted, and painted to match the façade of the penthouse.

An illustration of roof top unit concealment is shown in Division 210 - Illustrations.

**Sec. 150-50 Underground Utilities**

**A. Specific Purpose**

The purpose of these regulations is to ensure safety from overhead utility lines and promote aesthetically pleasing residential and commercial neighborhoods.

For purposes of this article, the following definitions shall be applied:

**UTILITY** - The entity authorized by the appropriate governmental agency to render electric, telephone, or cable utility service.

**UTILITY LINES** - Electrical, natural gas, telephone, and cable vision distribution and service wires, and cables accessory to primary uses or accessory dwelling units within any residential zone and the EBCZ, SCMU, VPCZ, RPO, MD, AB, MHP, B-1, or B-2, and as practical in the OTC zoning district; excluding, without limitation, all transmission lines, and other similar non-accessory lines, the function of which is not to serve the primary residential or commercial use exclusively of the site as an accessory thereto.

**B. Underground Utility Line Requirements**

1. All utility lines within any dwelling zoning district or EBCZ, SCMU, VPCZ, RPO, GO, MD, AB, MHP, B-1, or B-2 commercial zoning district shall be located underground. However, provided nothing contained in this article shall prohibit:
    - a. The temporary aboveground location of utility lines during construction or emergency conditions.
    - b. Renewal, reinstallation, relocation, replacement, repair, or maintenance of existing aboveground utility lines; or installation of above ground utility lines in locations predominantly served by existing aboveground utility lines.
    - c. Above ground utility lines where underground location would not be feasible due to soil conditions, physical obstructions, or terrain.
    - d. At or above-grade location of transformers, service or meter pedestals and similar accessory installations, including any aboveground utility lines necessarily or customarily extending above-grade in an underground utility line system.
  2. The property owner shall provide adequate access for such underground installation, at no cost to the utility.
- C. **Petitioning for Aboveground Utilities**
- Further provided, however, such underground installation shall not be required in the case of any land area for which a determination of exception has been obtained in compliance with:
1. Such determination of exception shall be made upon petition by the owner(s) of fifty (50) percent or more of the subject land area and/or by the utility. The Technical Review Committee shall furnish notice of the determination or denial of exception to the applicant and the utility.
  2. The Technical Review Committee shall make a determination of exception to the above underground utility line regulations as applied to any specific land area, upon sufficient evidence that the underground location of utility lines therein would be infeasible, unnecessary or inappropriate because of the size, design, number of units or character of the proposed development, its relationship to existing or planned adjacent uses, or other relevant planning considerations of land use, location, site design, physical or environmental conditions, aesthetics, economics or technology.
  3. The Technical Review Committee determination or denial of exception shall be subject to the filing of an appeal, by any aggrieved person to the Board of Zoning Appeals.

**Sec. 150-60 Residential Conversion****A. Purpose**

The purpose of this section is to establish standards for converting one residential type structure to another type of residential structure to manage density and impact to neighborhoods, public facilities, and infrastructure.

**B. Notice**

Public notice shall be given in conformance with Article 5, Division 245 to notify the public of the proposed land use change.

**C. Standards**

Residential conversions shall comply with the following:

1. The principal building or buildings on a lot shall not occupy more than thirty-five percent (35%) of the ground area of the lot.
2. A dwelling to be converted for the use of three (3) or more families shall meet lot area requirement of the R-3 district.
3. Any addition to an existing building shall comply with the front, side, and rear yard requirements for the subdivision, addition, partition or plat in which it is located.
4. The density of conversion shall comply with the zone district in which it is located.
5. After the conversion, the dwelling shall substantially maintain the essential character of the neighborhood in appearance.
6. Fire escapes and outside stairways leading to a second or higher floor shall, where practicable, be located on the rear or side of the building and shall not be located on any building wall facing a street.



7. One hundred square feet of enclosed outdoor storage on the lot shall be provided for each individual dwelling unit.
8. Garage or private off-street parking on the lot should be sufficient to provide parking of vehicles equal to no less than three-quarters of the required single-family parking requirement. On-street parking shall not factor into this number.
9. Six hundred (600) square feet of open space per dwelling unit shall be provided, and shall be useable for active recreation or leisure.

**D. Development Plan**

An application and scaled development plan for a residential conversion shall be submitted and include the following:

1. Vicinity map, north arrow, and scale.
2. Setbacks and dimensions of the lot.
3. Location of all existing and proposed improvements and additions to the exterior.
4. Existing vegetation type.
5. Location of existing parking spaces including dimensions and ingress and egress points.
6. Location of open space on the lot and closest public open space.
7. Adjoining uses.
8. Width of public right-of-way, street pavement and public sidewalks or trails providing access to the property that are within two hundred (200) feet of each property line.
9. Distance to public schools.
10. Functional classification of the street as defined in Division 155.
11. Compliance with Division 165 - Commercial Refuse.
12. Location of overhead and underground utilities.
13. Floor plans including:
  - a. Dimensions of each wall and room, including closets.
  - b. Total square footage of each proposed dwelling unit.
  - c. Exterior material.
  - d. Electric and plumbing plans meeting applicable Building Codes.
  - e. Location of windows and doors.
14. Room sizes - all rooms shall comply with Section 157-140 - minimum room size.
15. Exterior lighting locations, and photometrics extending no less than twenty (20) feet beyond the property line.

**Sec. 150-70 Condominium Development**

**A. Specific Purpose**

The purpose of this section is to establish requirements, standards, and guidelines for condominium development. Condominiums shall be developed in compliance with this Division 150, and the Indiana Horizontal Property Act, as may be amended.

Depending on the uses permitted by the zoning district in which the development is located, condominiums may be constructed as residential or office uses.

**B. Types of Condominiums**

Condominiums may be developed as site condominiums or conventional condominiums, as shown in Division 210 - Illustrations.

1. Residential Condominium Zones

Residential condominiums are permitted in the R-3, EBCZ, PUD, RPO, SCMU, VPCZ zone districts.

2. Office condominium Zones

Conventional office condominium developments are permitted in the B-2, GO, MD, EBCZ, PUD, VPCZ, RPO, SCMU zone districts.

3. Mixed Condominium Developments

In zone districts, EBCZ, VPCZ, PUD, RPO, SCMU both residential and office condominiums are permitted in a mixed conventional condominium layout.

C. **Lot Size**

Except in neighborhoods as identified in Division 120, the entire site must meet the minimum lot size requirements for the zoning district in which the parcel is located.

D. **Site Condominium**

For site condominium developments, each unit and its associated limited common area shall have the minimum side yard setback requirements for the zoning district in which the parcel is located. Additionally, the entire site must meet the minimum lot size requirements for the zoning district in which the parcel is located.

E. **Conventional Condominium**

In conventional condominium developments, the exterior walls of the attached units, wall, or fence shall meet side or rear yard setbacks, as well as required build lines, of the zoning district in which it is located.

F. **Application and Condominium Development Plan**

A development plan and application are required to be submitted in compliance with Division 170 and the following:

1. A scaled site plan, vicinity map, north arrow, and deed of the land on which the building or buildings and improvements are or will be located.
2. Existing improvements and vegetation type.
3. Colored renderings of front, rear, and side building elevations.
4. Material boards.
5. Color scheme.
6. Landscaping plan with location, number, size, common name and botanical name.
7. Exterior lighting plan with photometrics conforming to Division 190.
8. Topographic map with two (2) foot contours to show each buildings location.
9. Indicate the setback from each building to the property lot line, and to the nearest adjacent building within the development.
10. The number of condominium units by type and by number of bedrooms.
11. Location of each building and indication of type.
12. Square footage of each building and condominium unit and bedroom type.
13. Floor plan and the layout showing dimensions of each condominium building and each condominium unit.
14. Unit numbers.
15. Number of stories of each building, type, and basements if applicable.
  - a. Location and size of the common areas and facilities, and in the case of site condominiums, the square footage of the limited common area of each unit.
  - b. Location of the limited common areas and facilities, if any, stating to which condominium unit the limited common area is reserved.

- c. Percentage of development that is designated common areas and common facilities.
  - d. Percentage of development that is limited common area appertaining to each condominium unit and its owner.
- 16. Location of environmental areas listed below shall be shown:
  - a. Areas within the one hundred (100)-year flood boundary and floodway, if present.
  - b. Woodland canopy and understory.
  - c. Wetlands.
  - d. Streams corridors.
  - e. Slopes twelve percent (12%) and greater.
  - f. Historic sites and structures, including archaeological sites.
  - g. Cemeteries located within one hundred (100) feet of the parcel.
  - h. Woodland edges, wildlife travel corridors, and habitats.
  - i. Riparian zones.
- 17. A copy of the by-laws to be made a part of the declaration.
- 18. Any covenants or restrictions including those regarding the use of the condominium units and common areas and facilities.
- 19. Any further details that may assist in the review of the development plan the applicant considers desirable or requested by the Plan Commission.

**G. Other Standards**

- 1. Any condominium constructed within a District having neighborhood guidelines shall comply with the standards and guidelines for that neighborhood in which it is located.
- 2. Condominium developments shall comply with any relevant Neighborhood Action Plans.
- 3. Parking shall comply with Division 195 of this Ordinance.

**Sec. 150-80      Manufactured Homes**

Manufactured homes, not located in a manufactured home park, shall comply with standards and requirements identical to those of other dwelling units and lots in the same zone district.

These standards and requirements may differ depending on the zoning district where they are located. These standards and requirements include, but are not limited to:

- A. Setback distance.
- B. Side and rear yard setbacks.
- C. Vehicle parking spaces.
- D. Minimum square footage of the dwelling unit.
- E. Under floor space enclosure requirements.
- F. Maximum lot area coverage.
- G. Existence of a nonconforming use. A person alleging the existence of a nonconforming use or variance granted by the Board of Zoning Appeals has the burden of proof.
- H. Aesthetic standards and requirements pertaining to the manufactured home structure itself may only pertain to roofing and siding materials.
- I. Have a roof with at least a three to twelve (3:12) slope.

**Sec. 150-90      Group Homes**

**A. Specific Purpose**

The purposes of these standards are to provide dimensional standards for group residential homes for both mentally ill individuals and disabled individuals. No part of this division is intended to limit any right of any person, or result in limitations that may limit a persons' equal opportunity to use and enjoy a dwelling, or impose undue administrative or financial burdens, or require a fundamental alteration in the nature of housing within Clarksville. Tenancy at any group home shall meet the same requirement of any dwelling in Clarksville, including an individual whose tenancy would constitute a direct threat to the health or safety of other individuals, or whose tenancy would result in substantial physical damage to the property of others.

**B. Development Standards**

Residential group homes shall meet the following standards:

1. Residential group homes for both mentally ill individuals and disabled individuals shall be permitted in any zoning district that permits residential uses.
2. Residential group homes for both mentally ill individuals and disabled individuals shall meet the same standards as other residential use within the district in which they are located.
3. Residential group homes for both mentally ill individuals and disabled individuals shall not be excluded in any residential zone district, except such home shall not be located within 3,000 feet of another residential facility for the developmentally disabled.

**C. Limitations**

There shall be 3,000 feet of distance between residential facilities for the mentally ill, as measured between lot lines.

**Sec. 150-100 Residential-Care Homes Other than Group Homes****A. Child Day-Care Homes:**

Child day-care homes shall be permitted provided they meet the definition established by I.C. 12-7-2-28.6 as may be amended and shall be consistent with all applicable regulations of the State of Indiana.

**B. Elder Day-Care Homes:**

Elderly day-care homes shall be permitted provided that the maximum number of elderly persons receiving care, protection, and supervision in any such home shall not exceed six (6) at any given time.

**Sec. 150-110 Extended Stay Hotel/Motel**

- A. An extended stay hotel/motel is any building containing guestrooms intended or designed to use, or which are used, rented, or hired out to be occupied; or which are occupied for sleeping and short term living purposes for guests. At the time of this Zoning Ordinance adoption, existing hotels/motels are prohibited from converting to extended stay hotels/motels, unless the provisions in this section are satisfied.

1. For the purpose of this section, "short term living" is defined as a period not to exceed sixty (60) continuous days except when an individual, whose normal residence is outside of Clark County, Indiana, is working a job or project within Clark County, Indiana, that will extend beyond sixty (60) continuous days.

- B. Each unit of a hotel/motel must be three hundred sixty (360) square feet or greater in size to be considered an extended stay unit.

- C. An extended stay hotel/motel shall contain kitchenette facilities including, at a minimum, the following:

- A. Eighteen (18) cubic foot refrigerator.
- B. Range with two (2) burners.

- C. Thirty-two inch (32) sink and operating faucets, not to be located within the bathroom facility. A combined sink for kitchen and bathroom facilities is prohibited.
- D. Four and one-half (4 ½) feet of base cabinets.
- E. A table of sufficient size to fit two people comfortably.
- F. A properly working and up-to-date fire extinguisher, unless the building has a sprinkling system.

**Sec. 150-120 Gaming****A. Specific Purpose**

These provisions are intended to establish special development standards for legal gaming and pari-mutual off-track betting facilities. These uses are permitted in the EBCZ and SCMU zone districts, if legally licensed and established. In the event Division 70 - SCMU conflicts with the provisions of this Division 150-120, Division 70 shall rule.

**B. Permitted Uses**

- 1. Legal wagering pari-mutual wagering at licensed off track betting facilities.
- 2. Legally licensed gaming facilities.
- 3. Sports bar or dining facilities associated with a legally licensed gaming or pari-mutual betting.
- 4. Hotel or motel facilities associated with a legally licensed gaming or pari-mutual betting.

**C. Development Plan**

A development plan, meeting the requirements of Division 170 and this section, shall be submitted to the Planning Department for distribution and review by members of the TRC, and by the Clarksville Historic Preservation Commission as may be required by ordinance.

**D. Development Standards**

- 1. Height shall conform to the zoning district in which the facility is located.
- 2. Such facility shall not be:
  - a. Located within five hundred (500) feet of any R-1, R-2, R-3, GO, RPO, AB, MD MHP, or B-1 zone district, unless separated by a navigable stream, interstate highway, or principal or minor arterial.
  - b. No such use shall be allowed to locate or expand within one thousand (1,000) feet of any school, library, church, child care facility, recreational area, or public or private park within the Town unless separated by a navigable stream, interstate highway, freeway, or principal or minor arterial. In all cases, distances shall be measured in a straight line, without regard to intervening structures, from the closest parcel line of each use.
- 3. All wagering, food, and beverage service shall be conducted entirely in the facility, which shall be designed so that none of the wagering activities, including bet-taking, video monitors, odds, and contest-result displays shall be visible to any person at any location outside the facility.
- 4. No drive-through service or outside sales shall be permitted.
- 5. No outside speakers or video monitors shall be used to advertise, or display the contests, odds or other information about the wagering activities conducted within the facility.
- 6. Minimum parking of one (1) parking space per employee per largest work shift plus one (1) parking space for each 200 square feet of gross area of the facility.
- 7. No accessory structures, except maintenance buildings, garages, and similar structures shall be permitted.

**E. Lighting**

- 1. All lighting shall comply with Division 190 of the Zoning Ordinance.
- 2. In applying exterior lighting, equipment shall be of an appropriate type and be so located, shielded, and directed that the distribution of light is confined to the area to be lighted.

3. Objectionable light onto adjacent properties and streets shall be avoided to prevent direct glare or disability glare.
4. When parking areas are illuminated, the lighting equipment shall provide good visibility with a minimum of direct glare.
5. Lighting an area by the use of stringers or unshielded incandescent lamps, in which the entire lamp envelope is designed to function as a light emitter, is prohibited.
6. Lighting shall not make use of attention-attracting lighting from any type similar to that used by emergency vehicles.

**F. Signage**

1. All signage shall comply with Division 200 of the Zoning Ordinance.
2. No gaming establishment may have any dynamic signage visible from outside of the establishment, including, but not limited to wind, rotating, or inflatable signs; or any signage with scrolling, blinking, racing, neon, or flashing lights.

**Sec. 150-130 Automotive Repair, Paint and Body Shop**

**A. Specific Purpose**

The specific purpose of this section is to assure the health and safety of the public; and to eliminate nuisances, to the extent possible, from outdoor storage, smoke, dust, odors, noise, vehicle lights, exhaust, and other noxious odors. Another equally important purpose is maintaining and improving aesthetics of the Town and neighborhoods through Development Plans that meet Article 4, Division 170.

**B. Zone Districts**

Automotive repair and lubrication, oil changes, paint and bodywork, and other maintenance services that are permitted use in a zoning district are subject to the conditions of the standards of this Division.

**C. Regulations and Development Standards**

1. All repairs shall be conducted within an enclosed building.
2. Vehicle storage requirements for automotive repair and paint and body shops shall comply with the following:
  - a. Automotive repair, auto service facilities, and paint and body shops shall screen all vehicles that have been accepted for repairs from view from surrounding residential uses by parking/storing the vehicles within a building, or within an area enclosed by a six (6) foot solid screen fence.
  - b. No automotive paint and body shops shall perform work on any premises that adjoin any residential use or zone district boundary.
  - c. No automobile repair or service facility shall be permitted to have bay doors facing an R-1 or R-2 zone district.
  - d. Vehicles waiting to be repaired shall be considered a temporary use, and shall not be on the premises for more than thirty (30) days, except when the automotive repair or paint and body shop has begun the process to obtain a lien on the vehicle pursuant to state law. Extension beyond this time shall be considered a change in use of the property, and the Board of Zoning Appeals shall not grant any variance to extend the period.

**D. Vehicle Storage Requirements**

**1. Overnight Vehicles**

No more than two vehicles per bay that are awaiting repair, painting, or body work may be stored/parked outside after regular business hours, unless the vehicles are completely enclosed behind a minimum six-foot solid screening fence in accordance with Division 157.

**2. Wrecked or Dismantled Vehicles**

All wrecked or dismantled vehicles must be stored in an enclosed building. The time limit of thirty (30) days shall not apply to the repair and/or conditioning of antique vehicles and racecar fabrication if the automotive repair or paint and body shop are located in an I-2 zoned district. The time limit shall not apply to any vehicle ordered by a court, or mandated by arbitration or mediation, to be stored by the automotive repair or paint and body shop.

**Sec. 150-140 Outdoor Storage Areas**

The intent of Outdoor Storage Standards is to protect the health, safety, and welfare and ensure neighborly and aesthetic qualities for the residents within the Town's zoning jurisdiction.

The following standards apply in R-1, R-2, R-3, RPO, GO, OT, and B-1 zone districts:

- A. The outdoor storage of equipment, product, supplies, materials, machinery, building materials, waste or scrap, pallets, and similar materials shall not be permitted, unless stated elsewhere in this ordinance.
- B. Stored Vehicles shall not encroach into a right-of-way or block or impede an access easement, sidewalk, or driving aisle.

The following standards apply in B-2, EBCZ, VPCZ, AB, MD, I-1, and I-2 zone districts:

- A. All outdoor refuse storage, including dumpsters for disposal of refuse, shall meet the requirements of Article 4 - Division 165 - Commercial Refuse.
- B. All outdoor storage, including trash collection or compaction, loading or other such uses shall not be located within 20 feet of any public street, public sidewalk, or internal pedestrian way.
- C. All outdoor storage shall be fully enclosed except for doors or gates which shall be kept closed at all times unless loading or unloading.
- D. Permanent sales areas shall comply with the following: materials, colors, and design of screening walls or fences shall conform to those used as predominant materials and colors on the principal building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the principal building.
- E. As appropriate, be located on the development plan and approved with the development plan.

**Sec. 150-150 Outdoor Dining****A. Purpose**

The purposes of these standards are to allow outdoor seating/dining for restaurants, cafes, bars, or taverns where permitted in a B-1, B-2, SCMU, EBCZ, MD, VPCZ, OTC zone districts to assure the public safety, health, and general welfare of the community. Illustrations of outdoor dining are shown in Division 210 - Illustrations.

**B. Standards**

Outdoor seating/dining areas shall meet the following standards:

- 1. Outdoor seating/dining area shall be within an enclosed area delineated by a barrier on an impervious surface.
- 2. Outdoor seating/dining areas may not be located within pedestrian clear zones at corners of street intersections. Clear zones are areas measured twenty-five (25) feet in each direction at the corner of the intersection from the mid-radius of the curb.
- 3. Outdoor seating/dining areas shall not impede pedestrian traffic. A five (5) ft. wide, clear pedestrian path shall be maintained at all times.
- 4. Outdoor seating/dining areas shall not be located within any required front, side or rear yard setback or buffer yard, except in the SCMU zone district. In the SCMU district, outdoor seating/dining is permitted anywhere on the site and within any build-to zone, provided all building type requirements are met.
- 5. In the SCMU zone district, outdoor seating/dining is permitted within the right-of-way, provided an encroachment permit is approved. During the off-season, outdoor seating/dining areas shall be completely removed from any public or private street right-of-way.
- 6. Outdoor seating/dining shall not interfere with entrances to any building.
- 7. At least one (1) adequately sized trash receptacle for each six (6) tables and shall be located within the outdoor seating/dining area. Trash receptacles shall be emptied as needed and never allowed to overflow.
- 8. More than one (1) unobstructed means of egress shall be maintained at all times.

9. All tables, chairs, and umbrellas used for outdoor seating/dining shall be located entirely within the demarcated outdoor seating/dining area as delineated by barriers.
10. No tables or chairs may be stored or stacked within outdoor seating/dining areas. In the SCMU district, where the outdoor seating/dining area is located along a non-primary street, tables and chairs may be stored or stacked in the area after hours, overnight during the applicable months of outdoor seating/dining usage.
11. Any access width opening must measure no less than forty-four (44) inches in width.
12. If located adjacent to a buffer yard or a R-1, R-2, R-3, MHP, or RPO zone district, an outdoor seating/dining area located within a side or rear yard shall be screened by a wall or decorative privacy fence six (6) feet tall. The wall shall be constructed of the primary durable building material of the primary building.
13. There shall be no excessive noise as limited elsewhere within Division 150.

**C. Barriers**

A detectable barrier is required at the leading edge of all outdoor seating/dining areas. The leading edge is defined as the section of an outdoor seating/dining area that is at or near a perpendicular angle to the building wall and or curb line.

**1. Permitted Barrier Types:**

- a. *Rope or Chain Barrier* – shall have a minimum diameter of one (1) inch and the height cannot exceed twenty-seven (27) inches when the measurement is twelve (12) inches or more from the supporting post.
  - b. *Vertical Support Posts* - shall be made of wood or metal, and if a stanchion base is used, it shall be flat and be no more than one-half (1/2) inch above grade.
  - c. *Fence* - the material shall be metal, vinyl, or wood; and of a material specifically manufactured for fencing or pedestrian control, and shall be between thirty-six (36) and forty-two (42) inches in height.
  - d. *Wall* - the material shall be brick or other masonry type product matching the primary building in material and color, and shall be between thirty-six (36) and forty-two (42) inches in height.
  - e. *Planters* - may not exceed thirty-six (36) inches in height above the grade of the floor surface. Artificial plants are not permitted. Plants shall not exceed a height of eight (8) feet.
  - f. *Prohibited Barriers* - fabric or metal inserts and chain-link fences are not permitted barrier types. Materials not specifically manufactured for fencing or pedestrian control are not permitted (i.e. buckets, tree stumps, food containers, etc.)
2. Maintenance of Barrier - All barriers shall be maintained per Section 150.19 of Clarksville Codified Ordinance, as may be amended.

**D. Special Standards for EBCZ, OTC, and VPCZ Zone Districts**

1. No outdoor seating/dining area may be located closer than six (6) feet to the right-of-way, except as otherwise permitted by this Ordinance.
2. For outdoor eating areas along an arterial or major collector street, the maximum number of tables allowed is four (4) per establishment.
3. The maximum number of chairs allowed per table is four (4).
4. The outdoor seating/dining area shall be no more than ten (10) percent of the total gross floor area of the business it serves.
5. The floor of the outdoor seating area shall be hard surface and maintained in a clean condition.
6. There shall be a minimum of two (2) points of egress at all times.

**E. Furniture**

1. Furniture shall be of a high quality, kept clean, and in good condition at all times.
2. Furniture must be free standing and not secured to trees, fixtures or infrastructure.



3. Except for trash receptacles, only furniture rated for outdoor use and umbrellas are allowed within outdoor seating/dining areas. Service stations, bars, counters, shelves, and racks are permitted within the confines of the barrier.

**F. Heating Devices**

The use of heating devices, their quantity, and their locations must be approved by the Town's Fire Marshal. No heating devices are permitted in the EBCZ, OTC, and VPCZ Zone Districts within 10 feet to an arterial or major collector right-of-way.

**G. Umbrellas**

No umbrellas are permitted in the EBCZ, OTC and VPCZ Zone Districts within ten (10) feet of to an arterial or major collector right-of-way, unless otherwise permitted in this Ordinance.

1. Umbrellas must be entirely within defined outdoor seating/dining areas and not allowed to overhang any public street or sidewalk.
2. Umbrellas must maintain a height of seven (7) feet when extended and cannot be higher than ten (10) feet.
3. Umbrellas must be fire-resistant rated.

**Sec. 150-160 Cemetery, Historic, and Archaeological Sites**

For cemeteries, historic, or archaeological sites, the applicant shall submit documentation of approval from the State Historic Preservation Office (SHPO) prior to the issuance of any permit, approval of any subdivision, PUD, special exception, variance, or development plan.

**A. Cemetery Requirements**

This section applies to all land disturbing actions as defined below, except those of public utilities as defined in IC 8-1-2-(a), a corporation organized under IC 8-1-13, a municipality owned utility [IC 8-12-2-1 (h)], a surface coal mining and reclamation operation [IC 14-34], or a government entity other than the state.

1. A land disturbing activity is defined as any disturbance of the ground for the purpose of erecting, altering, or repairing a structure within one hundred (100) feet of a cemetery.
2. Any land disturbing activity shall meet the requirements of IC 14-21-1-26.5 as may be amended, including the submittal of development plans to the SHPO.

**B. Historic and Archaeological Site Requirements**

The following shall be submitted with the application for any action required by this section:

1. Letter requesting an archaeological record search to an archaeologist approved by the SHPO.
2. Copy of record search.
3. Letter of response from the SHPO.

**Sec. 150-170 Nonconformities**

**A. Purpose**

This Ordinance allows legally established nonconforming structures, lots, and uses which were legal before this Ordinance was adopted. Further, it is the intent of this Ordinance to permit legally established nonconforming uses, buildings, sites, and structures to continue until such a time when they are removed, abandoned, or brought fully into conformance with this Ordinance.

A legally established nonconforming structure, lot, or use shall not be extended, expanded, or enlarged after passage of this Ordinance.

A person alleging the existence of a legally nonconforming structure, lot, or use, or a variance granted by the Board of Zoning Appeals, has the burden of proof on that issue. The nonexistence of a nonconforming use or variance need not be

proven.

**B. Current Plans, Permits, and Construction**

Nothing in this Ordinance shall be deemed to require a change in permits, plans, construction, or designated use of any building on which an actual permit was issued, construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance; and upon which actual building construction has been carried out diligently.

**C. Lots within Recognized Neighborhoods**

Any legally established lot in any subdivision that is identified in this ordinance, or as an amendment to this ordinance, having less than the required minimum lot standards of this Ordinance including, but not limited to, area or minimum lot width, yard setbacks, lot coverage, or frontage is deemed to be a legally established lot. This provision applies even though such lots fail to meet the requirements for area, width, frontage, setback, or any combination required by the applicable zoning district regulations of this Ordinance.

**D. Continuance of Legal Nonconforming Use, Building, Lot or Structure**

Where, at the time of adoption of this Ordinance, existing lawful uses of land, buildings, or structures, which would not be permitted by the regulations imposed by this Zoning Ordinance (e.g. area, lot coverage, height, yards, location on the lot, bulk, etc.), may remain so long as they are otherwise lawful, subject to the following provisions:

1. A nonconforming use, lot, building, or structure shall not be enlarged or altered in a way which increases its nonconformity, but any building or structure may be altered to decrease its nonconformity.
2. If a nonconforming use, lot, building, or structure is discontinued or abandoned for more than one (1) year, the subsequent use, building, or structure shall conform to the regulations specified by this Ordinance.
3. A nonconforming use, lot, building, or structure shall not be enlarged or moved, in whole or in part, to any portion of the lot other than that occupied by the uses at the date of adoption or amendment of this Ordinance.
4. A nonconforming use, lot, building, or structure shall not be enlarged or relocated, in whole or in part, to any other lot within the Town boundaries.
5. A legally established, nonconforming use, lot, building, or structure may be restored to its original dimensions if it was altered or removed due to government action. All reconstruction must comply with all current state and local building codes and all applicable Clarksville codes or ordinances.
6. If a use, lot, building, or structure is altered or moved for any reason, for any distance, or if it is replaced, it shall thereafter conform to the regulations for the zoning district in which it is located, and the discontinued legal nonconforming features shall not be resumed.
7. No building use, building, or structure which has been damaged by fire, explosion, or act of God, to the extent of fifty percent (50%) or more of its true market value prior to said damage, shall be restored, repaired, or rebuilt, except to conform to the requirements of the District in which it is located.
8. Any manufactured home park which existed upon the effective date of this Ordinance, and is located in a district which allowed a mobile home park as a permitted use, shall be regarded as a conforming use and may be continued, except that any change in layout, expansion, or extension shall be subject to all provisions of Division 35.

**E. Legal Nonconforming Signs**

1. For the purposes of this division, a sign shall include the sign face and any supports, poles, frames, and other associated lighting, electrical, mechanical, or structural features.
2. Legal nonconforming signs that are required to be altered or removed due to government action or damage resulting from fire, flood, other natural disaster, or a criminal act may be restored to their legal nonconforming condition. Such signs, if rebuilt or restored, shall conform to the requirements of this Ordinance, or shall be identical in scale and all other aspects to that which was altered or removed.
3. See Article 4 Division 200 for other nonconforming sign provisions.

**F. Repair and Maintenance of Nonconforming Use of a Structure**

The following apply to a legally-established nonconforming use of a structure:

1. On any legally established nonconforming building or structure, or portion of a building or structure, or a building or structure containing a legally established nonconforming use, work may be done on ordinary repairs, or on repair or replacement of bearing and non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic area existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening, repair, maintenance, or restoring to a safe condition of any building or structure or portion of any building or structure declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
2. If a legally established nonconforming building or structure or portion of a building or structure or a building or structure containing a legally established nonconforming use becomes unsafe or unlawful by reason of physical condition and is razed, such building or structure shall not thereafter be rebuilt or used except in conformity with the regulations of the zoning district in which it is located.

**G. Existence of a Nonconforming Use**

A person alleging the existence of a nonconforming use or variance granted by the Board of Zoning Appeals has the burden of proof on that issue. The nonexistence of a nonconforming use or variance need not be prove

**Sec. 150-180 Drive Through Vehicle Stacking and Bypass Lanes Requirements**

**A. Required stacking spaces**

All drive-in and drive-through facilities shall provide vehicle stacking in accordance with Table 150-2 - Vehicle Stacking Requirements.

**Table 150-2. Vehicle Stacking Requirement**

Type of Operation	Minimum Number of Vehicles
Financial Institution, with drive-up tellers	4 Vehicles per Window/Kiosk (80 ft.)
Financial Institution, with drive-up ATM	2 Vehicles per Window/Kiosk (20 ft.)
Car Wash, Self-Service	4 Vehicles per bay at entrance, 1 vehicle per bay at exit (80/20 ft.)
Car Wash, Automatic	5 Vehicles per bay at entrance, 2 vehicles per bay at exit (100/40 ft.)
Restaurant, Fast Food	4 Vehicles behind menu board, 4 vehicles behind first window (80/80 ft.)
Photo Processing	2 Vehicles per window (40 ft.)
Dry Cleaning	2 Vehicles per window (40 ft.)
Gasoline Stations	2 Vehicles per pump (40 ft.)
Gated Parking Drive Entrance	2 Vehicles per gate (40 ft.)
Public Uses	2 Vehicles per Window/Kiosk (40 ft.)
Uses not listed	A minimum of 4 spaces before the drive-up window (80 ft.)

**B. Dimensions of stacking spaces and bypass lane**

1. The minimum pavement lane width for stacking and bypass lanes shall be twelve (12) feet each.
2. A vertical clearance of not less than twelve (12) feet shall be provided for the bypass lane and stacking lane.
3. Stacking spaces shall be twelve (12) by twenty by (20) feet per vehicle.

**C. Limitations of stacking spaces and requiring bypass lane**

1. A 12-foot bypass lane is required adjacent to the stacking lane to allow vehicles to circumvent the stacking lane.
2. No stacking or bypass lane may occupy any portion of a public right-of-way, parking aisles, or other parking spaces.
3. Stacking spaces shall not be used to satisfy any of the off-street parking requirements.
4. Stacking spaces or bypass lanes shall not be used for or impede loading and unloading.

5. Stacking lanes shall not interfere with parking spaces, parking aisles, loading spaces, internal site circulation, or points of ingress and egress.
6. Stacking lanes shall be delineated from traffic aisles, other stacking lanes, bypass lanes, and parking areas with striping and the use of alternative paving materials or raised medians. Curbing and landscaping may also be used.
7. Stacking and bypass lanes shall be designed so they do not interfere with any fire exits or emergency access facilities to either a building or a site.
8. Entrances to stacking lane(s) shall be clearly marked and a minimum of sixty (60) feet from the intersection with the public street. The distance shall be measured from the property line, along the street, to the beginning of the entrance.
9. Stacking lanes shall be designed to prevent circulation congestion, both onsite and on adjacent public streets. The circulation shall:
  - a. Separate drive-up traffic and stacking from site circulation.
  - b. Not impede or impair access into or out of parking spaces.
  - c. Not impede or impair vehicle or pedestrian traffic movement.
  - d. Minimize conflicts between pedestrian and vehicular traffic with physical and visual separation between the two.
10. Stacking lanes and bypass lanes shall not interfere with required refuse storage, access, or operation.

**D. Reduction of Stacking Requirements**

1. The BZA may approve a reduction of the stacking requirements of this section upon demonstration by a qualified engineer registered in the State of Indiana, that a reduction in the stacking requirements is appropriate for the applicant's proposed use given its proposed intensity or context.
2. Deviations of these requirements that reduce the stacking distance by less than one stacking space may be approved by the TRC, with documentation, by a registered, Indiana licensed engineer if it is demonstrated that strict compliance with this section is impracticable or would lead to a lessened safety or lower quality of site design.

**E. Surfacing and Maintenance of Drive-thru, Stacking and Bypass Lanes**

1. **Surfacing.** Off-street parking areas shall be surfaced as follows:
  - a. Low-impact parking areas are encouraged, that comply with Division 195-10, and may be required by the Technical Review Committee or the Plan Commission.
  - b. Drive thru, stacking bypass lanes, and parking shall be graded and surfaced with hard surface, asphalt, concrete or similar material that will protect against potholes, erosion, and dust.
  - c. The Town may permit less durable surfaces for off-street parking facilities that serve athletic fields or public parks, provided that the perimeter of such parking areas is defined by bricks, stones, or other similar devices and such surfaces are set back at least twenty-five (25) feet from a public street. In all cases, compliance with ADA standards is required.

**2. Maintenance**

Stacking and bypass lane surfaces shall be kept in good condition, and parking space lines and markings shall be kept clearly visible and distinct. Failure to maintain off-street parking surfaces free of potholes and other defects shall be a violation of this ordinance and subject to a penalty provided in this zoning ordinance.

**Sec. 150-190 Low-Impact Development**

**A. Specific Purpose**

Due to storm water quality and quantity issues, the uses of low-impact development methods are recommended in all developments. All developments shall meet the requirements of all storm water quality ordinances. In addition, to the extent practical or as required by the Plan Commission, the following may be implemented:

**B. Residential**

Driveways add a significant amount of impervious coverage to the town and are an element of a site's design that can be

altered to minimize total impervious coverage. Driveways often slope directly to the street and storm drain system and contribute significantly to storm water pollution. There are several strategies that can be implemented to reduce this impact, including:

- a. Utilize shared driveways to provide access to several residential units.
- b. Reduce driveway length by reducing front yard setbacks, as long as it still maintains minimum requirements of its associated zone district.
- c. Reduce driveway width by allowing tandem parking (one car in front of the other).
- d. Install a narrowed driveway with a flared entrance for multi-car garage access.
- e. Disconnect the driveway from storm drain access by directing surface flow to a permeable landscaped area.
- f. Ribbon driveways may be used, which consist of two strips of pavement with grass or some other permeable surface in between the strips.
- g. Utilize porous surfaces such as porous concrete, porous asphalt, or permeable pavers.
- h. In parks and open spaces, wood mulch or crushed aggregate may be approved by the Plan Commission.
- i. Create a temporary parking area where parking or access is infrequent. These areas can be installed with permeable surfaces.

**C. Street Trees and Parking Lots**

Along streets that are to be dedicated to the Town, a linear storm water tree pit should be used. This is similar to a traditional street tree pit design, but is modified so the pit accepts and treats storm water runoff and provides an improved planting environment for a tree. A storm water tree pit shall have additional soil volume, more natural irrigation, and better drainage to promote tree growth. A continuous soil trench underneath the pavement shall connect individual tree pits.

**Sec. 150-200 Principal Building / Use**

**A. One principal building or use on a lot**

Under the following circumstances, more than one principal building or use may be permitted on a lot:

1. The lot is located within a mixed-use zone such as the SCMU subject to the provisions of that zoning district division.
2. The lot is operating an approved home-occupation, subject to Division 157 – Accessory Use and Structure.
3. The lot is operating a campus-style use that requires multiple buildings such as a school or college campus, or business or industrial park.

In all cases the need for and approval for multiple principal uses or buildings shall be determined by the Planning Director, subject to review by the Board of Zoning Appeals. In the event a development triggers the need for a development plan, the approval to operate multiple buildings or uses shall be granted or denied by the Plan Commission through the approval or denial of a development plan.

**Sec. 150-210 Offers of Dedication**

An offer of dedication of common area, undivided open space, parks, preservation, conservation easement, green space, or similar area may be made to any public or private agency interested in accepting responsibility for continued maintenance, operation, and management. Dedication, if accepted, shall take the form of fee simple ownership. Such accepting entity may accept a dedication, but is not required to accept an offer of dedication.

**A. Dedication of Easements or Property**

A public agency may, but shall not be required to, accept easements or any part of the common open space for public use or any portion of the undivided open space land and facilities, title of which is to remain with the offeror.

**B. Transfer of Easements or Property only to Private, Non-profit or a Governmental Agency**

An owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space

and natural resources provided that the conveyance contains appropriate provisions for proper reversion or retransfer in the event that the organization becomes unwilling or unable to continue to carry out its functions and that a maintenance agreement is entered into by the subdivider or developer and the organization.

**C. Maintenance**

1. The owner or property owner association of any open space shall be responsible for the property and continued maintenance, operation, and physical improvement to open space lands and facilities. The association shall be authorized under its bylaws to place liens on the property or property owners who fall delinquent in payment of such dues or assessments.
2. When offers of dedication are not accepted, it shall be the responsibility of the offeror to operate and maintain the subject property.

**Sec. 150-220 Pets and animals in residential zones**

- A. All wild and exotic animals and reptiles that are inherently dangerous to humans shall be prohibited.
- B. All other wild and exotic animals, reptiles, and insects shall be restricted to those requiring state or federal permits and be permitted only by a special exception approval by the Board of Zoning Appeals.

**Sec. 150-230 Addresses**

All new and existing buildings must have the correct street number prominently displayed on its facade, facing the street to which it is addressed, to allow for quick, easy identification by emergency responders, mail carriers, and other personnel. If a property owner is unsure of a building's official address, they may contact the Planning Department for verification.

**Sec. 150-240 Minimum Room Sizes**

Every residential dwelling shall have at least one habitable room having not less than 120 square feet excepting kitchens, other habitable rooms shall have not less than 70 square feet.

**Sec. 150-250 Temporary Events**

**A. Purpose**

The purpose of this ordinance is to allow for temporary and special events to occur while protecting neighboring properties and the general public from adverse health or safety effects.

**B. Event Classifications**

Events shall be classified into three categories based on their expected impact to the surrounding community.

1. **Exempt Events**  
Exempt Events are those which do not require a Temporary Event Permit from the Town or notice to be given. An event shall be considered exempt when the event is held on private property entirely within an existing structure or appurtenant there to of an establishment that has been operating continuously for 30 days or more prior to the start of the event. An event may be considered exempt if it falls within the range of criteria listed in Table 150-3 Temporary Event Classifications despite not meeting the above conditions.
2. **Minor Events**  
Minor Events are those which require giving notice to the Town, but do not require a Temporary Event Permit. Written notice must be received by the Planning & Zoning Department 15 days prior to the event. An event shall be considered minor if it falls within the range of criteria listed below in Table 150-3 Temporary Event Classifications.
3. **Major Events**  
Major Events are those which require a Temporary Event Permit and approval from the Technical Review Committee (TRC). The Town must be notified 30 days prior to the event in order to review and schedule a meeting before the TRC. An event shall be considered major if it falls within the range of criteria listed below in Table 150-3 Temporary Event Classifications.

**C. Criteria**

Events shall be classified as Exempt, Minor, or Major based on Table 150-3 Temporary Event Classifications. Events which meet the criteria for multiple classifications shall be classified according to the classification containing the most stringent criteria.

**D. Permitting Procedure**

For assistance with the permitting, notification, or TRC process, please contact the Planning & Zoning Office at 2000 Broadway, St. 234, Clarksville, IN 47129. Staff will inform applicants what information or paperwork is required.

**E. Other Considerations**

The proposed temporary event or use shall meet the following requirements:

- a. The proposed temporary event or use is consistent with fire, building, and storm water ordinances, and other applicable municipal codes and ordinances.
- b. Temporary events or uses may be subject to permits or inspections as required by the town or any applicable governmental agency, department, law, or regulation.
- c. If food is to be served to the public, the applicant shall provide documentation that the Clark County Health Department has issued all needed permits.
- d. Event sites accessible to the public shall be cleaned and restored to their prior condition within 24 hours of the end of the event.
- e. Sanitary facilities, either portable, or within a structure with written permission of the owner, shall be made available within a reasonable distance on site to all sales persons, employees, attendants, and participants of activity during the event.

**Table 150-3. Temporary Event Classifications**

Criteria	Exempt	Minor	Major
Attendance	0-49 People	50-99 People	100+ People
Road Closures	No	No	Yes
Temporary Structure (tent)	No Structure	1-349 Square Feet	350+ Square Feet
Food/Alcohol Sales	No	No	Yes
Live Entertainment	No	No	Yes
Electric Generator	No Generator	Less Than 20 kVA	20 kVA or More
Event Frequency	1 per Calendar Year	2-4 per Calendar Year	5 or More per Calendar Year

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#### **Sec. 155-10 Intent and Purpose**

The intent of this division is to provide and manage access to land development, while preserving the flow of traffic in terms of safety, capacity, function, and speed. Major thoroughfares, including highways, roads, streets and other public ways, serve as the primary network for moving people and goods. These public ways or transportation corridors also provide access to industry, business, and homes and have served as the focus for economic development. If access systems are not properly designed, these thoroughfares will be unable to accommodate the access needs of development and restrain their primary transportation function. The intent is to balance the right of reasonable access to private property, with the right of the citizen of the town to safe and efficient travel.

To achieve this purpose and intent, town streets and roads have been categorized by function and classified for access purposes based upon their level of importance, with the highest priority on state and federal highways. Secondary priority has been given the primary network of the town. Regulations have been applied to these thoroughfares for the purpose of reducing traffic accidents, personal injury, and property damage attributable to poorly designed access systems, and thereby to improve the safety and operation of the roadway network. This will protect the substantial public interest in the existing transportation system and reduce the need for expensive remedial measures. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision and development of land.

#### **Sec. 155-20 Applicability**

This ordinance shall apply to all streets and roads within Town of Clarksville, and to all properties that abut and those properties within 660 ft of these roadways. The access classification system and standards of the Indiana Department of Transportation shall apply to all roads in the state, town, county, and highway system.



**Sec. 155-30 Definitions**

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

**ACCESS** - a way or means of approach to provide vehicular and pedestrian entrance to or exit to a property.

**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.

**ACCESS CONNECTION OR ACCESS POINT** - any driveway, street, turnout, or other means of providing for the movement of vehicles to or from the public roadway system.

**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, Town of Clarksville, Clark County or other municipality within Clark County.

**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 divided by the length of the roadway and then averaged over a minimum length of 3 mi. If the road is not 3 miles long, the default number of access point shall be 8.

**ADEQUATE ACCESS** - any access connection or point meeting the access standards of this division.

**ALLEY** - a public or private way which is other than a street, road, sidewalk, 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.

1. **Annual Average Daily Traffic** - the total volume of traffic passing a point or segment of a highway facility in both directions for one year divided by the number of days in the year.
2. **AASHTO** - the American Association of State Highway and Transportation Officials
3. **Benefiting Property** - property abutting or within 660 ft of the access road and property, which would touch at any point, the town access road ignoring all rights-of-way, easements, and alleys, as shown in the Town of Clarksville street inventory, whose property is contiguous to the town access road.
4. **Design Speed** - a speed used to design the horizontal and vertical alignments of a roadway.
5. **Flag Lot** - a large lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way, easement, or driveway.
6. **Functional Classification** - the FHWA and INDOT system used to group public roadways into classes according to their purpose in moving vehicles and providing access.
7. **Highway Capacity Manual [HCM 2000]** - manual published by the US Transportation Research Board, National Research Council providing guidance and methods for analyzing capacity and level of service [LOS] for a broad range of transportation facilities.
8. **Improvement Location Permit or Building Permit** - a permit issued by town ordinance stating that the proposed development, is either the development or alteration, building construction of any sort, or enlargement are within the provisions of the zoning ordinance and comprehensive plan.

**INTERSECTION TURN LANES** - Intersection turn lanes are desirable at selected locations on two-lane highways to reduce delays to through vehicles caused by turning vehicles and to reduce accidents related to tuning such intersection turn lanes shall be built to guidance of the Highway Capacity Manual.

**LEVEL OF SERVICE [LOS]** – 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 passenger car; this generally includes short grades of no more than 1 to 2%.

**MOUNTAINOUS TERRAIN** - a combination of horizontal and vertical alignments causing heavy vehicles to operate at crawl speeds for significant distances are at frequent intervals.

**NCHRP** - National Cooperative Highway Research Program.

**NONCONFORMING ACCESS FEATURES** - features of access to a property that existed prior to the date of this ordinance adoption and do not conform to the requirements of this ordinance.

**PEDESTRIAN** - an individual traveling on foot.

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

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

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

**ROAD 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).

**ROLLING TERRAIN** - a combination of horizontal and vertical alignments causing heavy vehicles to reduce their speed substantially below that of passenger cars but not to operate at crawl speeds for a significant matter amount of time.

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

**GRADED SHOULDER WIDTH** - that part from the edge of the traveled way to the intersection of the shoulder slope and the fore slope planes.

**USABLE SHOULDER** - is 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

**STREET** – also means a road or highway.

**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 ft.

**TRAFFIC IMPACT ANALYSIS [TIA]** - 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 and entering] inside a study site.

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

**TWO-WAY LEFT-TURN LANES [TWLTL]** – 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.

**WIDE CROSS SECTIONS** – two-lane highways with lanes about 50 percent wider than normal may be used in 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 tow-lane highways.

**VEHICLE TRIPS PER DAY** – trips for new developments shall be from the ITE Trip Generation Manual. Existing trips shall be estimated from field observations and aerial photographic.

**A. Land Use and Road Classification**

Land use is an important determinant of the function of a road. As land-use and density changes due to growth or development, the function of the access road[s] also changes. Roads that once served as rural local access routes to farmland and scattered single-family dwellings are now serving high-density suburban residential subdivisions, commercial and industrial land uses. The result is a need to improve the road to the function it will perform.

**A. Adequate Access to the Town Street and Road System**

All developments shall have adequate access to the town street and road system, or to a road that connects to the road network. Exceptions to the foregoing requirements may be granted for streets or roads which have adequate funds appropriated by the town for improvement to current standards. The developer of any property which does not have such adequate access to a major collector road meeting the requirement of this ordinance or which does not have such adequate access to streets, which connect to town street and road network, along the primary access routes for the development, shall be required to improve the impacted intervening streets as follows:

Off site public access and road improvements shall be required for all access routes that will, in the judgment of the Technical Review Committee, carry the most trips generated by a development meeting threshold values and as may be defined by a transportation impact study. To identify the improvements to be made as a condition of approval of the subdivision or development, the Technical Review Committee shall make a field investigation, utilize an Indiana Department of Transportation [INDOT] map and database titled "Town Road Inventory" and "Road Inventory" table prepared by the. This map depicts as nearly as practical, all existing arterial, collectors, and local roads in the town. A waiver to these requirements may be granted by the Town Council for primary access routes which in the their judgment, are in substantial compliance with the town standards applicable for such routes and are designed and constructed to adequately accommodate the traffic impacts of the development. The Technical Review Committee may require the developer to provide such determination be in writing and is submitted to the Plan Commission. A Traffic Impact Analysis meeting may be required. The Traffic Impact Analysis would identify any design or operational treatments that would be effective. These may include turn outs, use of shoulder, wide cross section, intersection turn lanes, and two-way left-turn lanes.

**B. Access Based on Functional Classification**

The designation of roads is by their function as defined by the Federal Highway Administration and Indiana Department of Transportation Road Inventory for Town of Clarksville. Access is based on the AASHTO guidance and the HCM and NCHRP Report 348.

**Sec. 155-40 Functional Class One, Two & Three**

**A. Rural Principal Arterial**

1. Serves statewide and interstate travel.
2. Services all urbanized areas.
3. Provides an integrated, continuous statewide network with the principle consideration being mobility.

**B. Rural Minor Arterial**

1. Links cities and towns and forms an integrated network providing interstate and inter-county service.
2. Spaced at proper intervals so that all developed areas of a State are within a reasonable distance of an arterial highway.

**C. Urban Principal Arterial**

1. Serves the major traffic movements within urbanized areas such as between the central business districts and outlying residential areas, between major intertown communities, or between major suburban centers.
2. Serves a major portion of the trips entering and leaving the urban area, as well as the majority of the through traffic desiring to bypass the central Town.
3. Provides continuity for all rural arterials which intercept the urban area.

**Sec. 155-50 Functional Classification Four****A. Rural Major Collector**

1. Serves to connect larger cities and towns and other traffic generators of intra-county importance that are not served by higher systems.
2. Links these places with nearby towns and cities, or with routes of a higher classification.

**B. Urban Minor Arterial**

1. Serves trips of moderate length at a somewhat lower level of travel mobility than principal arterials.
2. Provides access to geographic areas smaller than those served by the higher system.
3. Provides intra-community continuity but does not penetrate identifiable neighborhoods.

**Sec. 155-60 Functional Classification Five****A. Rural Minor Collector**

1. Spaced at intervals, consistent with population density, to collect traffic from local routes.
2. Serves all remaining smaller communities.
3. Connects the locally important traffic generators with the less developed parts of the State.

**B. Urban Collector**

1. Collects traffic from local routes and channels into the arterial system.
2. Provides both land access and traffic circulation within residential neighborhoods, commercial and industrial areas.

**Sec. 155-70 Functional Classification Six****A. Rural Local Roads**

1. Provides access to adjacent land.
2. Serves travel over relatively short distances as compared to collectors or other higher systems.
3. Comprises all facilities not on higher systems.

**B. Urban Local Streets**

1. Comprises all facilities not on higher systems.
2. Provides access to land and higher systems.
3. Through traffic usage discouraged.

**C. Dead-End Roads/Streets**

Permanent dead-end streets shall be prohibited. When permitted, stub streets shall have approved barricades. Right-of-way shall be dedicated to providing for future cul-de-sac turnaround to comply with town street specifications and standards.

**Sec. 155-80 Design Vehicles**

Design of roadway facilities must reflect the type of vehicles expected, under normal circumstances, to use the road. In the design of subdivisions or other development, the vehicle to be used for design purposes shall accommodate vehicles as shown in Table 155-1.

**Table 155-1 - Design Vehicle Dimensions<sup>1</sup>**

Design Vehicle Type	Symbol	DIMENSIONS (ft.)											
		Overall			Overhang		WB <sub>1</sub> <sup>2</sup>	WB <sub>2</sub> <sup>2</sup>	S <sup>3</sup>	T <sup>4</sup>	WB <sub>3</sub>	WB <sub>4</sub> <sup>2</sup>	Typical Kingpin to Center of Rear Axle
		Height	Width	Length	Front	Rear							
Passenger Car	P	4.25	7.0	19	3	5	11	-	-	-	-	-	-
Single Unit Truck	SU	11-13.5	8.0	30	4	6	20	-	-	-	-	-	-
<b>Buses</b>													
Inter-Town Bus (Motor Coaches)	BUS-40	12.0	8.5	40	6	6.3 <sup>5</sup>	24	3.7	-	-	-	-	-
	BUS-45	12.0	8.5	45	6	8.55	26.5	4.0	-	-	-	-	-
Town Transit Bus	TOWN-BUS	10.5	8.5	40	7	8	25	-	-	-	-	-	-
Conventional School Bus (65 Pass.)	S-BUS 36	10.5	8.0	35.8	2.5	12	21.3	-	-	-	-	-	-
Large School Bus (84 Pass..)	S-BUS 40	10.5	8.0	40	7	13	20	-	-	-	-	-	-
Articulated Bus	A-BUS	11.0	8.5	60	8.6	10	22.0	19.4	6.2 <sup>6</sup>	13.26	-	-	-

<sup>1</sup> American Association of State Highway and Transportation Officials – A Policy on Geometric Design of Highways and Streets, 2001, Second Printing.

<sup>2</sup> WB<sub>1</sub>, WB<sub>2</sub>, and WB<sub>4</sub> are the effective vehicle wheelbases, or distances between axle groups, starting at the front and working towards the backs of each unit

<sup>3</sup> S is the distance from the rear effective axle to the hitch point or point of articulation

<sup>4</sup> T is the distance from the hitch point or point of articulation measured back to the center of the next axle or center of tandem axel assembly

<sup>5</sup> This is overhang from the back axle of the tandem axle assembly

<sup>6</sup> Combined dimension is 19.4 ft and articulating section is 4 ft wide

Table 155-1 - Design Vehicle Dimensions<sup>1</sup>

Design Vehicle Type	Symbol	DIMENSIONS (ft.)											
		Overall			Overhang		WB <sub>1</sub> <sup>2</sup>	WB <sub>2</sub> 2	S <sup>3</sup>	T <sup>4</sup>	WB <sub>3</sub>	WB <sub>4</sub> 2	Typical Kingpin to Center of Rear Axle
		Height	Width	Length	Front	Rear							
Trucks													
Intermediate Semi-Trailer	WB-40	13.5	8.0	45.5	3	2.55	12.5	27.5	-	-	-	-	27.5
	WB-50	13.5	8.5	55	3	25	14.6	35.4	-	-	-	-	37.5
Interstate Semi-trailer	WB-62 <sup>7</sup>	13.5	8.5	68.5	4	2.55	21.6	40.4	-	-	-	-	42.5
	WB-65 <sup>8</sup> or WB-67	13.5	8.5	73.5	4	4.5 – 2.55	21.6	43.4 – 45.4	-	-	-	-	45.5 – 47.5
“Double-Bottom” – Semi trailer /Trailer	WB-67D	13.5	8.5	73.3	2.33	3	11.0	23.0	3.0 <sup>9</sup>	7.09	23.0	-	23.0
Triple-Semi trailer/Trailers	WB-100T	13.5	8.5	104.8	2.33	3	11.0	22.5	3.0 <sup>10</sup>	7.0 <sup>10</sup>	23.0	23.0	23.0
Turnpike Double – Semi trailer/Trailer	WB-109D7	13.5	8.5	114	2.33	2.55	14.3	39.9	2.5 <sup>11</sup>	10.0 <sup>11</sup>	44.5	-	42.5
Recreational Vehicles													
Motor Homes	MH	12.0	8.0	30	4	6	20	-	-	-	-	-	-
Car & Camper Trailer	P/T	10.0	8.0	48.7	3	10	11	-	5	19	-	-	-
Car & Boat Trailers	P/B	-	8	42	3	8	11	-	5	15	-	-	-
Motor Home & Boat Trailer	MH/B	12.0	8.0	53	4	8	20	-	6	15	-	-	-
Farm Tractor <sup>12</sup>	TR	10.0	8.0 – 10.0	16 <sup>13</sup>	-	-	10	9	3	6.5	-	-	-

<sup>7</sup> Design vehicle with 48 ft trailer as adopted in 1982 Surface Transportation Assistance (STAA)<sup>8</sup> Design vehicle with 53 ft trailer as grandfathered in with 1982 Surface Transportation Assistance Act (STAA)<sup>9</sup> Combined dimension is typically 10.0 ft<sup>10</sup> Combined dimension is typically 10.0 ft<sup>11</sup> Combined dimension is typically 12.5 ft<sup>12</sup> Dimensions are for a 150-200 hp tractor excluding any wagon length<sup>13</sup> To obtain the total length of tractor and one wagon, add 18.5 to tractor length. Wagon length is measured from front of drawbar to rear of wagon, and drawbar is 6.5 ft long

**D. Trip Generation**

Different land uses generate different numbers of vehicle trips and types of vehicles that will serve that road.

The ITE Trip Generation Manual shall be used to estimate trips to be generated by a land use. The Table 155-2 may be used for the following land uses.

Table 155-2 Generation for Selected Land Uses<sup>1</sup>

Land Use	ITE Code <sup>2</sup>	Size	Daily Trips
Single-family home	210	One dwelling unit	10
For unit residential subdivision	210	Four dwelling units	40
Apartment	220	One dwelling unit	7
Small service or retail (antique shop, snowmobile repair shop, florist) and similar uses	810	1,000 sq ft	5
General office building	710	1,000 sq ft	25
Mini-warehouse	151	100 storage units	30
Golf course	430	18 per hole	38
Condominium/Townhouses	230	One dwelling unit	6
Motel	320	50 rooms	300
Senior high school	530	1,000 sq ft	11
High Turnover (sit down) restaurant	832	1,000 sq ft	205
Fast food restaurant w/o drive thru	833	1,000 sq ft	786
Fast food restaurant with drive-thru	834	1,000 sq ft	632
Gasoline service station w/o convenience store	844	Per pump	11
Gas station with convenience store	845	Per pump	11
CD / Video rental	895	1,000 sq ft	28
Bank with drive-through window	912	1,000 sq ft	19
Supermarket (Saturday)	850	1,000 sq ft	15
Convenience market w/o gasoline pumps (opened 15-16 hrs/day)	852	1,000	31
Convenience market with gasoline pumps (week day)	853	Per pump	35
Convenience market with gasoline pumps (Saturday)	853	Per pump	305
Convenience market with gasoline pumps (Sunday)	853	Per pump	270
Building supply and lumber store	812	Per acre	149
Discount store and Big Box	815	1,000 sq ft	72
General light industrial	110	Per acre	52
Industrial park	130	1,000 sq ft	7
Town Park	412	Per acre	3
Marina	420	Per berth	3
Church	560	1,000 sq ft	9
Cemetery	566	Per acre	4

<sup>1</sup> Appendix A: Access Category System and Spacing Guideline, March 20, 2002 Best Practices Are Rule Entrance Policy Final Report, Minnesota Department of Transportation

<sup>2</sup> ITE code refers to the land use code from the Sixth Edition of the Trip Generation Manual

Table 155-2 Generation for Selected Land Uses<sup>1</sup>

Library	590	1,000 sq ft	46
Nursing Home	620	Per occupied bed	3

**Sec. 155-90 Grades**

The grades of all streets and roads shall not exceed the following; except for unusual topographic conditions justify in the opinion of the Technical Review Committee a modification of the standards.

Table 155-3 - Collector Roads and Streets

Terrain <sup>3</sup>	Maximum Grade
Level grade with some extended grade	3 %
Rolling terrain	5 %
Extended grade in mountainous or knob areas	7 %

**Sec. 155-100 Town Street and Road Design Standards****A. Local Roads**

The construction of a new local road shall conform to the following:

Table 155 -4 - Local Roads and Streets (Rural Roads)<sup>4</sup>

Design speed (mph)	Minimum width of traveled way (ft) for specified design volume (vehicle/day)			
	Under 400	400-1500	1500-2000	Over 2000
15	18	20 <sup>5</sup>	20	22
20	18	205	22	246
25	18	205	22	246
30	18	205	22	246
40	18	205	22	246
45	20	22	22	246
50	20	22	22	246
55	22	22	24 <sup>6</sup>	246
60	22	22	246	246
All Speeds	Width of Graded Shoulder on Each Side of the Road (FT)			
	2	5 <sup>7</sup>	6	8

SOURCE: A Policy on Geometric Design of Highways and Streets, 4th edition, 2001 published by the American Association of State Highways and Transportation Officials.

**B. Collector Roads**

Collector roads that require improvements resulting from a development shall be improved to the standards in Table 155-5.

<sup>3</sup> Highway capacity manual, 2000

<sup>4</sup> A Policy on Geometric Design of Highways and Streets, 4<sup>th</sup> edition, 2001 published by the American Association of State Highways and Transportation Officials.

<sup>5</sup> For roads in hilly terrain width design volume of 400 to 600 vehicle/day, use 18 ft for the traveled way width and 2 ft shoulder width as documented in a statement signed and sealed statement by an engineer licensed in the State of Indiana

<sup>6</sup> Where the width of the traveled way is shown as 24 ft, the width may remain at 22 ft on reconstructed highways where alignment and safety records are satisfactory

<sup>7</sup> May be adjusted to achieve a minimum roadway width of 30 ft for design speeds greater than 40/mph



**C. Arterial Roads**

Rural and Urban Arterial roads that require improvements resulting from a development shall be improved to the standards in Table 155-6.

**D. Alleys**

Alleys provide access to the side or rear of individual lots. They are characterized by narrow right-of-way and range in width from 16 to 20 ft. in residential areas and up to 30 ft. in heavy business and industrial areas.

Alleys are to be aligned parallel to, or concentric with, the street property lines. It is desirable to situate alleys in such a manner that both ends of the alley are connected either to the streets or other alleys. Where two alleys intersect, a triangular corner cut-off of not less than 10 ft. along each alley property line should be provided. Alleys should have grades established to meet as closely as possible the existing grades of the abutting land parcels. Dead end alleys shall be avoided, except for very low volume alleys; however, if dead ends are unavoidable, they shall include a turning area in accordance with AASHTO guidelines.

Alley cross sections may be V-shaped with traversed slopes up 2.5% toward a center the gutter. Runoff is thereby directed to a catch basin in the alley or to connecting street gutters.

**E. Sidewalks**

Sidewalks when used by pedestrians to access to parks, schools, shopping areas, and in some cases transit stops and placed along all streets in commercial areas, should be provided along both sides of the street. Sidewalks should be clear of all obstructions including mailboxes and utility poles.

In residential areas, sidewalks shall be provided on at least one side of all local streets and are desirable on both sides of the street. If streetlights are installed, the sidewalk shall be on the side with the streetlights. The sidewalks should be located, as far as practical, from the traveled way and is usually close to the right-of-way lines.

The minimum residential sidewalk width should be four feet, and the width of 8 ft. or greater may be needed in commercial areas. If roadside appurtenant as are situated on the sidewalk adjacent to the curb, additional width may be needed to secure a clear width for pedestrians and handicapped persons. Greater sidewalk width should be considered for higher volume sidewalks and where the sidewalk is against a curb or wall. Further guidance on designing sidewalks can be found in the American Association of State Highway and Transportation Officials "Guide for Planning, Design, and Operation of Pedestrian Facilities" and INDOT Standards and Design Memorandum. In the event of conflict, the stricter of the design standards shall apply.

All sidewalks shall meet the most current ADA standards applicable to pedestrian access on public rights-of-way.

**Table 155- 5 - Collector Roads and Streets**

Design speed (mph)	Minimum width of traveled way (ft) for specified design volume (vehicle/day) <sup>8</sup>			
	Under 400	400 to 1500	1500 to 2000	Over 2000
20	20 <sup>9</sup>	20	22	24
25	20 <sup>9</sup>	20	22	24
30	20 <sup>9</sup>	20	22	24
35	20 <sup>9</sup>	22	22	24
40	20 <sup>9</sup>	22	22	24
45	20	22	22	24
50	20	22	22	24
55	22	22	24	24
60	22	22	24	24
All Speeds	Width of Shoulder on Each Side of the Road (FT)			
	2	5 <sup>10</sup>	6	8

<sup>8</sup> On roadways to be reconstructed, a 22 ft traveled way may be retained where the alignment and safety records are satisfactory

<sup>9</sup> A 18 ft minimum width may be used for roadways with design volumes under 250 veh/day

<sup>10</sup> Shoulder width may be reduced for design speeds greater than 30 mph as long as a minimum roadway width of 30 feet is maintained

**F. Sidewalk Curb and Ramps**

Sidewalk curbs ramps shall be provided at crosswalks to accommodate persons with disabilities. Such ramps may be the same width as the approached sidewalks; the suggested minimum width should be 4 ft exclusive of side slopes and any obstructions. Further guidance can be found in the American Association of State Highway and Transportation Officials “Guide for the Planning, Design, and Operation of Pedestrian Facilities” and INDOT Standards and Design Memorandum. In the event of conflict, the stricter of the design standards shall apply.

Table 155-6 - Rural and Urban Arterials Design Speeds <sup>11</sup>

Design speed (mph)	Minimum width of traveled way (ft) for specified design volume (vehicle/day) <sup>12</sup>			
	Under 400	400 to 1500	1500 to 2000	Over 2000
40	22	22	22	24
45	22	22	22	24
50	22	22	24	24
55	22	22	24	24
60	24	24	24	24
65	24	24	24	24
70	24	24	24	24
75	24	24	24	24
All Speeds	Width of Usable Shoulder (FT) <sup>13</sup>			
	4	6	6	8

**G. Driveways**

A driveway is an access constructed within the public right-of-way, connecting a public roadway with adjacent property and intended to provide vehicular access into that property in a manner that will not cause the blocking of any sidewalk, street, or roadway.

Some of the principles of intersection design apply directly to driveways. In particular, the driveway should have a well-defined location. Large graded or paved areas adjacent to traveled ways, which allow drivers to enter or leave the street randomly, shall be discouraged.

Sight distance is an important design control for driveways. Driveway locations where sight distance is not sufficient shall be prohibited. Driveways shall be situated as far away from intersections as practical, particularly if the driveway is located near an arterial or collector street.

Driveway returns should not be less than 3 ft. in a radius. Flared driveways are preferred, because they are distinct from intersections of limitations can properly handle turning movements, and can minimize problems for persons with disabilities. Further guidance on the design of sidewalk-driveway interfaces can be found in the American Association of State Highway and Transportation Officials “Guide for Planning, Design, and Operation of Pedestrian Facilities”.

**H. Flag Lots Standards / Joint Driveways**

The Plan Commission may permit flag lots or joint driveways when an approach to a driveway serves adjacent property owners. In such case, flag lots would decrease the number of properties requiring direct, individual access connection to a state highway, county road, town arterial or town collector.

The Plan Commission may permit flag lots for residential development, and then only in an effort to achieve planning objectives or engineering solutions, such as reducing direct access points, to provide internal platted lots with access to the residential street, or to preserve natural or historic resources, under the following conditions:

<sup>11</sup> A Policy on Geometric Design of Highways and Streets, 4<sup>th</sup> edition, 2001 published by AASHTO

<sup>12</sup> On roadways to be reconstructed, an existing 22 ft traveled way may be retained where alignment and safety records are satisfactory

<sup>13</sup> Usable shoulders on arterials should be paved; however, where volumes are low or a narrow section is needed to reduce construction impacts, the paved shoulder may be reduced to 2 ft

1. When approved by the Plan Commission, flag lot driveways shall be separated by at least twice the minimum frontage requirement by the zoning district in which it is located.
2. The flag driveway shall have a minimum width of 20 feet and maximum width of 50 feet.

3. In no instance shall flag lots constitute more than 5 percent of the total number of building sites in a recorded plat, or 3 lots or more, whichever is greater.

Table 155-7 - Stopping Sight Distance<sup>14</sup>

Design Speed	Brake Reaction Distance	Braking Distance on Level	Stopping Sight Distance	
			Calculated	Design
(ft)	(ft)	(ft)	(ft)	(ft)
25	91.9	60.0	151.9	155
30	110.3	86.4	196.7	200
35	128.6	117.6	246.2	250
40	147.0	153.6	300.6	305
45	165.4	194.4	359.8	360
50	183.8	240.0	423.8	425
55	202.1	290.3	492.4	495

4. The lot area occupied by the flag lot driveway shall not be counted as part of the required minimum lot area, common area or open space of the zoning district in which is located.
5. No more than one flag lot shall be permitted for a private right of way, driveway or access easement.
6. Joint access shall be regulated such that property owners will own the joint use driveway. The driveway shall be located precisely straddling the property line dividing the two establishments. This practice will not enable either owner the opportunity to deny or restrict access to his neighbor's property.
7. A perpetual easement and maintenance agreement shall be recorded in the deeds of both properties to ensure the optimum use and condition.

**I. Half Streets**

Construction of half streets shall be prohibited. However, the Technical Review Committee as deemed necessary, may require partial right of way dedication.

**J. Stopping Sight Distance**

The minimum stopping sight distance is shown on Table 155-7. In order to maintain these distances the Technical Review Committee may recommend regulations to restrict the height of embankments, location of buildings, screening, fences, landscaping, and make other provisions necessary for intersection site control.

**Sec. 155-110 Blocks**

The length, widths and shapes of blocks shall be determined with due regard for the following:

- A. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
- B. Zoning requirements as to lot sizes and dimensions.
- C. Need for convenient access, circulation, control, and safety of the street and sidewalk traffic.
- D. Limitations and opportunities of topography.
- E. Blocks for residential use shall not be longer than 600 ft. measured along the centerline of the block.

<sup>14</sup> AASHTO A Policy on Geometric Design of Highways and Streets

There may be a required dedicated common area easement not less than 20 ft. in width and a crosswalk not less than 4 ft. in width to provide pedestrian access across the block. Regardless of this ordinance, all pedestrian access shall be in conformance with the current regulations of the American with Disabilities Act.

Blocks used for residential purposes should be of sufficient width to allow for two tiers of lots of appropriate depth. Blocks intended for business and industrial use should be of a width suitable for the intended use, and design vehicle with due allowances for off street parking and loading facilities.

**Sec. 155-120      Shoulders**

The width of shoulders may be surfaced either full or partially to provide a better all weather load support than that afforded by soils. Materials used to surface shoulders may include gravel, shale, crushed rock, mineral or chemical additives, bituminous surface treatments, and various forms asphalt or concrete pavements.

The shoulder on minor rural roads with low travel volumes (under 400 VPD) serves essentially as structural lateral support for the surfacing and as an additional width for the travel weight. This permits drivers meeting or passing other vehicles to drive on the edge of the roadway without leaving the surface, thus making use of the shoulder as part of the travel way. Roads with narrow travel width, narrow shoulders, and appreciable traffic volume tend to provide poor service, have a relatively higher crash rate, and need frequent and costly maintenance. Regardless of the width, a shoulder should be continuous.

Guidance for construction of shoulders can be found in NCHRP Report 254, "Shoulder Geometrics and Use Guidelines."

**Sec. 155-130      Change in Functional Classification**

The functional classification of streets in Clarksville will change with land use or density changes. Therefore, a development request shall be reviewed to determine if the request will result in a change of functional classification or change in the access classification to the roadway.

The Technical Review Committee shall review a proposed subdivision or development taking the following into consideration:

- A. Pre and post development land use.
- B. Pre and post function of the access road.
- C. Traffic generation.
- D. Standards for design.
- E. Impact of the changes in the road system.
- F. Change in use or density of the subject, adjacent property and property served by road or access point.
- G. Existing and estimated traffic volumes.
- H. Any current, existing or newly adopted transportation guidelines or plans, if appropriate.
- I. Changes in the existing and/or proposed character of land adjoining the roadway or served by the roadway.
- J. Amended land-use plans or zoning ordinance.
- K. Availability of reasonable access to affected lands.
- L. Other issues determined by the Technical Review Committee.

**Sec. 155-140      Spacing of Access Points**

To promote driveway uniformity throughout the town, the distance between access points shall allow vehicles to safely accelerate, decelerate, and cross traffic streams without excessive interference with through traffic, traffic using adjacent roadways or access points. Thus, the minimum spacing is related to the operational characteristics of the road and interactions between adjacent access points. Such interactions include conflict between vehicles entering the traffic stream simultaneously from adjacent access points and blocking of the adjacent access points, driveways or by left-turn queues. In order to minimize the potential for collisions and delay to through vehicles, the following tables gives guidance for the development of access points. The spacing of access points is the clear distance between the near edges of the driveway

throats. To better, accommodate minimum sight distance requirements the Technical Review Committee may adjust the spacing based on physical conditions, topography, soils, slope, or similar conditions.

### Sec. 155-150 Access Type Descriptions

There are seven access types classified by function in Table 155-8.

Table 155-8 - Level of Access to Developments<sup>15</sup>

Access Level		Description
Level 1	Freeway	Access at Interchanges Only (Uninterrupted Flow)
Level 2	Expressway	Access at Public Street Intersections or at Interchanges Only (Uninterrupted Flow)
Level 3	Strategic Arterial	Right Turn Access Only (or Access at Interchange) (Uninterrupted Flow)
Level 4	Principal Arterial	Right Turn Out, Left and Right Turn in (Interrupted Flow - One Direction)
Level 5	Other Arterial	Right and Left Turn with Left Turn Lane In and Out Required (Interrupted Flow - Both Directions)
Level 6	Collector	Right and Left Turn In and Out with Left Turn Lane Optional - In and Out (Uninterrupted Flow - Both Directions)
Level 7	Local and Frontage Road	Right and Left Turn In and Out (Safety Requirements Only)

### Sec. 155-160 Spacing Related to Trip Generation

#### A. Trip Generators

Three sizes of traffic generators shall be used in reviewing access spacing:

#### B. Minimum Use Generator - single-family residence or other activities that generate less than 50 vehicle trips per day or 5 trips to the street or total trips in both directions.

1. **Minor Generator** - 51 to 5,000 vehicle trips per day or less than 500 trips in the peak hour or total trips in both directions.
2. **Major Generator** - more than 5,000 vehicle trips per day or 500 trips in the peak hour or total trips in both directions.

#### C. Access Spacing Guidelines

Except when a TIA or other adequate information is provided and indicates otherwise, the following default spacing guidelines shall be used in Table 155-9.

Table 155-9 - Access Spacing Guidelines<sup>16</sup>

Access	Assumed	Minimum	Minor Generator	Major Generator
<b>Urban</b>				
3	35	140-175 <sup>17</sup>	245-280 <sup>17 18</sup>	315-350 <sup>17 18</sup>
4	35	140-175 <sup>18</sup>	245-280 <sup>18</sup>	315-350 <sup>18</sup>

<sup>15</sup> NCHRP Report 348, Transportation Research Board, Washington, D.C., 1992

<sup>16</sup> NCHRP Report 348, Access Management Guidelines for Activity Centers, 1992

<sup>17</sup> Right turn access allowable only when no other reasonable access is available

<sup>18</sup> Right-turn only

Table 155-9 - Access Spacing Guidelines<sup>16</sup>

Access	Assumed	Minimum	Minor Generator	Major Generator
5	30	90-120	150-180 <sup>19</sup>	210-240
6	30	30-60	120-150 <sup>19</sup>	150-180
<b>Suburban</b>				
3	45	180-225 <sup>17 18</sup>	315-360 <sup>17 18</sup>	405-450 <sup>18</sup>
4	45	180-225	315-360 <sup>18</sup>	405-450 <sup>18</sup>
5	35	105-140	175-210 <sup>19</sup>	245-280 <sup>19</sup>
6	35	35-70	140-175 <sup>19</sup>	175-210 <sup>19</sup>
<b>Rural</b>				
3	50	200-250 <sup>17 18</sup>	350-400 <sup>17 18</sup>	450-500 <sup>18</sup>
4	45	180-225 <sup>18</sup>	315-360 <sup>18</sup>	405-450 <sup>18</sup>
5	45	135-180	225-270	315-360 <sup>19</sup>
6	40	40-80	160-200	200-240 <sup>19</sup>

**D. Access Spacing of Signalized Intersections**

The Table-155-10 for various progressive speeds and signal cycle lengths:

Table 155-10 - Operating Speed (mph)

Cycle Length (Seconds)	20	25	30	35	40	45	50	55
	Distances in Feet							
60	880	1,100	1,320	1,540	1,760	1,980	2,200	2,430
70	1,020	1,280	1,540	1,800	2,050	2,310	2,560	2,830
80	1,160	1,460	1,760	2,050	2,350	2,640	2,930	3,230
90	1,310	1,640	1,980	2,310	2,640	2,970	3,300	3,630
100	1,460	1,820	2,200	2,570	2,930	3,300	3,670	4,030
110	1,610	2,010	2,420	2,830	3,220	3,630	4,040	4,430
120	1,760	2,200	2,640	3,080	3,520	3,960	4,400	4,840
150 <sup>20</sup>	2,200	2,750	3,300	3,850	4,400	4,950	5,500	6,050

SOURCE: NCHRP Report 348, Access Management Guidelines for Activity Centers, 1992

<sup>19</sup> Left turn exit determined by signal spacing requirements

<sup>20</sup> Represents maximum cycle length for actuated signal if all phases are fully used. This cycle length or greater cycle lengths should be avoided. One-half mile (2,640 feet) spacing may apply where optimum spacing exceeds one-half mile.

**Sec. 155-170 Non-Conforming Access Points**

Permitted access connections in place, as of the date of the adoption of this ordinance that do not conform with the standards herein, shall be designated as nonconforming features and shall be brought into compliance with applicable standards under the following conditions:

When new access connection permits are requested

- A. Changes in land use or density of land use.
- B. Significant change in trip generation.
- C. As roadway improvements allow.

**Sec. 155-180 Request to Change Access Spacing****A. Submittal Requirements**

The applicant shall submit the following for review by the Technical Review Committee.

**B. Application provided by the Technical Review Committee's office**

1. Desired change in classification and justification for the change in terms of development use, density, safety, and any reasons supporting the increasing or lowering the access classification.
2. Analysis of advantage and disadvantages associated or resulting from the change.
3. Description of the roadway, involved.
4. Zoning of properties within 1,320 feet along the roadway and 660 feet on both sides of the roadway
5. If the request is due to a proposed land use change the present land use and proposed land use of the property involved.
6. Impact on future capacity of the road and safety.
7. Indication of the effect of the change in future capacity and operational viability, and how the capacity will be recaptured, and who will pay for improvements to meet the adopted level of service and the added capacity.

**C. Traffic Impact Analysis (TIA)**

1. The operational conditions on the adjacent roadway network serving the proposed development.
2. To identify transportation improvements required to maintain the existing operational conditions and capacity
3. To determine whether access to the proposed development, PUD or subdivision will hamper traffic operations, capacity, or safety near this site.
4. To identify present or future transportation system efficiencies without the new development.
5. Provide the Technical Review Committee with the basis for assessing the transportation implications of approving a proposed subdivision, plan unit development, or similar development.

**Table 155-11 - TIA Thresholds**

Land Use Type	Threshold Value
Residential	150 dwelling units
Office	30,000 square feet
Retail & service	16,000 square feet
Drive-thru-lane	Any proposed new or reconfigured drive-thru
Big box	16,000 square feet
Lodging	20 rooms
Medical	30,000 square feet
Educational	16,000 square feet or 100 students
Entertainment, Assembly, and Spectator Sports	50 seats
Housing, including Assisted Living	30 units
Fast Food Restaurant (GFA)	2,500 square feet
Convenience Store with Gas Pumps (GFA)	1,300 square feet or five pumps
Bank with Drive-thru	4,000 square feet
Lodging	50 rooms
Industrial / Manufacturing	115,000 square feet or 100 or more peak hour trips

6. To provide a basis for estimating the cost of the proposed improvement or mitigating measures and a fair share of the improvement cost to be paid by the developer.
7. The TIA is required in any case when the development meets or exceeds any of Table 155-5, Threshold for TIA.

If the development, PUD, or subdivision meets a threshold value for requirements of a traffic impact analysis, the study shall be prepared at the expense of the developer and submitted to the Technical Review Committee for review. If the proposed subdivision, PUD, or the development abuts, is a continuation of or affects any street within a municipality a copy the TIA shall be provided for their review and comment. The Technical Review Committee may procure professional services to review the TIA.

The TIA shall be required when initial threshold levels of the projected traffic, extended to three, five, ten years or buildout, whichever is expected to occur first that exceeds threshold levels established in this Ordinance. On a case-by-case basis and as conditions warrant, subdivisions, PUD, or similar development that do not meet or exceed threshold values may require a TIA.

**D. Review Criteria**

The Technical Review Committee shall take the following in to consideration when reviewing a request for a new or change access classification:

1. Application, documentation and maps submitted with the application.
2. Pre and post development trip generation (based on the Trip Generation Table or ITE Trip Generation Manual) field observation, aerial photography, other verifiable data.
3. Spacing related to speed.
4. Posted or operation speed.
5. Safe stopping sight distance.
6. Minimum distance to reduce collision potential due to overlapping right terms.
7. Minimum distance to enable existing traffic to enter the traffic stream without creating speed differences.
8. Acceleration distance from the stop.
9. Roadway related conditions, including topography, soils, right-of-way, shoulders and pavement width.
10. Functional class of roads.
11. Highway design type.
12. Access level.
13. Presence or absence of median.
14. Access clearance and setbacks.
15. Driveway width.
16. Type of generator.
17. Number of driveway's per generator.
18. Distance to nearest existing access points.

**Sec. 155-190 Improvement Cost**

Any cost required to improve the functional classification or change access level due to a subdivision or development shall be the sole responsibility of the applicant or subdivider.

**Sec. 155-200 Cost and Reimbursement**

When a development changes the functional classification or access classification of a street or road, it shall be the developer's responsibility to improve the access road[s] and access points to the standards established Town Council, in this Ordinance.



When any person constructs a street, sidewalk, alley or pathway through undeveloped areas or areas that may be redeveloped to serve the property or constructs such improvements along the perimeter of the property, the entire cost of such construction (including right-of-way acquisition) shall be the responsibility of such person.

**Sec. 155-210      Expert Review**

The staff, TRC, or Plan Commission may employ experts to review and provide comments on any development, PUD, or subdivision.

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**Sec. 157-10 Specific Purpose**

This division is intended to provide general regulations, applicable to all zoning districts, for accessory uses, buildings, and structures which are customarily incidental and subordinate to the principal use and which are located on the same lot. It is further intended to provide specific standards for certain accessory uses, buildings, and structures.

**Sec. 157-20 Definitions**

The following definitions are used in this section.

- A. **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.
- B. **ACCESSORY DWELLING UNIT (ADU)** - 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.
- C. **ACCESSORY USE** – A land use, which is clearly incidental to a principal use, is located on the same lot with the principal use, and does not change or alter the character of the premises.
- D. **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.
- E. **BUILDING LINE** - 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.
- F. **CHICKEN COOP** – An enclosure specifically designed for the housing of chickens, principally female hens, to ensure protection from natural elements and predators.
- G. **FOOTPRINT** – The total square footage of a structure at ground level, including attached garages but not including decks or patios.
- H. **HEIGHT** - The vertical distance from the normal elevation of the adjoining ground, or the established grade, to (1) the top of the cornice of a flat roof, or (2) to the deck of a mansard roof, or (3) to a point on the roof directly above the highest wall of a shed roof, or (4) to the uppermost point of a round or arched roof, or (5) to the average height between the peak and the sill on a gable, gambrel, or hip roof.
- I. **LIGHT FRAME CONSTRUCTION** - A system of construction using small and closely spaced members that can be assembled by nailing or screws.

- J. **STRUCTURE** - Any constructed, erected, or combination of materials that forms a structure for use, occupancy, or ornamentation, whether installed on, above, or below ground level. Not all structures are buildings; a structure includes but is not limited to signs, parking lots, and fences.

**Sec. 157-30 Allowed Accessory Structures**

The following is a non-exhaustive list of structures allowed in all dwelling districts. They shall comply with the standards of this zoning ordinance. Doghouses, swing sets, treehouses, sandboxes, children's playhouses, trampolines, picnic tables, gardens, solar panels, and other such ancillary structures are exempt from this ordinance.

- A. Garage.
- B. Carport.
- C. Porches.
- D. Decks.
- E. Mini-barns.
- F. Sheds.
- G. Patios.
- H. Gazebo.
- I. Porte-cocheres.
- J. Bathhouses.
- K. Fence.
- L. Cabana.
- M. Greenhouse.
- N. Private swimming pools, spa, hot tubs.
- O. Management office in multifamily complexes and other structure and uses normally associated with tenants' convenience, such as clubhouses, recreational facilities, laundry facilities, maintenance facilities, provided there is no exterior storage or display.
- P. Storage or parking of recreational vehicles parked or stored in compliance with Division 195-110, owned by the owner or tenant, a homeowners' association, owned by the facility owner, or are in similar type of control; and, provided that the facilities are either open to the public (if dedicated to the public and accepted) or to all residents in the association.
- Q. Other accessory uses, buildings or structures similar and comparable in style, character, materials, colors, and similar characteristics to the principal structure, building, or use.

**Sec. 157-40 Development Standards for all Accessory Uses and Structures, Except Fencing**

The following are required of all structures, including light frame constructed structures.

- A. Accessory uses and structures shall be customarily incidental to and commonly associated with the operation of the principal use of the lot. Additionally, accessory uses or structures shall be clearly subordinate and incidental to the principal use or structure.
- B. No accessory use or structure shall be located, permitted, or constructed on any lot prior to the issuance of a permit for and construction of a principal use or structure.
- C. All accessory uses and structures shall be permitted only in association with the principal use or structure.
- D. Accessory structures shall be located no closer to the front lot line than the building facade line of the principal use or the building setback, whichever is greater.

- E. Accessory structures or uses may be located in a rear yard or side yard of the principal property, unless stated otherwise in the ordinance. Structures such as ramps that are required for ADA accessibility shall be permitted in front yards.
- F. Side and rear setbacks for accessory structures except a swimming pool, spa, or hot tub, shall be 5 feet.
- G. Side and rear setbacks for a swimming pool, spa, or hot tub, shall be 6 feet.
- H. Any detached structure, enclosed by solid walls, glass, screen, or any combination thereof, principal or accessory, such as but not limited to a garage, shed, or barn, shall be located a minimum of 10 feet from another such structure. If special building provisions are made and approved by the Planning Director, such as constructing a firewall, the building inspector may allow a reduction in separation, but not less than 5 feet. Detached, non-enclosed structures, including but not limited to an above-ground or in-ground pool, patio, deck, or pergola, are not required to meet the 10-foot setback. Structures shall still comply with appropriate building codes.
- I. Height of an accessory structure shall not exceed the height of the principal structure or 16 feet, whichever is less.
- J. Accessory structures shall not encroach upon any required setbacks or easements.
- K. Accessory uses and structures shall be compatible in design and material to the principal use on the lot on which it is located.
- L. The gross square footage of an accessory structure shall not exceed 70% of the footprint of the principal structure. The cumulative gross square footage of all accessory structures shall not exceed 100% of the footprint of the principal structure.
- M. Any structure, regardless of its size, will require a permit. Any structure that measures 120 square feet or more must be on a permanent foundation.
- N. Legal nonconforming accessory structures are subject to Division 150-170 - Nonconformities.
- O. Public and semi-public swimming pools shall comply with the stricter of this zoning ordinance or the Indiana Swimming Pool code, as may be amended.

**Sec. 157-50 Building Permit Requirements**

Before accessory use or structure construction begins, the property owner must obtain a permit. The application submittal shall include the following, unless waived by the Planning Director:

- A. A completed permit application.
- B. A site plan that is drawn to scale.
- C. The site plan must show abutting streets, lot lines, and their dimensions, existing buildings and their dimensions, dimensions of the proposed structure or use, access, and all existing and proposed setbacks.
- D. Footprint of the principal building and dimensions.

**Sec. 157-60 Accessory Dwelling Units****A. Specific Purpose**

This chapter provides criteria for the approval of second dwelling units.

**B. Location**

Accessory dwelling units are permitted in the following neighborhoods, provided the second dwelling unit complies with the standards of this section.

- 1. Greenacres.
- 2. Sherwood.
- 3. Howard Park.
- 4. Falls View.
- 5. Other neighborhoods by special exception.

**C. Design and Development Standards**

The accessory dwelling unit may be either attached to or detached from the primary dwelling unit. Accessory dwelling units shall be allowed only in compliance with the following standards:

1. Minimum Lot Area. Three thousand square feet.
2. Maximum Coverage. The maximum combined building coverage shall not exceed the percentage for the zoning district in which it is located.
3. Accessory ADU Height: A detached accessory structure may not exceed the lesser of 16 feet or the height of the principal structure.
4. Setbacks. A second dwelling unit shall maintain the setbacks required in the zoning district in which it is located, and a minimum of 10 feet shall be maintained between the primary dwelling and a detached accessory unit.
5. Floor Area. The floor area of the second dwelling unit shall fall within a range of 360 and 950 square feet and shall not exceed 50 percent of the principal dwelling's footprint.
6. ADUs having 600 square feet or less shall be limited to one bedroom. ADUs exceeding 600 square feet shall be limited to two bedrooms.
7. Minimum Facilities. The accessory dwelling unit shall include permanent provisions for independent living, sleeping, eating, cooking and sanitation within the unit. The primary residence and the accessory dwelling unit shall maintain separate wastewater and water service.
8. When calculating the square footage of the ADU, covered exterior elements such as decks, ramps, and porches will not be included. The total size of all covered exterior elements shall not exceed 200 square feet.
9. The design and style of the ADU shall be consistent with the primary dwelling unit and the neighborhood in terms of height, form, colors, and materials and the unit shall be clearly subordinate to the primary residence.
10. Design style, colors, materials, layout and placement of an ADU shall take into consideration natural features, including trees, which intrude into a required yard setbacks.
11. Parking Requirement. Each one bedroom or studio accessory unit shall provide at least one off-street parking space. Additional parking may be required if the accessory dwelling unit includes more than one bedroom provided that a finding is made that the additional parking requirement is directly related to the accessory dwelling unit and is consistent with parking requirements applicable to the zone in which it is located.
12. Accessory Dwelling Unit with Nonconforming Primary Structure. When the primary structure is nonconforming, an accessory dwelling unit, in compliance with the above design and development standards, is permitted, providing that the accessory dwelling unit does not increase the non-conformity.

**Sec. 157-70 Fences****A. Specific Purpose**

The purpose of this division is to establish standards for material, location, and dimensions of fences, walls, or hedges.

**B. Side and Rear Yard Fences, Walls and Hedges.**

This section addresses fences as defined in Division 15 of the zoning ordinance. This section applies to any fence, wall, or hedge not regulated by covenants or restrictions recorded in the Clark County Recorder's office.

1. A fence, wall, or hedge enclosure not exceeding 6 feet may be permitted in or along any required rear or side yard provided vision clearance is not violated as provided in this zoning ordinance.
2. A fence, wall, or hedge may exceed 6 feet if permitted elsewhere in this ordinance.

3. Chain link fences shall not exceed 4 feet in height, unless permitted elsewhere within this ordinance. A chain link fence constructed in a B-2, I-1, or I-2 zone shall not exceed 6 feet in height.
4. A fence shall not be constructed with spikes, junk, barbed or razor wire, sharp or similar objects, except in I-2 districts, where barbed and razor wire shall be allowed.
5. A fence shall not be unsafe or dilapidated, deteriorated or decayed by reason of construction, material, inadequate maintenance, obsolescence, or abandonment.
6. A fence shall not pose a risk or threat to safety or health.
7. The non-structural face of the fence shall face outward.
8. Temporary construction fencing or any other fence required for purposes of public safety shall be allowed during the period in which construction or event is taking place, but shall be removed immediately upon completion of a project or event.
9. Trees, shrubs, flowers, or plants shall be permitted in any required yard, provided it does not violate the corner setback, vision clearance, or be in conflict any provisions of this zoning ordinance.
10. All fencing shall not violate vision clearance as provided in this zoning ordinance.

**C. Front Yard Fencing, Walls and Hedges**

1. No fence, barrier or enclosure as defined in Division 15, or wall, or hedge exceeding four feet in height shall be permitted in a required front yard, except as permitted elsewhere in this ordinance.
2. A front yard fence shall not be a privacy fence, shadowbox fence, panel fence, chicken wire fence, field fence, chain link fence, or obstruct vision, except as permitted elsewhere in this ordinance.
3. Chain link, aluminum, wrought iron, or other substantially similar fencing not exceeding six feet in height may be permitted in front yards in a B-2, I-1, or I-2 district.
4. Fencing may be used as an element of landscaping in a front yard.
5. The non-structural face of the fence shall be outward.
6. Temporary construction fencing or any other fence required for purposes of public safety shall be allowed during the period in which construction or event is taking place, but shall be removed immediately upon completion of a project or event.
7. Front yard fencing shall not be intended or used for security, protection, privacy, retaining, screening, confinement, enclosing or for the creation of a barrier.
8. Front yard fencing shall not be permitted along the front property line or alongside property lines within two feet of the front property line.
9. Vision clearance as defined in Division 15 of the zoning ordinance shall be observed at corner lots and vision shall not be impeded at drives, curb cuts or entrances.
10. When used, pickets shall be between 2-4 inches in width and shall be spaced between 1-2 inches apart. Fence posts shall not exceed 4 inches by 4 inches.
11. Lawn rail or split rail fencing shall not exceed 48 inches in height and may be two rails or three rails. Rails shall not exceed six inches in width and posts shall not exceed 4 inches by 4 inches. Four rail lawn or split rail fences are prohibited.
12. Cross buck fencing shall not exceed 48 inches in height and posts shall not exceed 4 inches by 4 inches. Horizontal rails shall not exceed 1.5" X 6" X 16.' Diagonal rails shall not exceed 1.5" X 6" X 97."

**Sec. 157-80 Garage, Carport, Mini-barn or Shed**

Unless in conflict with applicable building codes the following shall apply:

- A. An attached garage shall be separated from the residence, and its attic area, by a smoke separation of not less than 1/2 inch gypsum board applied to the garage side of the framing. However, pull down stairs may be installed in garage/attic separations when installed in a manner that resists the passage of smoke.
- B. The area of floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to an approved drain or toward the main vehicle entry doorway.
- C. In no case shall garages, carports, or accessory structures be attached to the dwelling when the footings of the structure to be attached are above the frost line and the adjacent footings of the dwelling are at or below the frost line unless approved by the building official.
- D. Detached garages, detached carports, or accessory structures shall be constructed to applicable sections of this code and the Indiana Residential Code.
- E. Any habitable area(s) located within a detached garage or accessory structure shall meet all applicable sections of this zoning ordinance and the Indiana Residential Building Code.

**Sec. 157-90 Residential Animal and Agricultural Structures**

- A. Chicken coops may not be occupied or used without first receiving a chicken license from the Clarksville Animal Control Department.
- B. Chicken coops must have windows and doors covered by wire mesh with ½ inch or smaller openings. Material for construction must be uniform and constructed in a manner to avoid weathering.
- C. Coops must be constructed to provide adequate ventilation, shade, and resistance to predators, wild birds, and rodents.
- D. Coops may be placed in rear yards only.
- E. Coops must be located a minimum of 15 feet from a property line and the residential structure. A coop may be maintained 10 feet from any public alley right of way adjoining the owner's property.
- F. Chicken coops must have at least 4 square feet of floor area per chicken, but shall not exceed 40 square feet in area. Coops must be between 5 and 8 feet in height, however, the Planning Director may grant a waiver of 1 foot of height in either direction for a prefabricated coop.
- G. Access door(s) to any coop must be latched with the chickens inside between 9:00 pm and 6:00 am.
- H. Chicken coops must have at least 8 square feet of outdoor run space per chicken.
- I. Apiaries shall be permitted in rear yards provided they maintain a 15 foot setback from all property lines and residential structures.
- J. The cumulative amount of apiaries on a property shall not exceed 6 cubic feet, and no more than three apiaries shall be allowed on a property.
- K. Unless stated otherwise in Division 157-90, structures in this section are subject to 157-40 and shall count toward the cumulative gross square footage of accessory structures.

**Sec. 157-100 Garage or Yard Sales****A. Specific Purpose**

The purpose of this section is to maintain residential neighborhoods and manage outdoor sales outside a business zone district for the health, safety, and welfare of the citizens of Clarksville.

**B. Requirement for Garage and Yard Sales**

A garage or yard sale is a public or private sale that is conducted by the owner or occupier of a residential premise and conducted on the same parcel as the residence.

1. The sale may be conducted in a garage or other accessory buildings or outside thereof, of personal property. Items for sale shall be only the personal property of the occupant or be in the possession of the occupant. Items for sale shall not be items acquired by the owner or occupant for the purpose of resale.

2. Conducted a maximum of 3 times in any 1 calendar year or on any premises located in any residential zone, not be conducted for more than three (3) consecutive days.
3. All personal property exhibited for sale outside any structure during a garage or yard sale or auction shall be removed from the outside and placed within a structure immediately following the last day of the sale.

**Sec. 157-110 Home Occupations****A. Specific Purpose**

Home occupations are permitted, so that small businesses may function without incurring high overhead costs, and persons can legally perform limited business activities within their residence. Such uses are regulated in order to assure that there will be no negative impacts on adjacent residential uses or districts.

**B. Permitted Locations**

The mix of residential and business or commercial uses within the same structure is permitted in the EBCZ District and, unless restricted by covenants, the residential neighborhoods of Greenacres, Windemere Heights, and Beechwood Manor in order to foster economic and social benefits to the community and to property owners, including increased viability of older businesses and commercial areas within Town.

**C. Permitted Use**

1. Accountant.
2. Attorney.
3. Engineer.
4. Architect.
5. Artist.
6. Dance and musical instrument instructor, excluding group instruction or practice.
7. Insurance underwriter.
8. Paralegal or typist.
9. Desktop publishing.
10. Copy Editor.
11. Similar home occupations that can meet the requirements of this ordinance.

**D. Process and Development Standards**

The Technical Review Committee shall review a proposed home occupation for compliance with the requirements of this ordinance and an initial inspection shall be conducted by the department prior to the commencement of a home occupation.

All of the following development/performance standards shall be required prior to commencement of the home occupation:

1. An application and development plan shall be required with the following:
  - a. Lot or parcel size and boundaries plan with dimensions with location of house.
  - b. Location of driveway and length and width of driveway.
  - c. Floor plan with dimensions of the dwelling showing the location of the proposed home occupation and its relationship to the remainder of the dwelling.
  - d. Proposed use and equipment to be used in performing the home occupation.
  - e. Combined lot area coverage shall not exceed 35%.



**E. Limitations**

1. The home occupation shall not result in an alteration to the residential appearance or character of the principal structure, use or parcel on which it is located.
2. Merchandise, products or other materials shall not be displayed at any location on the structure or property in such a manner as to be visible from outside the dwelling.
3. A resident engaged in a home occupation shall not engage in soliciting, advertising or promotion of business which creates commercial traffic or deliveries, which are inconsistent with the residential character of the neighborhood.
4. The home occupation shall not result in the production of any noise, vibration, light, dust, odor, fumes, smoke, or other similar effects detectable outside the dwelling unit by the sense of human beings.
5. The use shall be conducted only within the dwelling unit, which may include a detached garage, if required off-street parking spaces are provided for the residents.
6. No more than one (1) employed person, other than persons occupying the dwelling, shall work within, or on the premises of, the principal use which the home occupation is conducted.
7. The operation of the home occupation shall not generate parking demands or adversely affect parking by residents within the immediate neighborhood.
8. No more than twenty (20) square feet of storage of goods or materials related to the home occupation shall be permitted.
9. Materials used in conjunction with the home occupation shall not be stored outdoors.
10. Storage of dangerous, combustible or volatile materials to be used in conjunction with the home occupation shall not be permitted.
11. The principal structure within which the home occupation is located shall comply with all applicable building and fire codes.
12. The hours of operation shall only be between the hours of 8:00 am and 5:30 pm Monday through Friday.
13. Other conditions/requirements as necessary to meet the requirements of this ordinance.

**F. Nonconforming**

Any legally established home occupation which is operating at the time of adoption of this ordinance shall be permitted to continue, notwithstanding the provisions of this ordinance; provided, however, such use does not provide a greater impact on the neighborhood than exists after the time of the adoption. The legal nonconforming status of a home occupation shall expire upon the home occupation activity ceasing or vacating for a period of one year or more.

**G. Enforcement**

A home occupation which is found to be in violation of any of the provisions of this, or other applicable requirements of this ordinance, shall cease operations until the violation has been corrected. If not corrected a citation may be issued.

**Sec. 157-120 Swimming Pools, Spas, and Hot Tubs, Except Public and Semi Public**

No person shall construct, remodel, or alter any swimming pool until a permit to do so is obtained. An application for such permit shall be filed, on a form furnished by that Planning Department, together with the plans and specifications for such pool. The plans and specifications shall be reviewed to determine whether the pool will comply with the provisions of this section. If that the pool complies therewith, the Building Commissioner shall issue a permit authorizing the work to proceed through the regular procedures.

For the purpose of this subsection a residential swimming pool means any constructed pool, permanent or non-portable, which is intended for noncommercial use as a swimming pool by not more than two (2) owner families and their guests.

A wading pool means a pool that may range in water depth from two (2) feet to zero (0) feet for wading.

- A. No family swimming pool shall be constructed except on the same lot as the owner's dwelling or on a vacant lot immediately contiguous thereto if it is under the same ownership as the dwelling.
- B. Unless otherwise specified, pools must meet the standards set out in Section 157-120 and Section 157-40.
- C. The following conditions must be met if the pool is to be located on the same building lot as the dwelling of the owner:
  - 1. The pool shall be permitted only in the rear yard.
  - 2. The pool shall be enclosed and secured as required by existing Indiana Residential Building Code. If a fence is the chosen method for securing the pool the fence shall not be closer than 6 feet to the edge of the pool at any time.
- D. When a pool is located on a lot contiguous to the lot on which the owner's residence is located and under the same ownership as the dwelling, the following conditions must be met:
  - 1. No part of the pool shall be located forward of the rear of the principal structure of the owner's dwelling.
  - 2. No part of the pool shall be closer than 10 feet from the owner's dwelling and no closer than 16 feet from any property line of any other property owner.
  - 3. The pool shall be enclosed and secured as required by existing Indiana Residential Building Code. If a fence is the chosen method for securing the pool the fence shall not be closer than 6 feet to the edge of the pool at any time.
  - 4. Fences surrounding a pool placed on a contiguous lot may cross property lines.
  - 5. No pool shall be built across any property line regardless of the ownership thereof.
  - 6. If the contiguous lot has frontage on a street other than that on which the owner's dwelling is located, no part of the pool shall be forward of any minimum setback line.

**Sec. 157-130 Centralized Delivery of Mail and Parcels**

Cluster Box Units (CBU) shall be used for centralized delivery of mail and parcels. When a minor or major development is required the central locations shall be shown on the site plan.

**Sec. 157-140 Accessory Use That Are Not Permitted**

The following accessory uses are not permitted in any zoning district within Clarksville, except I-2.

- A. Outdoor storage or property that is unusable, discarded or in a state of disrepair such as, but not limited to: junk, lumber, building materials, parking of inoperative vehicles and parts thereof, junk, abandoned or unlicensed motor vehicles, motor vehicle parts or similar items, shall not be permitted in any District unless specifically permitted by the specific zoning district regulations.
- B. Motor vehicles used for storage

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## Sec. 160-10 Definitions

- A. **Cellular communications services:** “personal communications services” as defined in 47 U.S.C. §332(c)(7)(C) and Indiana Code §8-1-32.3-12.5.
  - B. **Collocation:** the placement or installation of wireless facilities on existing structures that include a wireless facility or a wireless support structure, including water towers and other buildings or structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound. Source: I.C. IC 8-1-32.3-4.
  - C. **Existing structure:** does not include a utility pole or an electrical transmission tower but does include other structures such as buildings, water towers and other facilities that can or might support an antenna for personal communication services. Source: I.C. 8-1-32.3-7
  - D. **Substantial modification of a wireless support structure:** the mounting of a wireless facility on a wireless support structure in a manner that:
    - a. increases the height of the wireless support structure by the greater of:
      - i. ten percent (10%) of the original height of the wireless support structure; or
      - ii. twenty (20) feet;
    - b. adds an appurtenance to the wireless support structure that protrudes horizontally from the wireless support structure more than the greater of:
      - i. twenty (20) feet; or
      - ii. the width of the wireless support structure at the location of the appurtenance; or
    - c. increases the square footage of the equipment compound in which the wireless facility is located by more than two thousand five hundred (2,500) square feet.
- The term does not include the following:
- a. Increasing the height of a wireless support structure to avoid interfering with an existing antenna.
  - b. Increasing the diameter or area of a wireless support structure to:
    - i. shelter an antenna from inclement weather; or
    - ii. connect an antenna to the wireless support structure by cable. Source: IC 8-1-32.3-11

2. **Utility pole:** a structure that is:
- a. owned or operated by:
    - i. a public utility;
    - ii. a communications service provider;
    - iii. a municipality;
    - iv. an electric membership corporation; or
    - v. a rural electric cooperative; and
  - b. designed or used to:
    - i. carry lines, cables, or wires for telephony, cable television, or electricity;
    - ii. provide lighting;
    - iii. provide traffic control; or
    - iv. provide signage.

The term does not include a wireless support structure or an electrical transmission tower. Source: IC 8-1-32.3-12

**Sec. 160-20      Specific Policy**

The policy for the location of cell towers is to encourage the co-location of service facilities. Any request for review of a proposal to construct such an antenna tower shall be made only in accordance with this section. This section applies to co- locations on an existing structure or construction of an antenna tower.

This regulation does not apply to “ham radio” operator's towers or towers of public protection agencies or departments.

**Sec. 160-30      Location**

An antenna tower for cellular telecommunications services or personal communications services may be allowed as a special exception in any business or industrial zoning district excluding Residential Professional Office (RPO) and SCMU zone districts, after receiving Board of Zoning Appeals review and approval in accordance with application filing procedures to ascertain its agreement with the Comprehensive Plan, zoning district regulations, and the requirements for special exceptions in Division 225 of the zoning ordinance.

**Sec. 160-40      Application Requirements:**

Any application for a special exception filed for review of a proposal to construct an antenna tower shall include the following:

- A. All information that the applicant is required by the Indiana Utility Regulatory Commission.
- B. A copy of the applicant’s FCC license, or, if the applicant is not an FCC license holder, a copy of at least one letter of commitment from an FCC license holder to locate at least one antenna on the applicant’s tower.
- C. A construction plan that describes the proposed wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.
- D. Evidence showing that the application complies with the criteria set forth in the ordinance with respect to the special exception, special use, contingent use, or conditional use.
- E. Evidence supporting the choice of location for the proposed wireless support structure, including a sworn statement from the individual responsible for the choice of location demonstrating that collocation of wireless facilities on an existing wireless support structure was not a viable option because collocation:
  - 1. would not result in the same wireless service functionality, coverage, and capacity;
  - 2. is technically infeasible; or
  - 3. is an economic burden to the applicant.

The applicant's certification shall include a listing of all existing towers and facilities, a description of each existing site, and a discussion of ability or inability to co-locate on each existing site according to the following list:

1. For a tower, proposed to be 200 or more feet tall, all towers and facilities within a 1.5 mile radius of the proposed site.
  2. For a tower, proposed to be at least 100 feet but less than 200 feet tall, all towers and facilities within a 1 mile radius of the proposed site.
  3. For a tower, proposed to be less than 100 feet tall all towers and facilities within a 0.5-mile radius of the proposed site.
- F. Reasons for not co-locating on a site would include, but not be limited to, the following:
1. No existing towers or facilities are located within the above radius of the site.
  2. Existing towers or facilities are not of sufficient height to meet the applicant's engineering requirements.
  3. Existing towers or facilities do not have sufficient structural strength to support the applicant proposed antenna and related equipment.
  4. Applicant's planned equipment would cause radio frequency interference with other existing or planned equipment of the tower or facility, or existing or planned equipment of the tower or facility would cause interference with the applicant's planned equipment's which cannot be reasonably prevented.
  5. Unwillingness of the owner of the existing tower or facility to entertain a co-location proposal.
  6. Existing towers and facilities does not provide an acceptable location for requisite coverage for the applicant's communication network.
- G. Unless co-locating, certification, supported by evidence, that the proposed site is the only appropriate site within the immediate area for the location of the telecommunication facility. The applicant's certification shall include a listing of potential sites, a description of each potential site, and a discussion of the ability or inability of the site to host a telecommunications facility according to the following table:
1. For a tower, proposed to be 200 or more feet tall, all potential sites within a 1.5 mile radius of the proposed site.
  2. For a tower, to be at least 100 feet but less than 200 feet tall, all potential sites within a 1 mile radius of the proposed site.
  3. For a tower, proposed to be less than 100 feet tall, all potential sites within a 0.5-mile radius of the proposed site.
- H. Potential sites that should be considered (in order from most preferred to least preferred) include highway right-of-ways under state or federal jurisdiction except designated parkways, existing utility towers, industrial districts, commercial districts and commercial centers, government buildings, office towers, and residential towers.
- I. Reasons for not locating on a potential site would include, but not limited to, the following:
1. Unwillingness of the site owner to entertain a telecommunications facility.
  2. Topographic limitations of the site.
  3. Adjacent impediments that would obstruct adequate cellular telecommunications and/or personal communications transmissions.
  4. Physical site constraints that would preclude the construction of a telecommunications facility.
  5. Technical limitations of the telecommunications system.
  6. Existing potential sites do not provide an acceptable location for requisite coverage for the applicant's communications network.
- J. At the time the applicant files its first application for review under these regulations, the applicant shall provide:
1. A listing of the present locations of the applicant's telecommunications towers and/or facilities in Clarksville and the metropolitan Louisville Kentucky-Indiana region, and any co-location sites.

2. The applicants planned build-out of telecommunications facilities within Clarksville.
  3. With each application, the applicant shall provide any changes to the plan that have occurred since the previous application filing or verify the continued accuracy of the plan submitted.
- K. A pictorial representation, such as a silhouette drawing, photograph, etc., of the proposed telecommunications facility from a point 500 feet from the facility in each of the four compass directions showing the relationship of the tower and/or facilities against the massing of surrounding structures, trees, and other intervening visual masses.
- L. A justification statement demonstrating that the proposed construction is in agreement with the Comprehensive Plan.
- M. However, if the property is subject to a previously approved special exception or variance, the property owner shall obtain approval of the appropriate amendment or modification request. Such request shall be filed simultaneously with the antenna tower for cellular telecommunications services or personal communications services request filed pursuant to this section. The property owner shall be responsible for making alternative provisions for any alteration of the district development plan or requirements of any previous special exception or variance affected by the location of the tower on the site.
- N. In the event, any state or federal agency requires that the tower be located on the site differently than shown on the district development plan, the applicant shall submit an amended request and plan showing the new location for review of the effects the new location may have on the features of the district development plan.
- O. Such amended request and plan shall be submitted no later than ten (10) business days after the date of any final order of such state or federal agency the Indiana Utility Regulatory Commission approving the tower construction.

**Sec. 160-50 Notices and Procedures for New Tower (Wireless Support Facility)**

- A. Notice of any request filed under this section shall be sent by the applicant by certified mail to the owner every parcel of property within 500 feet of the base of the tower, to the owner of every parcel of property adjoining at any point the property where the applicant proposes to create the tower site, and to the owner of every parcel of property directly across the street from said property. Under subsection (A) adjoining properties include properties across streets, highways, streams, rivers, and municipal boundaries.
- B. Such notices shall include the address of the Board of Zoning Appeals office and a statement that the recipient has that right to submit testimony to the Board of Zoning Appeals, either in writing or by the appearance at any Board of Zoning Appeals meeting scheduled for review of the request. Such notices by certified mail shall be mailed no sooner than the date of acceptance of the application by the Board of Zoning Appeals and later than two calendar days subsequent to that application. The applicant shall certify within five (5) days of mailing that the required notices have been sent.
- C. The applicant shall furnish to the Board of Zoning Appeals at the time of filing of the request a copy of the required notices and the names and addresses of the owners of the property to whom the required notices will be sent. Records maintained by the Clark County Auditor may be relied upon to determine the identity and address of said owners.
- D. Notice of the filing of the request shall be posted conspicuously in a visible location on the proposed site of the telecommunications facility and in a visible location on the nearest public road at the same time that the notice by certified mail is sent. The applicant shall certify that the postings have been made. The notices shall remain until the Board of Zoning Appeals issues its final decision or 60 days have passed since acceptance of the request by the Board of Zoning Appeals, whichever occurs first. The posting shall be with a sign furnished by the Board of Zoning Appeals.
- E. In both posted notices the words "proposes to construct or co-locate on an existing structure a telecommunication tower and/or facility" shall be printed in letters at least four (4) inches in height.
- F. On behalf of the Board of Zoning Appeals, the Planning Director shall review an application within ten (10) business days of its receipt to determine if the application is complete. If the Director determines that an application is not complete, the Director shall notify the applicant in writing of all defects in the application. If the Director does not notify an applicant in writing of all defects in the application, the application is considered complete.
- G. An applicant that receives a written notice under subsection F may cure the defects set forth in the notice and resubmit the corrected application to the Planning Director within thirty (30) days of receiving the notice. If an applicant is unable to cure the defects within the thirty (30) day period, the applicant shall notify the Planning Director of the additional time the applicant requires to cure the defects.
- H. Subject to subsection I, not more than ninety (90) days after making an initial determination of completeness under subsection F, a permit authority shall:

1. review the application to determine if it complies with applicable laws and ordinances governing land use and zoning; and
  2. notify the applicant in writing whether the application is approved or denied.
- I. Notwithstanding the ninety (90) day period set forth in subsection H, the following apply:
1. If the applicant requested additional time under subsection (G) to cure defects in the application, the ninety (90) day period set forth in subsection (H) is extended for a corresponding amount of time.
  2. If the application for the proposed wireless support structure requires a variance of use from the terms of an applicable zoning ordinance in accordance with IC 36-7-4-918.4, the permit authority may have not more than thirty (30) additional days to comply with subsection (H).

**Sec. 160-60      Application for Substantial Modification of a Wireless Facility**

- A. An application for a permit for substantial modification of a wireless support structure must include only the following:
1. The name, business address and point of contact of the applicant.
  2. A construction plan that describes the proposed modifications to the wireless support structure and all equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment.
  3. If an applicable zoning ordinance specifies that a special exception, special use, contingent use, or conditional use must be approved for the proposed substantial modification of a wireless support structure in accordance with IC 36-7-4-918.2, evidence showing that the application complies with the criteria set forth in the ordinance with respect to the special exception, special use, contingent use, or conditional use.
  4. If the proposed substantial modification of a wireless support structure is not a permitted use under an applicable zoning ordinance, evidence showing that the application complies with the criteria for a variance of use from the terms of the zoning ordinance in accordance with IC 36-7-4-918.4.

The Town may not require an applicant to submit information about, and may not evaluate an applicant's business decisions with respect to, the applicant's designed service, customer demand, service quality, or desired signal strength to a particular location.

- B. An application that contains the information required under subsection A is considered complete.
- C. The Planning Director shall review an application within ten (10) business days of its receipt to determine if the application is complete. If a permit authority determines that an application is not complete, the Director shall notify the applicant in writing of all defects in the application. If a permit authority does not notify an applicant in writing of all defects in the application, the application is considered complete.
- D. An applicant that receives a written notice under subsection (c) may cure the defects set forth in the notice and resubmit the corrected application to the permit authority within thirty (30) days of receiving the notice. If an applicant is unable to cure the defects within the thirty (30) day period, the applicant shall notify the permit authority of the additional time the applicant requires to cure the defects.
- E. Subject to subsection F, not more than ninety (90) days after making an initial determination of completeness under subsection C, the Board of Zoning Appeals shall:
1. review the application to determine if it complies with applicable laws and ordinances governing land use and zoning; and
  2. notify the applicant in writing whether the application is approved or denied.
- F. Notwithstanding the ninety (90) day period set forth in subsection (E), the following apply:
1. If the applicant requested additional time under subsection (D) to cure defects in the application, the ninety (90) day period set forth in subsection (E) is extended for a corresponding amount of time.
  2. If the application for the proposed substantial modification of a wireless support structure requires a variance of use from the terms of an applicable zoning ordinance in accordance with IC 36-7-4-918.4, the Board of Zoning Appeals may

have not more than thirty (30) additional days to comply with subsection (E).

**Sec. 160-70 Application for Permit for Collocation**

- A. An application for a permit for collocation must include only the following:
  - 1. The name, business address, and point of contact for the applicant;
  - 2. The location of the proposed or affected wireless support structure or wireless facility;
  - 3. Evidence of conformance with applicable building permit requirements.
- B. An application for a permit for collocation:
  - 1. is not required to comply with zoning or land use requirements; and
  - 2. is not subject to public hearing.
- C. The Building Commissioner shall allow an applicant to submit a single consolidated application to collocate multiple wireless service facilities that are located within the jurisdiction of the permit authority. The Commissioner shall issue a single permit for all wireless service facilities included in the application rather than individual permits for each wireless service facility.
- D. The Planning Director shall review an application within ten (10) business days of its receipt to determine if the application is complete. If the Director determines that an application is not complete, the Director shall notify the applicant in writing of all defects in the application. If the Director does not notify an applicant in writing of all defects in the application, the application is considered complete.
- E. An applicant that receives a written notice under subsection (C) may cure the defects set forth in the notice and resubmit the corrected application to the permit authority within fifteen (15) days of receiving the notice. If an applicant is unable to cure the defects within the fifteen (15) day period, the applicant shall notify the Planning Director of the additional time the applicant requires to cure the defects.
- F. Not more than forty-five (45) days after making an initial determination of completeness under subsection (C), the Board of Zoning Appeals shall:
  - 1. review the application to determine its conformity with applicable building permit requirements; and
  - 2. notify the applicant in writing whether the application is approved or denied.

However, if the applicant requested additional time under subsection (D) to cure defects in the application, the forty-five (45) day period is extended for a corresponding amount of time.

**Sec. 160-80 Written Notice of Decision**

- A. In a written notice issued under section 160-40, 160-50 or 160-60 the Board of Zoning Appeals or the Planning Director shall state clearly the basis for its or his/her decision to approve or deny an application. If the permit authority denies an application, the written notice must cite substantial evidence in support of the denial.
- B. For purposes of this section, a notice is considered written if it is included in the minutes of a public meeting of a permit authority.
- C. If a permit authority fails to act on an application within the applicable deadline under section 160-40, 160-50 or 160-60 of this chapter, the application is considered approved.

**Sec. 160-90 Proprietary Information**

Information that an applicant reasonably designates as proprietary shall be kept in a separate file and not made available to the general public.

**Sec. 160-100 Performance Bond or Security**

To assure the removal of all improvements at any abandoned telecommunications facility, any applicant filing a request shall, at the time of submittal of the list of existing towers and annual plan, deposit with the Board of Zoning Appeals and to the benefit



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of the Board of Zoning Appeals a performance bond, or other security acceptable to the Board of Zoning Appeals in the amount equal to the cost of demolition and removal of the telecommunications tower.

- A. An applicant having multiple telecommunication facilities within Clarksville may deposit a single guarantee in the amount equal to the cost of demolition and removal of the one telecommunications facility it owns which would cost the most to demolish and remove until such time as the number of its multiple telecommunications facilities exceeds four (4) such facilities, both existing and projected within the current calendar year.
- B. At such time as the approved number of one applicant's multiple telecommunications facilities exceeds four (4) such facilities, the applicant shall increase the amount of deposit to an amount equal to the cost of the most costly demolition and removal times 25% percent of that applicant's total number of telecommunications facilities both existing and projected within the next calendar year. Any guarantee submitted shall be irrevocable and shall provide for all Board of Zoning Appeals to collect the full amount of the guarantee if the applicant fails to maintain the guarantee.

**Sec. 160-110 Special Expert Consultants and Costs**

The Board of Zoning Appeals 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 any request files under this section. A fee described in this section may not include:

- A. travel expenses incurred by a third party in its review of an application; or
- B. direct payment or reimbursement of third party fees charged on a contingency basis.

**Sec. 160-120 Design Standards**

At the time of filing of a request, the applicant shall provide information demonstrating compliance with the requirements listed below. Where the Board of Zoning Appeals finds that the conditions or circumstances relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, or welfare, either at the time of application or in the foreseeable future, and that such special conditions and circumstances make one or more said requirements unduly burdensome, the Board of Zoning Appeals may modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.

- A. All structures, except fences, shall be located at least the height of the tower feet from the property line of any residentially RPO, or SCMU zoned property and shall, in all other circumstances, observe the yard requirements of the district in which they are located.
  - B. The site shall be landscaped in accordance with the requirements of Division 180. If the site is an easement, the easement boundaries, exclusive of that portion used strictly for vehicular access, shall be treated as property boundaries.
  - C. Any monopole, guyed, lattice, or similar type cellular antenna tower and any alternative cellular tower structure similar to these towers, such as light poles, shall be maintained in either galvanized steel finish or be painted light gray or light blue in color. Alternate sections of aviation orange and aviation white paint may be used ONLY when FAA finds that none of the alternatives to such marking are acceptable.
  - D. A cellular antenna tower or alternative cellular antenna tower structure may be constructed to a maximum height of 200 feet regardless of the maximum allowed height for the district in which it is located. This also applies to any tower tall than 15 feet constructed on the top of another building, with the height being the overall height of building and tower together measured from grade to the highest point.
  - E. When any tower as described above is proposed to result in an overall height greater than 200 feet, the Board of Zoning Appeals may allow the overall height to exceed 200 feet if the Board of Zoning Appeals, upon review of the applicant's written justification for the additional height, finds that the request for additional height meets the criteria enumerated in Division 225 for variances of the Zoning Ordinance. However, when any cellular antenna tower or alternative cellular antenna tower structure is taller than the distance from its base to the nearest property line, the applicant shall furnish the Board of Zoning Appeals with the certification from an engineer registered in the State of Indiana that the tower will withstand winds of 70 miles per hour in accordance with current ANSI/EIA/TIA standards.
  - F. When a tower taller than 15 feet constructed on the top of other building results in the overall height of the building and tower, including any antenna, being greater than the distance from the base of the building to the nearest property line, the applicant shall furnish to the Board of Zoning Appeals this same certification.
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- G. A cellular antenna tower or alternative cellular antenna tower structure may be artificially lighted ONLY with steady-burning red obstruction light (FAA type L-810) or flashing red obstruction lights (FAA type L-864) flashing no faster than 20 flashes per minute, medium intensity flashing within obstruction lights (FAA type L-865 or L-866) high intensity flashing white lights (FAA type L-856 or L-857), or dual flashing red obstruction lights and medium intensity flashing white obstruction lights (FAA types L-864/L-865) may be used ONLY when the FAA specifies that the specific lighting pattern is the only lighting pattern acceptable to promote aviation safety.
  - H. The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repair. To accommodate such visits, access shall be only from access points approved by the Board of Zoning Appeals Administrator, and there shall be provided on site an area sufficient to accommodate the parking of the service vehicle.
  - I. A security fence at least eight-(8) foot high shall enclose the site. The fence may be located in any required yard, however, the fence shall not be located within twelve [12] feet of the front yard boundary through which access is provided or within five feet of the side and rear yard boundaries. The fence shall not obstruct vision clearance as defined in division 15 of the zoning ordinance.
  - J. Any site to be purchased or leased for the installation of a cellular antenna tower or alternative cellular antenna tower structure and ancillary facilities shall comply with the minimum lot size requirements of the district in which the site is located.
  - K. The applicant shall supply certification that the facility complies with the FCC's regulations concerning radio frequency emissions. To the extent that the facilities do not comply with the FCC's regulations, the Board of Zoning Appeals may establish additional requirements on the basis of the environmental effects of radio frequency emissions. (Sec. 704 of the Telecommunications Act of 1996).
  - L. The only signs allowed shall be emergency information signs, owner contact information, warning or safety instructions, and signs required by a federal, state, or local agency. Such signs shall not exceed six [6] square feet in area.

**Sec. 160-130 Discontinued Use**

- A. If the use of any cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is discontinued, the owner shall provide the Board of Zoning Appeals with a copy of the notice to the FCC of intent to cease operations within 30 days of such notice to the FCC. If the cellular antenna or cellular antenna tower or alternative tower structure will not be reused, the owner shall have 180 days from submittal of the FCC notice to the Board of Zoning Appeals to obtain a demolition permit and remove the antenna tower or alternative tower that will not be reused. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is to be reused, the owner shall no more than twelve (12) months from submittal of the FCC notice to the Board of Zoning Appeals in which to commence new operation of the antenna or tower to be reused.
- B. Upon failure to commence new operation of the antenna or tower that is to be reused within twelve (12) months, the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure shall be presumed abandoned, and the owner shall immediately obtain a demolition permit and remove the antenna or tower that is presumed abandoned. If the owner fails to remove an antenna or tower at the time provided by this paragraph, the Board of Zoning Appeals may cause the demolition and removal of the antenna or tower recover its cost of demolition and removal from the guarantee deposited by the applicant pursuant to this section.

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### Sec 165-10 Specific Purpose

The purpose of this Division is to maintain a healthy, safe, and clean environment free of solid waste materials and discarded refuse materials, for the benefit of the citizens of Clarksville. Further, the purpose is to avoid unsightly, damaged, or dilapidated enclosures. This Division establishes standards for design, placement, and materials permitted for use in the construction of refuse enclosures.

### Sec 165-20 Definitions

For the purpose of this Division, words and phrases have the following meanings:

**COMMERCIAL SERVICE** - All refuse and garbage collected from the multiple-family residential apartment, mobile home parks, duplexes, condominium, senior housing, nursing home and assisted living complexes, shared single-family units (townhomes, patio homes, etc.), and from commercial, industrial, and institutional facilities.

**CONTRACTOR** - A business that collects municipal solid waste, garbage, or refuse from uses other than single-family units.

**REFUSE CONTAINER** - Cans, carts, dumpsters, and roll-off boxes.

**MULTIPLE-FAMILY DWELLING** - A building with three or more dwelling units.

**REFUSE** - Commercial wet or dry waste, garbage, rubbish, litter, solid waste, debris, or other discarded material or matter, excluding dead animal, manure, sewage, petroleum products, hazardous wastes, yard wastes, and recyclable materials.

**REFUSE ENCLOSURE** - An enclosure designed and constructed to completely contain and conceal refuse and refuse containers from public view that meets the requirements of this Division.

**USER** – A user is a location or use which this Division applies to, such as multiple-family dwellings, condominiums, senior housing, nursing homes, independent living units, duplex dwellings, mobile home parks, assisted living developments; or commercial, industrial, or institutional establishments; or any business generating refuse.

### Sec 165-30 Mandatory Collection and Duties of the Owner

All users shall adhere to the following requirements:

- A. Provide adequately sized refuse containers for the user's land use, the type and quantity of refuse generation, and building size.
- B. Provide a sufficient number of refuse enclosures to totally screen refuse containers from public view and meet the requirements of this Division.
- C. Maintain a regular collection service at intervals suitable to meet the sanitary, health, and environmental needs of the premises and comply with this Division. In no event shall collection be allowed between the hours of 7:00 p.m. and 7:00 a.m., except where the site is more than five hundred (500) feet, measured in a straight line, from the nearest residential use property line to the closest point of the enclosure.

- D. If the user generates greater amounts of refuse during seasonal periods, the user is required to secure additional refuse containers and refuse enclosures for that period to keep refuse from public view, and/or to arrange for more frequent collection services.
- E. Maintain the refuse containers and refuse enclosures in an orderly, clean, and sanitary condition.

**Sec 165-40 Requirements by Land Use**

Specified land uses shall adhere to the following requirements:

**A. Senior Housing, Assisted Living, and Independent Living Units****1. *Distance***

Unless installed prior to the adoption of this ordinance, refuse enclosures and refuse containers shall not be located more than one hundred twenty-five (125) feet from each user served.

**2. *Path of Travel***

The path of travel from a senior, assisted, or independent living residential building to the refuse enclosure shall be at least four feet wide, free of any obstructions, and free of stairs.

**B. Multiple Unit, Mobile Home, Duplex Unit, Shared Single-Family, Condominium, Commercial, Industrial, or Institution****1. *Distance***

Unless installed prior to the adoption of this ordinance, refuse enclosures and containers shall not be more than two hundred (200) feet from each user or multiple family dwelling units served.

**2. *Path of Travel***

The path of travel from a building to the refuse enclosure shall be at least four (4) feet wide, free of any obstructions, and free of stairs.

**3. *Central Collection***

Unless installed prior to the adoption of this ordinance, one or several adequately sized and centrally located refuse enclosures are only permitted for users that have a janitorial staff that moves waste from every tenant or occupant to a refuse container within the refuse enclosure.

**4. *Compaction and Baling Equipment***

Unless installed prior to the adoption of this ordinance, refuse containers, refuse enclosures, and compaction and baling equipment are only permitted when performed by a qualified and dedicated janitorial staff and in compliance with the following:

**a. *Distance from Residential Uses***

Compaction and baling equipment shall be enclosed in the same manner as refuse containers, and shall be located at least two hundred (200) feet from the property line of the nearest detached single-family residential dwellings, as measured in a straight line.

**b. *Storage of Bales of Cardboard***

Storage areas for bales of cardboard and similar material shall be enclosed in the same manner as refuse containers. Enclosure space shall also be provided or allocated for pallets as needed.

**Sec 165-50 Containers and Enclosures**

Storage areas for bales of cardboard and similar material shall be enclosed in the same manner as refuse containers. Enclosure space shall also be provided or allocated for pallets as needed.

**A. Containers**

1. Unenclosed refuse containers are a violation of this Ordinance.
2. Containers shall not produce noise in excess of the limits of the performance standards of Division 197.
3. Users producing less than four hundred (400) pounds or two (2) yards of waste per week may use an alternate enclosure meeting the requirements of this Division.

**B. Refuse Enclosure and Gate Design and Materials**

Refuse enclosures and gates shall meet the following design requirements:

1. The construction, replacement, or repair of refuse enclosures shall be subject to review and approval by Planning Staff in accordance with the standards of this Ordinance.
2. Bollards of adequate height shall be installed within the enclosure along the rear wall to protect the wall from damage. Bollards located at the front corners of the enclosures may also be installed.
3. Each refuse enclosure shall have a gate with a secure, heavy-duty, self-locking mechanism to assure the gate will be kept in a closed position at all times, except when refuse is being deposited or collected.
4. Refuse enclosures shall be designed and built to be compatible with the color and architecture of the principal building served by the refuse container and refuse enclosure.
5. The exterior of refuse enclosures shall be constructed with masonry materials of brick, concrete split-face block, or ground-faced concrete block.
6. When used, split-faced block or brick shall be stained completely through, as opposed to painted.
7. Chain link fence, with or without slats, shall not be permitted for refuse enclosures or refuse enclosure gates.
8. Refuse enclosure gates shall be constructed of metal, and shall be attached to an eighteen (18) gauge steel frame and braces. Latches shall be heavy duty.
9. Wood, metal, or other materials may be used for refuse enclosures, or wood materials for gates, only when approved and deemed by the TRC to be substantially equivalent in durability, maintenance, and security. A final decision by the TRC shall be subject to appeal to the Board of Zoning Appeals under IC 36-7-4-918.1, or by a development standards variance application under IC 36-7-4-918.5.
10. If metal or wood materials are approved by the TRC for refuse enclosures, or wood materials for gates, the owner shall ensure the enclosure is properly maintained, repaired, or replaced as needed. The Plan Commission shall have enforcement authority to compel remediation of any violation.
11. Enclosures constructed of wood must use treated lumber posts measuring 6"x6" and must have 3-5 rails or stringers to ensure adequate durability. Posts must be set in concrete. For gates, 2" x 4" lumber shall be used.
12. A single building or businesses using rolling bins with a capacity less than 100 gallons may use an alternate enclosure design meeting the following requirements:
  - a. The enclosure shall be screened with substantial new materials, such as those used on the exterior of the principal building, and approved through the accessory structure application procedure; or pressure treated wood or lattice work that is at least 1/2" thick, and mounted or installed in such a way as to withstand 50 mph winds.
  - b. Any wood enclosure materials shall be pressure treated, stained through, or painted with a coating that is the same color and durability rating as that used on the principal building, its trim work, or decking.
  - c. Gates may be provided of the same material, with self-latching closures.

**C. Location of New Refuse Containers and Refuse Enclosures**

The location of new refuse containers and refuse enclosures shall meet the following requirements:

1. In no case, whether previously approved, relocated, or newly constructed, shall refuse collection vehicles use any part of a public street right-of-way while performing the actual collection of refuse.
2. Access to the containers and enclosures shall be wholly on private property owned by the facility being served.
3. Unless installed prior to the adoption of this ordinance, the following shall apply:
  - a. Refuse containers and refuse enclosures shall be placed and kept on the premises of the owner, and each user in a manner that is readily accessible and on a hard-paved surface (asphalt, concrete, or substantial equivalent) to facilitate collection and removal of the refuse. The approach apron to the dumpster shall be a concrete of sufficient width and depth to support the refuse collection vehicle.
  - b. Unless prior written consent of the Board of Works has been obtained, refuse containers and refuse enclosures shall be located at the rear or side of the unit being served for multiple-family dwellings, duplex dwellings, mobile home parks, condominiums, senior housing, nursing homes, or assisted living developments; or commercial, industrial, or institutional uses.
  - c. Location and approach of refuse container and refuse enclosure locations shall be designed to minimize the backing of commercial refuse collection equipment, to the extent practicable.
  - d. The approach to refuse container and refuse enclosure locations shall be designed to minimize overhead obstructions.
4. Approach and refuse enclosure locations shall be designed to allow for ingress and egress of refuse collection vehicles and delivery trucks.
5. Storm water inlets shall not be placed in the enclosure or in the driving path of the refuse collection vehicle. Any discharge entering the municipal storm water system violating storm water ordinances may be subject to enforcement actions of the Clarksville Department of Public Works.
6. Dumpsters shall be located at least five feet from any building. Refuse enclosures shall be constructed in such a way as to maintain at least five feet between the dumpster and a building.

**D. Condition of Refuse Containers and Enclosures**

The condition of gates, refuse containers, and refuse enclosures shall adhere to the following requirements:

1. Covers of refuse containers are mandatory and shall be kept closed at all times except for the purpose of placing or removing refuse.
2. No refuse shall be permitted to leak, spill, or blow outside of the refuse container or within or outside the enclosure. Containers and enclosures shall not create odors or otherwise become a nuisance. The interior of the enclosure shall be continuously maintained in a clean condition, free of any type of loose debris, or solid or liquid waste. Any spill, leak, or blown debris shall be immediately removed, and the container and enclosure immediately cleaned.
3. Containers, enclosures, and gates shall be at all times kept in a clean and sanitary condition. The user shall clean the interior of the enclosure and area at least twice weekly, and more often if odor or debris becomes a nuisance as determined by Planning Director or the Director's designee.
4. All baled refuse, including cardboard and similar materials, shall be concealed from public view within an enclosure as any other type of refuse, and shall conform to this Division.
5. No type of oil or grease (vegetable, motor, animal, etc.), or other illicit discharge identified in Clarksville Ordinance No. 2004-SW-01, as may be amended, shall be permitted to be placed in a refuse container or refuse enclosure; nor shall such discharges be allowed to leak into or be disposed of in the storm water system.

6. Oil of any kind shall be recycled or disposed of in a manner acceptable to the Public Works Department.

**Sec 165-60 Land Use and Waste Generation**

Land use influences the quantity and type of refuse generated. Refuse generated by commercial, industrial, multiple-family, duplex, mobile home, and condominium uses vary widely among different businesses, residential units, and age of tenants or occupants over the life span of a business or development.

- A. Developers and building owners shall consider the possible mix of tenants and type of refuse when determining the size of containers and enclosures, and the total amount of refuse to be accommodated.
- B. Containers and enclosures shall be adequate to accommodate refuse and materials during high-use periods.
- C. The Town encourages recycling to limit the amount of refuse generated by each user.

**Sec 165-70 Temporary Dumpsters on Residential Properties**

“Dumpster” in this section shall refer to a temporary roll-off style dumpster.

- A. Temporary roll-off dumpsters not exceeding 20 cubic yards in volume are allowed in R-1, R-2, and R-3 zones.
- B. Temporary dumpsters must be located on site. If no space is available, dumpster may be located on a street or right of way with permission from the Clarksville Public Works Department, but must be located as close as possible to the subject site. If dumpster is located on a street, measures must be taken to avoid damaging the street surface (e.g. placing plywood under the dumpster) and must have reflectors to ensure visibility.
- C. No dumpster shall block driveways, sidewalks, or other designated pedestrian or vehicle paths.
- D. No dumpster shall block fire hydrants, lawful signage, or any other public safety element.
- E. Dumpsters must remain five feet from side and rear property lines.
- F. Dumpsters must be placed on a level ground surface to avoid tip overs.
- G. No dumpster shall be present at a property for more than 30 days unless it is being used for an active construction, renovation, or remodeling project. If needed, an extension of 30 days may be granted by the Planning Director. Unless used for an active construction, renovation, or remodeling project, no dumpster shall remain present at a property for more than 60 total days in a calendar year.
- H. When full, dumpsters must be emptied to avoid overflow, regardless of time remaining in the 30 day period.
- I. Dumpsters under this section are exempt from 165-50 requiring an enclosure for refuse containers.

**Sec 165-80 Enforcement and Penalties**

Enforcement and penalties of this Division shall be as described in Article 6 Division 270.

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**Sec. 170-10      Specific Purpose**

The purpose of this division is to assure the development of land is compatible with other improvements within the district, manage transportation modes for safety of pedestrians and vehicle traffic, and assure adequate capacity of public facilities. A Development Plan is a specific plan for the development of real property that:

- A. Requires approval by a Plan Commission under the 1400 series of IC 36-7-4.
- B. Includes a site plan complies with 400 series of IC 36-7-4.
- C. Satisfies the development requirements specified in the zoning ordinance regulating the development.
- D. Contains the plan documentation and supporting information required by the zoning ordinance and the TRC.

**Sec. 170-20      Zone Districts**

Development Plans are required for developments and applications in the R-2, R-3, RPO, FP, MD, AB, OTC, CLMU, EBCZ, VPCZ, PUD, B-1, B-2, I-1, and I-2. Applications for the following require a development plan.

- A. Planned unit development.
- B. Site or traditional condominium development.
- C. Subdivision plat.
- D. Attached patio unit development.
- E. Cluster development.
- F. Mixed use development.
- G. Rezoning.
- H. Special exception.
- I. Variance from development standards.
- J. Use Variance from the terms of the Zoning Ordinance.
- K. Infill development.
- L. Residential conversion.



M. Cell tower.

**Sec. 170-30 Required Development Plan, Documentation, and Supporting Information**

Plan documentation and supporting information that must be supplied to the Plan Commission before the Plan Commission may approve a development Plan.

The development requirements must include the following:

- A. Site Plan and vicinity map.
- B. Compatibility of the development with surrounding land uses.
- C. Availability and coordination of water, sanitary, sewers, storm water drainage, and other utilities.
- D. Management of traffic in a manner that creates the harmonious development of the community.
  - 1. That the design and location of proposed street and highway access points minimize safety hazards and congestion.
  - 2. That the capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.
  - 3. That the entrances, streets and internal traffic circulation facilities in the development plan are compatible with existing and planned streets and adjacent developments.
- E. Building setbacks lines.
- F. Building coverage.
- G. Building separation.
- H. Vehicle and pedestrian circulation.
- I. Parking.
- J. Landscaping.
- K. Height, scale, materials, and style of improvements.
- L. Signage, locations, size and area.
- M. If threshold limits are reached, traffic impact analysis performed by a qualified professional within 12 months of the submittal of the development plan. The trip generation shall be for uses proposed in the development plan.
- N. Recreation space, size, and location, topography, vegetation type and site coverage. Existing structures and vegetation type by the following general categories or more specific if required: trees, weeds, scrub vegetation, lawn.
- O. Outdoor pedestrian spaces and furnishings.
- P. Outdoor lighting with photometric plan.
- Q. Other requirements considered appropriate by the TRC or the Plan Commission.

**Sec. 170-40 Supporting Documentation**

The required development plan documentation and supporting information includes:

- A. A site Plan with the location and character of the following:
- B. Existing and proposed primary structures and accessory structures.
- C. Utilities with location and sizes.
- D. Signage plan meeting the requirement of Division 200.

Landscaping plan conforming to the design guidelines for the neighborhood in which the development proposed.

- E. Existing and proposed covenants or restriction.

- F. A lighting plan with photometric spec sheets.
- G. The nature and intensity of uses in the development and by function dimension or four digit sic code.
- H. The condition, right-of-way width and pavement width of public thoroughfares, parking, vehicle, and pedestrian facilities.
- I. The location, size, and capacity of drainage facilities and sewer systems serving the development.
- J. A copy of the results of a section 106 review by the SHPO for proposed developments within or eligible for the National Register of Historic Places,
- K. Other information considered appropriate by the TRC or Plan Commission to review the proposed development

**Sec. 170-50 Subdivision**

In the case of a subdivision, the development standards of the subdivision ordinance are incorporate by reference in this division, and if they conflict, the stricter applies.

**Sec. 170-60 Procedures for Submission and Review of a Development Plan**

The TRC conducts meetings with developers, review developments and applications prior to the development plan being placed on the agenda of the Plan Commission by the Planning Department staff.

**Sec. 170-70 The Procedure for Review and Approval of Development Plans**

A pre-planning meeting is encouraged between the TRC and the developer to discuss the proposed project, requirements for development plan and documentation, schedule of reviews and approvals, including the type development and application, fees, notice, hearing, amendments, and other matters relevant to review. Also, discussed is the number of sets of drawings and documentation are required. Sketch plans may be helpful, but not required.

At the pre-meeting, a permanent docket number is assigned to the project and the appropriate application is provided to the developer.

- A. Plans and documentation are prepared and then submitted with the application and fee, and the appropriate number of copies is to be submitted for TRC review at least two weeks prior to the TRC meeting. The staff distributes the plans and documentation to appropriate departments for review. An electronic copy is submitted on a disk, flash drive or similar media in PDF format is also submitted. Emailed disk copies are not sufficient for submittals.
- B. The applicant is placed on a TRC agenda with the applicant to receive and discuss staff comments and to clarify and resolve any issues or problems.
- C. When all comments are satisfied the staff shall place the application on the Plan Commission agenda.

**Sec. 170-80 Plan Commission Review and Approval**

The Plan Commission must approve or disapprove a development plan under this series for real property within these designated zone districts. The Plan Commission has exclusive authority to approve or disapprove a development plan for real property located within the Plan Commission's jurisdiction.

- A. The Plan Commission shall review a development plan to determine if the development plan:
  - 1. Is consistent with the comprehensive plan.
  - 1. Satisfies the development requirements specified in the zoning ordinance.
- B. The Plan Commission may do the following:
  - 1. Impose conditions on the approval of a development plan if the conditions are reasonably necessary to satisfy the development requirements specified in the zoning ordinance for approval of the development plan.
  - 2. Provide that approval of a development plan is conditioned on the furnishing to the Plan Commission of a bond or written assurance that:

- a. Guarantees the timely completion of a proposed public improvement in the proposed development.
  - b. Is satisfactory to the Plan Commission.
- C. Permit or require the owner of real property to make a written commitment.

**Sec. 170-90 Commitments**

The Plan Commission may permit or require the owner of a parcel of real property to make a written commitment or enter into a development plan agreement, concerning the use or development of that parcel. A commitment made under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing after notice of the hearing has been provided under the Plan Commission's rules. The Commission may adopt rules for the following:

- A. Governing the creation, form, recording, modification, enforcement, and termination of commitments; and
- B. Designating which specially affected persons and classes of specially affected persons are entitled to enforce commitments.

A commitment or development agreement made under this section shall be recorded in the office of the county recorder and takes effect upon the approval of the development plan related to the commitment. Unless a commitment is modified or terminated by the Plan Commission, a commitment is 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.

A commitment is binding on the owner of the parcel even if the commitment is not recorded. A commitment that is not recorded is binding on a subsequent owner of the parcel or other person acquiring an interest in the parcel only if that subsequent owner or other person acquiring an interest has actual notice of the commitment.

A commitment made under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing after notice of the hearing has been provided under the Plan Commission's rules.

This section does not affect the validity of any covenant, easement, equitable servitude, or other land use restriction created in accordance with law.

**Sec. 170-100 Unrecorded Commitments**

A commitment or development plan is binding on the owner of the parcel even if the commitment is not recorded. A commitment that is not recorded is binding on a subsequent owner of the parcel or other person acquiring an interest in the parcel only if that subsequent owner or other person acquiring an interest has actual notice of the commitment.

**Sec. 170-110 Wavier**

Development requirements for approval of a development plan that the Plan Commission may waive the development plan process, if after review by Plan Director or the Technical Review Committee, providing the development proposes less than the following:

- A. There will be no off site utility construction.
- B. The use of the structure and land is permitted by right in the zoning district where it is located.
- C. The application concerns a single residential structure.
- D. Nine or more new exterior light fixtures are proposed.
- E. There will be no or a minimal amount of grading, and the site is less than one acre.
- F. There is no more than five required parking spaces.
- G. There will be no expansion of the square footage of the existing principal structure.
- H. There will be no new curb cuts, access points or loading areas required.

**Sec. 170-120 Minor Development Plan Threshold**

A minor development plan shall be required if the proposed development meets all of the following:

- A. There will be no off site utility construction.
- B. The application concerns a single residential structure.
- C. There is no outdoor dining or a through drive.
- D. Eight or fewer new exterior light fixtures are proposed.
- E. The application concerns a single business structure.
- F. There will be no or a minimal amount of grading.
- G. There is no more than ten required parking spaces.
- H. There will be no more than 10% expansion of the square footage of the existing principal structure.
- I. There will be no new curb cuts, access points or loading areas required.

**Sec. 170-130 Minor Development Plan Requirements**

The following shall be submitted with an application requiring a minor development plan. Incomplete submittals shall not be reviewed.

- A. Size and boundaries of the property.
- B. A vicinity map.
- C. A boundary description with dimensions and size of the site, if the applicant does not own the property. A letter with original signature of the owner granting permission for submittal of the application is required.
- D. Deed showing ownership of the parcel.
- E. Location, name and width of any public streets and all easements.
- F. Proposed use of parcel.
- G. Uses of adjoining parcels.
- H. Names of adjoining property owners.
- I. Square footage and height of all proposed structures and lot coverage.
- J. Location and size of all utility lines and easements for sanitary sewer, storm sewer, water, electric, cable television line, others as may exist on the parcel.
- K. Location of proposed off street parking.
- L. Width of all driveways.
- M. Angle of all parking spaces and aisle widths.
- N. Location and methods of screening material of dumpsters and mechanical equipment complying with the Clarksville Commercial Refuse ordinance.
- O. If the parcel is over one acre in size, the method of storm water management including drainage calculations conforming to Clarksville Standard Specifications.
- P. North arrow and scale.
- Q. Name address, email address, fax number and telephone number of owner, land surveyor and/or engineer or attorney as may be appropriate.
- R. The development plan shall be drawn to a scale sufficient for review and shall include a vicinity map.

- S. Proposed restriction or covenants and by-laws of any proposed property owner or homeowner association conforming to guidelines of Division 150: Special Provisions if any shall be submitted with the application.
- T. If threshold values are met or exceeded a traffic impact analysis meeting the requirements of Division 155: Roadway and Access Management.
- U. Location, size and material if all structures to be done.

**Sec. 170-140 Threshold for Major Development Plan**

If a proposed development exceeds the minimum requirements, for submittal of a minor development plan a major development plan shall be submitted.

**Sec. 170-150 Major Development Plan Submission Requirements**

The following shall be submitted with an application requiring a minor development plan. Incomplete submittals shall not be reviewed.

- A. All the requirements of a minor development plan.
- B. A boundary description with dimensions and size of the site. A deed is not sufficient for this requirement.
- C. Deed showing ownership of the parcel.
- D. Location, name and width of all private and public streets and all easements.
- E. Proposed use of parcel, including outdoor dining, and drive through with dimensions, if any are proposed.
- F. Any proposed outdoor storage areas.
- G. Uses of adjoining parcels.
- H. Names of adjoining property owners.
- I. Square footage and height of all proposed structures and lot coverage.
- J. Location and size of all utility facilities, lines, and easements for sanitary sewer, storm sewer, water, electric, cable television line, others as may exist on the parcel.
- K. Landscape plan complying with Division 180.
- L. Lighting plan with photometric complying with Division 190.
- M. Location and configuration of proposed off street parking complying with sec. 195..
- N. Width and location of all driveways.
- O. Signage plan complying with Division 200.
- P. Angle of all parking spaces and aisle widths.
- Q. Storm water plan meeting the requirements of the Clarksville Storm Water ordinances, including drainage calculations conforming to Clarksville Storm Water ordinances.
- R. North arrow and scale.
- S. Name address, email address, fax number and telephone number of owner, land surveyor and/or engineer or attorney as may be appropriate.
- T. The development plan shall be drawn to a scale sufficient for review and shall include a vicinity map.
- U. Proposed restriction or covenants and by-laws of any proposed property owner or homeowner association conforming to guidelines of Division 150: Special Provisions if any shall be submitted with the application.
- V. If threshold values is met or exceeded a traffic impact analysis meeting the requirements of Division 155: Roadway and Access Management. The Plan Director, TRC, or Plan Commission may require a TIA.
- W. Location and amount of open space including recreation areas.

- X. Drive through location, stacking, and by-pass lane complying with Division 150.
- Y. Requirements of Division 185: Large Retail if any structures will be over 16,000 square feet

<b>SEC.175-10</b>	<b>SPECIFIC PURPOSE.....</b>	<b>1</b>
<b>SEC.175-20</b>	<b>ENVIRONMENTAL INVENTORY AND EVALUATION.....</b>	<b>1</b>
<b>SEC.175-30</b>	<b>LOCATION IMPROVEMENT PERMIT.....</b>	<b>2</b>
<b>SEC.175-40</b>	<b>BUILDINGS UNDER CONSTRUCTION.....</b>	<b>2</b>
<b>SEC.175-50</b>	<b>SPECIAL EXPERT CONSULTANTS AND COSTS.....</b>	<b>2</b>

### **Sec.175-10 Specific Purpose**

The purpose of the environmental inventory and evaluation is to identify environmental areas and their quality and significance. The purpose of the inventory is to be used as the foundation for designing certain developments to conserve the natural resources of Clarksville.

### **Sec.175-20 Environmental Inventory and Evaluation**

The inventory shall be conducted and evaluated prior to or with the application for a major development plan required by sec. 170, subdivision, PUD.

The environmental inventory shall include the following and be illustrated on drawings 24" x 36" at a scale of 1"=100'.

- A. A vertical aerial photograph, current as reasonably possible, enlarged to a scale not less detailed than one inch=400 feet, with the site boundaries clearly marked.
- B. Topography, the contour lines that shall generally be at two-foot intervals. Topography shall be prepared by a professional land surveyor or professional engineer, licensed in the State of Indiana from an actual field survey of the site and shall be coordinated with official U.S.G.S. benchmarks.
- C. The location and delineation of ponds, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplains, dry hydrants, slopes of 18% and wetlands. Also, be shown shall be riparian zones, natural forested uplands, natural scrublands, non-natural woody planted and cultivated area. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from appropriate governmental mapping, or the presence of wetland vegetation.
- D. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grassland, meadow, old field, hedgerow, woodland and wetland, trees with a caliper in excess of 15 inches, the actual canopy line of existing trees and woodlands. The applicant shall provide information and plans to regard plant community, relative age and condition shall describe vegetative types.
- E. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for the county, and accompanying data published for each soil relating to its suitability for construction for the development.
- F. Ridgelines and watershed boundaries shall be identified.
- G. Cemeteries and individual graves, the county historian or the Clarksville Historical Society may be sources of information.
- H. Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on availability of published information or more detailed data obtained by the applicant.
- I. Abandoned quarry and historic mapping information. These may be available from the Indiana State Geologist or at the Indiana Geological Survey, Indiana University, Bloomington, Indiana.
- J. Archaeological and other historic sites and structures documented by a source approved by the Indiana State Historic Preservation Officer [SHPO] copy of any archaeological record search. Copy of any record search, development plan, or report that is submitted to or required by the SHPO shall be submitted with the application. Where any development will be within 100 feet of any cemetery or grave, the applicant shall submit a letter with comments from the SHPO. Any recommendations of the SHPO shall be incorporated into the primary and final plat of a subdivision, development plan, or PUD and in every planned development.

- K. All existing man-made features including but not limited to streets, driveways, footers, foundations, culverts, bridges, fence rows, woods, buildings foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, potable water lines, water facilities and storm and sanitary sewers.
- L. Locations of trails or sidewalks that are in public use (pedestrian, equestrian, bicycle, etc.).
- M. All easements and other encumbrances of property, which are or have been filed or recorded with the Clark County Recorder office, shall be shown on the plan.

**Sec.175-30 Location Improvement Permit**

As required by IC 36-7-4-801, an improvement location permit is required for the construction, reconstruction, 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.

- A. No permit shall be issued by an authorized employee of the Plan Commission unless the proposed construction, reconstruction, enlargement or moving their building or structure conforms to all the provisions of this zoning ordinance.
- B. 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.
- C. No occupancy permit shall be issued until all street signs are installed in a subdivision, PUD or other planned development.
- D. 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 60 days after the date of its issue, or if work has started and then stopped for a period of six months.
- E. The permit may be revoked if work is not proceeding according to the detailed statement, plans and specifications filed with the permit application or 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.
- F. All infrastructure, except final paving shall be totally installed and operational prior to any improvement location permit being issued for any structure within the development.
- G. The correct street address shall be installed prior to an occupancy permit being issued.
- H. Sidewalk construction is the responsibility of the developer of a subdivision, PUD, or development required by sec. 170

**Sec.175-40 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 year after the effective date of this ordinance.

**Sec.175-50 Special Expert Consultants and Costs**

The Plan Commission, staff or Technical Review Committee may retain special expert consultants, as it deems necessary to provide assistance in the review of site location alternatives analysis 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, development plan review, PUD, subdivision, special exception, variance or conditional use.



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**Sec. 180-10 Specific Purpose**

The purpose of this division is to establish regulations for the preservation of natural features, aesthetics, and minimum standards for the provision, installation, and maintenance of landscape materials. These regulations are intended to promote the health, attractiveness, and safety of the community; foster aesthetically pleasing and environmentally sensitive development that protects and preserves the appearance and character of the community; and encourages the preservation of natural areas such as mature tree stands and stream corridors.

This division establishes standards to increase the compatibility of a development with the natural environment and adjacent development to maintain and increase the value of land by requiring landscaping to be incorporated into certain developments. The standards set forth herein promote important physical and psychological benefits through the use of landscaping to reduce noise and lighting; promote innovative and cost conscious approaches to the design, installation, and maintenance of landscaping.

**Sec. 180-20 Applicability**

- A. This Division shall apply to all zoning districts and all public, private, and institutional developments, except those approved prior to the enactment of this Division and those that have fulfilled filing requirements at the time of the adoption of this division.
- B. This Division shall apply to nonresidential uses, residential subdivisions, or other residential developments that require site development plan approval or a special exception.
- C. This Division shall not apply to previously-authorized building permits, a previously-approved site development plans, or previously-approved subdivision plats.
- D. A landscape plan is required for any development requiring a development plan.

**Sec. 180-30 Landscape Buffer Areas**

Landscape buffer areas will be a minimum of ten (10) feet in width along the side and rear property lines and a minimum of five (5) feet in width along the front property facing a public access roadway provided, except when existing or proposed land uses are dissimilar, based on broad categories of:

- A. Residential, including R-1, R-2.
- B. R-3, RPO, MD, AB, OTC, CLMU, EBCZ, VPCZ, B-1, B-2.
- C. Industrial I-1 and I-2.
- D. Other includes OPS and overlay FHA.

- E. In any case, the width of the landscape buffer shall not be required to be greater than the yard requirements for the applicable zoning district. A landscape buffer area is an area free from parking, storage, buildings or structures, and development to accommodate the required landscaping and buffering materials.
- F. No structures (including, but not limited to buildings, RV and motor vehicle parking lots, loading/unloading areas of storage areas) are allowed within the landscape buffer area except fences, walls, signs, lighting standards, trails, walkways or structures of public utility service.

**Sec. 180-40      Content of Landscape Plan**

Landscaping plans shall comply with the following standards:

- A. Landscape plans shall be submitted for all required buffer yards, conservation easements, landscape easements, and areas owned in common within proposed developments. It is recommended, but not required that landscape plans be prepared by a licensed landscape architects, nurserymen, or other qualified professional experienced in landscape design, installation, and maintenance. A plan describing ownership, use, and maintenance responsibilities of these areas should be specified in the submittal.
- B. Landscape plans shall show the entire project to be drawn to scale on standard sized sheets (minimum 24" x 36") and shall contain the following information:
  - 1. Names and addresses of owners, developers, plan preparers, plan preparation dates, scale of drawings, and north arrows.
  - 2. Locations and dimensions of all existing and proposed structures, parking lots, driveways, roadways, rights-of-way, sidewalks, pedestrian pathways, bicycle pathways, ground signs, refuse disposal areas, bicycle parking areas, freestanding electrical equipment, recreation facilities, utility lines, easements, freestanding structural features, landscape improvements, earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, courts, paved areas, buffer yards, primary and secondary green space areas, and green belt space.
  - 3. Locations, quantities, sizes, and names (botanical names and common names) – of planting materials.
  - 4. Existing and proposed grading plans, indicating contours at not more than two-foot intervals.
  - 5. Locations of barriers to be placed at or beyond drip lines of trees to be preserved, and types of materials to be used for barriers.
  - 6. Planting and installation details as necessary to ensure conformance with required standards.
  - 7. Details indicating specific grading measures or protective devices to be utilized where trees are to be preserved in areas of cut and fill.
  - 8. Tables clearly displaying relevant statistical information, including numbers of existing trees and numbers of trees preserved, for example.
  - 9. Standard size sheets at the same scale as landscape plans that display locations, sizes, and common names of existing individual trees that measure twelve (12) inches or more in caliper, areas of dense trees or shrubs, and other natural areas.

**Sec. 180-50      Incentives to Preserve Trees**

- A. Existing trees that are preserved shall contribute to required on-site landscaping, based proportionally on their caliper measure. Certain "cull" species and deformed trees may not be permitted to be credited. Preserved trees under eight (8) inches in caliper shall be credited at the rate of one (1) times the caliper measure of such trees. However, trees with a caliper of less than two (2) inches shall not qualify for credit. Preserved trees between eight (8) and sixteen (16) inches in caliper shall be credited at the rate of two (2) times the caliper measure of such trees. If preserved trees possess caliper measures of sixteen (16) inches or greater, credit shall be calculated at the rate of four (4) times the caliper measure of such trees. A qualifying six (6) inch caliper preserved tree shall be credited as three (3) required two (2) inch caliper trees. A qualifying fourteen (14) inch caliper preserved tree shall be credited as twenty-eight (28) required two (2) inch caliper trees. A qualifying eighteen (18) inch caliper preserved tree shall be credited as thirty-six (36) required two (2) inch caliper trees.

- B. Barriers shall be used to protect trees during site development. Barriers shall be specified in landscape plans and shall be placed at or beyond the drip lines of trees to be preserved. Such barriers shall remain in place during site construction. No vehicles, machinery, tools, chemicals, construction materials, or temporary soil deposits shall be permitted within such barriers. No notices or other objects shall be nailed or stapled to preserved trees.
- C. Grading measures or protective devices, such as tree wells, tree walls, or specialized fill and pavement designs, shall be installed when necessary to preserve a tree.

**Sec. 180-60      Selection, Installation, and Maintenance of Plant Materials**

- A. Shade Trees - Shade trees shall be a minimum of eight (8) feet in height and have a caliper measure of at least two (2) inches, measured twelve (12) inches above finished grade. Shade trees shall be of a variety that will attain an average mature spread greater than twenty (20) feet.
- B. Evergreen Trees - Evergreen trees shall be a minimum height of six (6) feet.
- C. Ornamental Trees - Ornamental trees shall have a minimum trunk size of two (2) inches in caliper, measured six (6) inches above finished grade.
- D. Shrubs shall possess a minimum height of eighteen (18) inches at the time of planting.
- E. Substitutions – If plant substitutions become necessary due to seasonal planting problems or a lack of plant availability, revisions to planting plans shall be permitted based on the substitution list below. For on-site requirements only, substitutions may be made for up to one-half (50%) of required plants. If plant substitutions do not fulfill the following criteria, changes to previously-approved plans shall be resubmitted and reviewed for new approval.
  - 1. 1 shade tree = 2 ornamental trees = 2 evergreen trees.
  - 2. 1 ornamental tree = 1 evergreen tree.

**Sec. 180-70      Installation**

- A. Landscaping materials shall be installed in accordance with planting procedures established by the American Association of Nurseryman.
- B. Required landscaping of development projects shall be completed prior to the issuance of Certificates of Occupancy for non-residential and multi-family projects, and prior to the issuance of building permits for more than fifty percent (50%) of the lots within each section of residential subdivisions. Landscaping installation may be delayed up to 120 days due to the following:
  - 1. Periods of adverse weather.
  - 2. Conflicts between construction scheduling and proper planting conditions.

**C. Irrigation Systems**

Permanent irrigation systems shall be installed by the developer. Restricted root systems, reflected heat, and dry summers create extreme drought stress for trees in parking lots and other paved areas. Avoid cutting tree roots when irrigation is installed after trees are established. Avoid cutting tree roots when irrigation is installed after trees are established. The amount of irrigation shall be appropriate for the tree species. Select salt tolerant tree species for parking lots and paved areas where deicing salts may accumulate or drain over tree roots.

**D. Tree Planting Pits**

Within or within ten feet of a public street or other public way, root barriers or planting pits shall be installed to mitigate the damage that can be caused by migrating roots, significantly reducing uplifted streets and sidewalks and the attendant costs of maintenance and pedestrian hazard. Root barriers or planting pits shall be used to deflect tree roots downward as they grow. Planting pits shall be used when planting of new trees, to prevent the spread of roots following root pruning and to protect land and hardscapes from root damage.

Ten feet shall be measured from the expected drip line of the plant and calculated as if the plant were mature, based on authoritative documentation. Documentation shall accompany the application.

**E. Root Barriers**

Root Barriers may be no less than 36 inches in radius and be to a depth of at least 18 inches. The root barrier shall be inter-locking panels that are manufactured of an extruded polyethylene.

**1. Tree Planting Pits**

Tree planting pits shall be constructed in sidewalks; however, clear paths meeting ADA requirements shall not be obscured. They shall be six feet in diameter or be continuous channels of soil. They shall provide a continuous channel of soil under the pavement that connects the individual pits and allows greater volume of soil for root growth and water storage. Raised tree planting areas can likewise be designed to accommodate multiple trees rather than single trees.

Where individual pits must be constructed they can either be above, at or below the surface of the pavement. In cases where there are both, extra provisions shall be made for supplemental fertilization and irrigation. In the case of planting pits at the surface level, a ground cover shall be planted at the time of the trees installation to discourage foot traffic over the tree roots. In cases where the pit soil level will be 2-8 inches below the pavement surface, an adjustable pit cover or grate shall be installed. The pit cover or grate shall accommodate the tree trunk growth while reducing trash accumulation and rodent the pit habitation.

Within a six foot diameter of the tree trunk, landscape pavers, porous concrete pavers shall be used for parking lot surfaces instead of solid asphalt or concrete.

**2. Shallow Rooted Trees**

3. Shallow rooted tree species such as, Norway maple, red maple, sugar maple, sweet gum, tulip tree, pin oak, poplars and cottonwoods, willows and American elms, shall not be planted near sidewalks. There shall be at least six feet of soil between paved surfaces such as asphalt or concrete and a sidewalk.

**A. Landscape Screening and Buffering**

Screening and buffering shall consider the following:

1. Seasons and year round color and buffering.
2. Density of foliage.
3. Size at maturity.
4. Messy fruit and seed producing species should be avoided near sidewalks, patios, driveways, and other paved or concrete areas.
5. Thorny or prickly branches may be used to deter stray animals and manage pedestrian movements.

**Sec. 180-80 Modifications**

When a change in use occurs, or when modifications that require a building permit is made to existing structures, landscaping shall be required to be installed in a manner that is comparable in nature and the extent to the impact of the proposed change or modification.

**Sec. 180-90 Preservation and Replacement of Trees**

- A. Developers shall take reasonable measures to design and locate proposed structures in a manner that minimizes the destruction of significant tree specimens.
- B. Prior to site development, plan approval or the issuance of a building permit, developers shall inventory all trees which possess a caliper measure of at least twelve (12) inches. Tree inventories shall depict locations, sizes, and common names of existing trees and individual shrubs; areas containing dense trees or shrubs; and other natural site features. Existing trees that are to be preserved shall be credited toward required landscaping requirements based on the sizes of such preserved trees.
- C. The following considerations shall be made in regard to tree preservation efforts:

1. The practicability of arranging site plan components around existing features. Plans for groups of structures should be designed so as to preserve areas of high tree concentrations, desirable individual tree specimens, and desirable stands of trees and shrubs.
2. The condition of vegetation, with respect to continued vitality.
3. The possibility of preserving vegetation through pruning rather than removal.
4. The desirability of particular tree or species by reason of its appearance; historic or ecological significance; botanical characteristics; and the function of the vegetation would fulfill as a site plan component.
5. The practical and economic possibility of designing the location and grades of proposed structures and paving to preserve existing vegetation.
6. The potential for interference with utility services along the use of roads and walkways.
7. Tree preservation plans shall be submitted with site plans that detail locations, sizes, and common names of preserved trees; individual shrubs; areas of dense tree or shrub concentrations, and other natural features which are to be preserved or removed. No disturbance shall be permitted in the critical root zones of preserved trees. Disturbances include trenching, backfilling, driving or parking equipment and dumping trash, oil, paint, or other materials detrimental to plant health.
8. Should any tree designated for preservation die within five (5) years of project completion, the owner shall replace such tree with a tree (or trees) of equal tree preservation value within 180 days (see following paragraph for value calculation).

**Sec. 180-100 Maintenance**

Maintenance plans for proper maintenance are required in any development requiring a major development plan, see Sec. 75-210.

- A. All newly planted vegetative material shall meet minimum American Standard for Nursery Stock Standards.
- B. Landscaping shall be maintained in a healthy growing condition. This includes:
  1. Regular irrigation, weeding, fertilizing, pruning, mowing, and other maintenance of outside plant materials on the property.
  2. Mature trees shall not be topped. They shall be pruned according to procedures established in the National Arborist Association Standards, published by the National Arborist Association.
  3. Treating plant materials that exhibit evidence of insect pest or disease damage.
  4. Replacement of dead or dying plant materials with specimens in good, healthy, growing condition. Replacement shall be completed using the same plant materials approved on landscape plans.
  5. Replenishing natural landscape materials such as rock, stone, bark chips and shavings that no longer cover the area in which they were originally deposited.
  6. Repairing, replacing, or maintaining structural landscaping features including, but not limited to fountains, reflecting pools, outdoor art work, screening walls, retaining walls, fences, benches or other street furniture elements, as necessary to maintain these items in good condition.
  7. Any other action necessary to maintain landscaping installed in accordance with an approved landscape plan.
- C. Plantings and landscaping features required by this division shall be subject to inspection to verify continued compliance with this General Landscape Design Standards of this division.
- D. A landscape architect, nurseryman, or other professional experienced in the installation and care of plant materials shall be consulted to ensure that proposed plants are appropriate and will survive.
- E. Scale and Nature of Landscaping – Scale and nature of landscaping materials shall be appropriate to the size of proposed structures. Large-scale buildings should be complemented by large-scale plants. Form, texture, color, pattern of growth, and adaptability to local conditions shall be considered when selecting plant materials.

- F. Clearance – Trees shall be planted so that when they reach maturity, there will be a minimum of ten (10) feet of clearance between tree trunks and structures, building overhangs, walls, fences, and other trees.
- G. Materials -Grass and other vegetative ground cover shall be used in all green space areas, including parking lot islands, except for decorative mulch planting beds containing trees and/or shrubs; and inert stabilization in areas subject to severe runoff or erosion. Flammable material, including mulch shall not be placed within 15 feet of any exterior door.
- H. Lines of Sight – Plantings in landscaped areas shall not obstruct sight lines or vision clearance at corners or driveways.
- I. Energy Conservation - Plantings shall be arranged to promote energy conservation wherever practical. This includes using deciduous trees on the south and west sides of buildings to provide shade from summer sun and planting evergreens on the north of buildings to insulate against winter winds.
- J. Noise Reduction - Properties adjacent to highly trafficked roads or businesses shall arrange landscaping to reduce the intensity of noise by reflecting, deflecting, or absorbing sound. Some techniques to accomplish this include using earth berms, walls, fences, or plantings to provide physical separation and to absorb noise. When a berm is used to form a visual screen in lieu of or in conjunction with a hedge or wall, it shall not exceed a slope of thirty (30) degrees and shall be completely covered with shrubs, grass, or other living ground cover.
- K. Landscape plans shall clearly identify areas where stone or other inert materials are to be used as ground cover. Areas not so designated shall be required to have grass or other vegetative ground cover.
- L. Trash and Loading Facilities - Trash dumpsters, trash pads, loading areas, service areas, and maintenance areas shall be screened from view of residential uses and public roads.
- M. Heating and Cooling Facilities - Ground-mounted heating and cooling units for nonresidential or multi-family structures shall be completely screened with landscaping.
- N. Softening of Walls and Fences - Plant materials other than ground cover shall be placed intermittently (approximately every 40 feet) against long expanses (over 80 feet) of building walls, fences, and other barriers to create a softening effect. However, ground cover plants may supplement the plant materials required by this paragraph.
- O. Detention/Retention Basins and Ponds - Detention/retention basins and ponds, when present, shall be landscaped in a manner that replicates the natural form of ponds. Such landscaping shall include shade trees, ornamental trees, evergreens, shrubbery, hedges, and/or other plant materials.
- P. **Landscape Maintenance**

Plan for proper maintenance of all landscaping including trees, shrubs, plantings, landscape elements, and other landscaping approved as part of the landscaping plan. This includes, but is not limited to:

  - 1. Replacing dead plantings with identical varieties or a suitable substitute.
  - 2. Irrigation.
  - 3. Mulching or suitable ground cover.
  - 4. Keep landscaped areas free of refuse, debris, rank vegetation and weeds.
  - 5. Replenishing plants and trees as needed.
  - 6. Keep mulch from contacting the tree trunk, and minimize the number of competing plants with in the mulched area.

**Sec. 180-110 On-Site and Street Frontage Landscaping Requirements**

- A. Yards, setback areas, and green space areas within developments shall be landscaped with live vegetation.
- B. The minimum numbers of shade trees, evergreen trees, ornamental trees, and shrubs required to be planted are set forth in Table 180-1.

Table 180-1 Minimum On-Site Requirements

Land Use Type	Plant Materials		
	Shade Trees	Ornamental or Evergreen Trees	Shrubs
R-1 & R-2	4 per dwelling unit	2 per dwelling unit	4 per dwelling unit
R-3	1 per dwelling unit	1 per dwelling unit	4 per dwelling unit
Institutional Uses	2 per acre	3 per acre	10 per acre
AB, CLMU, EBCZ, RPO, B-1, B-2, VPCZ & MD	10 per acre	10 per acre	25 per acre
I-1 & I-2	5 per acre	5 per acre	25 per acre

Proportional decrease in the required number of trees is allowed if larger caliper trees are planted. Trees with caliper measures of four (4) inches may replace two (2) required two (2) inch caliper trees.

Institutional uses include, without limitation, schools, churches and government offices.

**C. For Institutional uses**

Trees required to be planted in interior parking lot landscaping areas may be counted toward meeting on-site landscaping requirements as set forth in Table 180-1.

Identified acreage for constructed athletic fields and courts (including the adjacent perimeter for coaching and spectator viewing), and constructed playgrounds with equipment may be subtracted from the total acreage before computing on-site requirements.

Trees should be grouped together whenever possible to simulate natural tree stands, versus trees being planted in straight rows.

1. Required trees and plantings within residential developments not intended to be requirements per each lot, but are intended to be aggregate requirements per subdivision section or per multi-family development.
2. Required trees and plantings within non-residential developments must be planted per each lot requirement. Trees and plantings are not credited to the overall development requirements.
3. Existing trees or woodlands that are preserved may be counted toward minimum planting requirements.

**D. Road Frontage Standards**

1. In residential developments, where property abuts primary arterials, secondary arterials, or collector roads not internal to subdivisions, at least one shade tree per thirty (30) linear feet of road frontage shall be planted adjacent to road rights-of-way. Trees planted along road frontage in residential developments may be credited toward overall on-site landscaping requirements set forth in Table 180-1.
2. In non-residential developments where property abuts any public right-of-way, at least one shade tree per forty (40) linear feet of road frontage shall be planted adjacent to road rights-of-way. Trees planted along road frontage in nonresidential developments may be credited toward overall on-site landscaping requirements established in Table 180-2.
3. Shade trees required to be planted along road frontage shall be located outside drainage and utility easements shall be located in a manner that mitigates interference with infrastructure located within such easements and may be clustered or grouped in order to attain creative site design.
4. When evergreen and/or ornamental trees are preserved along road frontage and they qualify for preservation credit at a count of 1:1 toward road frontage requirements.

**Sec. 180-120 Buffer Yard Requirements**

- A. Plantings in buffer yards should physically separate and visually screen different land uses and/or zoning districts from one another without precluding connectivity between uses. Plants used for screening must reach a minimum height of forty-eight (48) inches within three years of installation, and be at least eighteen (18) inches tall when planted. Plantings in buffer yards shall consist of two (2) or more species of both trees and shrubs.
- B. Buffer sizes shall be determined by adjacent zoning districts and/or land uses in accordance with Table 180-2. If adjacent properties possess a mix of land uses, then the highest intensity use shall determine the required buffer yard size.

Table 180-2 Minimum Required Buffer Yard and Adjacent Zone Districts in Feet

<i>Adjacent Zone District</i>	<i>R-1</i>	<i>R-2 &amp; RPO</i>	<i>R-3</i>	<i>Institutional Churches Schools Gov't Offices</i>	<i>B-1 &amp; B-2</i>	<i>I-1</i>	<i>I-2</i>
<b>R-1</b>	-	20	20	40	40	30	NP
<b>R-2 &amp; RPO</b>	20	-	20	40	40	30	NP
<b>R-3</b>	20	20	-	40	40	40	NP
<b>CLMU, MD, EBCZ, OTC, OPS, VPCZ, &amp; PUD</b>	<i>CLMU, EBCZ, OTC, OPS, VPCZ Shall be determined through the Development Plan Process</i>						
<b>Institutional Uses</b>	40	40	40	-	15	40	40
<b>B-1, B-2, &amp; MD</b>	15	15	15	15	-	15	15
<b>I-1</b>	30	30	30	40	15	-	15
<b>I-2</b>	NP	NP	NP	40	15	15	-
<b>AB</b>	See Division 60						
	NP = Not Permitted						

**Sec. 180-130 Parking Area Landscaping**

The following landscape requirements shall be applied to parking lots, to screen parking areas from streets, to prevent the creation of large expanses of paving, and to provide shade to paved areas.

**A. Interior Parking Lot Landscaping**

Area Required -A portion of vehicular use areas shall be maintained as landscaped area. The total amount of interior parking lot area that must be landscaped shall be based on the total number of proposed parking spaces standards set forth in Table 180-3.

**B. Parking Lot Islands**

Parking lot islands shall be dispersed throughout parking lots in a design and configuration that aesthetically corresponds to the size and shape of parking lots. Combining or placing parking lot islands together such that more than one tree may be planted in the island shall be considered when possible.

1. Parking lot islands shall be constructed six (6) inches above the surface of parking lots; they shall be a minimum of one hundred twenty (120) square feet in an area; and shall be a minimum of seven (7) feet in width, measured from back of curb to back of curb.
2. Interior landscaped areas shall be curbed in a manner that restricts vehicles from driving over landscaped areas.



3. Interior landscaped areas shall be dispersed so as to define aisles and limit unbroken rows of parking spaces to a maximum of two hundred (200) feet in length.
4. Parking lot islands shall include at least one (1) tree and four (4) shrubs per parking lot island. One hundred (100) percent of every parking island shall be covered with a permitted groundcover material to achieve complete coverage.
5. No landscaping within a parking lot islands may unreasonably obstruct visibility for vehicles entering, maneuvering in, or exiting parking areas. Such landscaping shall be constructed in compliance with visibility standards in Division 15 of this zoning ordinance.

**C. Perimeter Parking Lot Landscaping**

**1. Application**

Perimeter landscaping is required for parking lots with ten (10) or more spaces where:

- a. The parking lot is located within a required yard.
  - b. The parking lot is located within twenty (20) feet of a lot line or right-of-way line. Perimeter parking lot landscape areas shall be at least five (5) feet wide and shall extend along the perimeter of parking lots. Plantings should be grouped an aesthetically pleasing manner.
  - c. Trees required to be planted in perimeter parking lot landscape areas may be counted toward meeting total on-site landscaping requirements as set forth in Table 180-1: Minimum On-Site Requirements.
2. Requirements - Perimeter parking lot landscape areas shall include the following landscape improvements:
- a. There shall be one tree per thirty (30) linear feet of the parking lot length. Trees may be clustered.
  - b. There shall be one shrub per three (3) feet of the parking lot length. Shrubs may be clustered.
  - c. Perimeter parking lot landscape areas not planted with trees or shrubs shall be covered with grass or other permitted groundcover or mulch.

**D. Recommended Plant Materials**

1. Table 180-4: Recommended Plant Materials, lists plant materials recommended for use in fulfilling landscaping requirements.
2. Table 180-5: Plant Use suggests appropriate uses for each species of tree, shrub, ground cover, and vine.
3. A minimum of three (3) different species of shade trees shall be included.
4. The uses of plants native to this area are encouraged to increase the likelihood of survival.

**Table 180-4 - Recommended Plant Materials**

PLANT LIST GROUP A	
<b>PREFERRED LARGE TREES (<i>deciduous</i>):</b>	
<b>Botanical Name</b>	<b>Common Name</b>
Acer rubrum	Red Maple
Acer saccharinum	Sugar Maple
Alnus glutinosa	Black Alder
Betula nigra	River Birch
Carpinus betulus	European Hornbeam
Fraxinus americana	White Ash

Table 180-4 - Recommended Plant Materials

PLANT LIST GROUP A	
Gleditsia triacanthos inermis (a)	Thornless Honey Locust
Quercus palustris	Pin Oak
Quercus phellos	Willow Oak
Quercus rubra	Red Oak
Tilia chordata	Littleleaf linden
PREFERRED LARGE TREES (evergreens)	
Botanical Name	Common Name
Ilex opaca	American Holly
Picea abies	Norway Spruce
Picea glauca	White Spruce
Pinus nigra	Austrian Pine
Pinus strobus	White Pine
Pinus sylvestris	Scotch Pine
Pinus thunbergii	Japanese Black Pine

Table 180-5 - Plant Use

Botanical Name	Common Name
10-25' in height:	
Ilex x attenata "Fosteri"	Foster Holly
Juniperus chinensis	Chinese Juniper
Taxus cuspidata	Japanese Yew
Viburnum rhytidophyllum	Leatherleaf Viburnum
6-10' in height:	
Ilex glada	Inkberry
Ilex x meseviae	Blue Holly
Taxus x media	Anglogap Yew
6' & under in height:	
Juniperus horizontalis	Creeping Juniper
Taxus baccata	English Yew
Ground Cover :	
Juniperus conferta	Shore Juniper
Junipers sabina	Savin Juniper

Table 180-6 - Native Plants		
Native Large Trees		
Genus	Species	Common Name
Acer	Nigrum	Black Maple
Acer	Rubrum	Red Maple
Acer	Saccharum	Sugar Maple
Acer	X Freemanii	Freeman Maple
Betula	Nigra	River Birch
Celtis	Occidentalis	Common Hackberry
Gleditsia	Triacanthos	Honey Locust
Gymnocladus	Dioica	Kentucky Coffee Tree
Linodendron	Tulipifera	Tulip Tree
Quercus	Alba	White Oak
Quercus	Bicolor	Swamp White Oak
Quercus	Rubra (Borealis)	Northern Red Oak
Native Medium Trees		
Amelanchier	Species	Serviceberry
Cladrastis	Kentuckia (Lutea)	Yellowwood
Crataegus	Viridis	Winter King Green Hawthorn
Ostrya	Virginiana	Hop Hornbeam
Native Small Trees		
Cercis	Canadensis	Eastern Redbud
Cornus	Alternifolia	Pagoda Dogwood
Viburnum	Lantana	Wayfaring Tree
Viburnum	Lentago	Nannyberry Viburnum
Viburnum	Plicatum Tomentosum	Double File Viburnum
Viburnum	Prunifolium	Blackhaw Viburnum

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#### **Sec. 185-10      Specific Purpose**

The purpose of this division is to encourage more aesthetically developments that are compatible in height mass, articulation and material. It is the intent of this division to meet these changes in a manner that will be consistent with the best interests of the town.

#### **Sec. 185-20      General Purpose**

The purpose is to achieve high quality for the development of all permitted land uses in the jurisdiction of the Town to serve the general neighborhood and town. While also producing a wider range of choices in satisfying the changing needs of the town, it is the purpose and intent of this ordinance to accomplish the following:

- A. Established standards are to ensure that large retail building development is compatible with the surrounding area and contributes to the unique community character of Clarksville.
- B. Specify development standards and requirements for large retail structures and developments containing large retail structures.
- C. Specifies any limitations applicable to large retail structures.
- D. Establish procedures to govern and administer these standards, including regulations, review considerations for approval and modifications to large retail developments.

#### **Sec. 185-30      Building Standards**

The following standards shall be applied to retail buildings having 16,000 square feet or larger.

#### **Sec. 185-40      Facades and Exterior Walls**

- A. Facades or exterior walls exceeding 40 feet in length, as measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the façade or wall.
- B. Street level facades that face public streets shall have arcades, display windows, intrigue areas, awnings and other such features as long as no less than 35 percent of the horizontal length of the ground floor façade.
- C. Building facades shall include at least two of the following:
  1. Color change.
  2. Texture change.
  3. Material change.
  4. Architectural or structural change that may include among other architectural or structural elements projecting ribs or offsets.
  5. Other similar change in the façade meeting the intent and purpose of this division.
- D. Roof shall have parapets that conceal rooftop equipment such as HVAC units from public view. Parapets should not exceed one-third of a height of the supporting wall.

**Sec. 185-50      Materials and Colors**

Materials and colors should be high-quality materials. Seventy-five percent including of a building shall be brick, stone, or stone and tinted/textured concrete masonry units.

**Sec. 185-60      Entryways**

Entryways of large retail establishments should have clearly defined, highly visible customer introduces identified through the use of any of the following:

- A. Canopies or porticos.
- B. Overhangs.
- C. Recesses/projections.
- D. Arcades.
- E. Raised cornice parapets over the door.
- F. Peaked roof forms.
- G. Arches.
- H. Outdoor patios.
- I. Display windows.
- J. Architectural details that are integrated into the building structure and design.
- K. Planters or wing walls that are incorporated into the landscape areas and/or places for sitting.

**Sec. 185-70      Design and Relationship to existing Thoroughfares**

- A. Excluding movie theaters, all sides of a large retail building that directly faces and abuts public streets and should include at least one customer entrance.
- B. No more than 70 percent of the off street parking area for a lot, tract, or area of land devoted to the large retail establishment shall be located between the front side of large a building abutting streets.
- C. The rear lot line shall not be less than 35 feet where the façade faces adjacent residential uses or of a residential zone, and earthen berm, of sufficient height and containing adequate landscaping shall be provided.
- D. The site design shall provide a direct connection and safe street crossings to adjacent land uses. This may be accomplished through the utilization of the network sidewalks and walkways.
- E. Vehicular access shall be from principle arterials, major arterials, or major collectors and comply with Division 155: Access Management.
- F. In no instance shall sidewalks be less than five feet in width; however, sidewalks of sufficient width to separate pedestrians from vehicular related elements such as regulatory signage, fire hydrants, etc. Shall be provided and connected to the sidewalks along an access road. Internal walkways and sidewalks shall be distinguished from driving surfaces to the use of low maintenance materials such as pavers; bricks, scored concrete or stamped asphalt, in an effort to enhance safety and comfort as well as the aesthetics of the sidewalk. However, in no case shall ADA requirements be compromised, due to vibration or other cause.
- G. In order to preserve the width of the sidewalk wheel stop shall be used at parking spaces or a vegetated area of sufficient width shall be provided to avoid the overhang of any part of a vehicle over a sidewalk.
- H. Internal pedestrian's walkways shall connect with the exterior sidewalks system connecting with the adjoining street or road.
- I. Lighting shall be in accordance with Division 190: Lighting Regulations.
- J. Electrical Service to any structure shall be underground.
- K. Signage shall be integrated into the development design, and a master signage plan shall be submitted for approvals.

- L. Landscape, sign and property maintenance, schedules shall be submitted with the development plan.
- M. Landscaping shall be in conformance with Division 180: Landscaping Requirements.
- N. Noise Levels Permitted shall be as follows: “daytime” for non-stationary sources means 6 a.m. to 11 p.m. and “night time” for non-stationary sources shall mean 11 p.m. to 6 a.m.; “daytime” for fixed sources shall mean 7 a.m. to 9 p.m. and “night time” for fixed sources shall mean 9 p.m. to 7 a.m. No public address systems shall be permitted.

**Sec. 185-80 Assurances**

The following assurances shall be required for large retail development:

- A. The petitioner shall provide financial assurance for the satisfactory and timely installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of the Clarksville Subdivision Ordinance.
- B. Documentation of ability for operation and maintenance shall be provided with the development plan. Included shall be the legal name of developer and development, and contact having continuing legal and direct responsibility for and control for the operation and maintenance of all common facilities jointly shared by such property owners if such facilities are a part of the development, and, in such instance, legal assurances shall be provided which shows that the private organization is self-perpetuating and adequately funded to accomplish its purposes.
- C. Common facilities, which are not dedicated to the public, shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and non-discriminatory rate of charge to the beneficiaries thereof. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

**Sec. 185-90 Commitments**

Commitments shall be required and can either restrict or mandate actions to be taken regarding a large retail development.

- A. Commitments may be required by the Plan Commission as assurance for stability and longevity of the development, and shall set forth in detail provisions for the ownership and maintenance of facilities held in common so as to reasonably insure their continuity and conservation. Said provisions shall include specific remedies in the event facilities held in common are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the entire town, and in such event the town shall take those remedial steps provided for in such provision.
- B. The Plan Commission shall require the recording of commitments for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land for public thoroughfares, easements, drainage facilities, parks, schools, recreational facilities or other public and semi-public purposes.
- C. Commitments shall be binding on the owner of the parcel, subsequent owners of the parcel and any person who acquires an interest in the parcel or lease of any building or structure.
- D. The Plan Commission may enforce commitments.
- E. The Plan Commission has the perpetual right to modify or terminate commitments by decision of the Plan Commission at a public hearing so long as the large retail development is in existence and has been notified by certified mail at least 10 days prior to the hearing.
- F. The Plan Commission shall require the recording of the development plan and commitments in the office of the Clark County Recorder. Such development plan shall include the following:
  - 1. Total, parcel, tract, lot area.
  - 2. Proposed and current uses.
  - 3. Present zoning of the development and adjoining properties to a depth of 660 feet from all boundaries lines of development.
  - 4. Floor area.
  - 5. Proposed setbacks.
  - 6. Lot area coverage.

7. Ratios of floor space to land area.
8. Area in which structures shall be build (“buildable area”).
9. Recreation, common areas, or open space.
10. Building separation distances.
11. Storm water management plan.
12. Height of the structure.
13. Off-street parking and loading space locations.
14. Phasing of development, if any.
15. Outdoor lighting plan including specifications of light fixtures and poles and photometric plan.
16. Signage plan.
17. Landscaping plan.
18. Traffic impact analysis.
19. Maintenance plan.
20. Parking and loading plan.
21. Lighting Plan with photometric
22. Colors.

**Sec. 185-100 Improvement Location Permits**

An improvement location shall not be issued unless all requirements of this ordinance have been met by the applicant and approved by the Plan Commission.

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**Sec. 190-10 Specific Purpose**

The purpose of this ordinance is to promote safety, security, aesthetic, harmonious development, and prevent nuisances associated with lighting, glare, and sky glow while enhancing visibility, safety, and security within the Town of Clarksville.

It is recognized that inappropriate and poorly designed, or installed outdoor lighting causes unsafe conditions, aesthetic nuisance, and results in unnecessary use of electric power. However, it is also recognized that some outdoor lighting is appropriate in certain areas. Lighting is only one element of an effective well-planned security system that may include among other elements gates, locks, detection devices, guards, and surveillance devices such as video cameras. These regulations are established to ensure appropriate lighting, security and safety while minimizing its undesirable side effects.

**Sec. 190-20 Permit Required**

On all properties except one and two family residential structures, the installation or replacement of outdoor lighting, as provided by this ordinance shall require a permit. Lighting in R1 and R2 district zones are exempt unless lighting in these districts is a nuisance or confuse with warning, emergency, or traffic signals. A lighting permit shall not be issued unless the proposed installation conforms to this ordinance.

**Sec. 190-30 General Requirements****A. Design Standards**

1. Lighting shall not be confused with warning, emergency, or traffic signals.
2. Background spaces such as parking lots and similar uses shall be lighted for adequate safety and as unobtrusively as possible to meet functional safety needs to protect people and property.
3. Foreground spaces such as building entrances, sitting areas and similar uses shall utilize local lighting that lights the area without glare or creation of a nuisance.
4. Outdoor display lots for vehicle sales and leasing shall comply with this ordinance. In addition, display fixtures illumination may be dusk to dawn.
5. In any case, the Plan Director may require shields, reflectors, louver, lens, or other modifications if visual discomfort nuisance or glare results from the lighting or if glare is caused by a combination of lighting and surrounding darkness.
6. Unless otherwise specified, maximum on-site lighting levels shall not exceed ten [10] foot-candles, except for loading and unloading platforms where the maximum shall be twenty [20] foot-candles, providing that the purposes and intent of these ordinances are met.
7. Unless otherwise specified light levels measured twenty [20] feet beyond the property line of the development site [adjacent to residential uses or public rights-of-way] shall not exceed one-tenth [0.1] foot-candle as a direct result of the on-site lighting.
8. The use of laser and search lights is discouraged and may only be approved as a temporary special use by the Board of Zoning Appeal [BZA].



9. Swiveled floodlights, including those with add-on louvers or shields are discouraged.
10. Wall packs shall be shielded to direct light downward.
11. Cut off lighting.
12. Full cut off means a light fixture designed and constructed so that light is directed down and no light is projected above the horizontal plane.

**A. Development Plan**

When the outdoor lighting installation or replacement is part of a proposal for which development plan approval is required by the zoning ordinance, the Building Commissioner shall review and as appropriate, approve the lighting installation as part of the development plan approval. In the event, a development plan is not required, an exterior lighting plan in conformance with this ordinance shall be submitted for review and, if appropriate, is approved by the Building Commissioner.

**B. Replacement of Eight or Fewer Fixtures**

Outdoor lighting installations involving the installation, or replacement of eight [8] or fewer lighting fixtures [free standing or facade mounted] may be reviewed and approved by the Plan Director.

**C. Exterior Lighting Plan**

The applicant shall submit sufficient information, in the form of an overall exterior lighting plan, to enable the determination that the applicable provisions of this ordinance will be satisfied. The lighting plan shall include at least the following:

1. The lighting plan shall be drawn to a scale sufficient for showing buildings, landscaping, parking areas, and all proposed exterior lighting fixtures.
2. Specifications shall be submitted with the lighting plan for all proposed lighting fixtures including photometric data, designation as Illuminating Engineering Society of North America [IESNA] "cut-off" fixtures, Color Rendering Index [CRI] of all lamps [bulbs], and provide other descriptive information, as may be reasonably, required by the Building Commissioner.
3. Proposed mounting height of all exterior lighting fixtures.
4. A photometric report sufficient for analyses with luminance level diagrams showing that the proposed installation conforms to the lighting level standards in this ordinance, including light trespass 10 and 20 feet beyond the property line.
5. Drawings of all relevant building elevations showing the fixtures, the portions of the walls to be illuminated, the luminance levels on the walls, and the aiming points for any remote light fixtures.

**D. Timers, Dimmers, Sensors**

Wherever practicable, lighting installations shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate lighting not needed for safety and security.

**E. Modifications, Expansions, Replacements**

Expansions, additions, or replacements to outdoor lighting installations shall be designed to avoid harsh contrasts in color and/or lighting levels.

**F. Electrical Service**

Electrical service to outdoor lighting poles and fixtures shall be underground unless the fixtures are mounted directly on utility poles. In cases of lighted signage, the height, wiring, supports, and any use of glass shall be installed, operated and maintained in a manner that is adequate and safe.

**G. Exemptions**

Traffic control lighting fixtures to include street lighting erected by or at the instance and request of a governmental

entity.

**H. Mounting Height**

For the purposes of these regulations, the mounting height of a lighting fixture shall be defined as the vertical distance from the normal grade elevation of the surface being illuminated to the bottom of the lighting fixture [i.e. luminary]. In the case of earth mounding inconsistent with the grade level of land surrounding the fixture, which increases the elevation of the fixture, shall be included in the measurement of the fixture height at normal grade level, not the grade mounding. The minimum mounting height should be less than one-half the maximum projection distance from a single luminaire assembly.

**I. Holiday Lighting**

Holiday lighting shall be exempt from the provisions of this ordinance, provided that such lighting does not create a nuisance, or glare on adjacent streets, properties, sky glow, or confused with warning, emergency or traffic signals. Holiday lighting shall be considered temporary and shall not be illuminated for more than 75 consecutive days.

**Sec. 190-40 Parking Lot Lighting**

Parking lot lighting shall be designed to provide sufficient lighting to ensure adequate vision, safety, security and comfort in parking areas, while not causing glare or direct illumination onto adjacent properties, streets or create sky glow.

**A. Cut-Off Lights**

All lighting fixtures serving parking lots shall be cut-off fixtures with flat lenses as defined by the IESNA.

**B. Parking Area Lighting Height Standards**

Fixtures shall not exceed thirty[30] feet in height, except in the I-1 and I-2 zone districts the height shall not exceed thirty-five [35] feet.

**Sec. 190-50 Street Lighting**

**A. General Street Lighting Standards**

1. General levels of illumination shall be consistent with this ordinance and guidelines published by the IESNA. The strictest guideline shall govern.
2. Fixed lighting shall be designed and installed, in a manner that provides for adequate security, safety, and avoidance glare that would affect driving performance or nuisance to adjacent properties.

**B. Fixtures**

All street lighting fixtures shall be standard fixtures used by the applicable electric utility serving the installation. If necessary, as determined by the Technical Review Committee, fixtures shall include shields to minimize up light, spill light, glare, sky glow, or unnecessary diffusion of light on adjacent properties.

**C. Location**

1. Streetlights shall be in the public right-of-way.
2. Streetlights shall not obstruct the ADA required route of a sidewalk or other pedestrian route.
3. Unless otherwise required, target light levels shall meet the requirements of this ordinance or be determined by procedures developed by the IESNA.
4. An accessible route, including, sidewalks, ramps and other appurtenance shall meet the most recent requirements of the ADA Accessibility Guidelines for Buildings and Facilities [ADAAG].
5. If the street has a sidewalk along one side, the streetlights shall be located on the side of the street with the sidewalk.
6. Unless otherwise required by the Technical Review Committee target light levels shall meet the requirements of this ordinance or be determined by procedures developed by the IESNA.

7. In any event, the Technical Review Committee shall determine the adequacy of the target light level. The Technical Review Committee may require shields, reflectors, louver, lens, or other modifications if visual discomfort nuisance or glare results from the lighting or if glare is caused by a combination of lighting and surrounding darkness.
8. Street light standards shall not exceed thirty [30] feet in height in any zoning district
9. In the case, of any subdivision of land, spacing of streetlights shall be area lights aimed straight down to create a circle of light. Spacing of poles shall be determined by a photometric plan showing lighting levels and luminaries' layout. In no case shall street lights be spaced further apart than require by the subdivision ordinance. Luminance at ground level may range from 0.2 to 9.0 foot candle.

**Sec. 190-60 Lighting of Gasoline Stations/Convenience Store Aprons and Canopies**

Lighting levels on gasoline station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall be adequate for safety and security but not as illumination such that brilliant light itself is used to attract attention to the businesses. Signs allowed under the appropriate section of the zoning ordinance shall be used for that purpose. Gasoline stations/convenience stores out of service for one year or more shall comply with this ordinance.

**A. Lighting of Areas Used for Parking or Storage**

Unless otherwise required for safety or security, areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas set forth in the section titled "Parking Lot Lighting". If no gasoline pumps are provided, the entire apron shall be treated as a parking area.

**B. Lighting Associated with Pump Islands Under Canopies**

Areas around the pump islands and under canopies shall be illuminated so that the minimum horizontal luminance at grade level is at least one [1] foot-candle and no more than five and one half [5.5] foot-candles. The uniformity ratio [ratio of average to minimum luminance] shall be no greater than 4:1, which yields an average illumination level of no more than twenty-two [22.0] foot-candles.

**C. Light Fixtures Mounted on Canopies**

Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface [ceiling] of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.

**D. An Alternative [or Supplement] to Recessed Ceiling Lights on Canopies**

As an alternative [or supplement] to recessed ceiling lights, indirect lighting may be used where light is beamed toward the canopy upward and then reflected down from the underside of the canopy. In this case, light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.

**E. Fascia Lights**

Lights shall not be mounted on the top or sides [fascias] of the canopy, and the sides [fascias] of the canopy shall not be illuminated.

**Sec. 190-70 Lighting of Exterior Display/Sales Areas**

Lighting levels on exterior display/sales areas shall be adequate to facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the business. Signs allowed under the appropriate section of the zoning ordinance shall be used for that purpose. On the development or site plan, the applicant shall designate areas to be considered display/sales areas and areas to be used as parking or passive vehicle storage areas. The plan shall be reviewed and if satisfactory approved. In no case shall safety or security be compromised.

**A. Parking or Vehicle Storage**

Areas designated as parking or passive vehicle storage areas shall be illuminated in accordance with the requirements for

parking areas regulated in the section titled "Parking Lot Lighting."

**B. Exterior Displays or Sales Area**

Areas designated as exterior display or open sales areas shall be illuminated so that the average horizontal illumination at grade level does not exceed 4.0 foot-candles, and the ratio of average to a minimum illumination shall not exceed 4:1. The average and minimum shall be computed for only that area designated as exterior display or open sales area. Light fixtures located less than a distance equal to 3 times the fixture mounting height from a residential or public right-of-way property line, or 2 times the fixture mounting height from other property lines, shall be fully shielded with respect to that property line. Such shielding shall obstruct a line of sight to the bulb with an opaque material when viewed from the property line.

**C. Display Area Fixtures**

Light fixtures shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent streets or properties.

**D. Height of Fixtures**

Fixtures shall be mounted no more than forty [40] feet the above normal grade level.

**Sec. 190-80 Lighting of Outdoor Recreation, Performances, Amusement Facilities, Events, and Similar Uses**

Outdoor nighttime uses or events [concerts, amusement facilities, recreation including athletic contests, etc.] have unique lighting needs. Illumination levels vary, depending on the nature of the event. The regulations in this ordinance are intended to allow adequate lighting for such uses while minimizing sky glow, reducing glare and unwanted illumination of surrounding streets and properties, and reducing energy consumption. In no case shall safety or security be compromised.

**A. Design Plan**

An exterior lighting design plan shall be submitted which shows in detail the proposed lighting installation. The design plan shall illustrate the method of satisfying lighting requirements of various areas and how those requirements will be met.

**B. Dual System**

The main lighting of the event, spotlighting, floodlighting or etc., shall be turned off no more than three [3] hours after the end of the event. A second lighting system may be used, as long as it does not produce glare or spill onto adjoining properties. Dusk to dawn lights may be used for this purpose.

**C. Primary Play Area**

Safety on playing fields is important, and these, regulation are not intended to compromise any degree of safety.

Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be specified, mounted, and aimed so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.

**D. Parking Area**

Lighting for parking areas shall meet the requirements in the section titled "Parking Lot Lighting."

**E. Pedestrian Area**

Areas intended solely for pedestrian circulation shall be provided with a minimum level of illumination that provides safety and security.

**F. Security Lighting**

Security lighting shall meet the requirements of this ordinance.

**Sec. 190-90 Security Lighting**

The purpose and need for security lighting [i.e. lighting for safety, security of persons and property] must be demonstrated as part of an overall security plan which includes at least illumination, surveillance, and response, and which delineates the area to be illuminated for security purposes. Lighting shall not be the sole source of providing safety or security. In no case shall safety or security be compromised.

**A. Additional Application Materials**

In addition to the application materials set forth in the requirements of this ordinance, applications for security lighting installations shall include a written description of the need for and purposes of the security lighting, a development plan showing the area to be secured and the location of all security lighting fixtures, specifications of all fixtures, the horizontal and vertical angles in which light will be directed, and adequate cross-sections showing how light will be directed only onto the area to be secured.

**B. Shielding of Light Fixtures**

All security lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and not cast on adjacent areas. In no case shall lighting be direct above a horizontal plane through the top of the lighting fixture, and the fixture shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways. The use of wall backs and general floodlighting fixtures including swiveled and louvers shall be discouraged.

**C. Security Lighting of Vertical Surfaces**

Security lighting may illuminate vertical surfaces [e.g. building facades and walls] up to a level nine [9] feet above grade or nine [9] feet above the bottoms of doorways or entries, whichever is greater.

**D. Security Lighting Fixtures**

Security light fixtures may be mounted on poles located no more than ten feet from the perimeter of the designated secure area.

**E. Perimeter Security Lighting**

Unless otherwise necessary, security lights intended to illuminate a perimeter [such as a fence line] may include motion sensors and be design to be off unless triggered by an intruder located within five [5] feet of the perimeter.

**F. Lighting of Building Facades and Landscaping for Security**

When buildings are significant, the Plan Director shall review, and as appropriate, approve a site or development plan. Such site or development plan shall conform to the following provisions:

1. Unless documentation is provided to the Plan Director that additional foot-candles are needed, the maximum illumination on any vertical surface or angular roof surface shall not exceed five [5.0] foot-candles.
2. Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed toward adjacent property, streets or roads.
3. Lighting fixtures mounted on the building and designed to "wash" the facade with light are preferred.
4. To the extent practicable, lighting fixtures shall be directed downward [i.e. below the horizontal] rather than upward or outward.
5. When approved, only fully shielded wall mounted luminaries shall be installed.

**Sec. 190-100 Landscape Lighting Plan**

When landscaping is to be illuminated, the Technical Review Committee shall first approve a landscape lighting plan that presents the following:

- A. The purpose and objective of the lighting.

- B. The location of all lighting fixtures.
- C. What landscaping each is to be illuminate.
- D. Demonstrates that the installation will not generate excessive light levels, cause glare, or direct light beyond the landscaping into the night sky or adjoining property or roadway.

**Sec. 190-110 Illuminated Signs**

Illumination of signs shall be in conformance with the strictest of this Division or Division 200 of this zoning ordinance titled "Sign Regulation". It is the intent of this ordinance to allow illuminated signs, but to ensure that they do not create glare, nuisance, or unduly illuminate the surrounding area. The applicant shall provide the Planning Department with sufficient technical and design information to demonstrate that the following provisions are met.

- A. Externally illuminating signs shall be carefully located, aimed, and shielded so that light is directed only onto the sign facade. Lighting fixtures shall not be aimed toward adjacent streets, roads, or properties
- B. Light fixtures illuminating signs shall be of a type such that the light source, or bulb is not directly visible from adjacent streets, roads, or properties

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**Sec. 195-10 Specific Purpose**

The purpose of off street parking and loading regulations is to assure on the streets, roads and alleys and not used as maneuvering aisles. Further, this division establishes minimum numbers of parking and loading requirements. This division establishes dimension for parking, including accessible parking and loading spaces.

**Sec. 195-20 General Requirements**

- A. Unless otherwise regulated in the zoning ordinance, every building hereafter erected shall provide the required number of off-street parking spaces.
- B. If needed by the use of a building, loading and unloading berths as specified hereinafter shall meet the requirements of this section.
- C. No part of an alley or street shall be used for loading or unloading.
- D. Except in an R-1 zone district, every parking space, shall be designed and constructed so that a vehicle does not obstruct any portion of a sidewalk or driveway. Parking spaces shall be hard surfaced and be striped.
- E. No public street, alley or right-of-way shall be used as part of the required maneuvering or access aisle to any parking space.
- F. P backing into a public street, alley or right-of-way for exiting the parking space.
- G. Each residential unit shall have two off street parking spaces, except an accessory dwelling, which be required to have one parking space.

**Sec. 195-30 Existing Off-Street Parking and Loading**

- A. When the use of any building, structure, or premises shall be increased through additional dwelling units, gross floor area, seating capacity, or other units of measurement, required parking or loading facilities as herein required shall be provided for such an increase or density in use.
- B. Any off-street parking or loading space established prior to the effective date of this updated zoning ordinance which is used or intended to be used in conjunction with any principal building, structure or use of any space delineated and intended to comply with the requirements of this section for any such building, structure, or use erected after such effective date shall hereafter be maintained so long as said building, structure, or use remain.

**Sec. 195-40 Off-Street Loading and Unloading Requirements**

On the same premises with every building, structure or part thereof, hereafter erected, established, enlarged or occupied for any use involving the receipt or distribution by vehicles of material or merchandise there shall be provided and maintained space for vehicles standing, loading, and unloading as follows:

- A. One off-street loading space 12 feet by 50 feet (exclusive of the aisle and maneuvering space) and 14 feet in height for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of floor area for any of the above purposes provided, however, that in no case, such required off-street loading space be part of the area used to satisfy off-street parking requirements of this section.
- B. For any off-street loading area within 300 feet of an R district, and is not obstructed from view from the R district board fence (with no openings) or combination thereof having a height not less than 6 feet, which shall be erected and maintained in the side and rear yards between the off-street loading area and an R district.
- C. No public right-of-way or easement, shall be used for loading, unloading or as an aisle for egress and ingress to the loading dock or any parking space.
- D. Loading and unloading shall be concealed from public view by a substantial, solid screen. Such screen shall be designed and constructed as part of the principal building.

**Sec. 195-50 Parking Landscaping and Side Yard Prohibition**

Landscaping requirements in conformance with Division 180: Landscaping Requirements shall be fulfilled. Parking is prohibited in the side yard when industrial or business zone districts abut an R-1, R-2, RPO, or MHP zone district or use. Previous material should be considered.

**Sec. 195-60 Location of Accessory Off-Street Parking**

All parking spaces shall be on the same lot with the principal building, structure or use that they serve. Except, the Board of Zoning Appeals after public hearing, may permit the required number of parking spaces to be on any lot within three hundred [300] feet of the premises they are to serve provided, however, the Board of Zoning Appeals has reviewed the plans and made findings that:

- A. Requirements of Division 160: Development Plans of this ordinance are met.
- B. The common ownership of the off-site lot or 20 year lease.
- C. Off-street parking shall be maintained at all times during the life of the proposed use or building.
- D. Access to all parking facilities provided shall be directly accessible from a street or an alley. Access alleys and driveways shall be sufficient width for convenient maneuvering of cars for each space and shall be accessible without driving over or through any other parking space.

**Sec. 195-70 Parking Limitations**

- A. The parking of a commercial vehicle shall not exceed one truck and it shall not exceed the size or weight of a single unit pickup truck. Except work vehicles may park in an R-1, R-2, R-3, RPO, MHP zoned property, provided the vehicle does not exceed 11 feet in height and 30 feet in length and eight feet in width, excluding overhang.
- B. No vehicle shall overhang any part of a public sidewalk, street or alley.
- C. All parking spaces, shall be stripped, hard surface and dustless. Materials may be asphalt, macadam, concrete, or previous materials including pavers, pervious concrete or previous asphalt, pervious concrete, stamped or colored asphalt, cellular or grid system reinforced concrete system with voids created by void formers and filled with vegetation.
- D. Parking or display of vehicles for sale other than in properly zoned and approved areas is prohibited.
- E. Required parking spaces shall not be used for product display or advertising.

**Sec. 195-80 Fire Lanes**



Fire lane plans are required for all development requiring a development plan. The fire department responsible for the protection of the property and the Technical Review Committee shall review the plan. The fire department responsible for the protection of the property has the sole authority to approve the fire lane plan. Changes to access points, gates, or fire lane layout shall be pre-approved by the fire department responsible for the protection of property.

**A. Fire Lane Requirements**

1. Driveways, parking lot lanes, delivery lanes, and private roadways shall be permitted to be used as fire lanes if they meet the requirements of this section.
2. Fire lanes shall be constructed of a hard, all-weather surface designed to support any vehicle within the legal load limits of the jurisdiction.
3. The grade from a fire lane to the exterior wall of the grade level floor of a building shall not exceed 10 percent.
4. Fire lanes connecting to roadways shall be provided with curb cuts extending at least two feet beyond each edge of the fire lane.
5. Fire lanes intended for one-way travel shall provide a minimum of 16 ft in width of traveled way. Fire lanes providing two-way travel shall be a minimum of 24 ft in width of traveled way.
6. The fire department responsible for the protection of the property shall be permitted to allow a reduction in a fire lane width where the sole purpose of the fire lane is for emergency access and operations.
7. Fire lane widths shall not include shoulders, sidewalks, or drainage.
8. Extra width shall be provided for the fire department determines such width is necessary to position apparatus for operations during an incident.
9. Turns in fire lanes shall be constructed to provide sufficient width to accommodate the largest piece of fire apparatus available to be operated on the fire lane, but in no case shall the radius to the outside curb line be less than 50 ft.
10. All grades in fire lanes shall not exceed 10 percent
11. At least 13 feet six inches nominal vertical clearance shall be provided and maintained over the full width of a fire lane.
12. The angle of approach and the angle of departure shall not exceed eight degrees at any point on the fire lane or its intersection with other roads or fire lanes.
13. Any bridge in a fire lane shall be designed to support any vehicle within the legal load limits of the jurisdiction and constructed and maintained in accordance with nationally recognized standards.
14. Vehicle load limits shall be posted at both entrances to bridges where required by the AI-U.
15. Any bridge constructed as part of a fire lane shall provide width of no less than that required for the fire lane.

**A. Enforcement**

This section is subject to the penalties and fines in Division 270.

**Sec. 195-90 Front Yard Parking and Legal Driveway****A. Location**

No vehicle shall be parked or stored in a required front or side yard other than in a legal driveway which is used to gain direct access to a residence, a garage, carport, parking lot, underground garage or identified parking structure.

1. There shall be only one legal drive way and turn around area per residential lot.
2. There shall be no parking in a required front yard or side yards, except in the legal driveway.
3. The access to parking and turnaround area for vehicles is not permitted on any landscaped area, including grass, of any front or side yard.

4. The driveway shall not obstruct existing storm water flows along the road or through drainage facilities.
5. To reduce impervious areas within the town the following driveways are permitted:
  - a. Ribbon drives that contain less impervious surface than the common full, width, paved or single slab drive.
  - b. Single lane straight driveways are permitted to be eight feet or nine feet wide, and double lane drives to be 18 feet.

**B. Residential Driveway Turn Around Area**

A turnaround is required in which to back a vehicle, allowing a forward egress out of the driveway without having to back on to an arterial or major collector street.

1. A turn round for a single wide drive way may not exceed 10 X 20 feet.
2. A turn around for a double wide drive way or double wide driveway shall not exceed 10 X 18 to 20 feet.
3. The turnaround shall be placed 10 feet in length away from a garage door to permit backing and turning movements.

**C. Legal Residential Driveway Maximum Widths**

1. 10 - 12 feet wide for a single width driveway.
2. 14 feet wide if surrounded by walls.
3. 18 - 20 feet wide for a double wide driveway.
4. 24 feet wide if surrounded by walls.

**D. Variance**

Upon appeal, the BZA may approve wider driveways up to the following widths:

1. 30 feet wide for a three car wide driveway/parking area.
2. 40 feet wide for a four car wide driveway/parking area.
3. Allow 10' for each additional desired car width.

**E. Variance Requirements**

1. A 30 foot wide driveway terminates at a three car garage.
2. A 40 foot wide driveway terminates at a four car garage.

**Sec. 195-100 Low Impact Development Provisions**

- A. To the degree possible where impervious driveway surfaces are installed, disrupt their connection to roads, curbs, and curtain drains with porous materials in the area where the drive intersects the road. Porous driveway surfaces include; porous concrete and asphalt mixtures, paver blocks and brick set in sand, grass pavers, grid pavers, crushed stone and gravel.
- B. The use of porous driveway surfaces requires the installation of a sub base specifically designed for the surface material used. The sub base must also be capable of promoting infiltration and runoff cleansing.
- C. Driveways shall be crowned and pitched to direct runoff to adjacent porous areas.
- D. Shared driveways may serve commercial areas and up to four single-family lots.
- E. As a general planning principle, the number of driveways should be kept to a minimum and as short, and porous as possible.

**Sec. 195-110 Recreational Vehicle [RV] Parking**

The purpose of this division is to assure residential, local businesses, and special zone districts maintain their character, aesthetics, and capacities of public infrastructure capacities are not exceeded.

- A. One recreational vehicle owned by the occupant of a parcel may be stored in the rear of the principal structure.
- B. Storage or parking of recreational vehicles in the open are subject to the following conditions:
  - 1. In any zoning district that permits residential structures by right, an RV parked or stored on a lot must be owned by the owner occupant of the property.
  - 2. In any district, the wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall such vehicle be otherwise permanently fixed to the ground in a manner that would prevent immediate removal.
  - 3. Recreational vehicles may be stored or parked by the owner occupant of the principal building behind or alongside the primary building, provided, no part of any such vehicle shall project or be within the required front or within three feet of the side property lines of the lot
  - 4. Not more than one recreational vehicle shall be permitted to be parked or stored in the open at the rear or side of residential property at any one time; provided, however, that one additional such vehicle be permitted for visitation for seven consecutive days and not to exceed fourteen days in any one year.
  - 5. At no time shall such parked or stored recreational vehicle be occupied or used for living, sleeping or housekeeping purposes, except as provided for visitors in conformance with this section.
  - 6. Notwithstanding the above provisions, recreational vehicles may be parked anywhere on the premises for loading or unloading purposes for not longer than a period of 48 consecutive hours in any one-week period.
- C. Except as permitted by this division, storage of an unoccupied mobile home is only permissible in I-1, I-2 zone districts, and in B-2 zone districts provided the RV may be stored on the owner's lot. Efforts should be made to conceal the RV by a as illustrated in Sec. 201-150, 210-160 and 210-179.
- D. Storage or parking of an RV shall not obscure vision clearance at driveways or corners.

### Sec. 195-120 Parking Requirements

The following are the minimum number of off-street parking spaces that shall be provided and satisfactorily maintained for each building, structure or use, which exists or is hereinafter erected, enlarged or altered for any of the following purposes:

- A. In the case of mixed use in the same building or structure, the total requirement of off-street parking facilities shall not be considered as providing required parking facilities for any other uses.
- B. Unless otherwise approved by the Board of Zoning Appeals by variance collective off-street parking facilities for two [2] or more buildings, structures, or uses shall not be less than the sum of the requirements for the various individual uses computed separately as provided for in this section. In such a case, there shall be a shared parking agreement approved by the Attorney for the BZA. The owner shall have the agreement recorded in the office of the Clark County Recorder's office.

Minimum Parking Requirement Table 195-1			
LBCS Activity Code	Use	LBCS Function Codes	Space Required for Each Land Use GFA = Gross Floor Area

Minimum Parking Requirement Table 195-1			
LBCS Activity Code	Use	LBCS Function Codes	Space Required for Each Land Use GFA = Gross Floor Area
Residential Activities			
1200	Transient Living	1310 - Bed and breakfast inn	One space per quest room plus two for the resident owner/manger
		1320 - Rooming and boarding	Two spaces for the owner and one space per each rental unit
		1330 - Hotel, motel, or tourist court	One per guestroom
		1340 - Casino hotel	One per guestroom and one per 500 sq ft of GFA of Casino
1300	Institutional Living	1210 - Retirement housing services 1230 - Assisted-living services 1240 - Life care or continuing care services 1250- Skilled -nursing services	Three spaces per two units, or if less than two units, one parking space shall be provided
		6222 - Correctional institutions	One space per 400 sq ft and one per four inmates
Shopping, business, or trade activities			
2100	Shopping	2110 - Automobile sales or service establishment 2111 - vehicle 2112 - Bus, truck, mobile homes, or large vehicles 2113 - Bicycle, motorcycle, ATV, etc 2114 - Boat or marine craft dealer 2215 - Parts, accessories, or tires	Three spaces per 300 square feet of GFA, if facility has repair shop than two spaces per bay
		2216 - Gasoline service	One per gasoline pump
		2120 - Heavy consumer goods sales or service	One space per 200 square feet of GFA, if facility has repair shop than two spaces per bay
		2121 - Furniture or home furnishings 2122 - Hardware, home centers, etch 2123 - Lawn and garden supplies 2124 - Department store, warehouse club or superstore 2125 - Electronics and Appliances 2126 - Lumber yard and building materials 2127 - Heating and plumbing equipment 2131 - Computer and software 2132- Camera and photographic supplies 2133 - Clothing, jewelry, luggage, shoes, etc 2134 - Sporting goods, toy and hobby, and musical instruments 2135 - Books, magazines, music, stationery 2140 -Consumer goods, other	One space per 200 square feet of GFA

Minimum Parking Requirement Table 195-1			
LBCS Activity Code	Use	LBCS Function Codes	Space Required for Each Land Use GFA = Gross Floor Area
		2141 - Florist 2142 - Art dealers, supplies, sales and services 2143 - Tobacco or tobacconist establishment 2145 - Antique, shops, flea markets, etc 2151 - Grocery store, supermarket or bakery 2154 - Fruit and vegetable store 2155 - Beer, wine, and liquor store 2335 - Consumer goods 2450 - Services to buildings and dwellings 2453 - Landscaping 2600 - Personal	
2100	Shopping	2153 - Specialty food store 2451 - Extermination and pest control 2454 - Carpet and upholstery cleaning	One space per 400 square feet of GFA
		2144 - Mail order or direct selling establishment	One space per 500 square feet of GFA
		2152 - Convenience store	One space per 200 square feet of GFA, plus two spaces per pump
		2418 - Veterinary services	One space per 500 square feet of GFA
2200	Restaurant-type activity	2510 - Full-service restaurant 2530 - Snack or nonalcoholic bar	One space per two seats or 1 space per 150 square of GFA
		2520 - Cafeteria or limited service restaurant	One space per 100 square feet of floor space , but no less than 25 spaces
		2540 - Bar or drinking place 2560 - Caterer 2570 - Food service contractor	One space per 300 square feet of GFA
		2550 - Mobile food services 2580 - Vending machine operator	One per operator
2310	Office activities with high turnover of people	2220 Credit and finance establishment 2230 - Investment banking, securities, and brokerages 2240 - Insurance-related establishment 2250 - Fund, trust, or other financial establishment 2300 - Real estate, and rental and leasing 2310 - Real estate services 2320 - Property management services 2321 - Commercial property- related	One space per 200 square feet of GFA

Minimum Parking Requirement Table 195-1

LBCS Activity Code	Use	LBCS Function Codes	Space Required for Each Land Use GFA = Gross Floor Area
		2322 - Rental housing-related 2336 - Intellectual property rental (video, music, software, etc.) 2410- Professional services 2411 - Legal services 2412 - Accounting tax, bookkeeping, payroll services 2413 - Architectural, engineering, and related services 2414 - Graphic, industrial, interior design services 2415 - Consulting services (management, environmental, etc.) 2416 - Research and development services (scientific, etc.) 2417 - Advertising, media and photography services 2421 - Office and administrative services 2422 - Facilities support services 2423 - Employment agency 2424 - Business support services 2425 - Collection agency 2430 - Travel arrangement and reservation services 2440 - Investigation and security services 2452 - Janitorial 2455 - Packing, crating, and convention and trade show services  4211 - Newspapers, books, periodicals, etc 4212 - Software publisher 4221 - Motion Picture and video production, publishing, and distribution 4222 - Motion picture viewing and exhibition services 4223 - Sound recording, production, publishing, and distribution 4240 - Information services and data processing industries 4243 - News syndicate 5150 - Agent for management services 5160 - Independent artist, writer, or performer 6200 - Public administration 6210 - Legislative and executive functions 6220 - Judicial functions	

Minimum Parking Requirement Table 195-1			
LBCS Activity Code	Use	LBCS Function Codes	Space Required for Each Land Use GFA = Gross Floor Area
		6221 - Courts 6300 - Other government functions 6300 - Associations, nonprofit organization, etc. 6810 - Labor and political organizations 6820 - Business associations and professional membership organization	
2310	Office activities with high turnover of people	2331 - Cars 2332 - Leasing trucks, trailers, RV, etc. 2333 - Recreational goods rental 2334 - Leasing commercial, industrial, machinery, and equipment	One space per 400 square feet of GFA plus one for each rental unit
		2710 - Pet or pet supply store 2720 - Animal and pet services	One space per 400 square feet of GFA
2320	Office activities with turnover of automobiles	2210 - Bank, credit union, or savings institution	One space per 200 square feet of GFA and four stacking spaces for the first drive up window and three stacking spaces per additional drive up lane
<b>Industrial, manufacturing, and waste-related activities</b>			
3110	Primarily plant or factory-type activities	3110 - Food and beverages 3120 - Tobacco manufacturing establishment 3130 Textiles 3140- Leather and allied products 3210 - Wood products establishment 3220 - Paper and printing materials 3230 - Furniture and related products 3310 -Petroleum and coal products 3320 Chemical, plastics, and rubber products 3330 - Nonmetallic mineral products 3340 - Primary metal manufacturing 3350 - Machinery manufacturing 3360 - Electrical equipment, appliance, and components manufacturing 3370 - Transportation equipment, automobiles, etc 3400 - Miscellaneous manufacturing 3410 - Jewelry and silverware 3420 - Dolls, toys, games, and musical instruments 3430 - Office supplies, inks, etc. 3440 - Signs	One space per 1.11 peak shift employee or One space per 600 square feet of GFA, whichever is greater

Minimum Parking Requirement Table 195-1			
LBCS Activity Code	Use	LBCS Function Codes	Space Required for Each Land Use GFA = Gross Floor Area
3120	Primarily goods storage or handling activities	3510 - Durable goods 3520 - Nondurable goods	One space per 1,000 square feet of GFA
		3600 - Warehouse and storage services	One space per 750 square feet of GFA
Construction activities (grading, digging, etc.)			
3300	Construction activities (grading, digging, etc.)	7110 - Residential construction 7120 - Land development and subdivision 7130 - Industrial, commercial and institutional building construction 7210 - Building equipment and machinery installation contractors 7300 - Special trade contractor 7310 - Carpentry, floor, and tile contractor 7320 - Concrete contractor 7330 - Electrical contractor 7340 - Glass and glazing contractor 7350 - Masonry and drywall contractors 7360 - Painting and wall covering 7370 - Plumbing, heating, and air-conditioning 7380 - Roofing, siding, and sheet metal contractors	One space per 400 square feet of GFA
		7220 - Excavation contractors 7230 - Water well drilling contractor 7240 - Wrecking and demolition establishment 7250 - Structural steel erection contractor	One space per 750 square feet of GFA
Social, institutional, or infrastructure-related activities			
4110	Classroom-type activities	6110 - Nursery and preschool 6120 - Grade schools 6121 - Elementary 6122 - Middle 6123- Senior 6124 - Continuance 6130 - Colleges and Universities 6143 - Computer training 6145 - Fine and performing arts education	One per classroom 1/2 per instructor, plus one per 200 square feet of office
4120	Training or instructional activities outside classrooms	6144 - Driving education 6145 - Flight training 6147 - Sports and recreation education	One and one half space per instructor
4130	Other instructional activities	4242 - Libraries and archives	One space per classroom and one half per instructor,



Minimum Parking Requirement Table 195-1			
LBCS Activity Code	Use	LBCS Function Codes	Space Required for Each Land Use GFA = Gross Floor Area
	including those that occur in libraries	6125 - Alternate education service 6140 - Technical, trade, and other specialty schools 6141 - Beauty schools 6142 - Business management	plus one per 200 square feet of office
<b>Emergency response or public-safety-related activities</b>			
4210	Fire and rescue-related activities	6410 - Fire & rescue	One space per 200 square feet of GFA, plus one and one half per rescue vehicle
4220	Police, security, and protection-related activities	6420 - Police	One space per 200 square feet of GFA, plus one and one half per police vehicle
4230	Emergency or disaster-response-related activities	6430 - Emergency response 6564 - Emergency and relief services	One space per 200 square feet of GFA, plus one and one half per emergency vehicle
4310	Water-supply-related activities	4330 - Water, steam, air condition supply 4331 - Drinking water 4332 - Irrigation and industrial water supply	Supply line or distribution line - none, plus one space per 500 square feet of facility
4330	Power generation, control, monitor, or distribution activities	4310 - Electric power 4311 Hydroelectric 4312 - Fossil 4313 - Nuclear 4314 - Nuclear 4314- Alternative energy sources	One space per square feet of office, plus one space per unmanned facility
4340	Telecommunications-related control, monitor, or distribution activities	4230 - Telecommunications and broadcasting 4231 - Radio and television broadcasting 4232 - Cable networks and distribution 4233 - Wireless telecommunications 4234 - Telephone and other wired telecommunications 4241 - Online information services	One space per square feet of office, plus one space per unmanned facility
4350	Natural gas or fuels-related control, monitor, or distribution activities	4180 - Pipeline transportation 4320 - Natural gas, petroleum, fuels, etc	None if corridor or unmanned facility, plus one per 200 square feet of manned facilities
4500	Health care, medical, or treatment activities	2160- Health and personal care 2161 - Pharmacy or drug ore 2162 - Cosmetic and beauty supplies 2163 - Optical 6500 - Health and human services 6510 - Ambulatory or outpatient care services 6511 - Clinics 6512 - Family planning and outpatient care centers 6513 - Medical and diagnostic laboratories	One space per 200 square feet of GFA

Minimum Parking Requirement Table 195-1			
LBCS Activity Code	Use	LBCS Function Codes	Space Required for Each Land Use GFA = Gross Floor Area
		6514 - Blood and organ banks 6520 - Nursing, supervision, and other rehabilitative services 6530 - Hospital	
4600	Interment, cremation, or grave digging activities	6710 - Funeral home and services 6720 - Cremation services and cemeteries	One per 200 square feet of GFA
5400	Trains or other rail movement	4120 - Rail transportation 4121 - Rail passenger transportation 4122 - Rail freight transportation	None for corridor, plus one per 200 square feet per station
5410	Trail maintenance, storage, or related activities	4123 - Rail transportation support establishment	None for corridor
<b>Travel or movement activities</b>			
		4130 - Road, ground passenger, and transit transportation	
5100	Pedestrian movement	4131 - Local transit systems - mixed mode 4132 - Local transit systems - commuter rail 4133 - Local transit systems - bus, special needs, and other motor vehicles 4134 - Interurban, charter bus, and other similar establishments 4135 - School and employee bus transportation 4136 - Special purpose transit transportation (including scenic, sightseeing 4137 - Taxi and limousine service	None for corridor, plus one space per 200 square feet of office space and one space per rental vehicle
5200	Vehicular movement	4138 - Towing and other road and ground services 4141 - General freight trucking, local 4142 - General freight trucking, long-distance 4143 - Freight trucking, specialized (used household and office goods) 4144 - Freight trucking, specialized (except used goods) 4160 - Courier and messenger services 4170 - Postal services	One space per 500 square feet of GFA
5500	Sailing, boating, and other port, marine and water-based activities	4151 - Marine passenger transportation 4152 - Marine freight transportation 4153 - Marine port and harbor operations 4154 - Marine cargo handling and dry dock services 4155 - Marine navigational and	Determination per the TRC review

Minimum Parking Requirement Table 195-1			
LBCS Activity Code	Use	LBCS Function Codes	Space Required for Each Land Use GFA = Gross Floor Area
		other services	
5600	Aircraft takeoff, landing, taxiing, and parking	4111 - Air passenger transportation 4112 - Air freight transportation 4113 - Airport and support establishment 4114 - Aircraft and accessories 4115- Other air transportation (including scenic, balloon, etc)	Determination per the TRC review
Mass assembly of people			
6200	Spectator sports assembly	5120 Sports team or club 5130 - Racetrack establishment	Five spaces per 1,000 square feet of GFA
6300	Movies, concerts, or entertainment shows	4222 - Motion picture viewing and exhibition services	One space per three seats
		5110 - Theater, dance, or music establishment	One space per four seats
6400	Gatherings at fairs and exhibitions	5140 - Promoter of performing arts, sports, and similar events	One space per 200 square feet of GFA
6600	Social, cultural, or religious assembly	5300 - Amusement, sports, or recreation establishment 5310 - Amusement or theme park establishment	One space per 100 square feet of enclosed floor space
		6560 - Social assistance, welfare, and charitable services 6561 - Child and youth services 6562 - Child day care 6563 - Community food services 6565 - Other family services 6566 - Services for elderly and disabled 6567 - Veterans affairs 6567 - Vocational rehabilitation 6600 - Religion institutions 6830 - Civic, social, and fraternal organization	One space per 200 square feet of GFA
6700	Gatherings at galleries, museums, aquariums, zoological parks, etc	5210 - Museum 5220 - Historical or archeological institution	One space per 400 square feet of GFA
		5230 Zoos, botanical gardens, arboreta, etc.	One space per 200 square feet of GFA, except zoological parks will be determined by the TRC
Leisure activities			
7100	Active leisure sports and related activities	5340 - Miniature golf establishment	One space per 20 areas
		5350 - Skiing 5370 - Fitness, recreational sports, gym, or athletic club 5390 - Skating rinks, roller skates,	One space per 200 square feet of GFA

Minimum Parking Requirement Table 195-1			
LBCS Activity Code	Use	LBCS Function Codes	Space Required for Each Land Use GFA = Gross Floor Area
		etc	
		5380 - Bowling, billiards, pool, etc.	One space per three lanes, plus one space per 200 square feet of office, food and bar service
7200	Passive leisure activity	5320 - Games arcade establishment 5330 - Casino or gambling establishment	One space per 200 square feet of GFA
		5400- Camps, camping, and related establishments	One space per 20 areas
7400	Water sports and related leisure activities	5360 - Marina or yachting club facility operators	One space per boat slip

**Sec. 195-130 Accessible Parking**

Accessible spaces complying with ADA requirements and shall be provided in each such parking area in conformance with the Table 195-2. Spaces required by Table 195-2 need not be provided in the particular lot. They may be provided in a different location if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience is ensured.

Except as provided below access aisles adjacent to accessible spaces shall be 60 in (1525 mm) wide minimum. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 in (2440 mm) wide minimum and shall be designated "van accessible" as required by ADA. The vertical clearance at such spaces shall comply with ADA requirements. If a parking structure is used, all such spaces may be grouped on one level of a parking structure.

**A. Exception**

Provision of all required parking spaces in conformance with "Universal Parking Design" ADA requirements are required.

1. If passenger-loading zones are provided, then at least one passenger-loading zone shall comply with ADA.

**Table 195-2. Accessible Parking**

Total Parking in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total

- |   |               |                                  |
|---|---------------|----------------------------------|
| 2. At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with ADA shall be provided as follows: | 1001 and over | 20 plus 1 for each 100 over 1000 |
|---|---------------|----------------------------------|
- a. Outpatient units and facilities: At least 10 percent of the total number of parking spaces shall be installed to serve the facility.
  - b. Units and facilities that specialize in treatment or service for persons with mobility impairments: 20 percent of the total number of parking spaces provided serving each such unit or facility.

**B. Location of Accessible Parking**

1. Accessible parking spaces shall be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances.
2. When accessible parking spaces are added in an existing parking lot, locate the spaces on the most level ground close to the accessible entrance. An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route shall not have curbs or stairs, and shall be at least three (3) feet wide, and have a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.
3. Accessible parking spaces may be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the 98-inch minimum vertical height requirement).

**C. Features of Accessible Parking Spaces for Cars**

1. Plan drawing showing an accessible parking space for cars with a 96 inch wide designated parking space, a 60 inch wide minimum marked access aisle and the follow notes:
  - a. Sign with the international symbol of accessibility mounted high enough so it can be seen while a vehicle is parked in the space.
  - b. If the accessible route is located in front of the space, install wheel stops to keep vehicles from reducing width below 36 inches. Wheel stops shall not be located within the accessible route.
  - c. Access aisle of at least 60-inch width must be level (1:50 maximum slope in all directions), be the same length as the adjacent parking space(s) it serves and must connect to an accessible route to the building. Ramps must not extend into the access aisle.
  - d. Boundary of the access aisle shall be marked. The end may be a squared or curved shape.
  - e. Two parking spaces may share an access aisle.
2. Three Additional Features for Van-Accessible Parking Spaces.
  - a. Sign with "van accessible" and the international symbol of accessibility mounted high enough, so the sign can be seen when a vehicle is parked in the space.
  - b. 96" minimum width access aisle, level (max. slope 1:50 in all directions), located beside the van 2 parking space.
  - c. 98" minimum height clearance at van parking space, access aisle, and on vehicular route to and from van space.

**D. Parking Aisle**

Public right-of-way or easements shall not be used as a parking aisle, parking space or loading area.

**E. Improvements**

1. Each parking space, except those required to meet Americans with Disability Act requirements shall meet the general requirements of this section and be a minimum of nine [9] feet wide and eighteen [18] feet long, exclusive of walkways and aisles. Minimum aisle width shall be twenty-four [24] feet for a ninety [90] degree angle parking space.

2. Where minimum parking space requirements for less than perpendicular parking shall be in accordance with Table 195-3: Minimum Number of Parking Spaces.
3. Five percent of a parking lot having over 5,500 square feet shall incorporate pervious materials that may include pervious materials along the perimeter, or between parking aisles.
4. All parking areas shall be improved with a compact aggregate base with surface treatment [seal-coat], concrete or asphalt, so as to achieve an all-weather, dustless surface. All parking spaces shall be striped.
5. For parking areas located within or that adjoin an R-1, R-2 R-3, CLMU, OTC, VPCZ or EBCZ district, a solid wall or compact evergreen screen or uniform fence with no openings or a combination thereof having a height of not less than forty-two [42] inches, or more than six [6] feet shall be erected and maintained in the side and rear yards between the parking area and these districts.

6. Any light used to illuminate a parking area or driveway shall be installed to reflect the light away from or shield any adjoining property or public roads and shall meet the requirements of Division 180: Lighting Regulations.

**Table 195-3. Minimum Number of Parking Spaces**

Parking Angle	A	B	C	D	E	
	Space Width Parallel to Aisle	Space Depth to Wall	Space Depth to Interlock	Aisle Width	Wall to Wall	Interlock to Interlock
45 degree	12.7	17.5	15.3	12	47	33
60 degree	10.4	19.0	17.5	16	54	51
75 degree	9.3	19.5	18.8	23	62	61
90 degree	9.0	18.5	18.0	24	60	60

**F. Off-Street Loading and Unloading Requirements**

No public right-of-way or easement shall be used for loading, unloading or as an aisle for egress and ingress to the loading dock or any parking space.

All off-street loading and unloading areas shall be improved with a compact aggregate base with surface treatment [seal-coat], concrete or asphalt, so as to achieve an all-weather, dustless surface. All loading and unloading areas shall be striped.

### **Sec. 195-140 Illustrations**

Parking illustrations are shown in Division 210: *Illustrations*

# Town of Clarksville

## Article 4, Division 200: **Sign** REGULATIONS

### **ADOPTED**

FEBRUARY 19, 2019  
REVISED MARCH 3, 2020

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## 200-1. GENERAL REQUIREMENTS

### A. INTENT

This chapter regulates both permanent signage and temporary signage, and specifies which signs are exempt from regulation or prohibited.

1. **Purpose.** The general purpose of this chapter is to:
  - a. Balance the rights of individuals to convey their messages through signs with the right of the public to be protected against the unrestricted proliferation of signs;
  - b. Create a sense of place at the scale of humans, that addresses both the pedestrian experience and the need to inform drivers of destinations;
  - c. Protect public health, safety, and welfare;
  - d. Reduce traffic and pedestrian hazards;
  - e. Protect property values by minimizing the possible adverse effects and visual blight caused by sign clutter;
  - f. Avoid the proliferation of degraded and worn signs meant to be temporary in nature in order to minimize the negative aesthetic impacts on neighboring properties and the community;
  - g. Allow appropriately scaled signs in reference to the character of the areas within which the signs occur;
  - h. Promote economic development; and
  - i. Ensure the fair and consistent enforcement of sign regulations.
2. **Definition of Signs.** Any object, device, structure or part thereof used to advertise, identify, advocate, display or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or images. Signs as defined herein do not include temporary holiday decorations or landscape features that display no words or symbols.

3. **State Statutes.** No provision of this ordinance shall be interpreted, construed, or enforced in a manner that restricts, diminishes, or conflicts with the provisions of any applicable Indiana statute.

### B. APPLICABILITY

These standards shall apply to all signs and sign structures within the town under the following situations:

1. **Newly Constructed or Substantially Altered Signage.** These standards apply to all new signs and substantially altered signs. Substantially altered signs includes any structural changes, changes in shape, changes in size, changes in location, and changes in any major component of the sign (sign box, pole, base).
2. **Not Applicable.** The following activities, shall not be considered a substantial alteration and shall not require a permit:
  - a. The changing of facial panels or letters on an existing sign and/or outdoor advertising sign.
  - b. The changing of painted and/or printed window signs, and/or changeable letter panels, specifically designed for the use of replaceable copy.
  - c. The painting, repainting, cleaning, and/or normal maintenance and/or repair of a sign, sign structure, and/or outdoor advertising sign except when structural changes occur.

### C. EXISTING SIGNS

As of the effective date of this Ordinance, all lawfully existing signs and/or outdoor advertising signs shall be maintained in all respects, but shall not for any reason be enlarged and/or substantially altered except as permitted by this Division 200.

### D. RESIDENTIAL LOTS DEFINED

Throughout this division 200, "residential lots" refers to any lot with only a single- or two-family residential use, whether attached or detached, such as a building in an R district, a row building in the

# Division 200: Signs

## General Requirements

SCMU, or a building on a lot designated as such in a planned unit development.

### E. ABANDONED SIGNS

1. A sign which is not a temporary sign shall be deemed to be abandoned when one of the following occurs:
  - a. The business, service, product, or activity being advertised has ceased to exist for a period of 1 year or more;
  - b. The sign has not been utilized for a period of 1 year or more; or
  - c. The sign is a nonconforming sign and the owner has been notified by the zoning officer of the need to conform to these regulations.
2. Abandoned signs shall be completely removed and the site of such sign shall be restored within 90 days of the date the code enforcement officer gives notice of such designation to the property owner.
3. Panels for signs where the business has ceased to exist and the sign structure is not abandoned per above shall be replaced with a new panel within 90 days of the business ceasing to operate.

### F. SIGN LOCATION

Unless otherwise specified, signs shall only be located within the boundaries of the parcel and not in the right-of-way or on public property.

1. **Definition of Parcel.** For the purposes of Division 200, parcel is defined as a lot or series of abutting lots of record. All lots must be under the same ownership and filed as a connected development, either through a subdivision plat for a neighborhood sign, master plan approval, approved development plan, or master sign plan.
2. **Off-Premises Signs.** Signs shall be located upon the parcel where the activity is taking place, unless otherwise allowed in this Division 200 and approved as part of a sign permit.
3. **Extension into Right-of-Way.** Certain sign types may extend beyond a property line into the

right-of-way or public property per the sign type regulations, Secs. [200-6](#) through [200-15](#). An encroachment permit from the Town's Public Works Department is required.

4. **Owner Approval.** No sign or sign structure shall be placed on a property without the express written consent of the property owner.
5. **Utility Appurtenances.** No sign shall be attached to or painted upon a standpipe, gutter, drain, light standard, traffic control device, or other utility structure.
6. **Landscape and Streetscape Site Furnishings.** No sign shall be attached to or painted upon any streetscape or landscape item, such as a bench, seat, seatwalls, landscape retaining walls, trash receptacle, or other site or street furnishing, not including dumpsters or recycling bins.
7. **Natural Elements.** No sign shall be attached to or painted upon any tree, rock, or other natural feature.
8. **Ingress/Egress.** Signs shall be erected so as to permit free ingress to or egress from any door, window, roof, or any other exitway required by the building code or by fire department regulations.
9. **Visibility Requirements.** Signs shall be located in a manner which does not obstruct, or substantially interfere with, the sight lines used by pedestrians and/or motorists, to cross streets, proceed safely through intersections, or to enter or exit from public or private rights-of-way. See Division 15.
10. **Traffic Signs.** No sign shall be erected or maintained in such a manner as to obstruct free and clear vision of, interfere with, or be confused with any authorized traffic sign, signal, or device.

### G. ILLUMINATION

All signs may be illuminated according to the following provisions unless otherwise stated.

# Division 200: Signs

## General Requirements

1. Signs may be illuminated only by steady, stationary light sources directed solely at the sign or internal to it.
2. Individual letters or logos may be internally illuminated as permitted per each sign type; no other portion of the sign shall be internally illuminated.
3. When an external artificial light source is used to illuminate a sign, the lamp (or bulb) shall be located, shielded, and directed so as to not be visible from any public street or private residence.
  - a. Shielding of the light source is required to prevent light from projecting to the sky.
  - b. No receptacle or device housing a permitted light source which is attached to the sign itself shall extend more than 18 inches from the face of the sign.
  - c. Gooseneck reflectors and lights shall be permitted on permanent freestanding sign, wall signs, projecting signs and roof signs, provided that any such reflectors or lights shall be installed only in a manner such that the direct rays of such reflectors or lights are concentrated on the sign and are directed, shielded or otherwise constructed so as to avoid any glare on the adjacent street or adjacent properties.
  - d. If ground lighting is used to illuminate a sign, the receptacle or device should not extend more than 12 inches above ground and must be fully screened and housed.
4. Illumination and movement. The light from every illuminated sign shall be shaded, shielded or directed so that direct or indirect illumination therefrom, measured at any parcel line adjacent to a residential district, will not exceed 0.1 foot candles. Except for electronic displays per [200-16](#), in no case shall the lighting intensity of any sign exceed 150 foot Lamberts measured with a light meter having an accuracy rating determined by regulation.
5. All electrical components shall conform to the electrical code of the town.

6. In no case, shall electrical wiring, bulbs exceeding 15 watts, and other internal components be exposed to the view or access by the public.

### H. CONSTRUCTION, DESIGN, & MAINTENANCE STANDARDS

1. All signs shall meet the construction, design standards, and maintenance requirements of all applicable building codes, as adopted by the Town.
2. All permanent exterior signs shall be designed to withstand a wind pressure of not less than 30 pounds per square foot of area.
3. **Sign Maintenance Requirements**
  - a. All signs and sign structures shall be kept in good repair and in safe condition. The owner of the premises on which a sign is erected or located shall be directly responsible for keeping such sign and premises in a safe and neat condition.
  - b. Signs shall have clean surfaces so that the sign's message does not become illegible or have missing, torn, or defective parts in any portion of such sign or supporting structure.
  - c. No waste, debris, or other refuse shall be allowed to accumulate on or about the area on which a sign is located.
4. **Sign Construction and Installation.**
  - a. Construction and installation methods shall be subject to review by the Building Department.
  - b. All signs shall be engineered and designed to all applicable standards, with adequate foundations and supports, and of durable materials.

# Division 200: Signs

## Exempt Signs

### 200-2. EXEMPT SIGNS

#### A. GENERAL REQUIREMENTS

Permitted exempt signs meeting the standards of this section [200-2. Exempt Signs](#) are subject to the following:

1. **Definition.** Exempt signs are permanently attached fixtures, i.e. plaques, flags, signs, that are minor and incidental in relation to other site signs.
2. **All Districts.** Exempt signs are permitted in all districts, unless otherwise specified in this section.
3. **No Sign Permit Required.** Exempt signs do not require a sign permit for installation, unless otherwise specified in this section.
4. **No Sign Type Standards.** Exempt signs are not required to meet any sign type standards, except those specified in this section.
5. **Maximum Quantity of Signage.** Except as specified in this section, exempt signs are not counted in the determination of the total permitted area of signage on a parcel per the requirements of [Table 200-5-2. Maximum Total Quantity of Signs Permitted by District](#).

#### B. EXEMPT SIGNS PERMITTED

The following are permitted exempt signs.

1. **Incidental Signs.** The following incidental signs are permitted:
  - a. Entrance Sign for All Lots.
    - (1) On all single- and two-family residential lots, one incidental sign with a maximum area of 1 square foot is permitted per street-facing building entrance.
    - (2) On all lots other than single- and two-family residential lots, two incidental signs with a total maximum area of 3 square feet are permitted per street-facing building entrance.
  - b. General Incidental Building Sign for All Districts. One incidental sign with a maximum area of 3 square feet is permitted per principal building.
- c. Unlimited Rear and Interior Side Yard Facing Signs. Incidental signs one square foot or less are permitted on the rear and interior side yard facades provided the signs are not visible from any adjacent yard or any public street, space, or way.
2. **Official Signs.** Any official sign, public notice sign, or warning sign erected by the town, state, or country, or required by a valid and applicable federal, state, or local law, regulation, or ordinance, by order of a court of competent jurisdiction, or for the safety and welfare of the public.
3. **Signs Inside Buildings.** Any sign which is located completely within an enclosed building, when such sign is not readable from 10 feet or more outside the building.
4. **Banners and Flags on Light Poles.** Banners and flags made of fabric or other similar non-rigid material mounted on a light poles located in the right-of-way of a street are permitted for noncommercial, civic events with town approval.
5. **Driveway and Parking Signs.** Driveway signs are located adjacent to vehicular driveways on all lots other than single- and two-family residential lots. These signs shall meet the following requirements:
  - a. No more than 2 driveway signs are permitted for each parcel per right-of-way frontage, not to exceed 3 feet in height.
  - b. One parking lot sign is permitted per lot per right-of-way frontage is permitted, not to exceed 3 feet in height.
  - c. One parking space sign is permitted for each space, located on the parking space, not to exceed 6 feet in height.
  - d. Each sign face shall not exceed 2 square feet in area.
  - e. Signs shall be set back a minimum of 2 feet from property lines and are not permitted to overhang any property line.
6. **Drive-Through Signs.** Drive-through signs are permitted on the site of any allowed drive-through use, subject to the following:

## Division 200: Signs

### Temporary Signs

- a. Permit. A sign permit is required for all drive-through signs.
  - b. Location. Drive-through signs must be located within 10 feet of a drive-through lane in a side or rear yard.
  - c. Number Permitted. Refer to [Figure 200-5\(1\). Drive-Through Sign.](#)
    - (1) One major drive-through sign is allowed per order station up to a maximum of 2 primary drive-through signs per lot.
    - (2) One minor drive-through sign is allowed per lot.
  - d. Dimensions.
    - (1) Major drive-through sign must not exceed 36 square feet in area and 6 feet in height.
    - (2) Minor drive-through sign must not exceed 15 square feet in area or 4 feet in height.
  - e. Residential Separation. Drive-through signs must be set back at least 25 feet from residential (R) district lots.
  - f. Visibility. Drive-through signs must be oriented to be visible by motorists in allowed drive-through lanes.
2. **All Districts.** Temporary signs are permitted in all districts, unless otherwise specified in this section.
  3. **Permanent Sign Required.** For properties with non-residential uses, temporary signs are not allowed without a permanent sign in place for the use. This provision shall not apply prior to commencement of the use and within the first 30 days after the commencement of the use on the property.
  4. **Sign Permit Requirement.** Sign permits are not required for temporary signs except as specified in this Sec. 200-3.
  5. **No Sign Type Standards.** Temporary signs are not required to meet any sign type standards, except those specified in this section.
  6. **Maximum Quantity of Signage.** Except as specified in this section, temporary signs are not counted in the determination of the total permitted area of signage on a parcel per the requirements of [Table 200-5-2. Maximum Total Quantity of Signs Permitted by District.](#)
  7. **Location.** The following regulations apply to locating temporary signs.

### 200-3. TEMPORARY SIGNS

#### A. GENERAL REQUIREMENTS

Permitted temporary signs meeting the standards of this section [200-3. Temporary Signs](#) are subject to the following:

1. **Definition.** Temporary signs are signs intended to serve for a limited time with no permanent attachment to a structure or the ground.

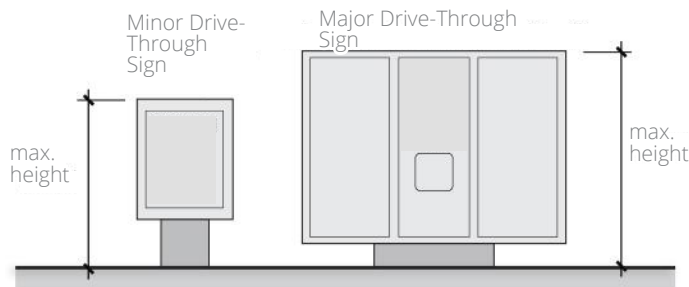


Figure 200-5(1). Drive-Through Sign

- a. Temporary signs are allowed in all districts, unless otherwise specified.
  - b. Temporary signs must be located on private property and shall not be posted, attached or placed on any tree, utility pole, street sign post, light post, or any official traffic control sign or signal post in the public right-of-way.
  - c. Temporary signs located within the public right-of-way may be removed by the town and will be held for a minimum of 7 days. After 7 days, the town may dispose of the sign(s).
  - d. On all single- and two-family residential lots, temporary signs shall be set back a minimum of 5 feet from any property line, except where the front yard is less than 5 feet.
8. **Maintenance & Materials.** All temporary signs must be properly maintained and of a material able to withstand the elements.

# Division 200: Signs

## Temporary Signs

9. **General Sign Requirements.** The general requirements for signs per [200-1](#) shall apply to all temporary signs.

### B. TEMPORARY YARD SIGNS

Temporary yard signs are lightweight, freestanding signs placed in a street yard.

1. **Single- and Two-Family Residential Lots.**
  - a. Any number of temporary yard signs must not exceed a total of 16 square feet on any lot at any time.
  - b. Temporary signs may remain in place for an unlimited time, provided the condition of the sign is not deteriorated, discolored, or frayed, and the sign is still readable.
2. **Lots Other Than Single- and Two-Family Residential Lots.**
  - a. **Parcels with 300 Feet or Less of Frontage.** For properties with parcel frontages between 100 and 300 feet, any number of temporary yard signs must not exceed a total of 18 square feet per 100 feet of street frontage of the parcel at any time and shall not exceed 8 feet in height.
  - b. **Parcels with Over 300 Feet of Frontage.** For properties with parcel frontages over 300 feet, any number of temporary yard signs shall not exceed a total of 36 square feet per 100 feet of frontage and shall not exceed 8 feet in height.
  - c. Signs shall be calculated and located per each 100 feet of street frontage, as opposed to totalling for the whole parcel and locating the temporary signs all in one location.

### C. SPECIAL TEMPORARY SIGNS

Special temporary signs allow additional temporary signs for a short time period on a lot.

1. **Sign Permit Required.** A sign permit is required for any special temporary sign per Sec. [200-18.A](#).
2. **Districts.** Special temporary signs are permitted on all lots except single- and two-family residential lots per Sec. [200-1.D](#).

3. **Sign Types.** Special temporary signs include all sign types, including balloons and feather flags.
4. **Quantity and Permitted Display Time.** Special temporary signs shall be displayed for no more than consecutive 30 days. Special temporary signs are permitted twice per calendar year per parcel.
5. **Size.** Any number of special temporary signs shall not exceed 24 square feet in total area, in total for the parcel.

### D. TEMPORARY WINDOW SIGNS

Temporary window signs are signs located on any lots except single- and two-family residential lots per Sec. 200-1.D that do not exceed 2 square foot in size, are located wholly in the window of a building, and are composed of paper or other temporary materials not specified in [Table 200-11-1. Window Sign Requirements](#), pertaining to permanent window signs.

1. **Multiple Signs.** Multiple temporary window signs are considered one sign for the purposes of computing the quantity of temporary signs on a parcel.
2. **Quantity.** The combined total of permanent and temporary window signs shall not exceed the allowed quantity for permanent window signs per [Table 200-11-1. Window Sign Requirements](#).

### E. SANDWICH BOARD SIGNS

A sandwich board is a set of 2 signs set up in a triangular shape and hinged along the top or a T-frame or I-frame sign.

1. **Sign Permit Required.** A sign permit is required for any sandwich board sign per Sec. [200-18.A](#).
2. **Liability.** The owner of any sandwich board sign has an absolute duty to prevent such sign from causing any property damage or personal injuries.
3. **Permitted Display Time.** Sandwich boards are not restricted to any display time restriction except as follows:
  - a. Signs shall only be displayed during business hours and must be removed by close of business each day.



- b. Signs shall not be displayed when winds exceed 20 miles per hour.
- 4. **Location.** Sandwich board signs may be located in the right-of-way in the SCMU district where the pedestrian walkway is at least 6 feet in width and shall not be placed within 10 feet of an intersection or crosswalk. Such sign location is subject to approval by the planning director.
  - a. Sandwich board signs shall be located within 15 feet of the entrance to the business and no more than one foot from the building line.
  - b. Signs shall not be attached to the sidewalk or to town-owned property, including but not limited to electric light poles and traffic signs.
  - c. A clear zone is required on the sidewalk, minimum 5 feet in width continuously.
- 5. **Size.** Signs shall not be greater than 3 feet in height and no more than 6 square feet in area per sign face.
- 6. **Quantity.** No more than one sandwich board sign is permitted per tenant space and no more than one per 60 feet of sidewalk length.
- 7. **Materials.** Signs shall be constructed of wood, metal, or other durable materials to withstand the elements. Signs shall not be reflective.

**F. BANNERS.**

A sign made of fabric or other similar non-rigid material with no enclosing framework or electrical components that is supported or anchored on 2 or more edges or at all 4 corners.

- 1. **Location.** Banners must be mounted to the face of a building and may not cover any window or other building opening.
- 2. **Multi-Unit Residential Uses.** Temporary banners are allowed on parcels with multiple residential units.
  - a. One temporary banner is allowed per every 400 feet of building along a street frontage.
  - b. Temporary banners may not exceed 36 square feet in area.

- c. The temporary banner shall be mounted above 8 feet and no more than 25 feet above average grade below the banner.

- 3. **Non-Residential Uses.** One temporary banner per street frontage is allowed on parcels with non-residential uses.

- a. The temporary banner may not exceed 36 square feet in area.
- b. One additional temporary banner is allowed per 400 linear feet or more of building frontage.

**200-4. PROHIBITED SIGNS**

**A. GENERAL REQUIREMENTS**

Prohibited signs shall not be permanently constructed or temporarily installed in any district.

**B. PROHIBITED SIGNS**

The following signs are prohibited.

- 1. **Animated, Wind, or Moving Signs.** Signs not erected by bona fide public traffic officials which move or give the appearance of movement, including but not limited to signs which flutter, undulate, swing, rotate, oscillate, or otherwise move by natural or artificial means. Moving signs shall not include flags per [200-2](#), signs displaying time and temperature, and electronic display signs as permitted in this division.
- 2. **Flashing Lights.** Flashing signs, flashing or moving lights on signs, and reflective pennants are prohibited, except that both signs that exhibit time, temperature, date or other similar information and search lights permitted by the planning director as an attention getting device are permitted.
- 3. **Similarity to Traffic Control Signs.** Signs that include words such as "Stop", "Danger", "Warning", "Caution", or "Go Slow," unless such language is part of the name of the business, or any other words, phrases, symbols, or characters that imitate any authorized traffic sign by shape, color, or character or employs any red, yellow, green, or other colored lamps or lights in such a manner as to interfere with, mislead, or confuse traffic.

# Division 200: Signs

## Prohibited Signs

4. **Vehicles as Signs.** Any sign attached to or placed on a vehicle or trailer parked on public or private property that is prominently visible from public streets, except during the following conditions:
  - a. The primary purpose of such a vehicle or trailer is not the display of signs.
  - b. The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets, and actively used or available for use in the daily function of the business to which such signs relate.
5. **Portable or Wheeled Signs.** Any sign permanently mounted on wheels.
6. **Inflatable or Balloon Signs.** Temporary or permanent signs that are inflatable or balloon-like are not permitted, except as allowed in temporary special events signs (Sec. [200-3.C](#)).
7. **Off-Site Advertising.** Signs utilized to market, promote, or draw attention to an activity, business, person, entity, or thing not located or offered on the site on which the sign is located, are prohibited.
8. **Signs with Sound.** Signs that emit or utilize in any manner any sound capable of being detected from any public right-of-way by a person with normal hearing.
9. **Rope Lighting.** Rope lighting, or other similar linear lighting with small lights (usually incandescent bulbs or light emitting diodes (LEDs)) covered in heavy-duty plastic tubing, and installed to outline signs, merchandise, windows, buildings, or building elements, where such lighting is intended to be visible from the exterior of the building, is prohibited.
10. **Feather Flags.** Feather flags are vertically oriented flags in the shape of a feather, attached to a pole or stand, except as allowed in temporary special events signs (Sec. [200-3.C](#)).
11. **Other Signs.** Signs not addressed in this division shall not be permitted unless reviewed and approved by the BZA through the appeal or development standard variance process defined in Article 5 of the zoning ordinance.



# Division 200: Signs

## Permitted Types & Quantity of Parcel Signage

### 200-5. PERMITTED TYPES & QUANTITY OF PARCEL SIGNAGE

#### A. PERMITTED SIGN TYPES BY DISTRICT

[Table 200-5-1](#) establishes the sign types permitted by district.

1. **Exempt/Temporary Signs.** Exempt and temporary signs are permitted in all districts per [200-2. Exempt Signs](#) and [200-3. Temporary Signs](#), unless otherwise specified.
2. **Prohibited Signs.** In addition to the signs listed in [200-4. Prohibited Signs](#), when a sign type is not listed as permitted or permitted with conditions in the district on [Table 200-5-1](#), the sign is prohibited in the district.
3. **Planned Unit Developments.** All signs are permitted for use in a planned unit development; however, a master signage plan is required.
4. **Organization of Multiple Signs on a Facade.** Multiple signs on a facade shall be organized in a coherent way and located in a space on the facade designated for signs. The application of signs to a facade without any reference to architectural features or alignment of signs is not permitted. See [Figure 200-5\(2\)](#).

#### B. MAXIMUM QUANTITY OF SIGNS PERMITTED BY DISTRICT

[Table 200-5-2](#) establishes the overall maximum amount of signage of all types permitted on a parcel within each district. The quantity and size of signage shall be calculated per [200-5.C. Computation](#).

1. **Exempt/Temporary Signs.** [Table 200-5-2](#) does not apply to exempt (see [200-2. Exempt Signs](#)) or temporary signs (see [200-3. Temporary Signs](#)), unless otherwise specified.
2. **Front Facade.** Front facades are those facades of the business with a public entrance facing a street.
3. **Window Signs.** Window signs shall not count towards a parcel's maximum permitted amount of signage. Refer to [200-11. Window Signs](#).

4. **Through-Parcels and Visible Side /Rear Signage.** In addition to the maximum amount of signage permitted per parcel, through-parcels and rear and/or side facades visible facing a street may incorporate an additional 30 square feet of signage permitted for the parcel located in either the rear yard or along the rear facade, provided the rear does not face an R district.
5. **Corner Parcels.** In addition to the maximum amount of signage permitted per parcel, corner parcels may incorporate an additional 1.5 square feet per 1 linear foot of corner side parcel length with a maximum of 100 square feet, with the exception of residential uses.

#### C. COMPUTATION

The following standards generally apply to computing the area and height of signs by type and by building parcel.

1. **Sign Area.** Refer to the sign types [200-6](#) through [200-13](#) for calculation of sign area per sign type.
  - a. Exempt and temporary signs are not included in the maximum signage area calculations, unless otherwise specified.
  - b. **Front or Primary Building Facade Length.** For the purposes of determining allowable sign area, measure the length of the building facade that is parallel to the primary or principal street frontage of the lot or parcel.
    - (1) For internal block parcels, the facade parallel to the street is measured.
    - (2) For parcels with outlots or outbuildings between the building and the street, the building facade that faces the primary or principal street or the facade with principal building entrances is measured, as determined by the planning director.
    - (3) If the parcel is a corner parcel, measure the facade parallel to the primary or front lot line as determined by the planning director, based upon the location of the front door or principal entrance of the building and/or the dominance of one street over the other.
    - (4) On corner parcels, if front doors exist on street facades facing more than one street, the planning director may allow

# Division 200: Signs

## Permitted Types & Quantity of Parcel Signage

those facades or portions of facades to be treated as frontage on a front parcel line.

- c. Street Frontage Length. For the purposes of determining allowable sign area, measure the length of the lot line that is parallel to the primary or principal street along the lot or parcel.

### 2. Sign Height

- a. The height of a sign shall be measured as the vertical distance from the grade at the adjacent public sidewalk of the sign to the top of the highest component of the sign.
- b. The ground clearance of a sign under these regulations shall be measured as the vertical distance from the grade at the base of the sign to the top of the lowest component of the sign.
- c. For the purposes of this article, grade shall be computed as the average finished ground level of the land around the base of the sign, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.



**Figure 200-5(2).** Example of multiple sign types on one facade: wall sign, awning sign, projecting sign, window sign.

# Division 200: Signs

## Permitted Types & Quantity of Parcel Signage

**TABLE 200-5-1. PERMITTED SIGN TYPES BY DISTRICT**

SIGN TYPES		DISTRICTS								
		R-1, R-2, R-3 Neighborhood Entrance Sign	R-3 (except Single-Family and Duplex Lots), MHP	RPO, MED, OPS	SCMU General, Civic, Warehouse Building Type	SCMU Commercial Cottage Building Type	SCMU Storefront Building Type	B-1, VPCZ	B-2, AB, EBCZ	I-1, I-2
BUILDING MOUNTED	Awning Sign		●	●	●	●	●	●	●	
	Window Sign			●	●	●	●	●	●	
	Wall Sign			●	●	●	●	●	●	●
	Projecting Sign		●	●	●	●	●	●	●	
	Projecting Marquee Sign						●	●	●	
	Canopy- Mounted Sign		●	●	●		●	●	●	●
FREESTANDING	Monument Sign	●	●	●	●	●		●	●	●
	Ped-Scale Pole- Mounted Sign	●	●	●	●	●		●	●	●
	Multi-Tenant Sign			●				●	●	●
	Pole Sign								●	

● = Permitted, subject to the conditions of this chapter

**TABLE 200-5-2. MAXIMUM TOTAL QUANTITY OF SIGNS PERMITTED BY DISTRICT**

	DISTRICTS								
	R-1, R-2, R-3 Neighborhood Entrance Sign	R-3 (except Single-Family and Duplex Lots), MHP	RPO, MED, OPS	SCMU General, Civic, Warehouse Building Type	SCMU Commercial Cottage Building Type	SCMU Storefront Building Type	B-1, VPCZ	B-2, AB, EBCZ	I-1, I-2
MAXIMUM QUANTITY OF BUILDING MOUNTED SIGNS	none permitted	max. 100 s.f. per building; max. 30 s.f. for any one sign.	2 s.f. per linear foot of primary or front building facade length; max. 100 s.f. for any one sign			3 s.f. per linear foot of front or primary building facade length; max. 80 s.f. for any one sign	2 s.f. per linear foot of front building facade length; max. 200 s.f. for any one sign; max. 300 s.f. with an approved sign waiver		
ADDITIONAL BUILDING- or SITE-WIDE SIGN	one sign permitted per street entrance		1 additional sign (max. 150 s.f.) for each min. 100-foot long building OR 1 additional freestanding sign (max. 100 s.f.)			1 additional sign (max. 200 s.f.) for each min. 100-foot length of building facade	1 additional sign (max. 200 s.f.) for each min. 100-foot long building OR 1 additional s.f. of freestanding sign per linear foot of street frontage (max. 400 s.f.)		

# Division 200: Signs

## Wall Sign

### 200-6. WALL SIGN

#### A. DESCRIPTION

Wall Signs, also known as flat or band signs, are mounted directly to the building face to which the sign is parallel. Refer to [Figure 200-6\(1\)](#) for an example illustration.

#### B. GENERAL REQUIREMENTS

Wall Signs shall be developed according to the standards in [Table 200-6-1](#).

- Building Openings.** Wall Signs shall not cover windows or other building openings.
- Architectural Features.** Wall Signs shall not cover significant architectural building features, such as sculptural elements, windows, doors, cornices, or other expression lines.

#### C. COMPUTATION

The area of a Wall Sign is calculated using the following information.

- Wall Signs.** Area is calculated by drawing the smallest possible square or rectangle around the largest letters and/or graphic elements, as is illustrated in [Figure 200-6\(2\)](#).
  - Area Credit.** All areas that utilize individual alphanumeric characters or logos may adjust the total sign area provided to 95 percent of the calculation as outlined above.



Figure 200-6(1). Example of Wall Sign

**TABLE 200-6-1. WALL SIGN REQUIREMENTS**

Permitted Districts	Refer to Table 200-5-1. <a href="#">Permitted Sign Types by District</a> .
Sign Area	Refer to Table 200-5-2. <a href="#">Maximum Total Quantity of Signs Permitted by District</a> for maximum per parcel.
Height	2 ft. maximum letter or 3 ft. maximum element or logo height; 4 ft. maximum letter and 5 ft. maximum logo height with a sign waiver
Location on the Building or Site	Permitted on all facades. Permitted on fences, maximum 200 sq. ft. or 10% of the fence face area.
Placement on the Building or Site	1 foot maximum projection from building face; shall not project above the roofline
Quantity	1 per tenant per building frontage plus 2 additional wall signs per 200 feet of building frontage; 1 per tenant per side or rear facade on a parking parcel
Internal Illumination	Permitted for any individual letters and logos; backlit panels not permitted with plastic & synthetics
Permitted Materials	Finished (painted or sealed) solid wood, metal, and masonry; plastic & synthetics permitted as panels and separate alphanumeric characters or logos.

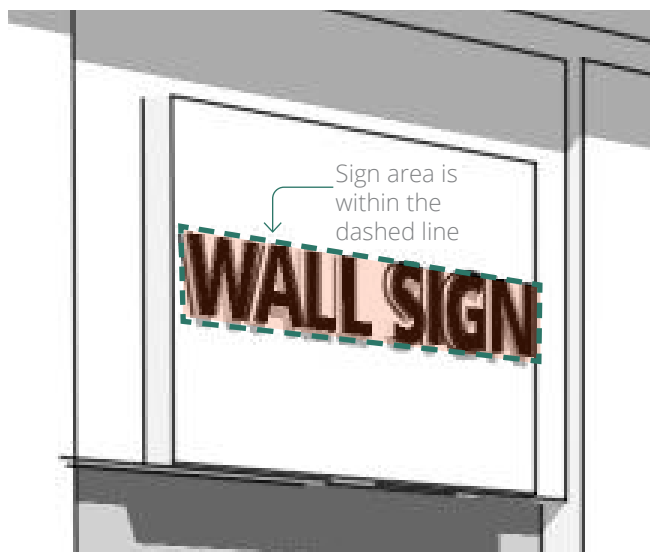


Figure 200-6(2). Area Calculation for Wall Sign

## 200-7. PROJECTING OR SUSPENDED SIGN

### A. DESCRIPTION

A Projecting Sign is attached to and projects from a building face or hangs from a support structure attached to the building face. Sign faces are typically perpendicular to the building face, but may be at an angle greater than 45 degrees from the facade. The sign may be vertically or horizontally oriented. Refer to [Figure 200-7\(1\)](#) for an example illustration.

### B. GENERAL REQUIREMENTS

Projecting Signs shall be developed according to the standards in [Table 200-7-1](#)

### C. COMPUTATION

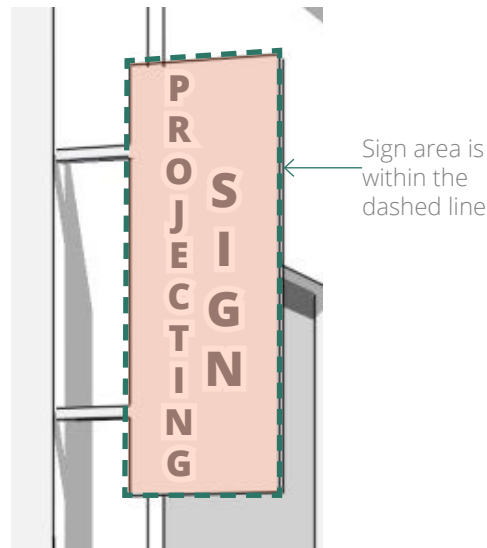
The area of a Projecting Sign is equal to the area of one of the sign's faces. Refer to [Figure 200-7\(2\)](#).

**TABLE 200-7-1. PROJECTING SIGN REQUIREMENTS**

Permitted Districts	Refer to <a href="#">Table 200-5-1. Permitted Sign Types by District.</a>
Sign Area	Maximum size for each projecting sign is 20 sf per face. Refer to <a href="#">Table 200-5-2. Maximum Total Quantity of Signs Permitted by District</a> for maximum per parcel
Height	12 ft. maximum sign length; 8 feet minimum clearance to walk required
Location on the Building or Site	Permitted on all facades
Placement on the Building or Site	Shall not project more than 3 ft. from building face or closer than 3 ft. from back of curb; sign and structural supports shall not extend above the eave or parapet; All projections beyond property line require an encroachment permit.
Quantity	1 per building per street frontage; 1 per building per parking parcel frontage; 1 additional projecting sign permitted per tenant, maximum 4 sq ft. for each tenant sign
Internal Illumination	Permitted for individual letters and logos
Materials	Finished (painted or sealed) solid wood, metal, and masonry; plastic & synthetics permitted only as separate alphanumeric characters or logos



**Figure 200-7(1).** Example of Projecting Sign



**Figure 200-7(2).** Area Calculation for Projecting Sign

# Division 200: Signs

## Projecting Marquee Sign

### 200-8. PROJECTING MARQUEE SIGN

#### A. DESCRIPTION

A Projecting Marquee Sign is a projecting sign designed to have manually changeable copy or, where permitted, electronic displays, and 2 to 3 sign faces. Refer to [Figure 200-8\(1\)](#) for an example illustration.

#### B. GENERAL REQUIREMENTS

Projecting Marquee Signs shall be developed according to the standards in this division and [Table 200-8-1](#).

1. **Manually Changeable Copy Boards.** Manually Changeable Copy Boards are permitted on this sign type, provided the following conditions are met:
  - a. The area shall not be greater than 30% of the total sign area or 32 square feet, whichever is less.
  - b. One sign of any type containing a Manually Changeable Copy Board is permitted per parcel.
2. **Electronic Display.** Electronic displays of numeric characters are permitted on one sign of this type per parcel. limited to no more than 15% of the

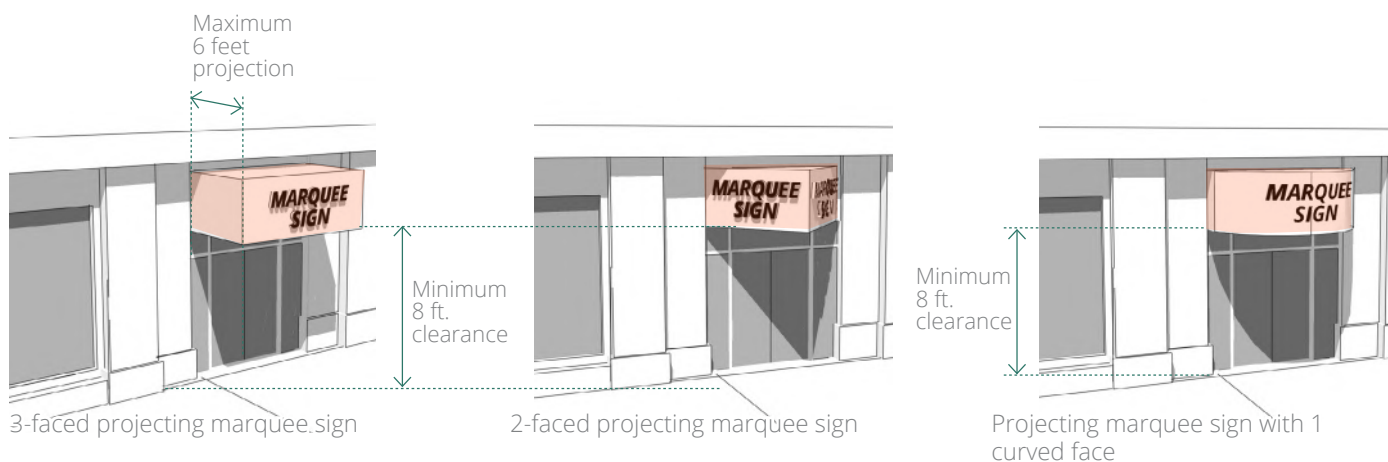
**TABLE 200-8-1. PROJECTING MARQUEE SIGN REQUIREMENTS**

Permitted Districts	Refer to Table 200-5-1. Permitted Sign Types by District.
Sign Area	Maximum area for each marquee sign is 40 sf per face with 2 or more faces, or 1 curved face, maximum 60 sf per sign. Refer to Table 200-5-2. Maximum Total Quantity of Signs Permitted by District for maximum per parcel
Height	8 ft. minimum clearance to walk required
Location on the Building or Site	Front and corner side facades only
Placement on the Building or Site	Maximum projection from building is 6 ft; Shall not project closer than 1 ft. from back of curb. All projections beyond property line require an encroachment permit.
Quantity	1 per parcel
Internal Illumination	Permitted for individual letters and logos and permitted for Manually Changeable Copy Boards & Electronic displays
Materials	Finished (painted or sealed) solid wood, metal, masonry & neon glass; plastic synthetics for Manually Changeable Copy Boards and, where Electronic displays are permitted, electronic display boards.

total sign area or 18 square feet, whichever is less. Refer to [200-16](#) for additional regulations.

#### C. COMPUTATION

The sign area is calculated by combining the area of all exposed sign faces and the cabinet or structure surrounding them.



**Figure 200-8(1).** Examples of Projecting Marquee Signs



### 200-9. AWNING SIGN

#### A. DESCRIPTION

A sign that is mounted, painted, or otherwise applied on or attached to an awning or canopy. Refer to [Figure 200-9\(1\)](#) for an example illustration.

#### B. GENERAL REQUIREMENTS

Awning Signs shall be developed according to the standards in [Table 200-9-1](#). For SCMU districts, see also Sec. 70-5.I. Awnings.

#### C. COMPUTATION

The area of an awning sign is calculated by drawing the smallest possible square or rectangle around the largest letters and/or elements of the sign portion of the awning, as is illustrated in [Figure 200-9\(2\)](#).

**TABLE 200-9-1. AWNING SIGN REQUIREMENTS**

Permitted Districts	Refer to <a href="#">Table 200-5-1. Permitted Sign Types by District</a> .
Sign Area	Maximum area for each awning sign is 100 sq ft, and no more than 30% of the awning may be used for signage; Refer to <a href="#">Table 200-5-2. Maximum Total Quantity of Signs Permitted by District</a> for maximum per parcel
Height	8 ft. minimum clearance to walk required; maximum letter or logo height is 2 ft. Shall not project above the second story floor or window sill, or roof line, whichever is closer to the ground plane.
Location on the Building or Site	Permitted on all facades
Placement on the Building or Site	Maximum projection from building is 6 ft; shall not project closer than 2 ft. from back of curb; shall not block any window, door, or the building roof. All projections beyond property line require an encroachment permit.
Quantity	1 per tenant per street frontage; 1 per tenant per side or rear facade on a parking parcel
Internal Illumination	Not permitted
Materials	Cloth, canvas, metal, or wood; all supports shall be made of metal or wood



Figure 200-9(1). Example of Awning Sign

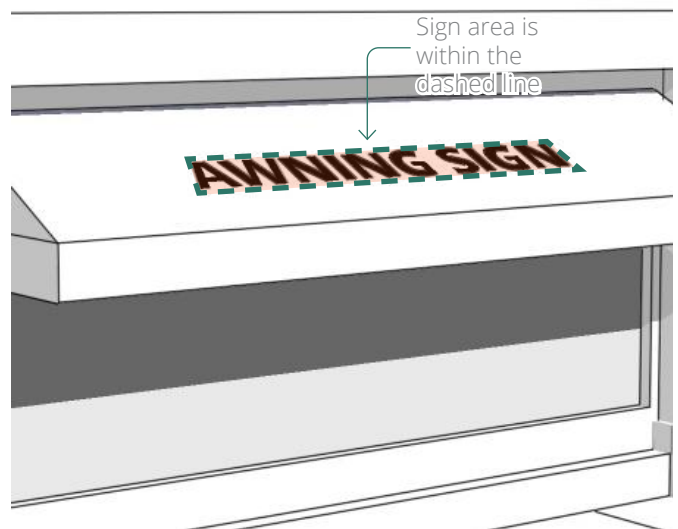


Figure 200-9(2). Area Calculation for Awning Sign

# Division 200: Signs

## Canopy-Mounted Sign

### 200-10. CANOPY-MOUNTED SIGN

#### A. DESCRIPTION

A sign with individual alphanumeric characters and/or logos that is mounted on top of a permanent canopy. Refer to [Figure 200-10\(1\)](#) for an example illustration.

#### B. GENERAL REQUIREMENTS

Canopy-Mounted Signs shall be developed according to the standards in [Table 200-10-1](#).

#### C. COMPUTATION

The area of a Canopy-Mounted Sign is calculated by drawing the smallest possible square or rectangle around the largest letters and/or elements of the sign portion of the Canopy-Mounted Sign, as is illustrated in [Figure 200-10\(2\)](#).

**TABLE 200-10-1. CANOPY-MOUNTED SIGN REQUIREMENTS**

Permitted Districts	Refer to <a href="#">Table 200-5-1. Permitted Sign Types by District</a> .
Sign Area	Maximum area for each canopy-mounted sign is 30 sq ft; Refer to <a href="#">Table 200-5-2. Maximum Total Quantity of Signs Permitted by District</a> for maximum per parcel
Height	2 ft. maximum letter or element height; cannot project more than 2.5 ft. above second story floor or window sill, or roof line, whichever is closer to the ground plane.
Location on the Building or Site	Permitted on all facades; prohibited on the principal roof of the building
Placement on the Building or Site	Shall not project beyond the front edge of the canopy; shall not block any window, door, or the building roof. All projections beyond property line require an encroachment permit.
Quantity	1 per tenant per street frontage; 1 per tenant per side or rear facade on a parking lot
Internal Illumination	Permitted for individual letters and logos
Materials	Finished (painted or sealed) solid wood or metal; plastic & synthetics permitted only as separate alphanumeric characters or logos

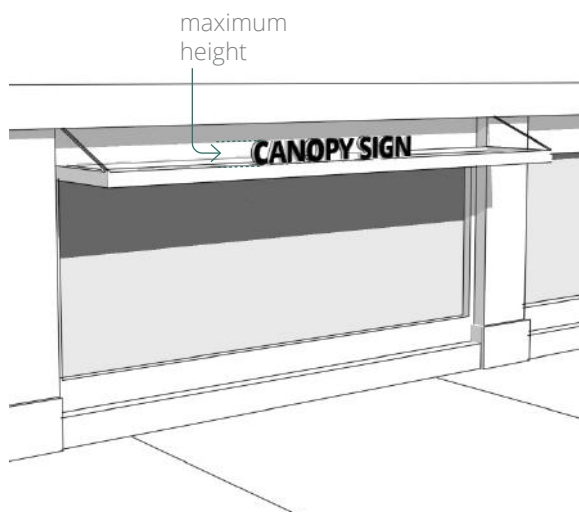


Figure 200-10(1). Example of Canopy-Mounted Sign



Figure 200-10(2). Area Calculation for Canopy-Mounted Sign



### 200-11. WINDOW SIGN

#### A. DESCRIPTION

A Window Sign is painted, placed, or affixed in or on a window exposed for public view or is a sign hung inside the building facing the window for public view. [Figure 200-11\(1\)](#) for an example illustration.

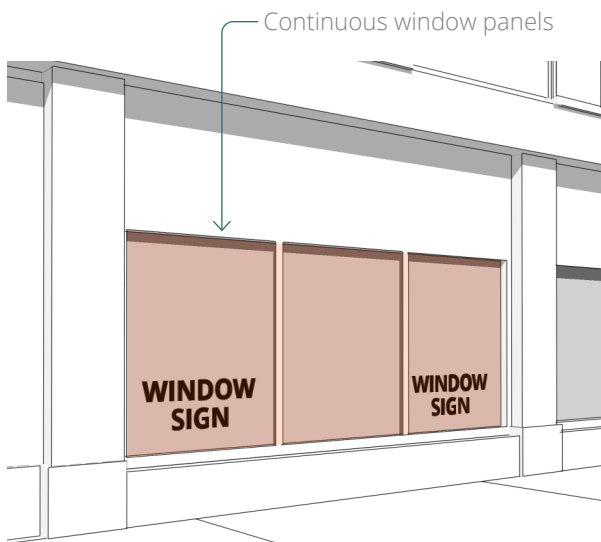
#### B. GENERAL REQUIREMENTS

Window Signs shall be developed according to the standards in [Table 200-11-1](#).

#### C. COMPUTATION

A series of windows that are separated by frames or supporting material of less than 6 inches in width shall be considered a single window for the purposes of computation.

1. **Measurement.** To measure sign area percentage, divide the total sign area, by the total window area, as illustrated in [Figure 200-11\(2\)](#).
  - a. Sign area is calculated by drawing the smallest possible square or rectangle around the largest letters and/or elements.
2. **Maximum Allowance.** Window Signs are not counted toward a parcel's maximum signage allowance per [Table 200-5-2. Maximum Total Quantity of Signs Permitted by District](#)

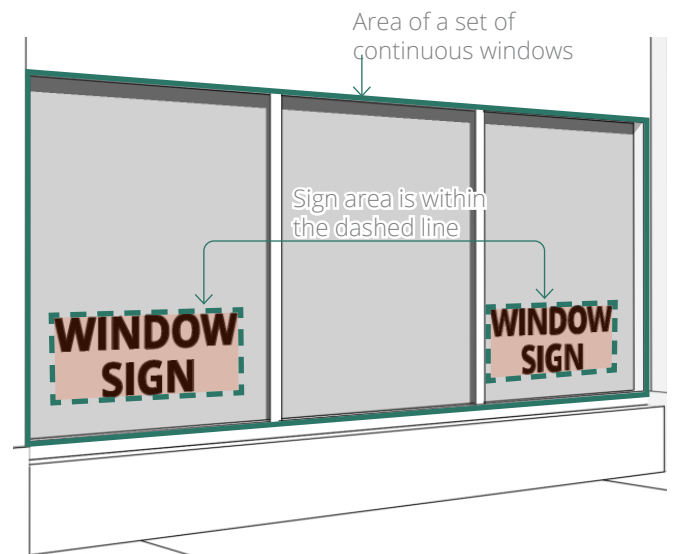


**Figure 200-11(1).** Example of Window Sign

3. **Temporary Window Signs.** Temporary Window Signs must be included in the total percentage of signage per window calculation per [Table 200-11-1](#). Refer also to [200-3. Temporary Signs.](#)

**TABLE 200-11-1. WINDOW SIGN REQUIREMENTS**

Permitted Districts	Refer to <a href="#">Table 200-5-1. Permitted Sign Types by District.</a>
Sign Area	Up to 30% of a set of continuous windows may be covered with signs; no more than 50% of any one window panel may be covered with signs; no more than 10% of the square footage of windows on any facade may be covered with signs.
Height	No maximum
Location on the Building or Site	Permitted on all facades
Placement on the Building or Site	Ground or upper story windows; may be affixed to window or hung/mounted behind glass
Quantity	Ground story: no maximum quantity, limit is based on window sign area. Upper Story: 1 per tenant per floor
Internal Illumination	Not permitted, except on neon or similarly illuminated window signs
Materials	Drawn or painted on the glass; wood, metal, neon glass, plastic, or other similar materials also permitted placed in window or affixed to glass. LED ropes or similar lights are prohibited.



**Figure 200-11(2).** Area Calculation for Window Sign

# Division 200: Signs

## Monument Sign

### 200-12. MONUMENT SIGN

#### A. DESCRIPTION

A monument sign is freestanding, located in a front or side yard of a parcel. Refer to [Figure 200-12\(1\)](#) for an example illustration.

#### B. GENERAL REQUIREMENTS

Monument Signs shall be developed according to the standards in [Table 200-12-1](#).

1. **Multiple Tenants.** Multiple tenant buildings on a parcel with a width of greater than 300 feet, measured across the front property line, may have signage with the following parameters:
  - a. Up to 2 Monument Signs on one frontage.
  - b. Signs shall be at least 150 feet apart.
2. **Pole-Mounted Signs.** Monument Signs may not be pole-mounted.
3. **Manually Changeable Copy.** The area of any Manually Changeable Copy Board cannot equal greater than 50% of the area of the sign face on which it is located or 20 square feet, whichever is less.
4. **Electronic Display.** Electronic displays of numeric characters are permitted on one sign of this type per parcel. limited to no more than 15% of the total sign area or 12 square feet, whichever is less. Refer to [200-16](#) for additional regulations.

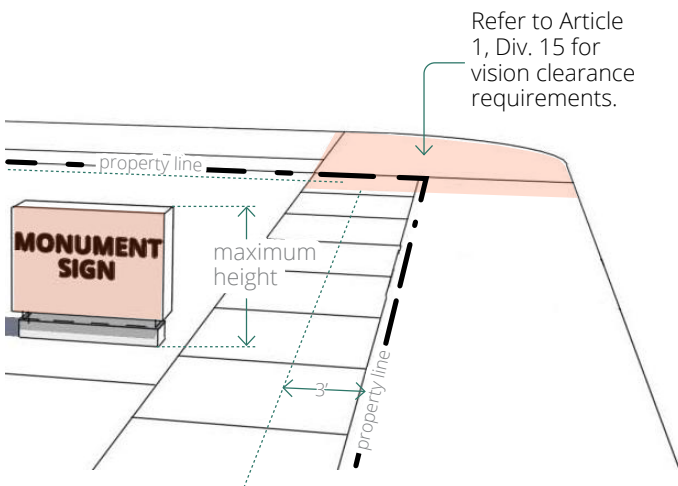


Figure 200-12(1). Example of Monument Sign

#### C. COMPUTATION

Sign area is calculated per sign face. This measurement includes the sign, any cabinet in which it is enclosed and any changing sign portions, but excludes the base of the sign. Refer to [Figure 200-12\(2\)](#).

1. **Measuring Height.** Height shall include the sign face, base, cabinet, and ornamental cap and is measured from the closest public sidewalk elevation.

**TABLE 200-12-1. MONUMENT SIGN REQUIREMENTS**

Permitted Districts	Refer to Table 200-5-1. Permitted Sign Types by District.
Sign Area	Maximum area for each monument sign is 60 sq. ft. per face; Refer to Table 200-5-2. Maximum Total Quantity of Signs Permitted by District for maximum per parcel
Height	Maximum height 5'-6"
Location on the Building or Site	Front or Side Yards
Placement on the Building or Site	10 ft. setback from driveways and side property line; 3 ft. setback from all other property lines. Refer to Art. 1, Div. 15 for vision clearance regulations at intersections.
Quantity	1 per street frontage
Internal Illumination	Permitted for any individual letters and logos; backlit panels not permitted with plastic & synthetics panels
Materials	Finished (painted or sealed) solid wood, metal & masonry; plastic & synthetics permitted on sign face. Foundation shall be of concrete, masonry, or similar opaque and sturdy materials that permanently attach sign to the ground.

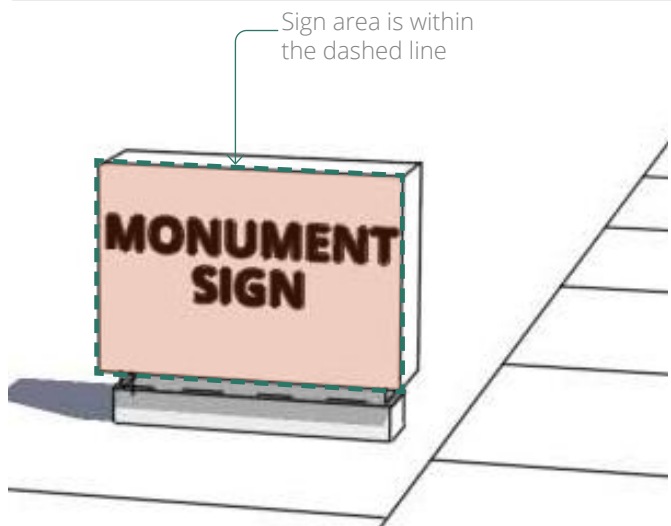


Figure 200-12(2). Area Calculation for Monument Sign

### 200-13. PED-SCALE POLE-MOUNTED SIGN

#### A. DESCRIPTION

A Ped-Scale Pole-Mounted Sign is freestanding and may be mounted on 1 or 2 poles. Three configurations are permitted. Refer to [Figure 200-13\(2\)](#) for an example illustration.

1. A sign mounted onto a double set of poles.
2. A sign mounted on a single pole.
3. A sign hanging from a single pole.

#### B. GENERAL REQUIREMENTS

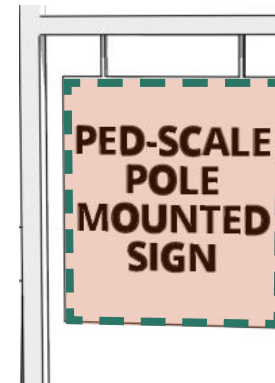
Ped-Scale Pole-Mounted Signs shall be developed according to the standards in [Table 200-13-1](#).

#### C. COMPUTATION

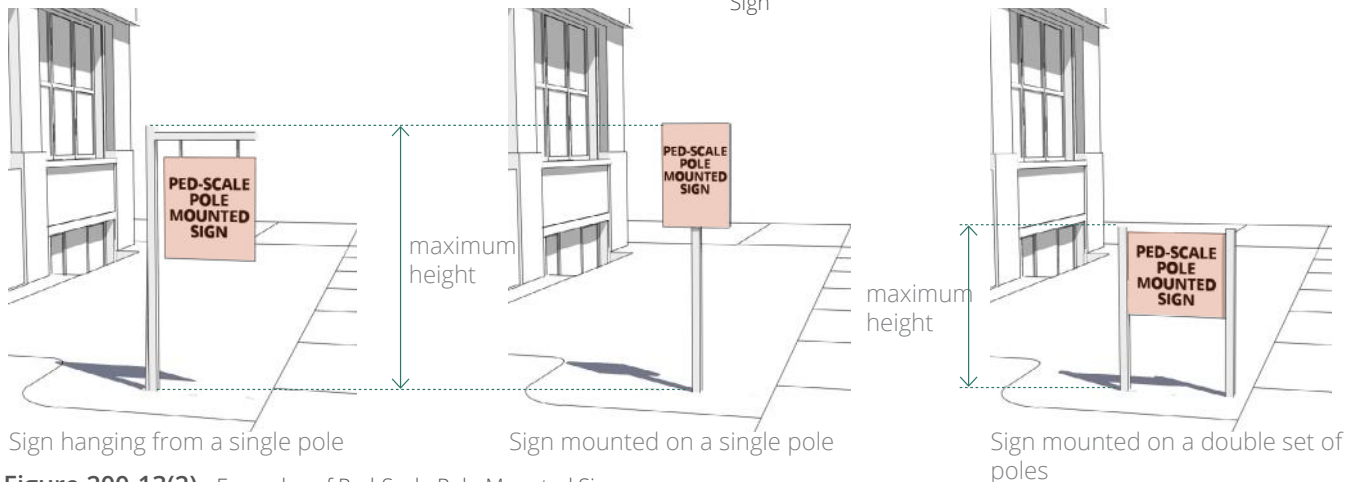
The area of a Pole-Mounted Sign is equal to the area of one sign face. Refer to [Figure 200-13\(1\)](#).

**TABLE 200-13-1. PED-SCALE POLE-MOUNTED SIGN REQUIREMENTS**

Permitted Districts	Refer to Table 200-5-1. Permitted Sign Types by District. Not allowed for parcels primarily containing residential or lodging uses, except for multi-unit dwellings.
Sign Area	Maximum area for each sign is 8 sq ft. per sign face. Refer to Table 200-5-2. Maximum Total Quantity of Signs Permitted by District for maximum per parcel
Height	8 ft. maximum height for sign mounted or hanging on a single pole; 5 ft. for sign mounted on double set of poles; each pole shall have a maximum diameter or dimension of 3 inches.
Location on the Building or Site	Front or Corner Yards with minimum average depth of 10 feet
Placement on the Building or Site	2 ft. setback from front and corner property lines; cannot overhang property lines
Quantity	1 per parcel
Internal Illumination	Permitted for individual letters and logos
Materials	Finished (painted or sealed) solid wood, metal & masonry; plastic & synthetics permitted on sign face



**Figure 200-13(1).** Area Calculation for Ped-Scale Pole-Mounted Sign



**Figure 200-13(2).** Examples of Ped-Scale Pole-Mounted Signs

# Division 200: Signs

## Multi-Tenant Monument

### 200-14. MULTI-TENANT MONUMENT

#### A. DESCRIPTION

A multi-tenant monument sign is a large scale freestanding monument sign with a one or two-faced sign panel. Refer to [Figure 200-14\(1\)](#) for an example illustration.

#### B. USE LIMITATIONS

The multi-tenant monument sign is permitted under all of the following conditions:

1. The parcel has more than 300 feet of major street frontage at the front (address) of the parcel.
2. The commercial development has more than 3 tenant spaces, occupied by different businesses.
3. No other freestanding sign types are permitted on any included parcels.

#### C. GENERAL REQUIREMENTS

Multi-tenant monument signs shall be developed according to the standards in [Table 200-14-1](#).

1. Pole-Mounted Signs. Monument signs may not be visibly pole-mounted. A monument base is required.
2. Manually Changeable Copy. The area of any manually changeable copy cannot equal greater than 30 percent of the area of the sign face on which it is located or 20 square feet, whichever is less.
3. **Electronic Display.** Electronic displays of numeric characters are permitted each face of one sign per parcel and limited to no more than 15% of the total sign face or 12 square feet, whichever is less. Refer to [200-16](#) for additional regulations.

#### D. COMPUTATION

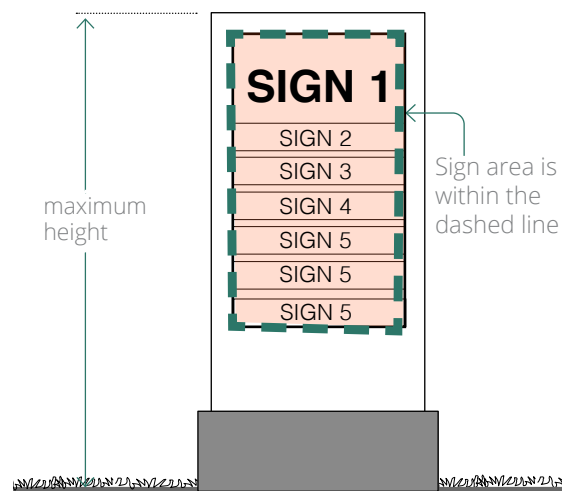
1. The area of a multi-tenant monument sign is equal to the area of one (1) sign face, including the changeable copy board, but excludes the base of the sign.
2. Calculating Total Sign Area. The portion of a multi-tenant monument sign attributed to a specific tenant shall count toward the total

allowable sign area for that parcel or tenant, per [Table 200-5-2. Maximum Total Quantity of Signs Permitted by District](#).

3. Measuring Height. Height shall include the sign face, base, cabinet, and ornamental cap.
4. Height from Grade. Height shall be measured from the grade level of the curb of the street closest to the sign. The level of the ground shall not be altered in such a way as to provide additional sign height.

**TABLE 200-14-1. MULTI-TENANT MONUMENT SIGN REQUIREMENTS**

Permitted Districts	Refer to <a href="#">Table 200-5-1. Permitted Sign Types by District</a> . Not allowed for parcels primarily containing residential or lodging uses
Sign Area	Maximum area for each sign is 150 sq ft. per sign face. Refer to <a href="#">Table 200-5-2. Maximum Total Quantity of Signs Permitted by District</a> for maximum per parcel
Height	14 ft. maximum overall height; with approved sign waiver, additional height up to 20 feet allowed on street frontages greater than 65 feet in r.o.w. width
Location on the Building or Site	Front or Corner Yards with minimum average depth of 15 feet
Placement on the Building or Site	5 ft. setback from front and corner property lines; cannot overhang property lines
Quantity	1 per street frontage 300 linear feet or greater
Internal Illumination	Permitted for individual letters and logos
Materials	Finished (painted or sealed) solid wood, metal & masonry; burnished, glazed, and/or honed concrete masonry units; plastic & synthetics permitted on sign face



**Figure 200-14(1).** Example of Multi-Tenant Monument Signs

### 200-15. POLE SIGN

#### A. DESCRIPTION

A pole sign is a freestanding sign mounted on top of one or two poles, where the one or two-faced sign panel is located above the ground. Refer to [Figure 200-14\(1\)](#) for an example illustration of the following permitted configurations:

1. A sign mounted onto a double set of poles.
2. A sign mounted on a single pole.
3. A sign hanging from a single pole.

#### B. GENERAL REQUIREMENTS.

Pole-Mounted Signs shall be developed according to the standards in [Table 200-15-1](#).

1. **Electronic Display.** Electronic displays of numeric characters are permitted each face of one sign per parcel and limited to no more than 15% of the total sign face or 12 square feet, whichever is less. Refer to [200-16](#) for additional regulations.
2. **Manually Changeable Copy.** The area of any manually changeable copy cannot equal greater than 50% of the area of the sign face on which it is located.
3. **Height and Sign Area.** Height up to 30 feet and Sign area up to 100 square feet may be approved by a sign waiver under the following conditions.

**TABLE 200-15-1. POLE SIGN REQUIREMENTS**

Permitted Districts	Refer to <a href="#">Table 200-5-1. Permitted Sign Types by District</a> . Allowed only for retail businesses.
Sign Area	Maximum area for each sign is 80 sq ft. per sign face. Refer to <a href="#">Table 200-5-2. Maximum Total Quantity of Signs Permitted by District</a> for maximum per parcel
Height & Size	25 ft. maximum overall height; 6 ft. minimum clearance from bottom of sign to ground.
Location on the Building or Site	Front or Corner Yards with minimum average depth of 15 feet
Placement on the Building or Site	2 ft. setback from front and corner property lines; cannot overhang property lines
Quantity	1 per parcel
Internal Illumination	Permitted for individual letters and logos, and cabinet
Materials	Finished (painted or sealed) solid wood, metal & masonry; burnished, glazed, and/or honed concrete masonry units; plastic & synthetics permitted on sign face

- a. Residential District. The Sign may not be visible from any residential R district.
- b. Street. The Sign must front on an elevated highway.

#### C. COMPUTATION

The area of a pole sign is equal to the area of 1 sign face, including the electronic displays.

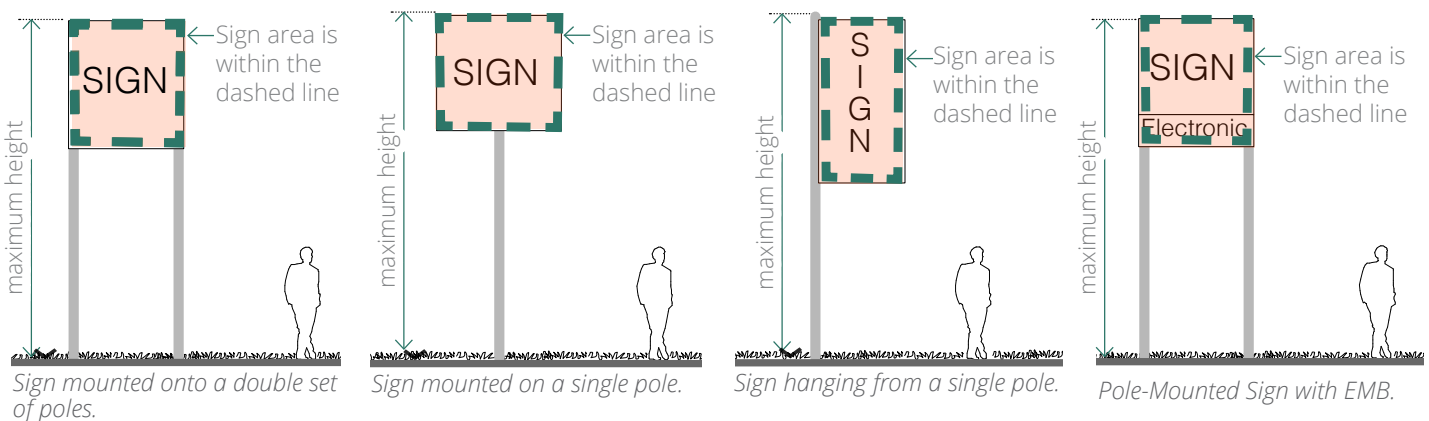


Figure 200-15(1). Example of Pole Signs

# Division 200: Signs

## Electronic Displays

### 200-16. ELECTRONIC DISPLAYS

#### A. APPLICABILITY

The regulations of this division apply to electronic displays, also referred to as digital signage.

#### B. SIGN TYPE AND AREA

Refer to [200-6](#) through [200-13](#) for sign types allowing the use of electronic display and additional regulations for their use.

#### C. FORMAT OF DISPLAY

Electronic displays are permitted for numeric displays only, for example, time and temperature or prices.

#### D. DISPLAY TYPE

Signs may not display full-motion video or otherwise use multiple pictures or graphics in a series of frames to give the illusion of motion or video. This provision is intended to prohibit television screens, plasma screens, LED screens and holographic displays and other technology used to display video images.

#### E. DWELL TIME

The images and messages displayed on electronic displays are intended to be essentially static and must have a minimum dwell time of at least 60 seconds before changing to the next image or message. This dwell time regulation supersedes any more restrictive regulation applicable to a previously approved electronic display.

#### F. TRANSITION

The transition or change from one message to another must occur in one second or less and involve no animation or special effects.

#### G. ILLUMINATION

1. The brightness of any electronic display may not exceed a maximum illumination of 5,000 candelas per square meter (nits) during daylight hours and a maximum illumination of 500 candelas per square meter (nits) between dusk to dawn, as measured from the brightest element on the sign's face.
2. Electronic displays must be equipped with a light detector/photocell that automatically

adjusts the display's brightness according to natural ambient light conditions.

#### H. SEPARATION FROM RESIDENTIAL

1. Electronic displays are prohibited within 100 feet of any R or SCMU district.
2. These separation distance requirements do not apply if the electronic display is not visible from the referenced district, area or parcel
3. Required separation distances must be measured horizontally in a straight line from the nearest point on a sign face to the nearest point of the protected district or parcel.

#### I. FUTURE AMENDMENTS

Regulations governing dynamic displays are subject to ongoing monitoring and future modification in the exercise of the town's police powers. No vested right is ever created in an existing electronic display. If regulations governing operational aspects of electronic displays (e.g., dwell time, transitions, illumination/brightness, etc.) are modified by the town, then sign owners and operators are required to bring electronic display advertising signs into compliance with all applicable regulations.

### 200-17. OUTDOOR ADVERTISING SIGNS

#### A. GENERAL PROVISIONS

New or replacement of existing outdoor advertising signs shall meet all of the requirements of this division.

#### B. PERMITS REQUIRED

In addition to a sign permit, a building permit and special use permit are required for erection of a new or replacement of an existing outdoor advertising sign.

1. The application for a billboard shall be accompanied by a signed and sealed certification from a licensed engineer, certifying that the billboard meets construction standards, applicable codes, and good engineering practices pertaining to all components of the sign and sign structure. Additionally, certification from a structural engineer may be required to verify the structural integrity



of the billboard, design, installation, footing, foundation, and structure.

#### C. RESTRICTIONS ON LOCATION

Outdoor advertising signs may only be permitted with compliance of all of the following location requirements:

1. **Oriented to a Highway.** Outdoor advertising signs shall be oriented towards and located within 600 feet of the right-of-way of a state highway.
2. **Zoning District.** Outdoor advertising signs shall only be located on parcels designated on the official zoning map as an I-1 or I-2 zoning district.
3. **Proximity to Residential and Other Districts.** No billboard shall be located within 1,000 feet of a residential subdivision that has been recorded in the Clark County Recorder's office, or property that is zoned R-1, R-2, R-3, RPO, VPCZ, EBCZ, SCMU, MD, AB, or MHP.
4. **Proximity to Schools, Parks, Hospitals.** Outdoor advertising signs shall be located a minimum of 500 feet from any existing school, public park, or hospital.
5. **Proximity to Other Signs.** Billboards shall be separated from another billboard by not less than one thousand five hundred (1,500) feet in all directions, whether within the Town or another planning jurisdiction.
6. **Exit Ramps.** When installed along interstate highways or limited access highways, no billboard may be located adjacent to or within one thousand (1,000) feet of an entrance or exit ramp. The specific distances shall be measured to the nearest point of the intersection of the traveled way of the roadway and the ramp.

#### D. PARCEL REQUIREMENTS

1. No more than one outdoor advertising sign shall be located on the parcel.
2. The minimum size of the parcel shall be 200 feet along the highway right-of-way and 200 feet deep.

3. The front, side, and rear setbacks of a billboard shall be thirty (30) feet.

#### E. SIZE AND CONFIGURATION

1. **Maximum Area.** An outdoor advertising sign shall not exceed a maximum sign surface area of 672 feet per face, nor more than 1,344 square feet per sign.
2. **Maximum Height.** Maximum height of any outdoor advertising sign is 75 feet, measured from the top of curb or edge of pavement of the adjacent highway to the top of any part of the sign. The maximum height of the sign and sign structure shall not be greater than that of the zone in which it is located.
3. No billboard structure shall contain more than two (2) sign faces.
4. Billboards shall not be constructed side-by-side or one over the other.
5. Billboards shall not be portable, inflatable, installed, or attached in any manner to a motor vehicle or trailer.
6. The dimensions of a billboard shall not exceed fourteen (14) by forty-eight (48) feet exclusive of structural members or supports.
7. The front, side, and rear setbacks of a billboard shall be thirty (30) feet.

# Division 200: Signs

## Administration of Signs

### 200-18. ADMINISTRATION OF SIGNS

#### A. GENERAL SIGN PERMIT PROCEDURES

1. **Applicability.** When compliance with this chapter is required per [200-1.B](#), an applicant must submit an application for a sign permit except where expressly exempt from such application by this chapter. Refer to [200-2. Exempt Signs](#).
2. **Sign Permit Required.** Subject to the provisions of this chapter, signs shall be constructed, erected, installed, reconstructed, relocated, enlarged, illuminated, and/or substantially altered, only upon the issuance of a valid permit by the Town.
3. **Permit Application.** An application for construction, creation, or installation of a new sign, or for modification of an existing sign, shall be accompanied by detailed drawings to show the dimensions all signs and relevant building façades, including percent of façade covered, total area of each proposed sign, colors, materials, design, structure, and dimensioned location of each particular sign on a site map of the development.
4. **Consultant.** If deemed necessary by the planning director, a consultant may be procured by the town to provide assistance in the review of sign permits. Application fees may be established to cover the costs incurred by the consultant.
5. **Final Inspection.** A final inspection will be conducted after construction, erection, or installation with 48 hour notice.

#### B. SIGN WAIVERS

Sign waivers from the regulations are defined throughout this Division 200 and may be requested for approval by the planning director.

1. **Conditions.** Waivers are permitted under the following conditions:
  - a. The waiver fulfills the intent defined for this Division 200 of the sign regulations. Refer to [Section 70-1.A. Intent](#).
  - b. The resulting sign is consistent or compatible with the surrounding context and the vision

defined in the comprehensive plan and other planning documents approved by the Town.

2. **Process.** Waiver requests must be submitted with the sign permit at the time of application for review and approval by the planning director.

#### C. OPTIONAL MASTER SIGNAGE PLAN

A Master Signage Plan may be submitted for any development requiring a development plan that proposes more than the permitted number of signs as shown in [Table 200-5-2](#).

1. **Voluntary Submittal of a Master Signage Plan.** An increase in the total area and number of signs on a parcel may be approved by the Plan Commission with a Master Signage Plan submittal. The total square footage of signs with an approved master signage plan shall not exceed 10% of the signage allowed per [Table 200-5-2](#).
2. **Master Signage Plan Contents.** The applicant shall submit an accurate site plan with vicinity map, showing the configuration and layout of the parcel, adjoining streets, adjoining uses, the location of existing and proposed signs, north arrow, at such scale as the Plan Commission may reasonably require. Specifically, the Master Signage Plan shall include the following:
  - a. A Master Signage Plan shall include the name, address and telephone, email address, and fax number of the owner and contact person or representative.
  - b. The type of sign, dimensions, design, structure, and location of each sign and facade of the building.
  - c. Location of buildings, parking lots, driveways, and landscaped areas on the parcel.
  - d. Location of each existing and proposed sign for the parcel and any building.
  - e. Computation of the area of each sign and the total area of all signs.
  - f. Percentage of building wall or façade proposed to be covered.
  - g. Proposed sign lighting and direction of lighting.



- h. Any proposed shielding of lights.
  - i. Color renderings of signs.
  - j. Materials of signs.
  - k. The owner(s) shall sign the Master Signage Plan.
  - l. A signed and sealed certification from a licensed engineer may be required, attesting to the adequate engineering and design of the signs and all of its components, and to the structural integrity of the sign and all of its components, taking into consideration good engineering practices and all applicable codes.
  - m. Other information as may be required to adequately review the Master Signage Plan.
3. **Consultant.** If deemed necessary by the planning director, a consultant may be procured by the town to provide assistance in the review of the Master Signage Plan. Application fees may be established to cover the costs incurred by the consultant.
4. **Existing Signs Not Conforming to Master Signage Plan.** If any new or amended Master Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing each such sign(s) into conformance within one (1) year. However, the area of the signs shall be taken into consideration in the computation of sign area.
5. **Binding Effect.** After approval of a Master Signage Plan, no sign shall be permitted, erected, constructed, installed, placed, or painted, except in conformance with the approved Master Signage Plan. An approved Master Signage Plan shall be enforced in the same way as any provision of this zoning ordinance.

#### D. NONCONFORMING SIGNS

Nonconforming signs are those signs that do not fully comply with the minimum requirements of this chapter. The following applies to existing signs per [200-1.B](#) and those signs existing on property annexed to the town at a later date, and which was constructed, in full compliance with all applicable

laws, codes, and/or regulations in effect at the time of construction.

1. **Repair and/or replacement.** Signs determined to be nonconforming, shall be removed, or made to fully comply with the provisions of this chapter, when any proposed change, repair, or maintenance would constitute an expense greater than 50 percent of the sign's original cost, or the replacement cost of the sign, whichever is less.
2. **Substantially Altered.** Nonconforming signs shall not be enlarged, or substantially altered, in such a manner as to increase the extent of the existing nonconforming condition.
3. **Changing copy and/or messages.** The changing of advertising copy, facial panels, changeable letter panels or bulletin boards, or other such messages on an existing nonconforming sign or outdoor advertising sign, shall be permitted provided such activity and/or change does not create new nonconformities.
4. **Destroyed Signs.**
  - a. For the purposes of this chapter, nonconforming signs shall be deemed destroyed when damaged to an extent that the cost of restoring and/or repairing the sign, equals or exceeds the replacement cost of the sign.
  - b. Nonconforming signs destroyed by casualty, shall not be repaired, reconstructed, or replaced except in a manner resulting in full compliance with the provisions of this chapter.
  - c. Remnants of nonconforming signs, and/or their supporting structures, shall be removed in their entirety.
5. **Moving, relocating, and/or replacement.** Nonconforming signs shall not be moved, relocated, and/or replaced, except in a manner resulting in full compliance with the provisions of this chapter.

# Division 200: Signs

## Administration of Signs

### E. VIOLATIONS

Any of the following shall be a violation of this ordinance, and shall be subject to the enforcement remedies and penalties provided by this ordinance:

1. Install, create, or erect a sign without a sign permit.
2. Install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the parcel on which the sign is located.
3. Fail to remove any sign that is installed created, erected, or maintained in violation of this ordinance.
4. Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions of this ordinance. Each day the violation continues is a separate violation.

### F. ENFORCEMENT AND REMEDIES

As permitted, any sign in violation of this ordinance may be removed or abated by the Building Commissioner. Remedies shall include, but not be limited to the following:

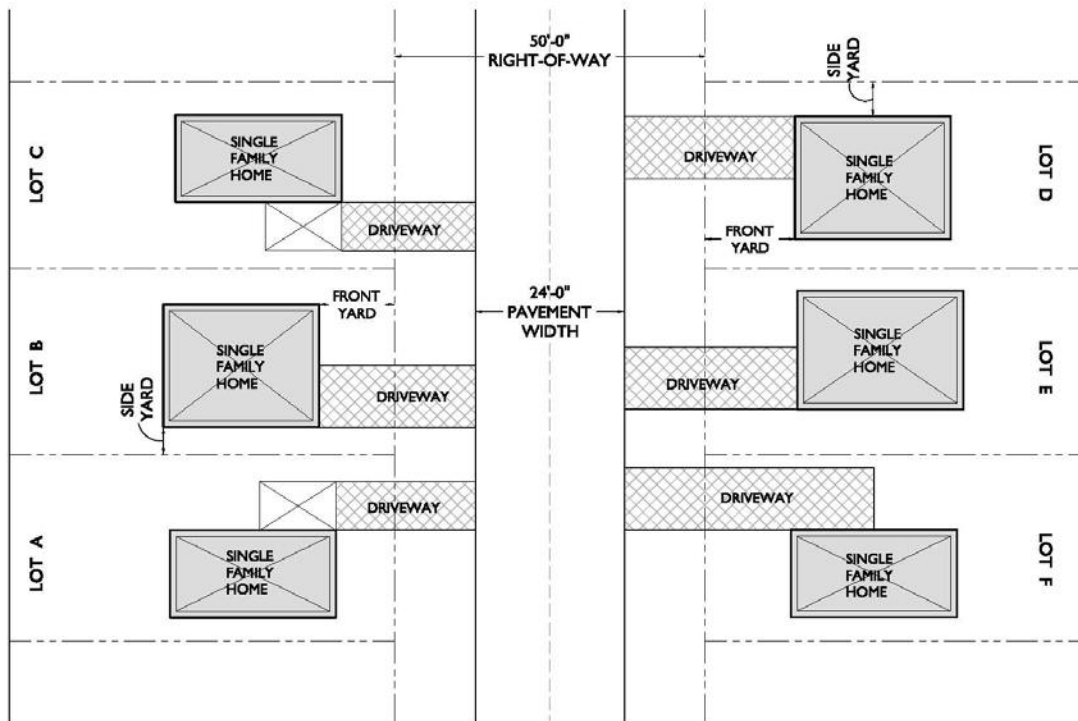
- a. Removal of sign or any part of the sign structure.
- b. Removal of any vehicle that is parked or used in a conspicuous manner as a sign.
- c. Issue a stop-work order for any and all work on any sign or sign structure.
- d. In the case of a sign that poses an immediate danger to the public health or safety, the Town may take such measures as are available under the applicable provisions of Town ordinances and building code for such circumstances, including removal of such sign or sign structure.
- e. Enforcement of this division shall conform to Article 6, Division 270 of this zoning ordinance.

<b>Sec. 210-10</b>	<b>FRONT YARD PARKING</b>	<b>1</b>
<b>Sec. 210-20</b>	<b>SIGN REGULATIONS</b>	<b>1</b>
<b>Sec. 210-30</b>	<b>ACCESSORY DWELLING UNITS</b>	<b>1</b>
<b>Sec. 210-40</b>	<b>SITE CONDOMINIUM</b>	<b>1</b>
<b>Sec. 210-50</b>	<b>TRADITIONAL CONDOMINIUM</b>	<b>1</b>
<b>Sec. 210-60</b>	<b>ROOF TOP UNIT SCREENING</b>	<b>1</b>
<b>Sec. 210-70</b>	<b>LOT LINE ILLUSTRATION</b>	<b>1</b>
<b>Sec. 210-70</b>	<b>DUPLEX HOUSING ELEVATION</b>	<b>1</b>
<b>Sec. 210-80</b>	<b>OUTDOOR DINING AREA</b>	<b>1</b>
<b>Sec. 210-90</b>	<b>SINGLE FAMILY ATTACHED HOUSING</b>	<b>1</b>
<b>Sec. 210-100</b>	<b>LOW IMPACT SHARED DRIVEWAY</b>	<b>1</b>
<b>Sec. 210-110</b>	<b>LOW IMPACT TURN AROUND</b>	<b>1</b>
<b>Sec. 210-120</b>	<b>LOW IMPACT DISCONNECT</b>	<b>1</b>
<b>Sec. 210-130</b>	<b>RV PARKING (SIDE LOT)</b>	<b>1</b>
<b>Sec. 210-140</b>	<b>RV PARKING (REAR LOT - NO STRUCTURE)</b>	<b>1</b>
<b>Sec. 210-150</b>	<b>RV PARKING (REAR LOT - STRUCTURE)</b>	<b>1</b>
<b>Sec. 210-160</b>		

Sec. 210-10 Front Yard Parking

Legend

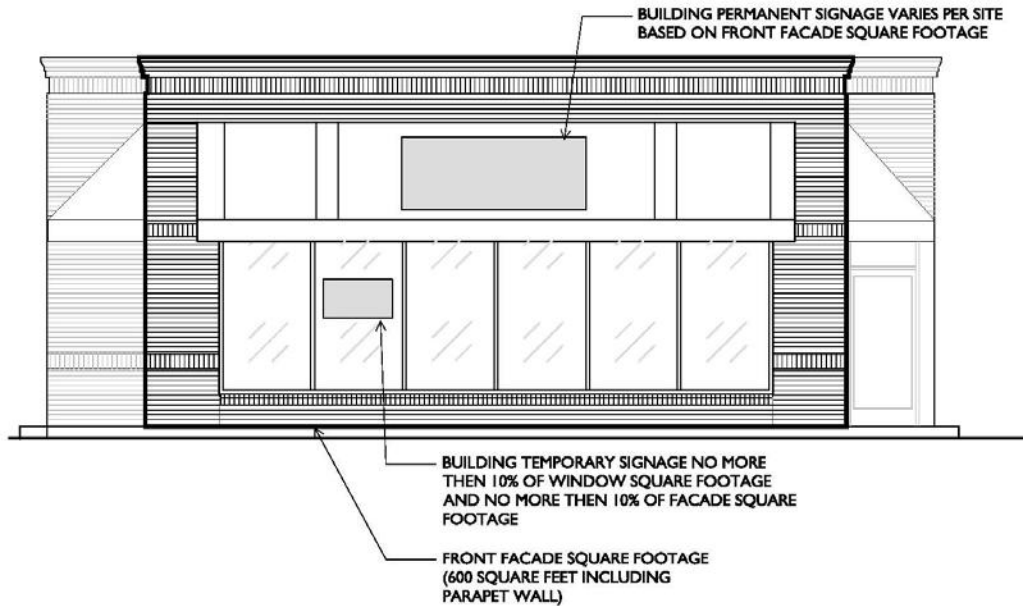
PARKING AREA/  
ALLOWABLE OFF  
STREET PARKING



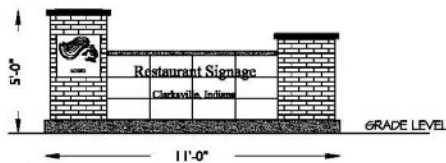
**Front Yard  
Parking**

Not to Scale

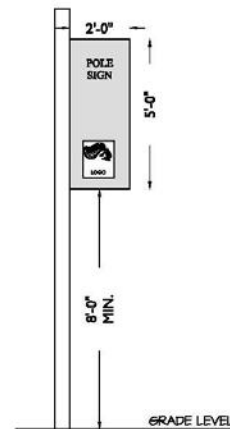
## Sec. 210-20 Sign Regulations



NOTE  
BUILDING SIGNAGE DIMENSIONED ABOVE AND  
BASED ON FRONT FACADE SQUARE FOOTAGE  
(60 SQUARE FOOT SIGN MAX ALLOWED FOR A  
600 SQUARE FOOT BUILDING FRONT FACADE)



NOTE  
BUILDING MONUMENT SIGNAGE DIMENSIONED  
ABOVE, BASED ON FRONT FACADE SQUARE  
FOOTAGE (60 SQUARE FOOT SIGN MAX ALLOWED  
FOR A 600 SQUARE FOOT BUILDING FRONT FACADE)



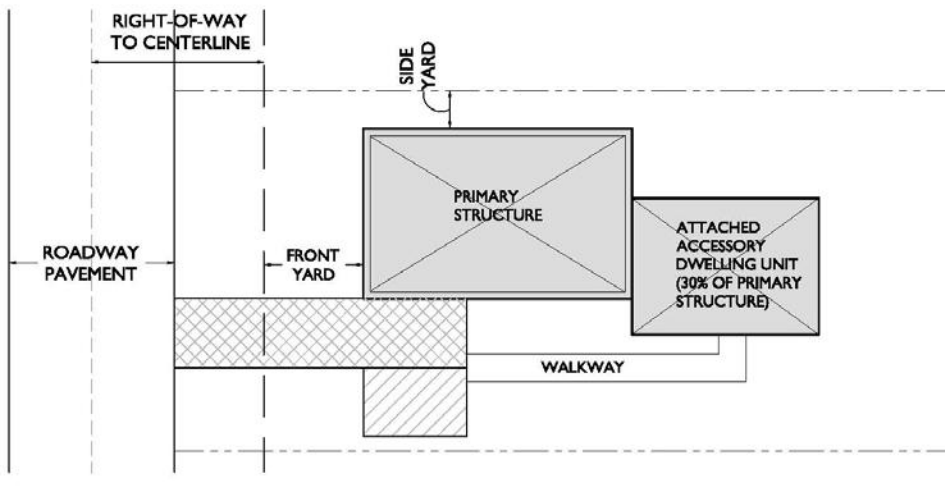
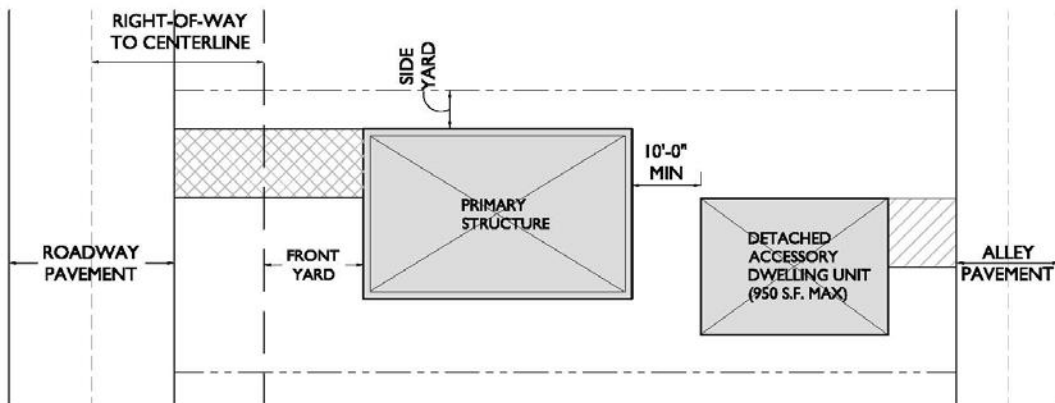
NOTE  
POLE BANNER SIGNAGE DIMENSION SHALL  
HAVE A MAXIMUM HEIGHT OF 5'-0" AND  
WIDTH OF 2'-0" WITH AN 8'-0" CLEARANCE  
TO GRADE LEVEL

Sec. 210-30 Accessory Dwelling Units

Legend

EXISTING DRIVE WAY  
PARKING AREA 

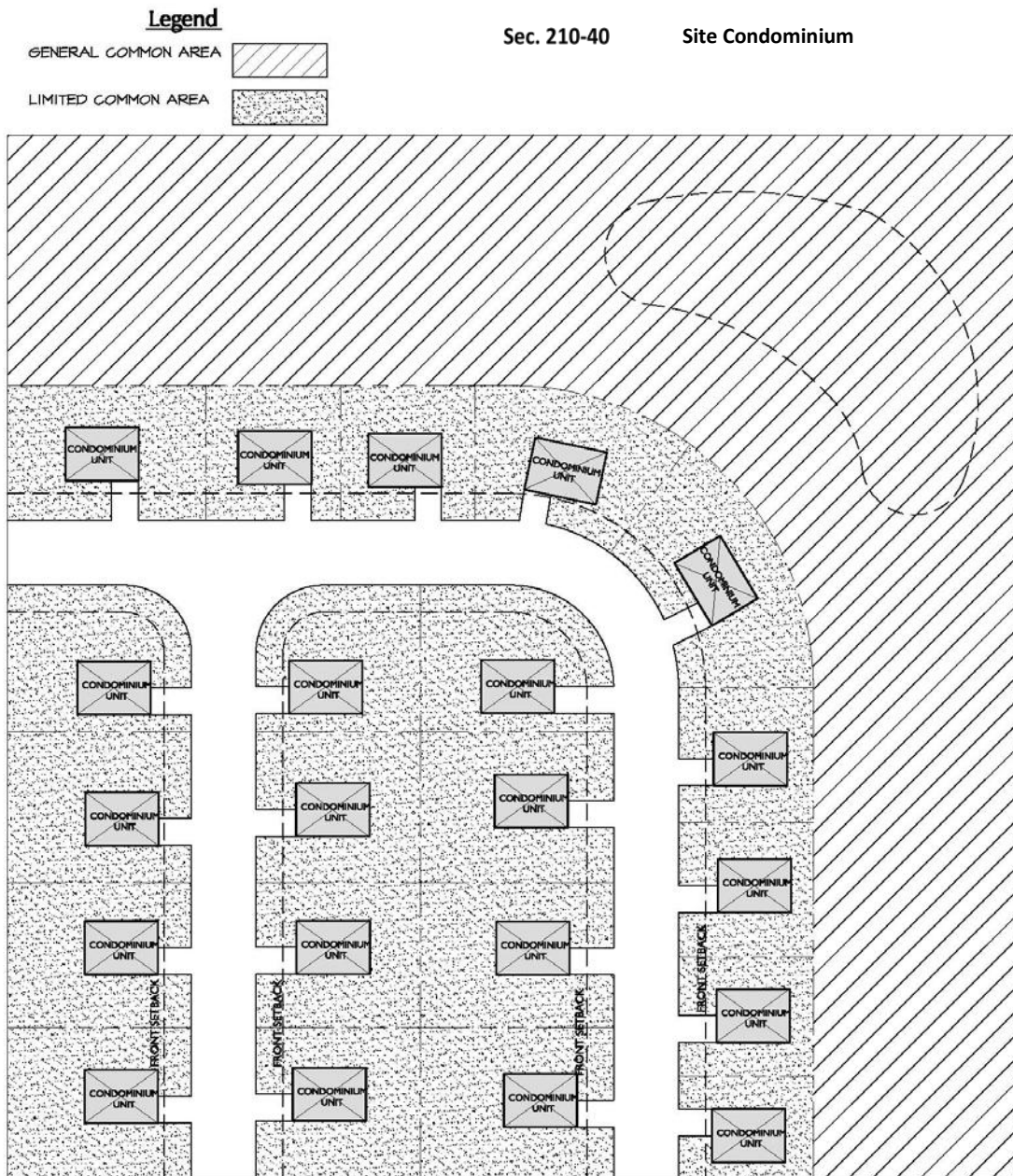
ADDITIONAL PARKING  
SPACE FOR ACCESSORY  
UNIT 

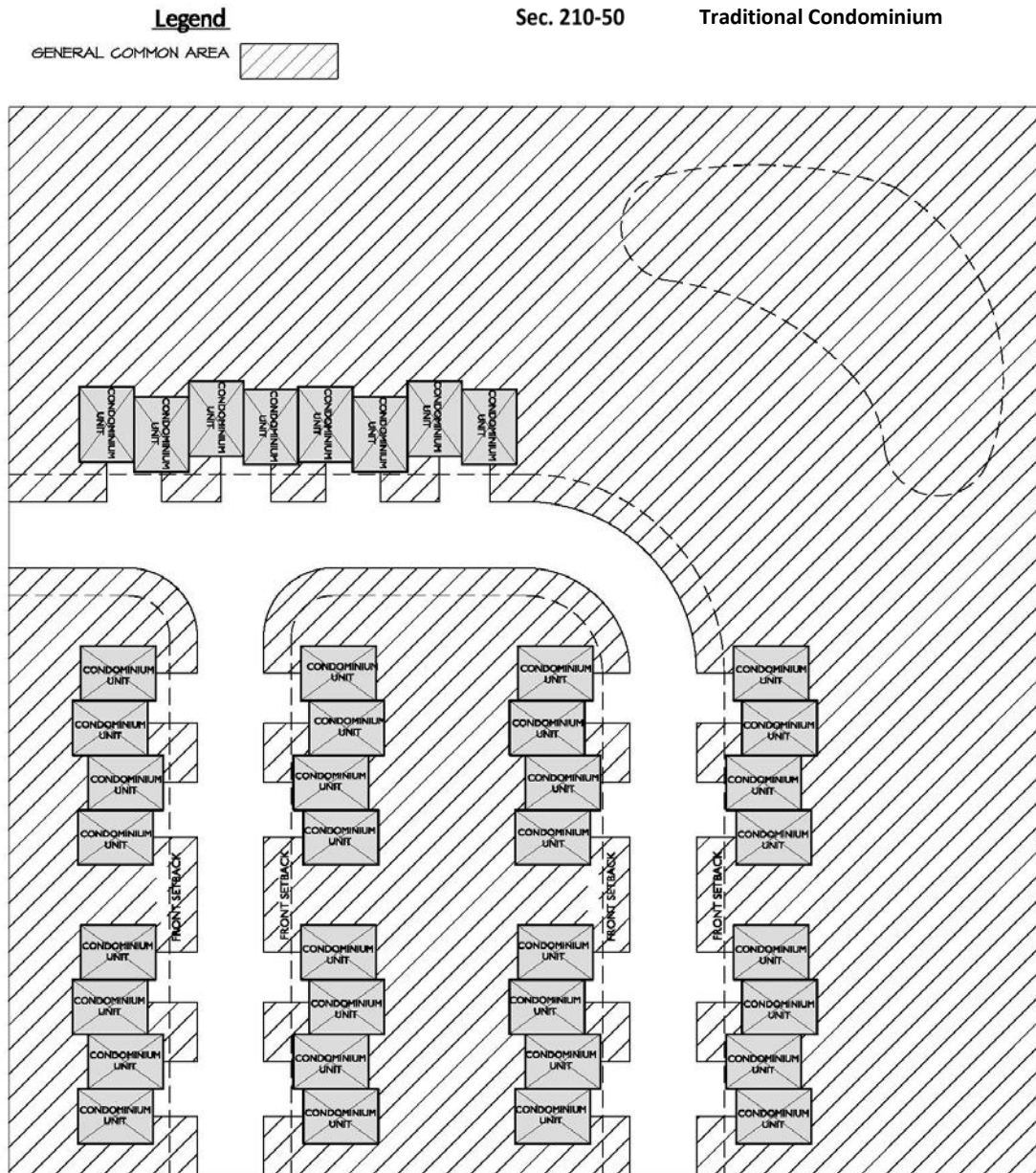


## Accessory Dwelling Units

Not to Scale





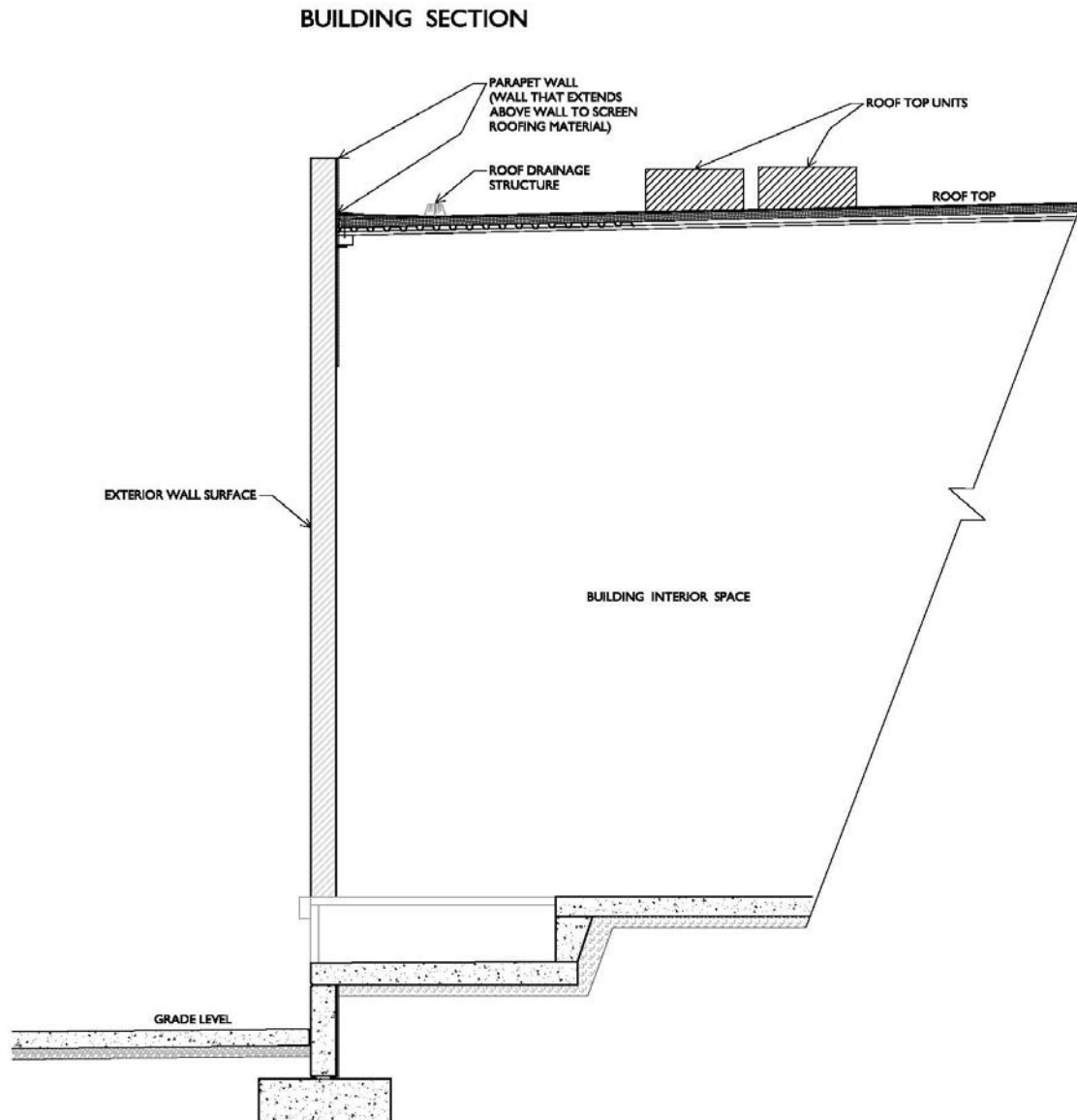


## Traditional Condominium

Not to Scale



Sec. 210-60 Roof Top Unit Screening

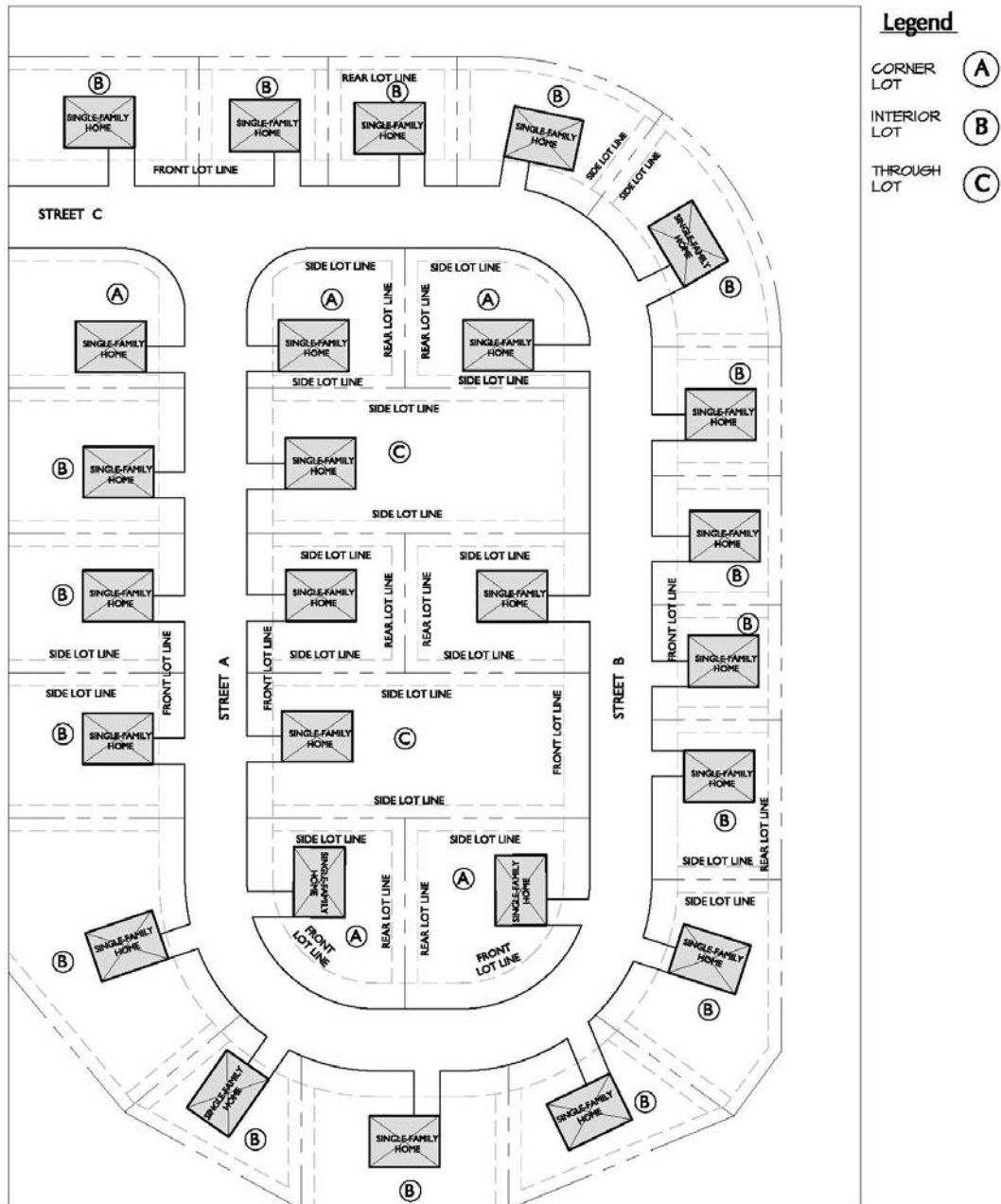


## Roof Top Unit Screening

Not to Scale

## Sec. 210-70

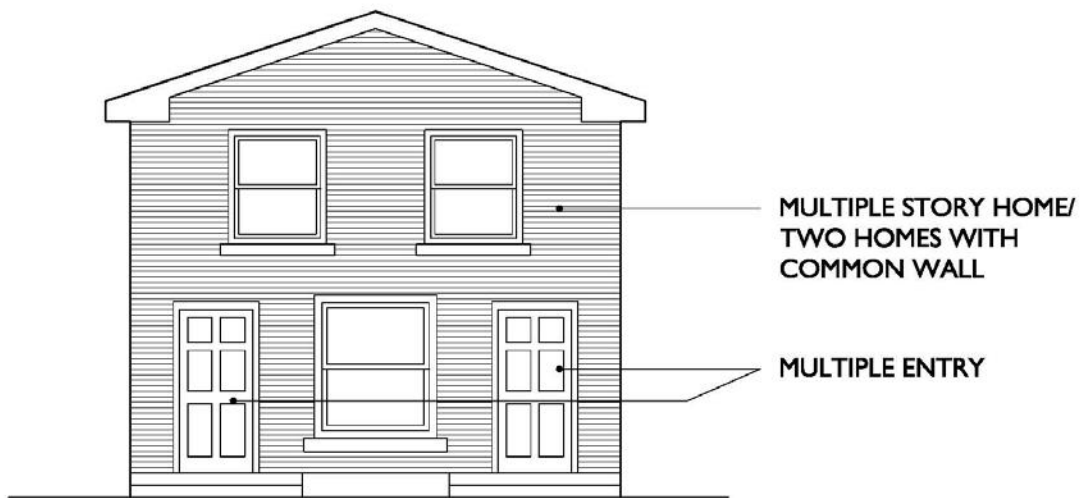
## Lot Line Illustration



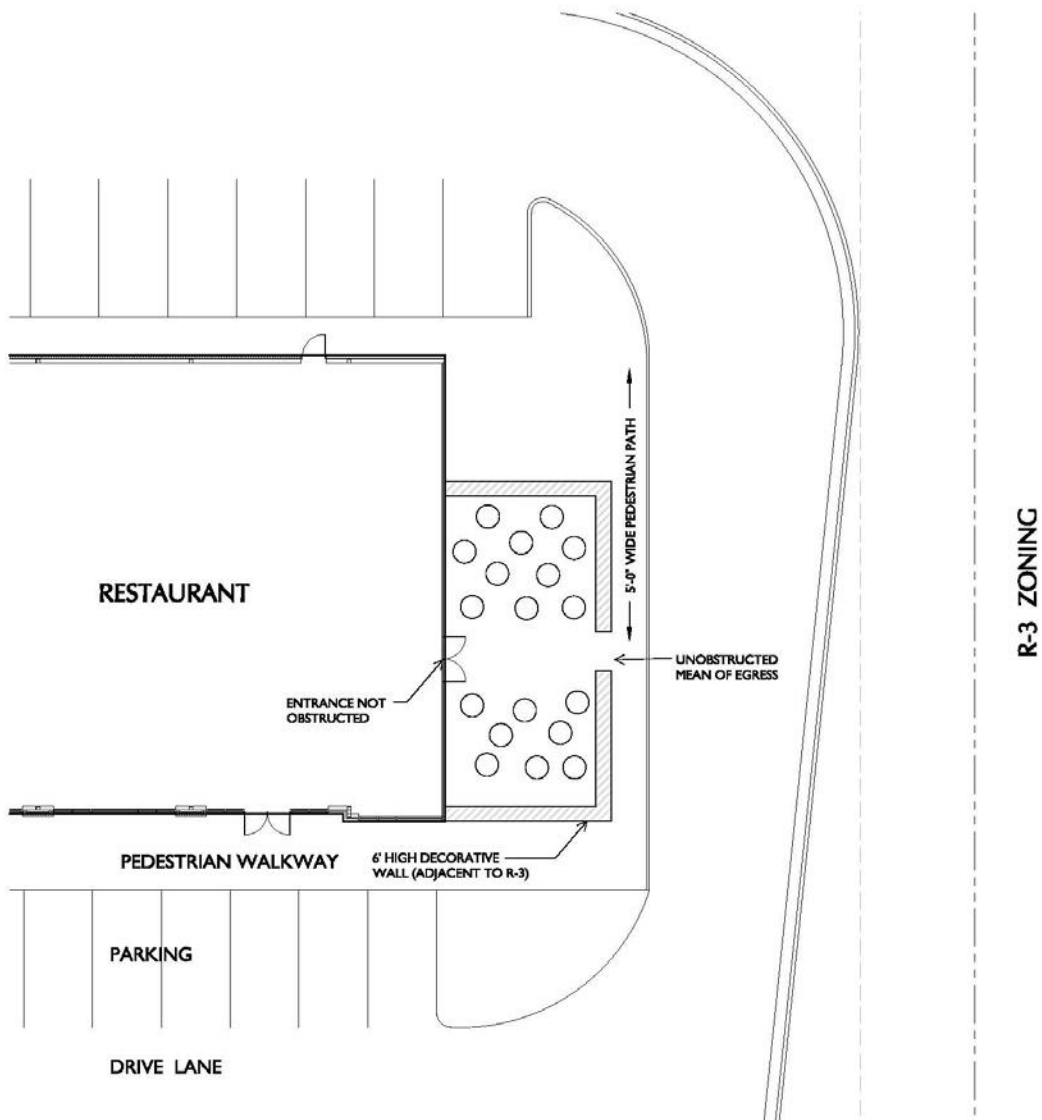
### Lot Line Illustration

Not to Scale

Sec. 210-80 Duplex Housing Elevation



Sec. 210-90 Outdoor Dining Area



Outdoor Dining Area  
(Illustration 2)

Not to Scale

Sec. 210-100 Single Family Attached Housing



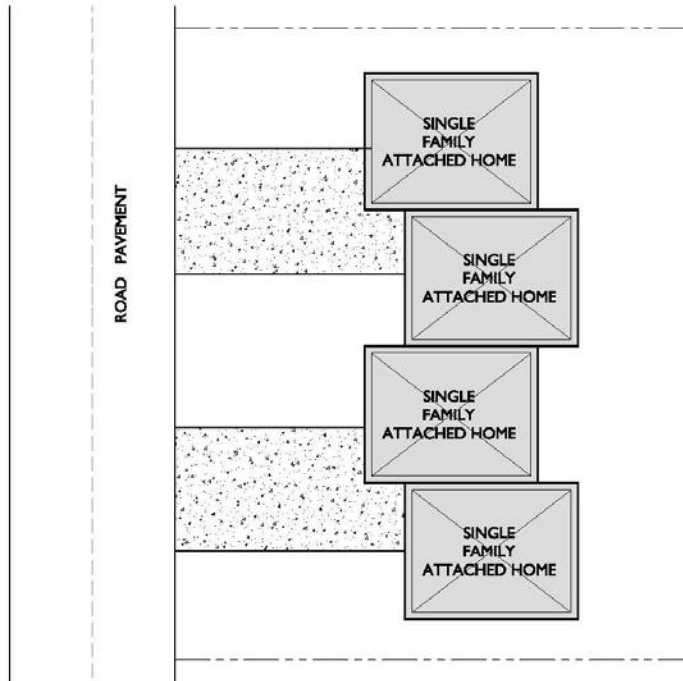
Single Family Attached  
Housing Elevation

Not to Scale

630 Walnut Street  
Jeffersonville, IN 47130  
812.282.9554  
812.282.9171 FAX  
www.kovertshawkins.com

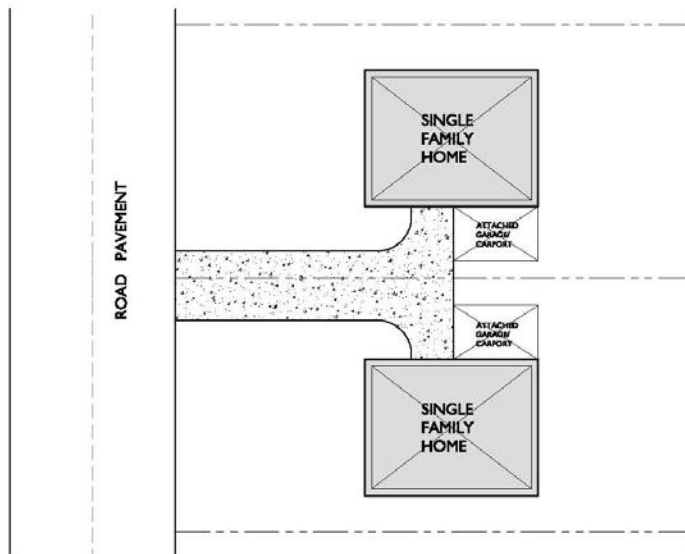
Sec. 210-110

Low Impact Shared Driveway



Legend

CONCRETE SURFACE



Low Impact  
Shared Driveway

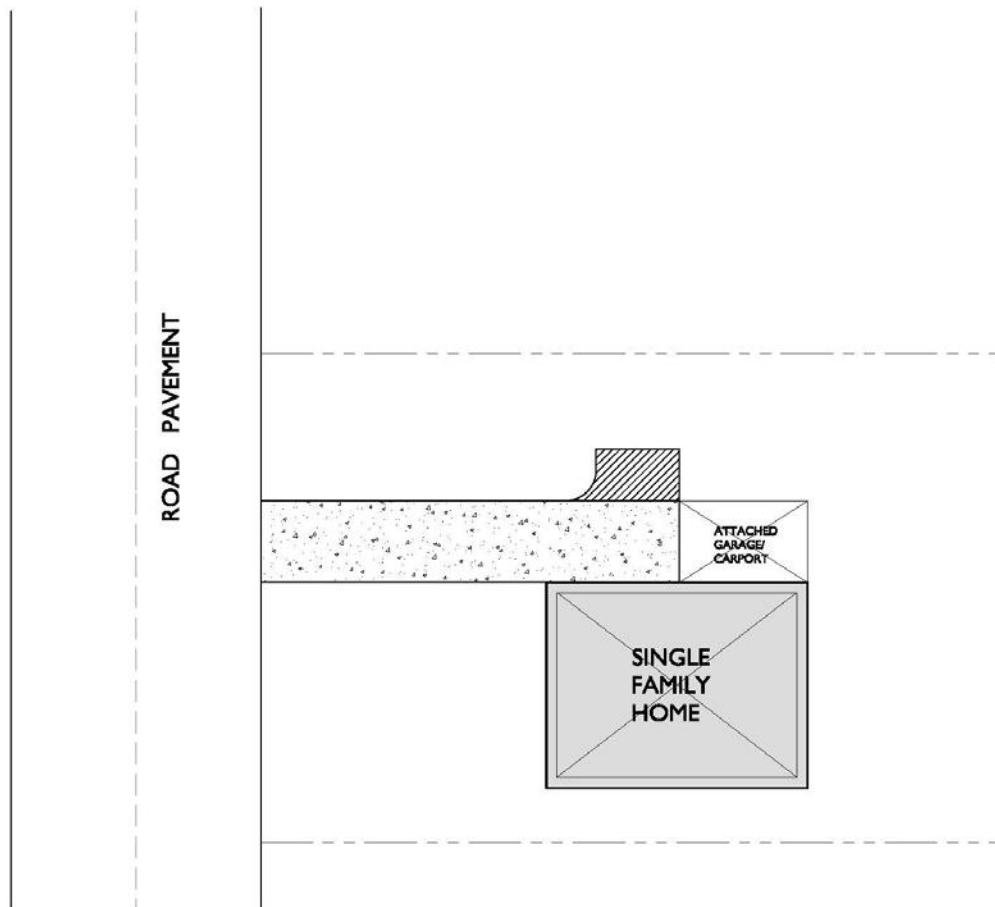
Not to Scale

Sec. 210-120

Low Impact Turn Around

**Legend**

CONCRETE SURFACE	
PERVIOUS PAVEMENT	



**Low Impact  
Turn Around**

Not to Scale



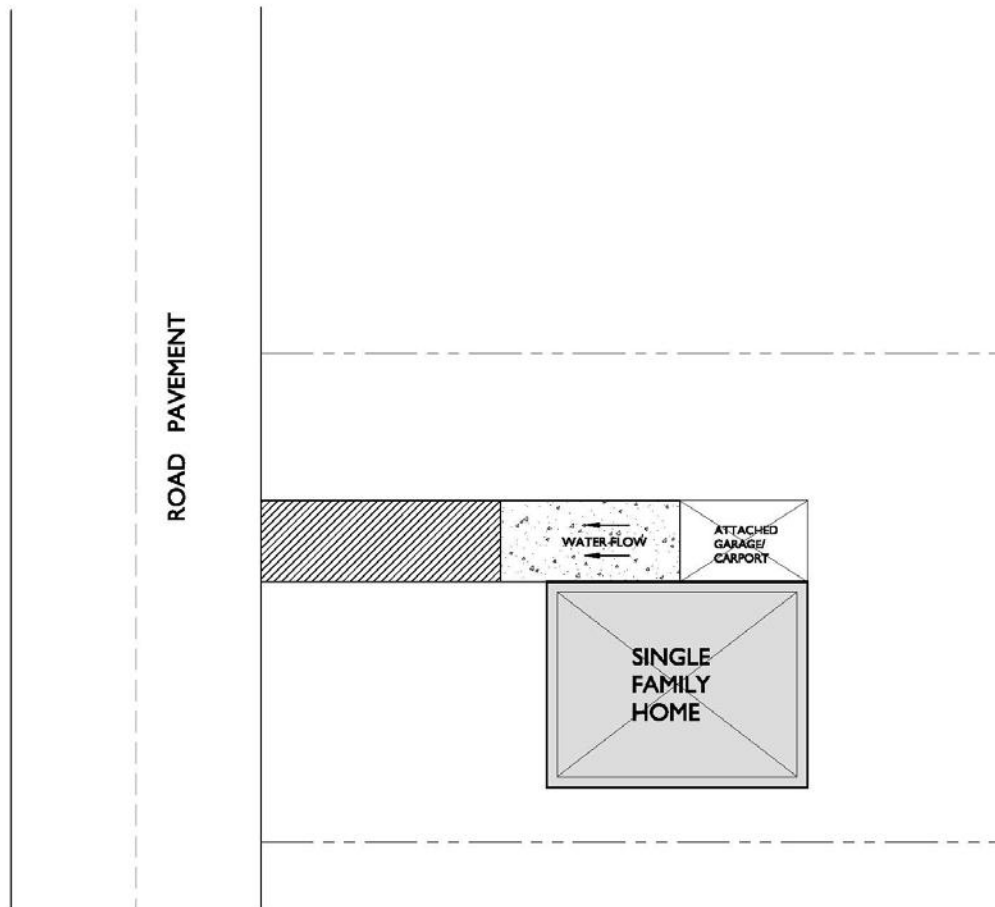
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Sec. 210-130

Low Impact Disconnect

**Legend**

CONCRETE SURFACE	
PERVIOUS PAVEMENT	



**Low Impact Disconnect**

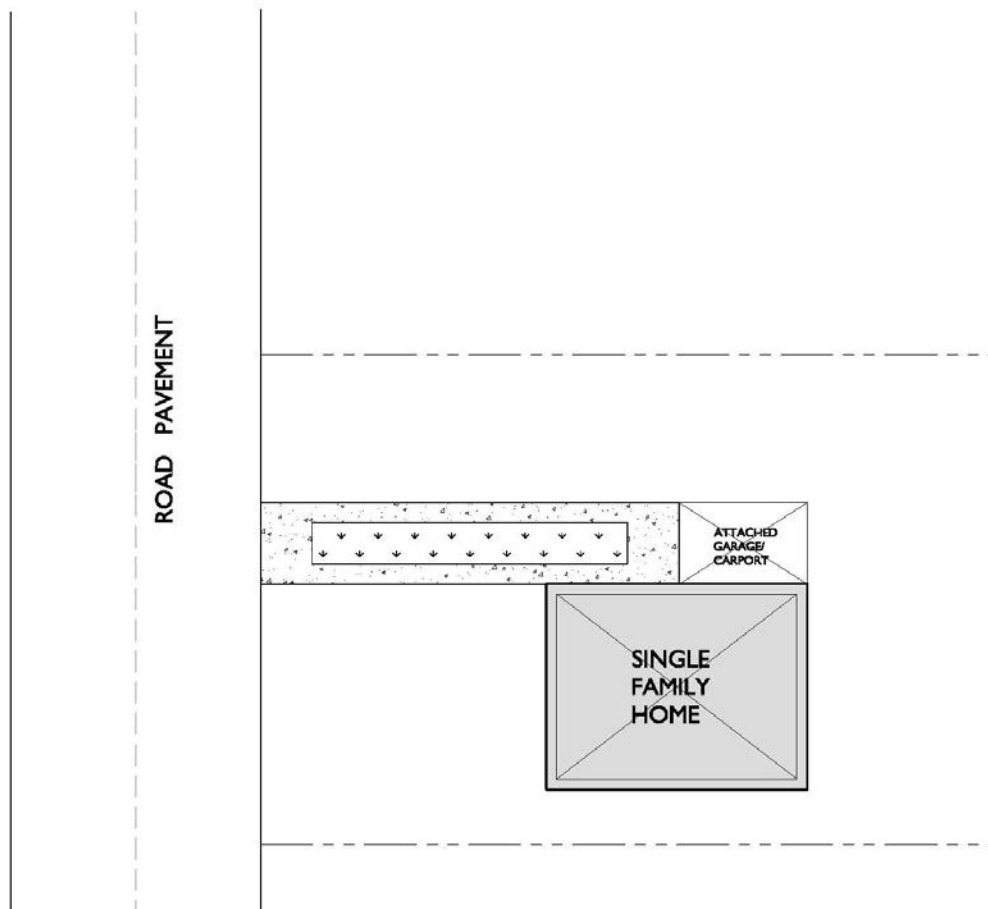
Not to Scale



Sec. 210-140 Low Impact Ribbon

Legend

CONCRETE SURFACE	
GRASS	

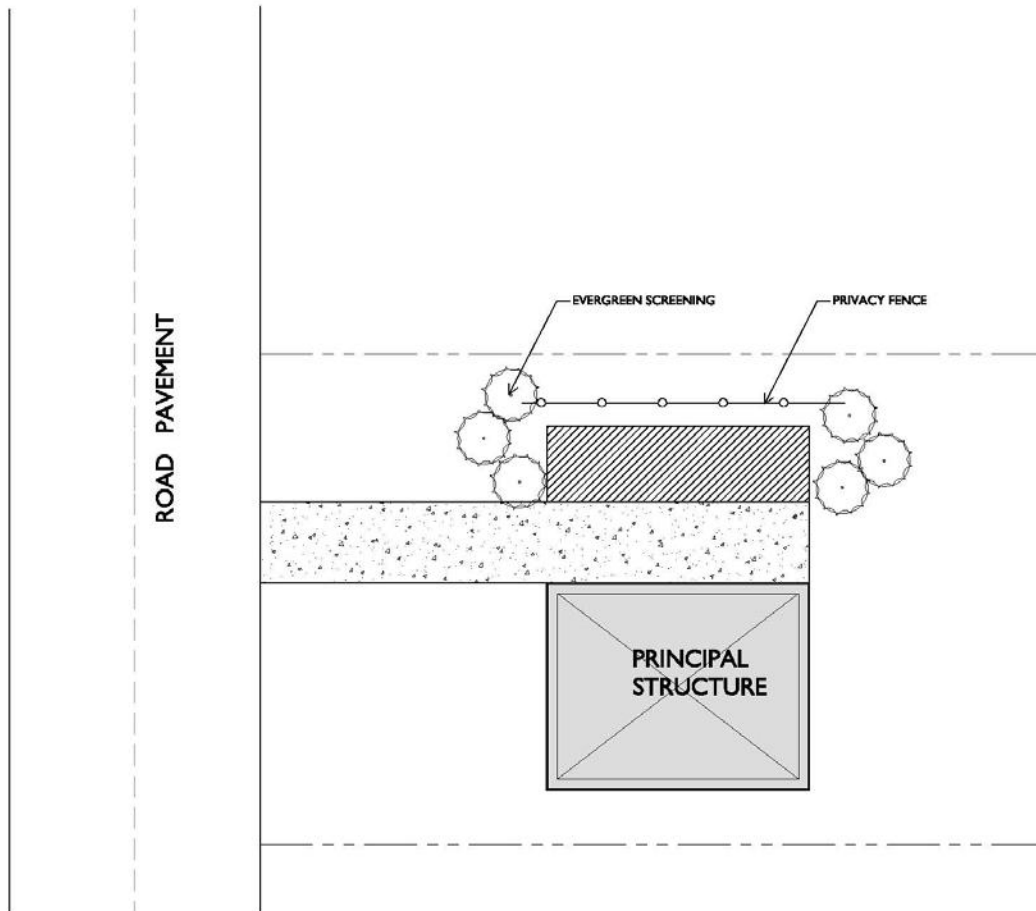


Sec. 210-150

RV Parking (Side Lot)

**Legend**

CONCRETE SURFACE	
ALLOWABLE RV PARKING AREA/ PERVIOUS PAVING	



**RV Parking  
(Side Lot)**

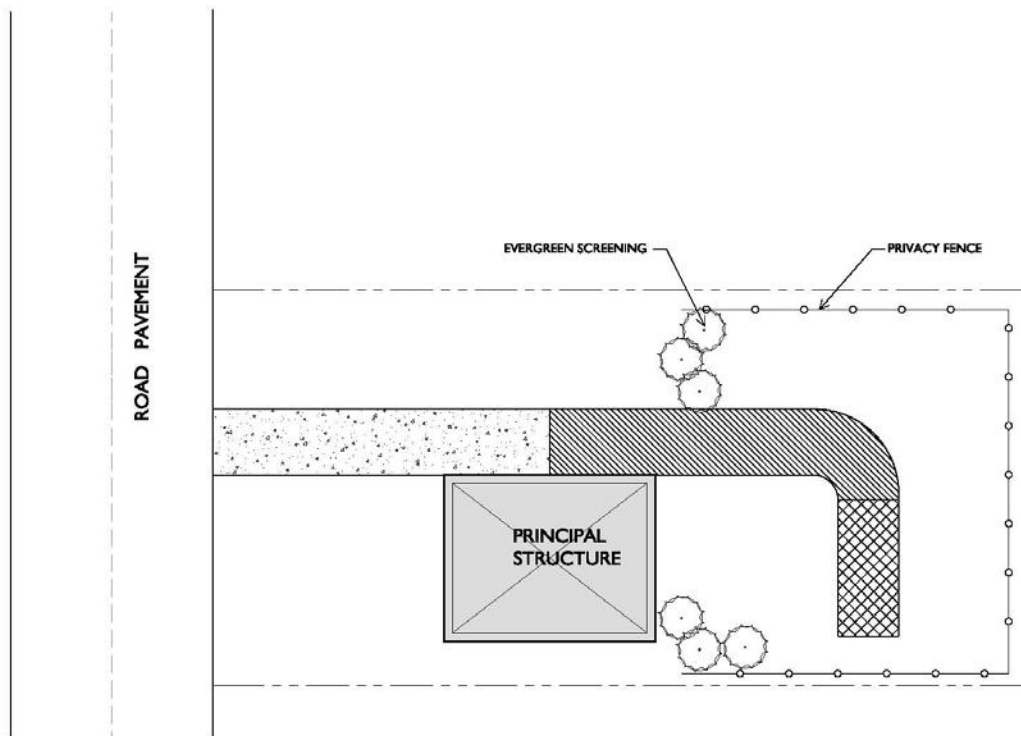
Not to Scale

Sec. 210-160

RV Parking (Rear Lot - No Structure)

**Legend**

CONCRETE SURFACE	
PERVIOUS PAVING	
ALLOWABLE RV PARKING AREA/ PERVIOUS PAVING	



**RV Parking  
(Rear Lot - No Structure)**

*Not to Scale*



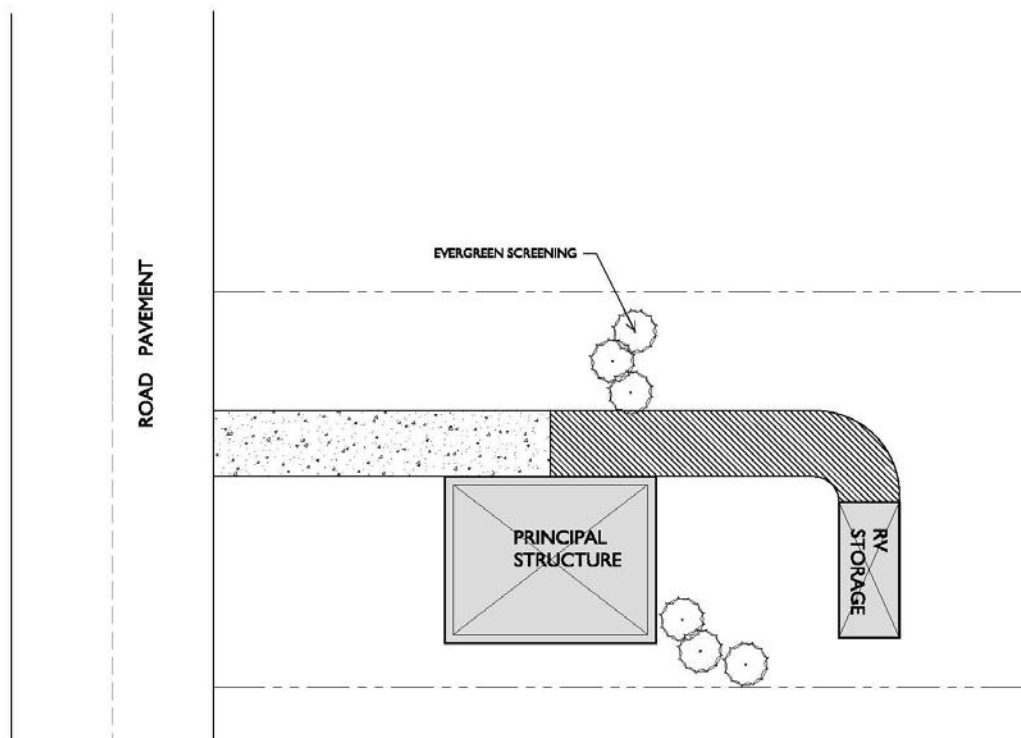
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Jeffersonville, IN 47130  
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812.282.9171 FAX  
www.kovertshawkins.com

Sec. 210-170

RV Parking (Rear Lot - Structure)

**Legend**

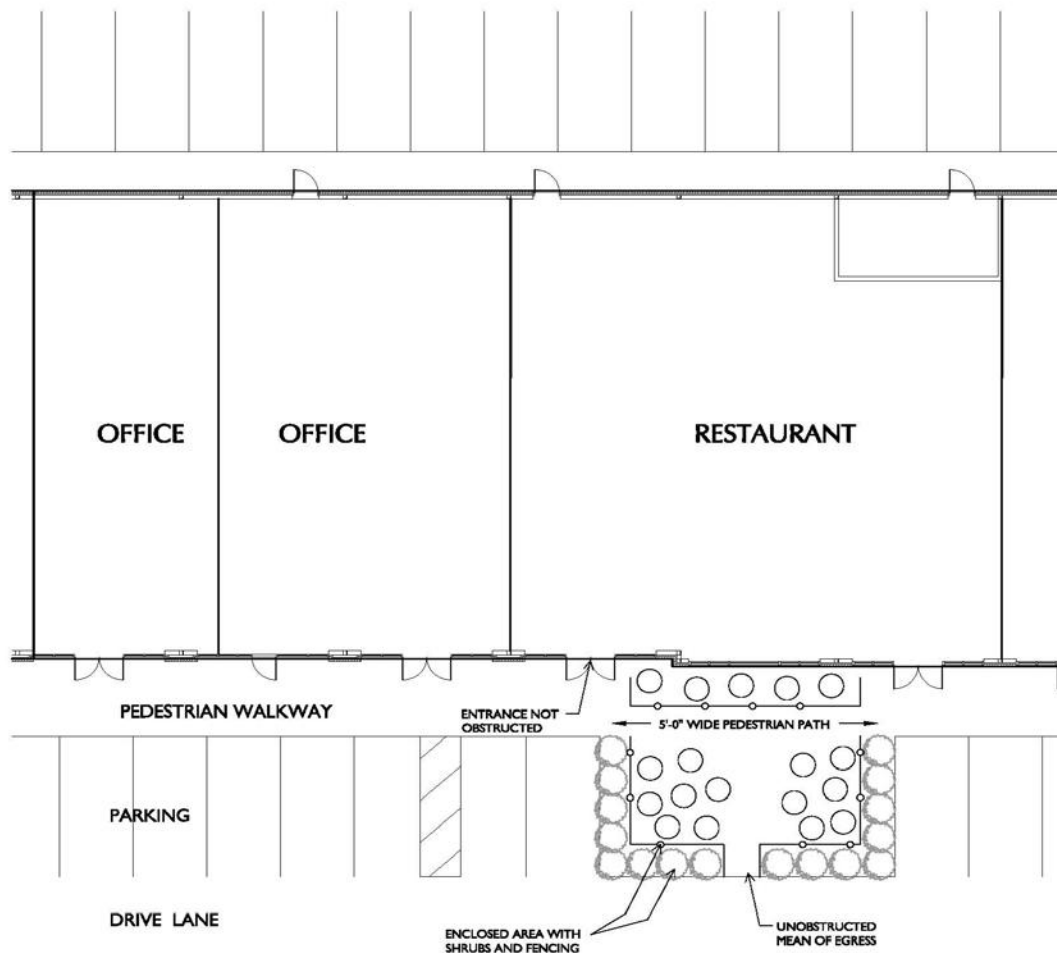
CONCRETE SURFACE	
PERVIOUS PAVING	



**RV Parking  
(Rear Lot - Structure)**

*Not to Scale*

Sec. 210-180 Outdoor Dining Area



Outdoor Dining Area  
(Illustration 1)

Not to Scale

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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	<b>Conditional use:</b>  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	<b>Conditional use:</b>  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	<b>Conditional use:</b>  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	<b>Special Exception:</b>

		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.
4138 (excluding wrecker services) with 3510 (automobile auctions)	I-1	Towing and other road and ground services, Durable goods	<b>Special Exception:</b>  Must maintain a 10 foot landscape buffer between site and adjacent properties, unless bordering a compatible use zone (I1, I2, B2). For a side yard the landscape buffer shall be considered in addition to the side yard setback. Hedges to be planted 10ft on center unless bordering a compatible use zone or a right of way greater than 40 feet. Landscaping buffer shall be located on outside side of fence. Fencing may have barbed wire. Outdoor lighting in compliance with Division 190 should only be used at the gate, entrance, or buildings where staff are regularly present. All vehicle storage and activity must be on a hard, dustless surface. Pick up and auction hours not to extend beyond 8:00 am to 8:00 pm. All activity, including customer parking, must take place on site. Recommended species of hedges: Pyracantha (except P. Coccinea and P. Angustifolia), Lilac (especially Syringa Persica, S. Josikaea, and S. Chinesis), and Emerald Green Arborvitae.
5120	CLMU, B-2, OPS, PUD	Race track establishment	<b>Conditional Use:</b>  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, 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,	<b>Conditional Use:</b>  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	<b>Conditional Use:</b>  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.
<b>Food, textiles, and related products</b>  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.	<b>Special Exception:</b>  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	<b>Special Exception:</b> 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	<b>Conditional Use:</b> 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.  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.
3220	I-2	Paper, milling, and printing, manufacturing of paper products	<b>Conditional Use:</b> 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.  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.

#### 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	<b>Conditional Use:</b> 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.  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.
3360	I-2	Electrical equipment, appliances, and components manufacturing	<b>Conditional Use:</b> A major development plan, 1,500 feet distances from any residential use, and 1,000 feet from any business use. An explanation controls for

			<p>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.</p> <p>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><b>Conditional Use:</b></p> <p>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, including number of rail cars per day, time of switching, rail road company, a TIA may be required.</p> <p>Storage of raw materials and methods of waste removal.</p> <p>Documentation of compliance with state, federal, and local laws, regulatory agencies, regulations, and ordinance, including storm water.</p>
<p align="center"><b>Miscellaneous manufacturing</b></p> <p>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.</p>			
3400	I-2	Miscellaneous manufacturing These uses are unclassified manufacturing uses.	<p><b>Conditional Use:</b></p> <p>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.</p> <p>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.</p>
3430	I-1	Office supplies, inks, etc.	<p><b>Conditional Use:</b></p> <p>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.</p> <p>Storage of raw materials and methods of waste removal.</p> <p>Documentation of compliance with state, federals, and local laws, regulatory agencies, regulations, and ordinances. Including storm water.</p>
3440	I-2	Sign and related display manufacturing of all materials except printing paper or paperboard	<p><b>Conditional Use:</b></p> <p>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.</p> <p>Storage of raw materials and methods of waste removal.</p> <p>Documentation of compliance with state, federals, and local laws, regulatory agencies, regulations, and ordinances. Including storm water.</p>
3510	I-2	Durable goods wholesaling, these wholesaling uses include a wide range of wholesale uses, from heavy equipment to hand tools.	<p><b>Conditional Use:</b></p> <p>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>

3320	I-2	Non-durable goods wholesaling, a range of goods from limestone to table salt.	<b>Conditional Use:</b> 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.
<b>4000 - Transportation, communication, information, and utilities</b> 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	<b>Conditional Use:</b> 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 be indicated below, an emergency response plan shall be developed and implemented.
<b>Transportation services</b> 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 by mode of transportation	<b>Conditional Use:</b> 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.
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.	<b>Conditional Use:</b> 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.
4122	I-2	Rail freight transportation, no passengers, long distance and local	<b>Special Exception</b> 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.
4123	I-2	These uses provide services for rail transportation, They service, repair, converts, over haul or re-build rolling stock	<b>Conditional Use:</b> 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.
<b>Utilities and utility services</b> 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,	I-2	Utilities and utility services, these	<b>Conditional Use:</b>

4312, 4313, 4314, 4320		uses provide electric power, natural gas, fossil fuel, nuclear, transmission, alternative fuel, control and distribution.	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.
4341	NP	<b>Hazardous waste collection</b> 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 safety o f the Town	
4342	NP	<b>Hazardous waste treatment and disposal</b> 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. 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	
4344	I-2	<b>Conditional Use (See Section 225-120: Conditional Use Requirements)</b> 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). 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.	
4345	I-2	<b>Conditional Use (See Section 225-120: Conditional Use Requirements)</b> 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.	
4346	I-2	<b>Waste Treatment and Disposal (See Section 225-120: Conditional Use Requirements)</b> 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.	
8000, 8100. 8200, 8300, 8400, 8500	NP	<b>Mineral Extraction</b> 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.	

### 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.



<b>SEC. 230-10</b>	<b>LOCATION PERMIT .....</b>	<b>1</b>
<b>SEC. 230-20</b>	<b>BUILDINGS UNDER CONSTRUCTION.....</b>	<b>1</b>
<b>SEC. 230-30</b>	<b>SPECIAL EXPERT CONSULTANTS AND COSTS .....</b>	<b>1</b>

#### **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:

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Clerk-Treasurer

Docket # \_\_\_\_\_

**EXHIBIT A****Town of Clarksville Improvement Cost Estimate**

<b>IMPROVEMENT COST ESTIMATE FOR SECURITY AGREEMENT</b>	
<b>IMPROVEMENT ITEM</b>	<b>AMOUNT</b>
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	

**EXHIBIT B**

**COMMITMENTS**



**EXHIBIT C**

**SECURITY AGREEMENT**

## Article 5 - Administration

## Division 240 - Development Agreement

<b>Project Name:</b>			<b>Date:</b>	
<b>INITIAL INSPECTION COST ESTIMATE</b>				
<b>Project Docket #</b>			<b>Plans Stamped Approval Date:</b>	
	<b>ITEM</b>	<b>Estimated Hours</b>	<b>Hourly Rate</b>	<b>Amount</b>
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:

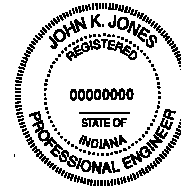
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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.

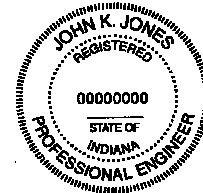
To the best of my knowledge and belief, no changes or modifications from the approved plans were made, except as approved by the proper town inspector and shown on the accompanying "as built" plans. All testing has been completed in accordance with the appropriate regulatory agencies and departments. 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



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SEC. 245-20	PRE-FILING CONFERENCE .....	1
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#### **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](http://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.



<b>SEC. 250-10</b>	<b>PUD AMENDMENT .....</b>	<b>1</b>
<b>SEC. 250-20</b>	<b>ZONING ORDINANCE; PROCEDURE ON PROPOSAL TO AMEND OR PARTIALLY REPEAL A ZONING ORDINANCE .....</b>	<b>1</b>
<b>SEC. 250-30</b>	<b>FAVORABLE RECOMMENDATION FROM PLAN COMMISSION .....</b>	<b>1</b>
<b>SEC. 250-40</b>	<b>AMENDMENT OF ZONING ORDINANCE.....</b>	<b>1</b>
<b>SEC. 250-50</b>	<b>AMENDMENT OF ZONING MAP.....</b>	<b>1</b>
<b>SEC. 250-60</b>	<b>AMENDMENT PROCEDURES .....</b>	<b>2</b>
<b>SEC. 250-70</b>	<b>ZONE MAP AMENDMENTS.....</b>	<b>2</b>

#### **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.

**Sec. 270-10      Enforcement**

The Plan Commission or any enforcement official designated in the zoning ordinance may bring an action to invoke any legal, equitable, or special remedy for the enforcement of this zoning ordinance adopted or action taken under this zoning ordinance.

The plan commission or any enforcement official designated in the zoning ordinance may also bring an action to enforce:

- A. Conditions imposed under this zoning ordinance.
- B. Any other commitments made in accordance with this zoning ordinance.
- C. In an enforcement action brought under this zoning ordinance, the party alleging the existence of a nonconforming use or variance granted by a board of zoning appeals has the burden of proof on that issue.
- D. The nonexistence of a nonconforming use or variance need not be proved.

Any person, firm, or corporation, or anyone acting in behalf thereof who shall violate or fail to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$100.00 (one hundred dollars) or more than \$2,500 (two thousand five hundred dollars).

Each day a violation is permitted to exist shall constitute a separate offense. The Plan Commission's attorney shall, immediately upon any violation having been called to his/her attention, institute an injunction, to restrain a person from violating this Ordinance and/or institute a mandatory injunction requiring that a structure erected in violation of this Ordinance be removed. The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedy, provided by law.