

202

**Parke County, Indiana  
Zoning Ordinance  
1976 Amendment**



PARKE COUNTY, INDIANA

ZONING ORDINANCE

AN ORDINANCE FOR THE DEVELOPMENT THROUGH ZONING FOR THE UNINCORPORATED TERRITORY OF PARKE COUNTY, INDIANA AND ANY INCORPORATED AREAS IN PARKE COUNTY WHICH DESIRE TO JOIN IN UTILIZATION OF THIS ORDINANCE UNDER THE INCLUDED PROVISIONS THEREOF AND APPLICABLE INDIANA CODE.

PREAMBLE

WHEREAS, the County Plan Commission of Parke County, Indiana has, over the past several months, prepared and diligently reviewed a Land Use Plan and the present Zoning Ordinance and Maps pursuant to IC 18-7-5-1--18-7-5-99, and

WHEREAS, the Plan Commission has found that there are certain desirable changes needed in the Zoning Ordinance of Parke County, Indiana, and

WHEREAS, the said Plan, Ordinance and Maps, as recommended for amendment to the Board of County Commissioners, contain provisions and regulations applicable to the County with respect to the uses of land and the promotion of the public health, safety, comfort, morals, convenience and general public welfare, and

WHEREAS, since this is presently a predominantly rural-agricultural county and the highest and best use of land throughout the major part of the unincorporated area is determined to be agricultural as at present, involving few, if any, changes in the use of land, none of the provisions and regulations of this ordinance shall apply to agricultural uses, including residences in connection therewith.

NOW, THEREFORE,

Be it ordained by the Board of County Commissioners of the County of Parke, Indiana under authority of IC 18-7-5-1--18-7-5-99 and all acts amendatory thereto that the Parke County, Indiana Zoning Ordinance, as last amended in 1973, now be amended to read as follows:

LAND CLASSIFICATIONS

	<u>Code to use on Parcel Classification</u>
<b>Agricultural</b>	
AP Agricultural, Productive	01
AFR Agricultural, Forest Recreation	02
AFC Agricultural, Classified Forest	03
<b>Residential</b>	
RP Residential, Permanent/Urban	04
RA Residential, Rural/Seasonal	05
<b>Commercial</b>	
CAB Accommodation Business	06
CLB Local Business	07
CGB General Business	08
CSC Shopping Center	09
Industrial - IND	10
Flood-Prone Area/FIA Flood Hazard Area - FP	11
<b>Special</b>	
PUBG Publicly Owned--Governmental Functions	12
PUBP Publicly Owned--Proprietary Functions	13
NON Other Non-taxed Land	14
SFC Special category	15

TABLE OF CONTENTS

Title - Preamble	A, B
Table of Contents	C, D, E
Figure Index	F
Alphabetical Index	a--u
Section I - Short Title	I
Section II - Interpretation	1
Section III - Non-Interference	1
Section IV - Identification	2
Section V - Definitions	3--24
Section VI - Use	25
Section VII - Height	25
Section VIII - Yard, Lot Area and Size of Building	25
Section IX - Improvement Location Permits	25
Section X - Vehicle Parking Space: Load- ing and Unloading Berths	26
Section XI - Establishment of Land Use Areas	26

Section XII - Boundaries: In General	30
Section XIII - Residential Uses & Requirements	31
Section XIV - Planned Developments	35
Section XV - Business Uses and Requirements	41
Section XVI - CSC Neighborhood Shopping Center Area Requirements and Procedures	46
Section XVII - Industrial Uses and Requirements	47
Section XVIII - Water Pollution and Sanitation	51
Section XIX-A - Advertising Signs	52
Section XIX-B - Miscellaneous Signs	54
Section XX-A - Contingent Uses	56
Section XX-B - Special Exceptions	58

**D**

Section XXI - Nonconforming Use Specifications	66
Section XXII - Administration	67
Section XXIII - Board of Zoning Appeals	72
Section XXIV - Historical/Scenic Protective Committee and Regulations	76
Section XXV - Amendments	78
Section XXVI - Filing Fees	78
Section XXVII - Flood-Prone Area/FIA Flood Hazard Area Management	80
Section XXVIII - Coordinating Duties	81
Section XXIX - Penalties	82
Section XXX - Subdivision Control	83
Section XXXI - Remedies	104
Section XXXII - Invalidity or Portions	105
Section XXXIII - Repeal	105
Section XXXIV - When Effective	106

## INDEX OF FIGURES

Figure 1	Residential Uses and Requirements	107-109
Figure 2	Business Uses and Requirements	110-111
Figure 3	Business Uses - Parking space Required	112
Figure 4	Business Uses - Loading and Unloading Berth Required	113
Figure 5	Industrial Uses and Requirements	114
Figure 6	Industrial Uses - Loading and Unloading Berth Requirements	115
Figure 7	Contingent Uses and Requirements	116-119
Figure 8	Contingent Uses - Maximum Height	120
Figure 9	Special Exceptions and Require- ments	120-130
Figure 10	Required Minimum Distances from a Mobile Home Stand to its Lot Lines and to Other Stands and Buildings	131
Figure 11	Thoroughfare Plan - Parke County	132-133
Figure 12	Curb and Gutter Detail	134-135
Figure 13	Procedure for Development of Subdivision	136-143

TOPIC PAGE INDEX

Abandoned Property	105
Accessory Building (def. 3)	
Accessory Uses/Building	32, 43
Mobile Home/Trailer	33
Improvement Location Permit	33
Accommodation Business Use	29, 44
Administration	67--72
Of Signs	54
See Improvement Location Permit	
Advertising Signs - See Signs	
Airport	120
Agriculture Areas	26, 27, 28
Permitted Location	116
Alley (def. 3)	
Amendments	78
Apartment, Multiple dwelling (def. 3)	
Efficiency (def. 3)	
Appeals - See Board of Appeals	
Apparel Shop	43
Artificial Lake	116, 120
Auto Service	41
Sales Room	44
Sales, Open	44
Service Station	4, 41
Repairs (def. 4)	41



INDEX (Continued)	<u>Page Number</u>
Bank	41
Bakery	42, 44
Bait Shop	44
Barber Shop	42
Billboard - See Sign	
Billiard Room	43
Billie Creek Village -- Contingent Conforming Use Block	4, 89
Board (def. 4)	72--76
Of Appeals Procedure - See Rules of Administrative Appeal AP1	
Limitation of Review of Commission Action	104
Approve Special Exception	58, 59
Of Health	7, 33, 52
Of Commissioners	4
Boarding House (def. 4)	116
Boat, motor, trailer sales and service	44
Bowling Alley	43
Boundary of Areas	30
Right-of-way Vacation	31
Building (def. 5)	
Area, detached, front line of	5
Height of (def. 5) (def. 11)	35, 46, 51
Inspector	81
Line (def. 6)	
Principal (def. 5)	
Setback	90

INDEX (Continued)	<u>Page Number</u>
Building Commissioner (def. 5)	
Bulletin Boards	116
Business (def. 6)	41
Joint parking	45
Loading berths	45, 113
Offices	41
Parking	45, 112
Parking - Surface area coverage	45
Recreational uses	43
Uses and requirements	41, 110, 111
Bus Station	44
Camp, Public (def. 6)	
Carport (def. 6)	
Car Wash (def. 6)	
Cemetery	116
Certificate of Occupancy (def. 6)	71, 72
Temporary certificate	72
Church (def. 6)	
Cleaning Service	42
Clinic (def. 7)	116
Clothing Service	41
Club	
Non-commercial	117
Private	43

INDEX (Continued)	<u>Page Number</u>
College or University	116
Cold Storage Plant	42
Commercial (def. 6)	
Commercial areas	26, 28, 29
Contingent Use (def. 7, 56)	
Commission approval	56, 57
Lot size	57
Parking, Building height	56, 57, 120
Requirements	56, 116--119
Commission (def. 7)	
Authority to allow departure from the Provisions of § XXX	102
Authority to Approve Multi-family dwellings in AP areas	107
Authority to change lot sizes	109
Authority to vary setbacks	90
Authority for Special Street Standards	89, 94
Contingent use approval	57
Coordinating Duties	81
Coordination with other agencies	81
Coordination of Ownership Plat System	81
Find facts for Board for Special Exceptions	58
Limitation of Appeal from Commission action	104
Meetings	81
County (def. 7)	
County Commission - Is the Parke County Board of Commissioners	
Country Club	120

INDEX (Continued)	<u>Page Number</u>
Court - Street (def. 7)	
Coverage (def. 7)	
Cul-de-sac (def. 7)	
Curb and gutters	97, 98
Day Nursery	117
Date of Ordinance	106
Dancing Academy	43
Decibel (def. 47)	
Definitions	3--24, 47, 48
Delicatessen	42
Department Store	43
Departure from Provisions of § XXX	102
Development--Subdivision See Planned Development	
Dock (def. 7)	
Drawing Preparation	136--138, 140
Dressmaking	42
Drive-in Restaurant	20
Driveway Surface	62, 63, 64
Drug Store	43, 44
Dry Cleaning	42
Dust	48, 49

INDEX (Continued)	<u>Page Number</u>
Dwelling, Group, Unit (def. 8)	
Easement (def. 8)	
Effective date	106
Electric Appliance Shop	42
Enforcement - Remedies	104, 105
Family (def. 8)	
Farm (def. 9)	
Non-accessory use (def. 9)	
Equipment sales, open	44
Feed Lot (confined) fowl, animals	119
Fees - Filing fees	78, 79, 103
Figures Index	F
Filling Station	44
Fire Station	117
Fishing Lodge	119, 123
Flood-Prone Area	26, 30, 80, 81
Flood Insurance	81
Management	81
Floor Area, ratio (def.'s. 10)	
Floor Space (def. 10)	
Flower Shop	43
Small Greenhouse	43
Fly Ash	48, 49

INDEX (Continued)	<u>Page Number</u>
Food Service	42
Forest Recreation - See AFR	
Front Lot Line (def. 10)	
Frontage (def. 10)	
Garage, Private, Public (def. 10)	41
Gas Service Station (def. 11)	44
Garbage Disposal Plant	122
Gases and Fumes	48, 49
General Business Use	29, 44
General Industrial Use	49
Gift Shop	44
Glare	48, 49
Golf Course	120
Golf Driving Range	122
Government Building	117
Greenhouse	117, 122
See Flower Shop	43
Grocery	42, 44
Ground Floor Area (def. 11)	
Guest House (def. 11)	

INDEX (Continued)	<u>Page Number</u>
Hardware	43
Health Department, County	33, 52
Height (def. 11)	25
Heliport	120
History of Ordinance	106
Historical/Scenic	76--78
Committee	77, 78
Procedure	78
Regulations	76, 77
Home Occupation (def. 11, 12)	117
Hospital (def. 12)	121
Hotel-Motel (def. 12)	44
Housing, agricultural and/or seasonal	26, 28, 117
Hunting Lodge	119, 123
Identification	2
Improvement Location Permit (def. 12)	25, 67--71, 103
Amendments	69-71
Conformity to Zoning Ordinance	103
Exemption for Agriculture	103
Expiration	39
Responsibility of Agents to obtain	103
Sanitation System	25, 33
Site Plan	39, 103
Soil & Water Conservation District	
Coordination	34
Special Exception, Contingent Use	68
Water Supply, Wells	25, 33
Written Application required	103

INDEX (Continued)	<u>Page Number</u>
Improvement Standards	91--98
Index of Figures	F
Indoor Theatres	43
Industrial Areas	26, 30, 114
Definitions	47, 48
General Industry (def. 49)	
Light Industry (def. 48)	
Loading Berths	50, 115
Parking Surfaces	45, 50
Parking Requirements	50
Parks	121
Uses and Requirements	47--51, 114
Interpretation of Ordinance	1
Invalidity of Portions of Ordinance	105
Junkyard (def. 13)	121
Jurisdiction of Commission (def. 13)	
Kennel (def. 13)	
Kindergarten	117
Kitchen, Kitchenette (def. 14)	
Lake, Swimming pool	116, 120
Land Classification	B, 26, 27
Landfill, Public	118
Landscaping (def. 14)	
Land Use Area (def's. 26 and 30)	



INDEX (Continued)	<u>Page Number</u>
Land Use Areas Code	B, 26, 27
Laundromat (def. 14)	
Laundry	42
Laundry, Self-service	42
Library	118
Light Industrial Use - See Industrial Use	48
Limited Access Highway	88
Liquid Fertilizer, Storage/Distribution	121
Loading and Unloading Berth (def. 14)	26
Alleys	45
Berths	50
Business	45, 113
Industrial	50
Surface	45
Local Business Use Requirements	29, 41, 44, 110 111, 112, 113
Lodge	115
Lodging House	116
Lots (def. 14)	89
Area (def. 15)	
Building Setback	90
Corner (def. 15)	
Coverage (def. 16)	
Depth (def. 16)	
Double Frontage	89, 90
Front (def. 16)	

INDEX (Continued)	<u>Page Number</u>
Lots (Continued)	
Ground Level (def. 15)	
Interior (def. 15)	
Line (def. 16)	
Of record (def. 14)	
Rural Residential/other (def. 16)	
Screen Planting on Double Frontage Through (def. 16)	89
Utility Easements	90
Width (def. 16)	
Map reference	2, 27, 30
Master Plan (def. 17)	
Locating streets	84, 85
Opening and widening thoroughfares	84
Roads, streets	83
Meat Market	42
Mental Health Center (def. 17)	
Millinery	42
Mineral Extraction	121
Minimum Landscaped Open Space (def. 17)	
Mobile Home (def. 17)	
Mobile Home Park Requirements (def. 18)	
Driveways	63
Laundry Facilities	64
Lot Size	59
Parking	63
Recreation Facilities	65
Screen Planting and Fences	65, 66
Size	59
Streets	60, 61
Surface	62, 64
Walks	64

INDEX (Continued)	<u>Page Number</u>
Modular Unit (def. 18)	
Monuments/Markers - Standards	91, 92
Mortuary	117
Motel (see Hotel) (def. 12)	
Motor Bus or Railroad Passenger Station	44
Multiple Dwelling (def. 18) Also see Apartment	
Municipal or Government Building	117
Museum	118
Newspaper Publishing	44
Newsdealer	43
Night Club Also see Tavern	43
Noise and Sound	49, 50
Nonconforming Uses Of Signs Abatement/discontinuance	66, 67 53 67
Non-interference with greater restrictions otherwise imposed	1
Notification	36, 137, 139, 143
Nursery	117
Nursing Home (def. 18)	117
Odor	48, 49
Ordinance	A

INDEX (Continued)	<u>Page Number</u>
Ordinance Preamble	A, B
Outdoor Commercial Recreation	118
Outdoor Theatre	122
Parcel Identification System	81
Parking Area, public (def. 19)	26, 41, 46
Business Uses	45
Industrial	50
In mobile home park	63
Requirements	45, 112, 118
Space (def. 19)	
Surface	45, 50
Parking Space/Loading Berths	26, 112, 113, 115
Front yard	46
Penal or Correctional Institution	122
Penalties	34, 82, 83
Liability of agent	82, 83
Lien on property	82
Of Signs	54
Person (def. 19)	
Personal Service	42
Petroleum Tank Farm	122
Photographic Studio	42
Place (def. 19)	
Plan Commission (def. 19)	
Planned Development	
Conditions/ Covenants	38, 39
Continuing Development	38
Design Requirements	38, 39
Exceptions or Variations from Ordinance	38

INDEX (Continued)	<u>Page Number</u>
Planned Development (Continued)	
Expiration of Approval	39
Improvement Location Permit	39
Ownership	38
Preliminary procedure	35, 36, 37
Private streets	40
Shopping Center	46
Size	34
Plant Nursery - Greenhouse	118
Plat (def. 19)	
Shopping Center	46
Plat Book System	81
Police Station	117
Post Office	41
Power Transmission Line	118
Practice Golf Driving Range	122
Preamble	A, B
Previous enactments	106
Private Club or Lodge	43
Private Roads	40, 94, 102
Private School (def. 19)	
Professional Office (def. 19)	41
Public Commercial Sewage or Garbage Disposal	122
Public Camp	43, 44, 118, 122
Public Facilities Plan (def. 19)	

INDEX (Continued)	<u>Page Number</u>
Public Landfill	118
Public Library, Museum	118
Public Notice of Hearing - 10 days	
Public Parks and Other Facilities	90, 118
Public or Employee Parking	118
Public Utility Substation/Exchange	119
Radio TV Shop	42
Radio TV Tower	122
Radio TV Studio	41
Railroad Station	44
Railroad Right-of-Way and Uses	122
Record Shop	42
Recording Secretary (def. 19)	
Recording of Plats - Requirements prior to	86
Reducing Salon	42
Remedies	104, 105
Residential Areas	26, 28
Residential Occupancy (def. 19)	
Residential Uses and Requirements (def.31)	107--109
Accessory Buildings/Uses	32
Rear Yard - See Yard, rear	

INDEX (Continued)	<u>Page Number</u>
Restaurant (def. 20)	42, 45
Repeal of Conflicting Ordinances	105
Restrictions along Streams	80
Retail Service	43
Riding Stables	119, 123
Ringelmann Number (def. 47)	
Roads - Plan	83
Location	84, 85
Private	40, 94, 102
Roadside Sales Stand	42
Roadway surfacing	45
Sales Barn - Livestock	123
Sanitation	33, 51, 52
Scenic/Historical (see Historical/Scenic)	
Schools - Public or Parochial	119
Trade or Business	119
Self-Service Laundry	45
Setback (def. 20)	
Setback -- Occupied Blocks or Areas	45
Sewers	95, 122
Limitations with High Water Table	95
Private System	95
Who Provides	95
Shopping Center	29, 46, 123
Short Title - See Title	

INDEX (Continued)	<u>Page Number</u>
Shoe Repair	42
Showroom - Retail Sales	43
Sidewalks	98
Signs (def. 20)	45, 52
Advertising	44, 52
Contingent Use	54
Improvement Location Permit	54
Miscellaneous, No Permit Required	54, 55
Penalties	54
Permitted Locations	52--56
Private Streets	40
Removal	53
Specifications for Signs	54
Street Signs	98
Structures, Specifications	53
Single Family Dwelling (def. 20)	
Site Plan	103
Fee	103
Smoke (def. 47)	48, 49
Smoke Unit (def. 47)	
Soil & Water Conservation District	34, 52, 138
Souvenir Shops	45
Special Category Area	26, 30
Special Exception (def. 20)	58, 59, 120--130
Board of Appeals Procedure Manual No. AP-1	
Conforming/Non-conforming Use	59
Mobile Home Parks	59--66
Procedure	58



INDEX (Continued)	<u>Page Number</u>
Sporting Goods Shop	45
Stables	119
Stadium--Coliseum	123
Stationery Store	43
Storage Warehouse	44
Storm Drainage	97
Driveway Sewer	97
Stream Pollution Control Board	51
Street (def. 20, 21)	
Commission approval to vary design	94
Construction Standards	92--94
Covenants applicable to private roads	94
Cross Sections	132, 133
Curvatures allowed	88
Design Principles required	86
Drawing Preparation	136--138, 140
Grades	90
Horizontal visibility	88
In Mobile Home Park	60, 61
Limited Access	88
Locating	84, 85
Plan	83
Right-of-way encroachment	85
Signs	98
Special Standards allowed by Commission	88
Surface	92, 93
Surface Drainage	94
Widths	92, 93
Structure (def. 21)	
Structural alteration (def. 21)	

SECTION I.

SHORT TITLE. This ordinance, and ordinances supplemental or amendatory thereto, shall be known, and may be cited hereafter as the "Zoning Ordinance of Parke County, Indiana."

SECTION II.

INTERPRETATION. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience and general welfare, and that the basic purpose of such provisions is to guide the development of urban uses of land throughout the unincorporated territory of Parke County.

SECTION III.

NON-INTERFERENCE WITH GREATER RESTRICTIONS OTHERWISE IMPOSED. It is not intended by this Ordinance to interfere with, or abrogate or annul any easements, covenants, or other agreements between parties, nor to interfere with, or abrogate or annul any ordinances, other than expressly repealed hereby, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or provided, except, that where this Ordinance imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces or greater lot area per family, than are required or imposed by such easements, covenants or agreements between parties, or by such ordinances, rules, regulations or permits, the provisions of this ordinance shall control.

SECTION IV.

IDENTIFICATION. Wherever the word "County" appears in this ordinance, it shall be deemed to refer to the County of Parke, Indiana; the word "Commission" refers to the Parke County Plan Commission; "Board" refers to the Parke County Board of Zoning Appeals; the words "Land Use Areas" refer to a section of Parke County for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land and open spaces about buildings, are herein established; the words "Use Map" refer to maps entitled "Parke County, Indiana, Zone Map, Sheets 1, 2, 3, 4 and 5 of 5" dated 1959 and sheets 6, 7, 8, 9, 10, 11, 12, 13 and 14 of 14" dated 1966. It also refers to township plat maps showing land use, the installed topographical and soil survey wall maps and any amendments thereto.

The words "Master Plan" refer to the complete Plan, or any of its parts, for the development of the unincorporated territory within the County, prepared by the Commission and adopted in accordance with IC 18-7-5-1--18-7-5-99 as is now or may hereafter be in effect. "Master Plan" also refers to any Plan for the development of any incorporated areas of the County which agree to join in the County Planning & Zoning operation through the provisions of this ordinance and of IC 18-7-5-1--18-7-5-99 or under the provisions of IC 18-5-1.5-3 Joint Powers Agreement.

SECTION V.

**DEFINITIONS.** For the purpose of this ordinance, certain terms and words used herein shall be interpreted and defined as follows:

Words in the present tense include the future and vice-versa; words in the singular number include the plural number and vice-versa; the word "building" includes the word "structure" and vice-versa; the word "shall" is mandatory and not directory or discretionary.

**ACCESSORY BUILDING AND USE**

- (a) A building or use subordinate to another structure or use located on the same lot and which does not change or alter the character of the premises and which is not used for human occupancy.
- (b) Public utility, communication, electric, gas, water and sewer lines, their supports and incidental equipment, and public telephone booths.

**ALLEY** - A public right-of-way other than a street, road, crosswalk or easement, designed to provide a secondary means of access for the special accommodation of the property it reaches. Any primary means of access to property of less than fifty (50) feet in width shall be deemed to be equivalent to an alley.

**APARTMENT** - A dwelling unit in a multi-family building.

**APARTMENT, EFFICIENCY** - A dwelling unit in a multi-family building, consisting of not more than one (1) habitable room, together with cooking and sanitary facilities.

**AUTOMOBILE REPAIR, MAJOR.** Automobile body-repair, automobile rebuilding, body painting, upholstering, replacement of parts and motor service to passenger cars and trucks.

**AUTOMOBILE REPAIR, MINOR.** Upholstering, replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half (1 1/2) tons capacity, but not including other operations named under "Automobile Repair, Major," or similar thereto as determined by the Commission.

**AUTOMOBILE SERVICE STATION.** A retail place of business engaged primarily in the sale of motor fuels, but also in supplying goods and services generally required in the operation and maintenance of motor vehicles. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items, lubrication services; washing of cars where no chain conveyor or blower is used. Operations outside shall be limited to the dispensing of gasoline, oil and water; changing tires, replacement and adjustment of automotive accessories such as windshield wipers, lights and batteries and similar minor customer needs.

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

**BOARD.** Parke County Board of Zoning Appeals - a quasi judicial body.

**BOARD OF COMMISSIONERS.** The Board of Commissioners of the County of Parke, Indiana.

**BOARDING HOUSE.** A building not open to transients, where lodging and/or meals are provided for three (3) or more, but not over thirty (30) persons regularly; a lodging house.

**BUILDING.** A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels or property. When separated by party walls, without opening through such walls, each portion of such a building shall be considered a separate structure.

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

**BUILDING COMMISSIONER.** The representative of the Plan Commission appointed to handle the administrative duties involved with zoning in Parke County, who also acts as County Building Inspector until such time as the County Commission relieves him of this duty.

**BUILDING DETACHED.** A building having no structural connection with another building.

**BUILDING, FRONT LINE OF.** The line of the face of the building nearest the front lot line.

**BUILDING, HEIGHT OF.** The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

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

**BUILDING LINE.** The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the street right-of-way line.

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

**CAMP, PUBLIC.** An area of land used for short term dwelling purposes by providing camping spaces for tents, travel trailers, vehicular units designed or adapted for vacation-recreational housing, and accessory facilities and structures intended for use as a part of the camp. An occupant of a camping space shall not remain in the Public Camp for a period exceeding thirty (30) days.

**CARPORT.** A covered area open on one or more sides for the storage of the passenger vehicles, boats, or trailers of persons resident or employed on the premises.

**CAR WASH.** A lot on which motor vehicles are washed or waxed, either by the patron or by others, using machinery specially designed for the purpose.

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

**CERTIFICATE OF OCCUPANCY.** A certificate stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this ordinance.

**CHURCH.** A building wherein persons regularly assemble for the purpose of religious worship, which is used only for such purpose and those accessory activities as are customarily associated therewith.

CLINIC OR MEDICAL-HEALTH CENTER. A place where professional care is furnished to persons on an out-clinic basis by two or more professionals and/or para-professionals.

COMMISSION. Parke County Plan Commission, a quasi legislative body.

CONTINGENT USE. Use of land allowed under the provisions of §XIX & Figures 7 and 8 of this ordinance, with the permission of the Plan Commission.

COUNTY. County of Parke County, Indiana.

COUNTY COMMISSION. Parke County Board of Commissioners, the Parke County legislative body.

COURT. A yard on the same lot with a building which is bounded on two (2) or more sides by the exterior walls of buildings on the same lot.

COVERAGE. The percent of the total site area covered by structures, open or enclosed, excluding uncovered steps, patios and terraces.

CUL DE SAC (Court or Dead End Street). A short street having one end open to traffic and being permanently terminated by a vehicle turn-around.

DOCK. A landing pier for boats; a wharf; a structure supported by piling or floats in such a manner as to allow free flow of water beneath said structure and in which any buildings constructed thereon are incidental to the use of said structure as a wharf or landing pier.



**DWELLING.** Any building or portion thereof designed or used exclusively as the residence of one or more persons, but not including a tent, or trailer.

- (a) Dwelling, Single-Family. A building designed for or used exclusively for residence purposes by one family or housekeeping unit.
- (b) Dwelling, Two-Family, or Duplex. A building designed for or used exclusively for residence purposes by two families or housekeeping units, living independently of one another.
- (c) Dwelling, Multiple. A building or portion thereof designed for or used exclusively for residence purposes by three (3) or more families or housekeeping units, living independently of one another.
- (d) Dwelling, Attached or Semi-Attached. A building containing a single dwelling unit and having one or more walls in common with another such unit and located or capable of being located on a separate lot.

**DWELLING GROUP.** A group of two (2) or more detached buildings used for dwelling purposes located on a parcel of land in one (1) ownership and having any yard or court in common.

**DWELLING UNIT.** A dwelling or portion of a dwelling used by one family for cooking, living and sleeping purposes.

**EASEMENT.** A grant by the property owner of the use of a strip of land by the public, a corporation, or persons, for specified purposes.

**FAMILY.** One or more persons living as a single housekeeping unit, related by blood, marriage, or adoption, or a group of not more than five (5) persons who need not be related by blood or marriage, living as a single housekeeping unit. Wards of the court or other dependent children

placed with families under provisions of the laws of the State of Indiana and Parke County are considered as belonging to the family unit. Groups occupying hotels, clubs, nursing homes, fraternity or sorority houses are not considered families for the purpose of this ordinance.

**FARM.** A tract of land comprising an area which is devoted to agricultural operations, such as forestry, the growing of crops, pasturage; the production of livestock and poultry; the growing of trees, shrubs and plants; and other recognized agricultural pursuits and including accessory buildings essential to the operation of the farm. Accessory buildings may include barns, equipment and animal sheds, farm residences for the owner, operator or farm assistants; roadside sales structure for the sale of products of the farm; and signs displaying subject matter directly related to the name or the products of the particular farm; but not including industrial or commercial operations or structures. Residences or areas on farms being rented or used by non-farm employees or dependent relation are not considered accessory to farm operation and must be classified according to its use.

Areas of less than twenty (20) acres with ownership being in more than one family unit, or having more than one residence thereon, will be classified R2 residential area, or other classification required by actual use and not agricultural classification. Unless the owners prove, through Parke County ASCS and Soil Conservation Service records, their federal and state income tax status (if there is filing requirement), and other information available, that the area is investment real estate or actual farm operation and not some other classification, it may not retain agricultural classification.

**FLOOR AREA.** Total gross area on all floors as measured to the outside surfaces of exterior walls, excluding crawl spaces, garages, carports, breezeways, attics without floors and open porches, balconies and terraces.

**FLOOR AREA RATIO.** The percentage of lot area of the floor area of all buildings, excluding the floor area of garages, carports and breezeways and excluding the area of any floor more than four (4) feet below average grade where no part of such basement is used for sleeping rooms or quarters.

**FLOOR SPACE.** Floor area of all floors, as measured from the inside surfaces of the walls enclosing the part of a building occupied by a single occupant or shared by a distinct group of occupants, excluding therefrom common halls, stairwells, sanitary facilities and storage and other areas to which patrons do not have regular access.

**FRONT LOT LINE.** A line dividing a lot from any public highway, except a limited or controlled access highway to which the lot has no access.

**FRONTAGE.** The property line of a site abutting on a street, other than the side line of a corner lot.

**GARAGE, PRIVATE.** An accessory building with capacity for not more than three (3) motor vehicles per family, not more than one (1) of which may be a commercial vehicle of not more than three (3) ton capacity and not subject to federal use tax. A garage designed to house two (2) motor vehicles for each family housed in an apartment shall be classed as a private garage.

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

federal use tax will be deemed a Public Garage.

**GAS STATION.** A place where motor vehicle fuels are sold at retail.

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

**GUEST HOUSE.** A Guest House is a detached living quarters of permanent construction, clearly subordinate and incidental to the main building on the same lot, and intended for use by occasional guests of the occupants of the main building. A Guest House shall not be separately rented, let, or leased whether compensation be direct or indirect.

**HEIGHT.** The vertical distance from the highest point on a structure, excepting any chimney or antenna on a building, to the average ground level of the grade where the walls or other structural elements intersect the ground.

**HOME OCCUPATION.** A home occupation is an activity clearly incidental and secondary to the use of the dwelling for residential purposes; it shall not change the residential character thereof and there shall be no display of stock in trade; no goods, other than those manufactured on the premises, shall be sold. The home occupation shall be conducted entirely within the dwelling unit, and there shall be no use of any accessory building or yard space or activity outside the main building not normally associated with residential use. A "home occupation" shall be operated and maintained only by a resident of the dwelling in which such home occupation occurs and there shall be not more than one employee. The "home occupation" shall not:

(a) Involve the use of more than one (1) room or the equivalent of twenty percent (20%) of the ground floor area of the dwelling unit, whichever is greater.

(b) Involve the use of equipment powered by motors of more than a total of one (1) horsepower capacity or the equivalent thereof.

(c) Generate vehicular or pedestrian traffic in excess of that associated with the residential use.

(d) Create any radio or television interference or create noise audible beyond the boundaries of the site.

(e) Emit odor or gaseous, liquid, or solid waste.

(f) Have any sign or advertising devices other than one (1) non-illuminated name plate not more than one and one-half (1½) square feet in area, which may be used to identify the occupant and his "home occupation"; said name plate to be affixed flat against the outside wall of the dwelling.

**HOSPITAL.** An institution in which patients are given medical or surgical care and which is licensed by the state to use the title hospital without qualifying descriptive word.

**HOTEL OR MOTEL.** A building or group of buildings in which lodging is provided and offered to the public for compensation and which is open to transient guests for any period less than one month, including tourist homes and motels but not including hospitals or nursing homes, and in contradistinction to a boarding or lodging house.

**IMPROVEMENT LOCATION PERMIT.** A permit stating that the proposed erection, construction, enlargement or moving of a building or structure referred to therein, i.e., dams, wells, septic systems, water systems, complies with the provisions of the master plan.

**JUNKYARD.** Any place at which personal property is or may be salvaged for re-use, resale or similar disposition and is owned, possessed, collected, accumulated, dismantled or assorted; including, but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which are used, owned or possessed for the purpose of wrecking or salvaging parts therefrom. Any open area in which there are four (4) or more vehicles not in running or operable condition is considered a junk yard, except where said vehicles are of the class considered antiques or classic vehicles. An establishment for the sale, purchase, or storage of used cars or salvaged machinery in operable condition and the processing of used or salvaged materials as part of a manufacturing operation shall not be deemed a junk yard.

**JURISDICTION OF COMMISSION.** The unincorporated territory of the County of Parke, Indiana along with any incorporated areas that have agreed to cooperate with the Parke County Plan Commission on planning.

**KENNEL.** Any lot or premises on which four (4) or more dogs, or small animals, at least six (6) months of age, are kept or allowed to stay, or in which three (3) or more such animals are maintained, boarded, bred, or cared for in return for remuneration, except by an animal hospital.

**KITCHEN or KITCHENETTE.** Any room or part of a room which is designed, built, used, or intended to be used for food preparation and dishwashing; but not including a bar, butler's pantry or similar room adjacent to or connected with a kitchen.

**LANDSCAPING.** Planting, including trees, shrubs, and ground covers, suitably designed, selected, installed and maintained as to be permanently attractive.

**LAUNDROMAT.** A place where patrons wash, dry or dryclean clothing and other fabrics in machines operated by the patron.

**LOADING AND UNLOADING BERTH.** The off-street area required for the receipt or distribution by vehicles of material or merchandise, which in this ordinance is held to be a twelve (12) by fifty (50) foot loading space with a fourteen (14) foot height clearance.

**LOT of RECORD.** A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder; or a parcel of land, the deed to which was recorded in the office of said Recorder prior to the adoption of this ordinance.

**LOT.** A tract or parcel of land of at least sufficient size to meet minimum zoning requirements for use and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a public street or a permanent easement of access, at least twenty (20) feet wide, connecting to a public street. A parcel, tract or area of land abutting upon a street or place for at least sixty (60) percent of the lot width prescribed for the District in which the lot is located. It may be a single parcel

separately described in a deed or plat which is recorded in the office of the County Recorder, or it may include parts of, or a combination of such parcels when adjacent to one another and used as one. In determining lot area and boundary lines no part thereof within the limits of a street shall be included.

LOT AREA. The area of land within the boundary of a lot, excluding any part under water, and also excluding the area of land bounded by any front lot line, the center line of the highway on which it fronts and the side lot lines intersecting the front lot line at its ends extended to the center line of the highway.

LOT, CORNER. A lot at the junction of and abutting two or more intersecting streets.

LOT, GROUND LEVEL -

(a) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.

(b) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets.

(c) For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five (5) feet from a street is to be considered as adjoining the street.

LOT INTERIOR. A lot other than a corner lot or through lot.



LOT LINE. A line marking a boundary of a lot.

LOT - RURAL/RESIDENTIAL/OTHER. A severance of less than ten (10) acres, which does not qualify for agricultural classification and which for residential purposes must be a minimum of two (2) acres or such other size as allowed by the Commission.

LOT, THROUGH. A lot having frontage on two parallel or approximately parallel streets.

LOT COVERAGE. The percentage of the lot area covered by the building area.

LOT DEPTH. The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

LOT WIDTH. The horizontal distance between the side lot lines of a lot, measured at right angles to the lot depth at the established front building line.

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

LOT LINE, REAR. A lot line which is opposite and most distant from the front lot line, and in the case of an irregular or triangular-shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE. Any lot boundary line not a front lot line or a rear lot line.

MASTER PLAN (Comprehensive Plan). The complete plan, or any of its parts, for the development of the county prepared by the Commission and adopted in accordance with IC 18-7-5-1--18-7-5-99, as is now or may hereafter be in effect.

MENTAL HEALTH CENTER. A hospital or clinic where the primary activity is the treatment and care of persons suffering from mental or emotional disorders.

MINIMUM LANDSCAPED OPEN SPACE. The percentage of lot area which must be maintained in grass or other living vegetation.

MOBILE HOME. A detached single-family dwelling unit with all of the following characteristics:

1. Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
2. Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels.
3. Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

No such structure under 600 square feet will be deemed to be a mobile home for the purposes of zoning regulations in Parke County. Any such structure of 600 or more square feet in size, when the chassis for future movement is removed and it is placed on a permanent solid masonry foundation, will not be deemed to be a mobile home but a permanent residential structure.

**MOBILE HOME PARK.** An area of land upon which two or more mobile homes are harbored for the purpose of being occupied either free of charge or for revenue purposes, and shall include any building, structure, vehicle or enclosure used or intended for use as a part of the equipment of such mobile home park. If used as accessory buildings for agricultural purposes, mobile homes will not be counted to define a mobile home park.

**MODULAR UNIT.** A factory fabricated transportable building or major component designed to be used by itself or to be incorporated with related units at a building site into a modular structure to be used for residential, commercial, educational or industrial use and meeting the requirements of the Parke County Board for such use. A modular housing unit shall not retain any chassis for future movement.

**MULTIPLE DWELLING.** A structure designed or used for residential occupancy by more than two families, with or without common or separate kitchen or dining facilities, including apartment houses, apartment hotels, rooming houses, boarding houses, fraternities, sororities, dormitories, row houses, townhouses and similar housing types, but not including hotels, hospitals or nursing homes.

**NURSERY SCHOOL.** A school for more than five (5) pre-elementary school age children, or use of a site or portion of a site for a group day-care program for more than five (5) children other than those resident on the site, including a day nursery, play group, or after-school group.

**NURSING HOME.** A structure operated as a lodging house in which nursing, dietary, and other personal services are rendered to convalescents, invalids, or aged persons, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home or a rest home shall be deemed a nursing home.

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

**PARKING SPACE.** A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than nine (9) feet wide and twenty (20) feet long exclusive of passageways.

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

**PLACE.** An open unoccupied space other than a street or alley, permanently reserved for use as the principal means of access to property.

**PLAN COMMISSION.** Parke County Plan Commission, a quasi legislative body.

**PLAT.** A map or chart indicating the subdivision or resubdivision of land, intended to be filed for record.

**PRIVATE SCHOOL.** Private preprimary, primary, grade, high or preparatory school or academy.

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

**PUBLIC FACILITIES PLAN.** The part of the Master Plan, now or hereafter adopted which shows the locations of existing and proposed school and part, or recreation sites.

**RECORDING SECRETARY.** The appointed assistant to the Building Commissioner.

**RESIDENTIAL OCCUPANCY.** Those activities customarily conducted in living quarters in an urban setting, and excludes such activities as the keeping of livestock or fowl, activities resulting in noise which constitutes a nuisance in a

residential area and activities which involve the storage, visible from off the lot, of motor vehicle parts, machinery or parts, junk or scrap materials, and excludes the keeping on any lot of more than two household pets per family, but this shall not be construed to prevent the keeping of the litter of a household pet until able to be separated from their mother.

RESTAURANT. A lot upon which food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as bars, grilles, cafes, taverns, nightclubs, drive-ins and any fast food establishment permitting consumption on the premises.

SETBACK. The required distance between every structure and any lot line on the lot on which it is located.

SIGN. Any board, device or structure or part thereof used for advertising, display or publicity purposes. Signs placed or erected by governmental agencies for the purpose of showing street names or traffic directions or regulations for other governmental purposes shall not be included herein.

SINGLE FAMILY DWELLING. A structure, except a mobile home, designed or used for residential occupancy by one family.

SPECIAL EXCEPTION. A use approved by the Board as being allowed under the provision of § XX and Figure 9 of this Ordinance. Some special exceptions may be permitted by the Commission subject to the usual appeal procedure.

STREET. A right-of-way in existence or otherwise legally established or dedicated to the public use, usually affording the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, place or other appropriate name. A street may also be identified according to type of use as designated in the Thoroughfare Plan, as follows:

(a) Arterial streets are those designated for large volumes of traffic movement. Certain arterial streets may be classified as Business Streets to serve congested business sections, and others as Limited Access Highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.

(b) Feeder streets are important streets planned to facilitate the collection of traffic from minor streets, and to provide circulation within neighborhood areas and convenient ways for traffic to reach arterial streets.

(c) Residential streets are those designated primarily to provide access to abutting properties. Certain residential streets may be Marginal Access Streets parallel to arterial streets, which provide access to abutting property and ways for traffic to reach access points on arterial streets. Another type of residential street may be a cul-de-sac, a short street having one end open to traffic and being permanently terminated by a vehicle turn-around.

STRUCTURE. Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground.

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

SUBDIVIDER. Any person or persons, firm or corporation engaged in developing or improving a tract of land which complies with the definition of a subdivision as defined in this ordinance.

SUBDIVISION. The division of any parcel of land shown as a unit, as part of a unit, or as contiguous units on the last preceding transfer of ownership thereof, into two or more parcels, sites, or lots, any one of which is less than two (2) acres in area, for the purpose, whether immediate or future, of transfer of ownership is a subdivision. The division or partition of land into parcels of five (5) or more

acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, is not a subdivision.

The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the subdivision and allocation of land as streets or other open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public utilities and facilities is a subdivision.

**TOURIST HOME.** A building in which one but not more than five guest rooms are used to provide or offer overnight accommodations to transient guests for compensation.

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

**TRAVEL TRAILER.** A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses, which:

(a) Is identified on the unit by the manufacturer as a travel trailer; and

(b) Is not more than eight (8) feet in body width; and

(c) Is of any weight provided its body length does not exceed thirty-two (32) feet, or

(d) Is of any length provided its gross weight, factory equipped for the road, does not exceed five thousand (5,000) pounds.

**TWO FAMILY DWELLING.** A structure designed or used for residential occupancy by two families.

**USE.** The employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

**USE, NONCONFORMING.** An existing use of land or building which fails to comply with the requirements set forth in this ordinance applicable to the District in which such use is located.

**USE, OPEN.** The use of a lot without a building or including a building incidental to the open use with a ground floor area equal to five (5) percent or less of the area of the lot.

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

**VISION CLEARANCE ON CORNER LOTS.** A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three (3) and twelve (12) feet above established grade, determined by a diagonal line connecting two points measured fifteen (15) feet equidistant from the street corner along each property line.

**YARD.** The area between any lot line and the setback required therefrom.



**YARD, FRONT.** A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the street right-of-way line and the building line.

**YARD, REAR.** A yard extending across the full width of the lot between the rear of the main building and the rear lot line unoccupied other than by accessory buildings which do not occupy more than thirty (30) percent of the required space, the depth of which is the least distance between the rear lot line and the rear of such main building.

**YARD, SIDE.** A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required to the rear yard. The width of the required side yard is measured horizontally, at ninety degrees with the side lot line, from the nearest part of the main building.

**ZONING ORDINANCE.** The part of the Master Plan, now or hereafter adopted, which includes an ordinance and zone maps which divide the jurisdiction of the Commission into use areas, with regulations and requirements and procedures for the establishment of land use controls.

SECTION VI.

USE. No building or land shall be used and no building shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted and specified in an area in which such building or land is located.

SECTION VII.

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

SECTION VIII.

YARD, LOT AREA AND SIZE OF BUILDING. No building shall be erected, reconstructed, or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of residential buildings, or lot coverage regulations, established and specified for the use in the district in which such building is located.

SECTION IX.

IMPROVEMENT LOCATION PERMITS. Every building or property improvement hereafter erected or constructed, other than agricultural accessory items, will obtain an Improvement Location Permit from the Building Commissioner, Parke County Plan Commission. All wells and septic systems, even agricultural, will require an Improvement Location Permit.

SECTION X.

VEHICLE PARKING SPACE: LOADING AND UNLOADING BERTHS.

Every building hereafter erected shall provide off-street parking space for motor vehicles and loading and unloading berths as specified hereinafter for the use to which such building is to be devoted.

SECTION XI. ESTABLISHMENT OF LAND USE AREAS. Present use classifications as of passage of this 1976 Amendment when placed on our parcel plat maps will be binding. Actual use as of that date when found by the Commission to be different than that classified for is non-conforming and shall be abated within one year of notice from the Commission. When this non-conforming use is found, a majority of both Commission and Board may, without notice within three (3) months of discovery, re-classify according to the actual use instead of forcing abatement.

A. Parke County real estate usage is hereby classified and divided into fourteen (14) usage designations as follows:

		Code to use on <u>Parcel Classification</u>
1. Agricultural		
AP	Agricultural, Productive	01
AFR	Agricultural, Forest Recreation	02
AFC	Agricultural, Classified Forest	03
2. Residential		
RP	Residential, Permanent/Urban	04
RA	Residential, Rural/Seasonal	05
3. Commercial		
CAB	Accommodation Business	06
CLB	Local Business	07
GGB	General Business	08
CSC	Shopping Center	09
4. Industrial - IND		10

5. Flood-Prone Area/FIA Flood Hazard Area - FP	11
6. Special	
PUBG Publicly Owned--Governmental Functions	12
PUBP Publicly Owned--Proprietary Functions	13
NON Other Non-taxed Land	14
SPC Special Category	15

The Use Maps as listed in § 4 are hereby declared to be a part of this ordinance, showing the areas covered by each category. Notations, references, indications and other matters shown on the Use Map are as much a part of this ordinance as if they were fully described herein.

B. The areas identified above are described as follows:

1. AP Agricultural, Productive - In recognition of agriculture as the predominant and basic use of land throughout much of the county, this category is established to include the substantial areas where little or no urbanization has occurred, purpose of which is to preserve agricultural land for the future benefit of definite public or private value.

Permitted uses in this area include all forms of agriculture and allied uses as well as residences, plus certain Contingent Uses (see Figure 7) with the approval of the Commission, some Special Exceptions (see Figure 9) with the approval of the Board or Commission as set out in Figure 9, and Variances which must have approval of both the Commission and the Board.

2. AFR Agricultural, Recreation - This is established to include land that is for the most part scenic, forest covered with rough terrain and where scattered indiscriminate settlement or development is not considered to be promotive of the general welfare of the county.

3. AFC Agricultural, Classified Forest - Agricultural land which has been approved as "classified forest" and as such is subject to special taxation treatment and Indiana Department of Natural Resources Land Use Regulations.

4. RP Residential, Permanent/Urban - While this area would be used principally for single-family dwellings, two-family and multi-family buildings will be permitted on a density of use basis, with the minimum lot size being increased for more than one family in a building. The RP requirements as to minimum size of lots and ground floor area of buildings are greater than those specified for the other residential area.

5. RA Residential, Rural/Seasonal - This is primarily a single-family dwelling area, many of which will be for seasonal use only. It includes most of the territory in the county which appears to be subject to this type of development in the vicinity of artificial lakes and reservoirs, and is likely to be residential in character. Requirements for minimum lot size and ground floor area of structures are somewhat less stringent than the requirements for the II-RP area.

6. Commercial - Four categories--CAB, CLB, CGB AND CSC --are established to meet the specific requirements for the several classes of business uses needed to give adequate service throughout the county as related to present and future development. Single, two-family, and multi-family dwellings are permitted uses in all of the commercial areas except the CSC, the latter being designated for the shopping center type of development. All residential uses in the commercial areas are subject to the requirements of Figure 1. The specific requirements for business uses in these areas are given in Figures 2, 3, and 4. For contingent uses permitted in the commercial areas see Figure 7, and for Special Exceptions see Figure 9. A brief description of the commercial areas follows:

a. CAB Accommodation Business - This category has been established to include areas that are close to state highways and/or recreation waters and are appropriate to the limited shopping and service needs of those locations.

b. CLB Local Business - This category is designed and located in neighborhoods to accommodate the primary shopping and service needs of the locality. Although limited in area occupied, these areas are important to the economic welfare of the community in placing "convenience" and "impulse" goods close to the consumer. The local business uses defined in § XV are permitted in all business areas.

c. CGB General Business - This is a general business category providing for all types of business and service uses including warehouse and storage facilities as well as some light industrial operations.

d. CSC Shopping Center - This category is provided to meet the need for retail shopping facilities in planned shopping centers in the sections of the county where no clear pattern of business use now exists. It is proposed that each such business center be established on a single, well-planned site of at least six (6) acres in area to accommodate the shopping needs of a neighborhood. No specific parcel of property is designated for this purpose on the Use Maps but one shopping center may be established within fourteen hundred (1400) feet of a CSC symbol shown on the Use Maps or within the two (2) mile limit of surrounding incorporated areas, if approved by both the Commission and the Board. The location of a CSC symbol may be changed only by amending this ordinance.

7. Industrial - A single industrial category is established to meet the present and future needs of the county for industrial development. In addition to general industrial operations, business uses will also be permitted in this category, but all new residential uses will be excluded. Business uses will conform to the requirements set forth in Figure 2 and the requirements for industrial uses are set forth in Figures 5 and 6. For Contingent Uses and Special Exceptions in the industrial category, see Figures 7 and 9.

8. Flood-Prone Area - This category differs from the other categories by not regulating the use or occupancy of land. It is delineated to include areas that are, or have been, within the flood-prone area of rivers and creeks and thus may be subject to inundation. They are shown to indicate that the use of such lands may be hazardous and should be used for intensive use with caution. In all other respects the land use controls of areas which adjoin the FP area shall apply to the latter to the center of the watercourse it borders, except as affected by the provisions of § 18 of this ordinance. These areas shown on topographical wall map.

9. SPC, Special Category - Anything that cannot otherwise fit any known classification; i.e., historical areas. Government-owned, other than PUBG, should also carry an actual use classification--subject to Zoning Ordinance provisions.

#### SECTION XII. BOUNDARIES: IN GENERAL

A. The boundaries of the usage areas established by Section XI are shown on the Use Maps which are a part of this ordinance. Such boundaries may be changed only by amending this ordinance.

B. When the exact boundaries of an area are uncertain, they shall be determined by use of the scale of the Use Maps.

C. When a right-of-way is vacated, the areas adjoining each side are respectively extended to the center of the area so vacated.

D. The boundary line of an area other than flood-prone will fall on the boundary of a parcel set out in the County Plat Book Parcel System. Where the line divides a parcel, the Commission will decide (1) which line of the parcel to follow, or (2) divide the parcel into two separate parcels each with its own number and use classification.

### SECTION XIII.

#### RESIDENTIAL USES & REQUIREMENTS:

A. The residential uses defined below, including accessory buildings and uses are permitted in the areas indicated in Figure 1 when complying with the requirements listed therein.

1. A single-family dwelling is a detached building designed for or occupied by one family exclusively.

2. A two-family dwelling is a detached building designed for or occupied by two families.

3. A multi-family dwelling is a building designed for or occupied by three or more families, exclusively for dwelling purposes.

B. Provisions and Exceptions for Residential Uses:

1. Area and Width

A single-family dwelling may be located on any lot in which single family dwellings are permitted, if the lot was ~~in single ownership or included in a subdivision which was~~



of record in the office of the County Recorder at the time of passage of this ordinance, even though the lot does not have the minimum lot width or the minimum lot area specified for the area; provided, however, that no new dwelling structure may be located on any lot having a width of less than fifty (50) feet, unless allowed in Figures 1, 7 or 9.

## 2. Rear Yard

One-half of an alley abutting the rear lot may be included in the required rear yard.

## 3. Accessory Buildings and Uses

a. Accessory buildings are permitted in all areas, but not prior to the erection of the principal building, except on farms or by Special Exception or Variances procedures.

b. No accessory building shall be located closer to a side lot line than three (3) feet nor exceed eighteen (18) feet in height and, if detached from the principal building, shall be set back of the front line of the principal building on the lot.

c. Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a like nature are permitted in any required front, side or rear yard. Fences, lattice-work screens, hedges or walls, not more than seven (7) feet in height, may be located in the required side or rear yard, and a hedge, maintained so as not to exceed three (3) feet in height may be located in any front yard; provided, however, that nothing contained in this ordinance shall be deemed to prohibit the construction or maintenance of a fence

of any height in connection with an agricultural use. Trees, shrubs, flowers, or plants shall be permitted in any required front, side or rear yard.

d. In the AP or AFR areas, a mobile home or travel trailer is permitted as an accessory use without regard to the other provisions of this ordinance except as specified in this subsection, and providing that the following conditions are met:

(1) Such mobile home or travel trailer shall be permitted only on an existing farm properly having an existing permanent dwelling unit;

(2) Such mobile home or travel trailer shall be occupied by a member of the immediate family (father, mother, son or daughter) resident in the permanent dwelling unit, or by an employee of the resident in the permanent dwelling unit;

(3) The lot area assigned to the mobile home or travel trailer and the setback and yards prescribed by this ordinance for the area in which it is to be located will be observed; and

(4) There will be an Improvement Location Permit obtained for any enlargement or construction of buildings not otherwise exempted. For all water and sanitation systems constructed, to include well drilling, an Improvement Location Permit is required and will be approved by the County Sanitarian verifying that the plans for the water supply and sanitation system are in compliance with the rules as set out by Parke County Public Health Ordinance #1 and ISBH Bulletin SE 13.

The Parke County Soil & Water Conservation District will also be requested to provide an Information Report concerning soil adaptability and drainage problems which may be encountered as a result of contemplated improvements. For any construction accomplished requiring an Improvement Location Permit, the contractor, if the construction is not self-performed, will be as liable as the owner and/or builder for compliance with this ordinance and is subject to the penalties involved for violation.

#### 4. Front Yard

a. Where twenty-five (25) percent or more of the lots in the block are occupied by buildings at the time of passage of this ordinance, the average setback of such buildings determines the dimension of the front yard in the block for all new construction in these areas.

b. Front yard or setback lines established in a recorded subdivision shall establish the dimension of front yards in such subdivisions if properly approved, where less restrictive than this ordinance; otherwise Section III of this ordinance controls.

c. On through lots a front yard setback is required on each street.

#### 5. Tapered Yard

a. Where a reversed interior lot abuts a corner lot, or an alley separating such lots, an accessory building located on the rear lot line of a corner lot shall set back from the dwelling on the reversed interior lot.

b. For each foot that such accessory building is placed from the rear line toward the front line of the

corner lot, the accessory building may be set four (4) inches closer to the side street line, but in no case closer than ten (10) feet.

#### 6. Height

In the areas limiting height to thirty-five (35) feet, where a multi-family dwelling is approved for increase in height, the required side yards should be increased an additional two (2) feet for each foot such structure exceeds thirty-five (35) feet in height. Farm structures may be erected to heights necessary for their operation.

### SECTION XIV. PLANNED DEVELOPMENTS

#### A. PRELIMINARY PROCEDURE FOR ESTABLISHING

1. To be authorized under this ordinance and to secure the special treatment that it provides for planned developments, such a development must, in addition to complying with the requirements of Section XX and Section XXII applicable to special exceptions, comply with this Section.

2. A planned development may not be approved under this Section unless the applicant first consults with the Building Commissioner and obtains a Provisional Improvement Location Permit. For this purpose, the applicant must submit two (2) copies of a preliminary plan of the proposed development containing the following information:

a. The proposed layout, in relationship to site conditions, of streets, buildings, lots, and other elements basic to the proposed use.

b. The proposed locations of residential, commercial, industrial, park, school, recreational, and other public and semi-public uses within or near the area proposed to be developed.

c. The proposed plan for handling vehicular traffic, parking, sewage disposal, drainage, water supply, other utilities and other site development features.

Although the preliminary plan may be a freehand pencil drawing, it shall be superimposed upon a print of a topographic survey of the area proposed to be developed. It may include other graphic media for explaining the features to be contained in the development.

3. Upon conclusion of the consultation prescribed by subsection (2), the Building Commissioner on the Provisional Improvement Permit shall note in writing his unofficial agreement or disagreement. One copy of the preliminary plan shall be kept by the Building Commissioner and one copy shall be furnished to the applicant. At this time the developer may present his tentative plan to the Commission who may tentatively approve this preliminary application which will give the developer three (3) regular Commission meetings to comply with pp. 4 below. After that time he must start over with his application.

4. Upon compliance with subsections (2) (c) and (3), application for approval of a planned development may be made to the Commission by submitting three (3) copies of the preliminary development plan and any other supporting documents to a regular meeting of the Commission. The supporting documents shall include proof of notification of adjoining landholders and public advertising of the meeting

where the development will be discussed. At this meeting the Commission shall carefully consider the plan and the recommendations of the Building Commissioner and any other evidence coming to its attention. The Commission may approve the development plan as submitted, disapprove it, or amend it. The development plan, if approved, shall be stamped, "Conditionally Approved Development Plan," and shall be signed by the officers of the Commission. One copy shall be kept by the Commission for filing and one copy shall be furnished to the applicant.

5. These recommendations and all conditions, if any, shall be recorded in the minutes of the Commission meeting and the plan with any amendments shall be made a part of the records of the Commission.

6. Approval by the Commission expires upon the expiration of the three (3) year period immediately following that approval, unless all parts of the development have been platted and recorded or unless the Commission has granted an extension of time.

7. After the development plan has been conditionally approved under subsection (4), the Commission may, on application, approve a plat with respect to all or part of the land designated on the development plan. For this purpose, the applicant must submit a plat complying with Section XIV B and with Section XXX, Subdivision Control. To carry out the design and meet the conditions of the development plan and its supporting documents, the Commission may require the applicant to provide for the reservation of land for park and school purposes and for the dedication of land for streets and other rights-of-way, and, by appropriate covenants, to permanently restrict areas for common use as open space or private roads, or for other public or semi-public uses.

## B. CONDITIONS

1. If in approving a plat or plan the Commission finds it desirable that variations from or exceptions be made to this zoning ordinance, it may recommend those exceptions to the Board where required. Where referred to the Board, the Commission shall set forth the reasons for its recommendations and the suggested limits to the exceptions.

2. The land involved must be either in one ownership or the subject of an application filed (1) jointly by the owners of all property included (including the holder of any written option), or (2) by any governmental agency. It must have an area of at least seven (7) acres, or be bounded on all sides by streets, public open spaces, or less restrictive use areas.

3. The development plan may contain a proposed later division of the land into separate units under one ownership or into one or more separately owned and operated units. If approved with the development plan, such a proposed division of land may be made without further approval of the plan. Otherwise, a later division of the land may be made only upon re-application for approval of a revised development plan as required. The separation of units for the purposes of platting must comply with the Subdivision Control Section XXX.

4. The proposed development must be designed to produce an environment of stable and desirable character in keeping with the principles of good neighborhood design. It must include standards of open space and provide for parking areas adequate for the occupancy proposed or otherwise in compliance with the ordinance. It must provide for recreation areas to meet the needs of the anticipated population or as specified in the Master Plan.

5. A planned development may contain residential, commercial, industrial, professional, or special uses as an integral part of the development.

6. Upon the abandonment of a planned development, or upon the expiration of a three (3) year period after authorization during which a development has not been completed (or begun with an extension of time granted under Section 14A), the authorization for it expires.

7. No improvement location permit or certificate of occupancy may be issued unless all requirements, conditions, and specifications shown on the development plan and supporting documents have been met.

#### C. DEVELOPMENT PLAN

The development plan prescribed by Section 14A(4) must include a site plan, an area map, and a topographic map. Additional graphic or other materials may be included to explain or support the proposed development. Materials may be prepared in such a way that they may be used later to meet the requirements of the platting procedure.

#### D. COVENANTS

When required by the Commission, covenants must include at least the following provisions satisfactory to the Commission:

1. Adequate provision for an organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of any common facilities jointly shared by those owners.

2. A financial guarantee (A) that satisfactory maintenance will be provided for any common facilities in accord-



ance with standards prescribed by the property owners' organization and set forth in the covenants, and (B) that the facilities will be operated and maintained at no expense to the county or any other governmental units.

#### E. PRIVATE STREETS

1. Private street rights-of-way and pavements in a planned development shall be constructed in conformity with the minimum street specifications prescribed by the Subdivision Control Ordinance, except as otherwise recommended by the Commission (as a part of the development plan or plat). Exceptions must take account of the street circulation system shown in the development plan. Pavement width if installed may not be less than twenty-four (24) feet unless otherwise allowed by the Commission.

2. At or near the entrance of each private street on a dedicated public street, the applicant or the private organization shall maintain a signpost carrying a sign, having an area of at least fifteen (15) inches by ten (10) inches, on which is printed and clearly legible in at least two (2) inch letters the name of the private street and the words "PRIVATE STREET" and, in at least one (1) inch letters, the words "NOT DEDICATED FOR PUBLIC USE OR MAINTAINED BY THE PUBLIC." The material on the sign shall be arranged substantially as follows:

(NAME OF STREET)  
PRIVATE STREET  
NOT DEDICATED FOR PUBLIC USE  
OR MAINTAINED BY THE PUBLIC

3. Private streets shall be maintained by the owners of contiguous or adjacent property, or by the private organization, so that fire, police, health, or sanitation vehicles and public utility vehicles have access to contiguous or

adjacent properties.

SECTION XV.

BUSINESS USES AND REQUIREMENTS. The business uses defined below are permitted in the areas indicated in Figure 2, when complying with the requirements specified in Figures 2, 3, and 4.

A. A Local Business Use, CLB, is one which is primarily of a retail or service nature and is classified in the following categories:

1. Automobile Service - including but not limited to the following:

- a. Filling station
- b. Public garage
- c. Public parking area
- d. Automobile repair, entirely within enclosed buildings

2. Business Service - including but not limited to the following:

- a. Bank
- b. Business & Professional Office
- c. Post Office
- d. Telegraph Office
- e. Trade or business school
- f. Radio and television studios

3. Clothing Service - including but not limited to the following:

- a. Laundry agency
- b. Self-service laundry
- c. Dry cleaning establishment using not more than two clothes cleaning units, neither of which shall have a rated capacity of more than forty (40) pounds, using cleaning fluid which is non-explosive and non-inflammable.

- d. Dressmaking
- e. Millinery
- f. Shoe repair shop
- g. Tailor and pressing shop

4. Equipment Service - including but not limited to the following:

- a. Electric appliance shop
- b. Radio-television shop
- c. Record shop

5. Food Service - including but not limited to the following:

- a. Bakery
- b. Cold storage lockers for individual use
- c. Delicatessen
- d. Grocery
- e. Meat market
- f. Restaurant
- g. Roadside Sales Stand
- h. Supermarket

6. Personal Service - including but not limited to the following:

- a. Barber shop
- b. Beauty shop
- c. Photographic studio
- d. Reducing salon

7. Retail Service, Retail Stores Generally - including but not limited to the following:

- a. Apparel shop
- b. Department store
- c. Drug store
- d. Flower shop, including greenhouse not exceeding 1000 square feet in area
- e. Hardware
- f. Newsdealer
- g. Show room, for articles to be sold at retail
- h. Stationery
- i. Variety store

8. Business Recreational Uses - when conducted only within buildings so constructed that no noise of any kind produced therein shall be audible beyond the confines of the building - including but not limited to the following:

- a. Billiard room
- b. Bowling alley
- c. Dancing academy
- d. Indoor theater
- e. Tavern or Night Club, only in conformity with requirements of laws or ordinances governing such use

9. Private club or lodge

10. Public camp ground

11. Accessory Building or Use customarily incident to above uses. Any building used primarily for accessory purposes may not have more than forty (40) percent of its floor area devoted to storage purposes incidental to such primary use, and provided that no more than five (5) persons are employed at one time or on any one shift in connection with such incidental use.

12. Advertising sign or billboard

B. A General Business Use, CGB, is a business use primarily of a retail or service nature and includes the following:

1. Automobile sales room
2. Hotel or motel
3. Local business uses
4. Motor bus or railroad passenger station
5. Newspaper publishing
6. Open automobile, trailer and farm equipment sales area
7. Storage warehouse
8. Veterinary hospital for small animals
9. Wholesale establishment
10. Any business use not specifically stated or implied elsewhere in this ordinance and complying with the above definition.

C. An Accommodation Business Use, CAB, is a retail or service enterprise which normally is oriented to highway travel and recreational use, including but not limited to the following:

1. Bait shop
2. Bakery shop
3. Barber shop
4. Beauty shop
5. Boat, motor, trailer sales and service
6. Drug store
7. Gas service station
8. Gift shop
9. Grocery store
10. Hotel or motel
11. Public camp

12. Restaurant
13. Self-service laundry
14. Sign
15. Sporting goods shop
16. Sundry, souvenir shops

D. Provisions and Exceptions for Business Uses:

1. Vehicle parking spaces shall be provided on the lot, or within three hundred (300) feet thereof in the area and on a site approved by the Board, as indicated in Figure 3.

2. Vehicle parking requirements shall not apply in a block where fifty (50) percent or more of the area was occupied by business or industrial structures at the time of passage of this ordinance unless the area is to be cleared and new structures erected.

3. Groups of uses requiring parking space may join in establishing group parking area with capacity aggregating that required for each participating use.

4. Filling station driveways, open parking area and loading and unloading berths shall be covered with a dustproof or hard surface or crushed limestone.

5. One-half (1/2) of an alley abutting the rear of a lot may be included in the rear yard, but such alley space shall not be included for loading and unloading berths.

6. Loading and unloading berths shall not be required for Business Uses which demonstrably do not receive or transmit goods or wares in quantity by truck delivery.

7. Where twenty-five (25) percent or more of the lots in a block are occupied by buildings the setback of

such buildings shall determine the dimension of the front yard in the block.

8. Parking space is permitted in the required front yard, but only up to the number listed in the ordinance as the minimum required for the use area. Right-of-way is not to be used to fulfill these requirements or for other than visitor short time parking.

9. The maximum height requirements in Figure 2 may be increased if buildings are set back from front and rear property lines, one foot for each two feet of additional height above the maximum height requirement.

10. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

#### SECTION XVI. CSC NEIGHBORHOOD SHOPPING CENTER AREA REQUIREMENTS AND PROCEDURES.

The local Business Uses number 1 to 11 inclusive in Section XV are permitted in the CSC Neighborhood Shopping Center category, subject to compliance with the following requirements and procedure:

A. The tract of land involved shall be of an area of not less than six (6) acres and lie wholly or partly within fourteen hundred (1400) feet of a point represented by a CSC area symbol on the Use Map, or within two (2) miles of an incorporated area.

B. The owner or owners of such tract of land shall have:

1. Prepared a plat for a subdivision of the entire tract;
2. Prepared a development plan for such entire tract;
3. Obtained Commission approval of both the plat for the subdivision and the development plan according to the requirements of Section XX and Section XXX of this ordinance.

## SECTION XVII. INDUSTRIAL USES AND REQUIREMENTS.

The Industrial Uses defined below, including accessory buildings and uses, are permitted in the areas indicated in Figure 5 in accordance with the requirements of this section.

A. DEFINITIONS. For the purpose of this section, certain terms and words shall be interpreted and defined as follows:

1. DECIBEL - A unit of measurement of the intensity of loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.

2. RINGELMANN NUMBER - 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, 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 no smoke or Ringelmann No. 0.

3. SMOKE - Small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon and other incombustible material, excluding metallurgical fume and dust, and present in sufficient quantity to be observable independently of the presence of other solids.

4. SMOKE UNIT - 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 is then multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.



5. VIBRATION - Oscillatory motion transmitted through the ground.

B. LIGHT INDUSTRIAL USE. This use is one which is conducted entirely within enclosed substantially constructed buildings and includes warehousing; does not use the open area around such buildings for storage or raw materials or manufactured products or for any other industrial purpose, other than loading and unloading operations; and provided the use conforms to the following performance standards:

1. SMOKE - No smoke is emitted of a density greater than No. 1 according to the Ringelmann's Scale, except that smoke of a density not in excess of No. 2 of Ringelmann's Scale shall be permitted for a period not in excess of six minutes in any hour.

2. FLY ASH - No particles from any flue or smokestack shall exceed 0.2 grains per cubic foot of flue gas at a stack temperature of five hundred (500) degrees Fahrenheit.

3. DUST - No dust of any kind produced by the industrial operations shall be permitted to escape beyond the confines of the building in which it is produced.

4. ODOR - No noxious odor of any kind shall be permitted to extend beyond the lot lines.

5. GASES and FUMES - No gases or fumes, toxic to persons or injurious to property shall be permitted to escape beyond the building in which they occur.

6. GLARE - No glare shall be seen from any street or any residential area.

7. VIBRATION - No intense earth shaking vibration shall be created or maintained by any industry beyond the boundary lines of the tract on which it is located.

8. NOISE and SOUND - A maximum of seventy (70) decibels at the property line is permitted. Noise is required to be muffled so as not to become objectionable due to intermittance, beat frequency or shrillness. Sound may equal but not exceed street traffic noise in the vicinity during a normal day shift work period.

C. GENERAL INDUSTRIAL USE. This use is one which requires both buildings and open area for manufacturing, fabricating, processing, extraction, heavy repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products or wastes, and provided the use conforms to the following performance standards:

1. SMOKE - No smoke is emitted of a density greater than No. 2 according to the Ringelmann's Scale, except that smoke of a greater density shall be permitted for a period of not in excess of six minutes in any one hour.

2. FLY ASH - No particles from any flue or smokestack shall exceed 0.3 grains per cubic foot of flue gas at a stack temperature of five hundred (500) degrees Fahrenheit.

3. DUST - No dust of any kind produced by the industrial operations shall be permitted to escape beyond the limits of the property being used.

4. ODOR - No noxious odor of any kind shall be permitted to extend beyond the lot lines.

5. GASES and FUMES - No gases or fumes toxic to persons or injurious to property shall be permitted to escape beyond the building in which they occur.

6. GLARE - No glare shall be seen from any street or any residential area.

7. VIBRATION - No intense earth-shaking vibration shall be created or maintained by any industry beyond the boundary lines of the tract on which it is located.

8. NOISE and SOUND - A maximum of seventy (70) decibels at the property line is permitted. Noise is required to be muffled so as not to become objectionable due to intermittance, beat frequency or shrillness. Sound may equal but not exceed traffic noise in the vicinity during a normal day shift work period.

D. PARKING SPACE. Each industrial use shall provide one parking space for each three (3) employees thereof located on the same lot as the use, or within three hundred (300) feet in the area and on a site approved by the Commission. The number of spaces to be provided shall be calculated for the largest working shift.

E. LOADING and UNLOADING BERTHS. Each industrial use shall provide loading and unloading berths located on the same lot as the use, as specified in Figure 6.

F. PROVISIONS AND EXCEPTIONS to INDUSTRIAL USES:

1. Parking requirements may be waived by the Commission where fifty (50) percent or more of the area in a block was occupied by business or industrial structures at the time of passage of this ordinance.

2. Groups of uses requiring parking space may join in establishing group parking areas with capacity aggregating that required for each participating use.

3. Open parking area and loading and unloading berths shall be paved with a dustproof or hard surface.

4. One-half of an alley abutting the rear of a lot may be included in the rear yard, but such alley space shall not be included for loading and unloading berths.

5. The maximum height requirement in Figure 5 may be increased if the buildings are set back from front and rear property lines, one foot for each two feet of additional height above the maximum height requirements.

6. Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws and ordinances.

#### SECTION XVIII. WATER POLLUTION AND SANITATION.

No authorization of a use under this ordinance includes the authority to discharge liquid or solid waste into public waters except as permitted under the Stream Pollution Control Law (Acts IC 13-1-3-2 -- 13-1-3-18, 1943, Chapter 214, as amended). Plans and specifications for proposed sewage and other waste treatment and disposal facilities must be approved by the Stream Pollution Control Board. In addition, no construction will be approved without consideration of its impact on operations of the Federal codes relative to clean water.

Any Improvement Location Permit for new facilities or any consideration of Special Exceptions, Variances, Contingent Use or Development Plan considerations will be contingent on the following:

- A. Environmental impact as covered by Federal and State codes and regulations.
- B. County Board of Health clearance as to feasibility.
- C. Soil Conservation Service recommendations relative to the matter as long as their tasking allows them to issue such recommendations and reports.

SECTION XIX-A. ADVERTISING SIGNS

A. RP, RA and AP areas. In addition to other provisions of this ordinance, advertising signs or structures for supporting such signs may be permitted by the Plan Commission not more than five hundred (500) feet from the right-of-way of a state, federal or county highway, provided that no such sign shall be permitted:

1. Anywhere within fifty (50) feet of the existing right-of-way of any public road or street;
2. Within two hundred (200) feet of the new right-of-way line of any road or street as set forth in the Official Thoroughfare Plan of Parke County intersecting with the state or Federal highways;

3. Within three hundred (300) feet of any dwelling or land platted of record for residential use, school, church, place of public assembly or park;

4. Within six hundred sixty (660) feet of another advertising sign on the same side of the highway.

B. Advertising structures may contain not more than two (2) signs per facing.

C. Every permit for an advertising sign structure shall require the removal of the structure and sign within one (1) year upon notice by the Plan Commission that the land upon which said structure or sign is located has been platted for residential use, or lies within three hundred (300) feet of lands platted for residential use, or within three hundred (300) feet of a dwelling house for which an Improvement Location Permit for a residence has been issued.

D. NON-CONFORMING USES - That for purposes of definition, all existing advertising signs and structures or structures supporting such signs not conforming to the terms or conditions of the Zoning Ordinances of Parke County, Indiana, and not qualifying as non-conforming uses must be removed immediately. All advertising signs and structures or structures supporting said signs not erected under the provisions of Section XIX-A of the Parke County Zoning Ordinance are hereby declared to be non-conforming open uses of land and must abate within one year of notice issued by the Plan Commission as to the non-conformance.

E. APPLICATION - This section shall apply to all signs hereafter erected and to existing signs which shall be given approval by the Board. All advertising signs or structures hereinafter erected shall conform to the requirements set out in this section.

F. ADMINISTRATION - The Building Commissioner shall on the Zoning Ordinance Plat Maps record the location of all advertising signs and structures hereinafter erected under the terms of this Section and identify same with appropriate mark or tag.

G. Any signs other than those placed on premises of the facility advertised or those allowed under Section XVIII-B shall be considered a contingent use and no Improvement Location Permit will be issued prior to the approval of the Plan Commission.

H. Signs in Parke County shall not garishly conflict with the rural scenic theme which the county is attempting to maintain. No flashing, intermittent or animated illumination will be allowed.

I. PENALTIES - Any person violating any of the provisions of this Section shall be subject to the penalties and provisions as contained in this ordinance. Owners of real estate that permit the erection of advertising signs or structures in violation of this Section on their premises shall also be subject to the penalty provisions of this ordinance.

#### SECTION XIX-B. MISCELLANEOUS SIGNS

A. The signs described below shall be permitted in any area and may be erected without securing an Improvement Location Permit:

1. Each permitted or required parking area that has a capacity of more than five (5) cars shall be permitted one sign, not more than two (2) square feet in area, designating each entrance or exit from such parking area;

and one sign, not more than nine (9) square feet in area, identifying or designating the conditions of use of such parking area for each twenty-five (25) spaces.

2. One "for sale" or "for rent" sign not more than twelve (12) square feet in area for each dwelling unit, garage, or other quarters where appropriate.

3. One sign, not more than twelve (12) square feet in area, for construction and development, giving the name of the contractors, engineers, or architects, shall be permitted but only during the time that construction or development is actively under way.

4. For an event of short duration and public interest such as a county fair, civic affair, festival, or church event, informational signs not over twenty-four (24) square feet in area, shall be permitted. Such signs shall not be erected more than thirty (30) days before the event in question and shall be removed immediately after such event. Also permitted are directional signs, not more than three (3) square feet in area, showing only a directional arrow and the name of the event of public interest. Such signs shall not be erected more than fourteen (14) days before the event in question and shall be removed immediately after such event.

5. For a primary or general election conducted under the rules and regulations of the State Election Board, political candidate, party and informational signs shall be permitted. Such signs shall not be erected more than ninety (90) days prior to the election day and shall be removed immediately thereafter.



B. For each real estate subdivision, one sign, not over one hundred (100) square feet in area, advertising the sale of property in such subdivision shall be permitted, but only when located on some portion of the subdivision being advertised for sale. Also permitted are off-site directional signs, not more than six (6) square feet in area, showing a directional arrow and the name of the subdivision. Such sign may be illuminated, but no flashing, intermittent, or animated illumination is permitted. Such signs may be maintained only during the time that some portion of the land advertised for sale remains unsold. Permits for such signs shall be issued for one-year periods and may be renewed for additional one-year periods to allow time for reasonable display.

#### SECTION XI-A. CONTINGENT USES

Contingent Uses defined below, including accessory buildings and uses, are permitted in the areas indicated in Figure 7, subject to the provisions herein.

A. A Contingent Use is one which is likely or liable, but not certain, to occur, and which is not inappropriate to the principal use of the area in which it may be located. When so located it shall conform to the requirements of the area in which the contingent use is permitted, except that the number of parking spaces to be provided shall conform to the requirements of Figure 7. The required number of parking spaces shall be provided on the same lot with the use, or within three hundred (300) feet thereof on a site approved by the Commission.

B. The maximum building height for Contingent Uses shall be as provided in Figure 8.

C. Whenever a Contingent Use is expanded or enlarged, parking space shall be provided for the expanded or enlarged portion thereof, in accordance with the requirements of this section.

D. Provisions and Exceptions for Contingent Uses:

1. The maximum height requirements in Figure 8 may be increased if buildings are set back from front and rear height above the maximum requirement.

2. In all areas, spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts and essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.

3. A church or temple requiring parking area at times when nearby uses do not need their parking facilities, may by agreement approved by the Commission utilize such facilities in lieu of providing their own parking facilities.

4. Open parking area shall be paved with a dust-proof hard surface or as a minimum, crushed limestone.

5. Areas used in parking for special occasions or for infrequent use may be utilized with only natural vegetation cover.

E. Exceptions to building lot sizes may be approved by the Commission as a contingent use under this section of the ordinance.

F. Contingent uses are allowed or disapproved by the Commission subject to Board review.

SECTION XX-B. SPECIAL EXCEPTIONS

A. The Special Exceptions listed in Figure 9, and their accessory buildings and uses, may be permitted by the Board in the areas indicated in accordance with the procedures set forth in this section and the requirements listed in Figure 9. The Special Exceptions listed in Figure 9 are those customarily located in the community.

B. Upon receipt of an application for an Improvement Location Permit for a Special Exception by the Building Commissioner, it shall be referred to the Commission for investigation as to the manner in which the proposed location and character of the Special Exception will affect the Master Plan. The Commission at the next scheduled Commission/Board meeting, after proper advertising and notification on the matter, may take and record testimony of witnesses present and make finding of facts concerning the following:

1. The proposed Special Exception is to be located in an area wherein such use may be permitted, and

2. The requirements set forth in Figure 9 for such Special Exception will be met, and

3. The Special Exception is consistent with the spirit, purpose and intent of this ordinance, will not substantially and permanently injure the appropriate use of neighboring property, and will serve the public convenience and welfare.

The Board shall then proceed at the meeting being held with a vote on whether to approve or disapprove the application for Special Exception, should there be the necessary quorum present for passage. If a quorum necessary under § XXIII of this ordinance is not present, the meeting will be recessed as provided in § XXIII. If the Special Exception is approved, the Building Commissioner will be ordered to issue a building permit subject to any restrictions set out by the Board.

C. A use in existence on and prior to 2 April 1973 which is listed herein as a Special Exception and which is located in an area in which such Special Exception may be permitted, is a conforming use. Any expansion of such Special Exception involving the enlargement of the buildings, structures and land area devoted to such use shall be subject to the procedure described in this section.

D. Mobile Home Parks

Mobile home parks may be permitted as a special exception in the areas indicated in Figure 9 of this ordinance in accordance with the requirement standards of this section. Prior to the consideration of an application for a mobile home park by the Board, the applicant shall follow the procedure, planning considerations and conditions established for Planned Residential Developments in section XIV of this ordinance.

Requirement Standards:

1. Minimum park and lot areas:

- (a) Mobile home park - 5 acres total area
- (b) Mobile home part lot - 4000 square feet

## 2. Yards and distances between structures

(a) The minimum distance between mobile home stands on opposite sides of the street shall be 36 feet.

(b) The minimum distance between a mobile home stand and a street pavement, a common parking area, a common walk or other common area shall be 8 feet.

(c) The minimum distance between a mobile home stand and the park boundary when:

(1) Adjoining residential land use or a residential or feeder street shall be 15 feet.

(2) Adjoining land use is other than residential or an arterial street shall be 30 feet.

(d) Other minimum yard dimensions as shown in Figure 10.

## 3. Streets

(a) Streets shall be provided on the site where necessary to furnish principal traffic-ways for convenient access to the mobile home stands and other important facilities on the property. Streets shall be privately owned.

(b) The street system shall provide convenient circulation by means of minor streets and properly located collector streets. Closed ends of dead-end streets shall be provided with adequate paved vehicular turning or backing space. A turning circle shall be at least 80 feet diameter.

(c) Pavements shall be of adequate widths to accommodate the contemplated parking and traffic load in

accordance with the type of street with 10 feet minimum moving lanes for collector streets, 9 feet minimum moving lanes for minor streets, 7 feet minimum lane for parallel guest parking and 2 feet additional width for pedestrian use where adjacent sidewalk is not provided.

(1) All entrance streets and other collector streets with guest parking both sides . . . . .36' minimum\*

(2) Collector street with no parking . . . . .22' minimum\*

(3) Minor or cul-de-sac street with no parking . . . . .20' minimum\*

(4) One-way minor street with no parking (acceptable only if less than 500' total length and serving less than 25 mobile home stands) . . . . .11' minimum\*

(d) Streets shall be adapted to the topography and shall have suitable alignment and gradient for safety of traffic, satisfactory surface and ground water drainage, and proper functioning of sanitary and storm sewer systems.

(e) Street intersections shall generally be at right angles. Off-sets at intersections and intersections of more than two streets at one point shall be avoided.

(f) The street improvements shall extend continuously from the existing improved street system to provide suitable access to the mobile home stands and other

\* Reduce by 2' if adjacent sidewalk is provided.

important facilities on the property, to provide adequate connections to existing or future streets at the boundaries of the property and to provide convenient circulation for vehicles.

(g) Pavements and surfacings other than cement concrete shall be protected at the edges by curbs, gutters or other suitable edging where necessary to prevent ravelling of the wearing surface and shifting of the pavement base.

(h) Street base shall be well-drained, uniformly graded, and compacted.

(i) Flexible Pavement specifications

(1) Base: minimum 4 inches thick, crushed stone, gravel or other appropriate durable material compacted to maximum practical density.

(2) Wearing surface: bituminous concrete, minimum 1½ inches thick compacted to maximum practical density.

(j) Rigid pavement specifications

Portland cement concrete, minimum 5" thick on a prepared subgrade constructed in accordance with accepted practices, with expansion joints where driveways and walk abut each other or curb.

4. Driveways

(a) Driveways shall be provided on the site where necessary for convenient access to service entrances of

buildings, to delivery and collection points for refuse and other material, and elsewhere as needed.

(b) Driveway serving a single facility or single mobile home lot, minimum 8 feet; where used as walk, minimum 10 feet.

#### 5. Parking Spaces

(a) Car parking spaces shall be provided in sufficient number to meet the needs of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least one car space for each mobile home lot plus an additional car space for each four (4) lots to provide for guest parking, for 2-car tenants and for delivery and service vehicles.

(b) Required car parking spaces shall be located for convenient access to the mobile home stands. Insofar as practicable one car space shall be located on each lot and the remainder located in adjacent parking bays.

(c) Size: Width, 9 feet; Length, 20 feet minimum.

#### (d) Size of Off-street Parking Bays

<u>Parking Angle</u>	<u>Per Car</u>	<u>Minimum Bay Depth*</u>	<u>Minimum Backing Depth*</u>
90	9'	18'	26'
60	12'5"	17'	20'
45	12'7"	16'	18'

\* Perpendicular to curb line.



(e) Pavement: same as for streets.

## 6. Walks

(a) Individual walks: to each mobile home stand from a paved street or from a paved driveway or parking space connecting to a paved street.

(b) Common walks: in locations where pedestrian traffic is concentrated; for example, at the park entrance, and to the park office and other important facilities. Common walks should preferably be through interior areas removed from the vicinity of streets.

(c) Width shall generally be at least  $1\frac{1}{2}$  feet for walks on individual lots and at least 3 feet for common walks.

(d) Pavement: same as for streets.

## 7. Laundry Facilities

(a) Laundry facilities shall be provided either individually in each mobile home and its space, in a centralized common facility, in decentralized common facilities, or in a combination of these to suit local preferences and the availability of washers and dryers supplied in current mobile home models.

(b) Where centralized provisions of washers, dryers, or common drying yards are required, they shall be located convenient to the mobile home spaces.

(c) Outdoor drying yard shall be adequate for the number of living units served, usually approximately 2500 square feet per 100 living units with rotated use.

## 8. Recreation Facilities

(a) Recreation areas and facilities, such as playgrounds, swimming pools, and community buildings shall be provided to meet the anticipated needs of the clientele the park is designed to serve. Provision of separate adult and tot lot recreation areas is encouraged.

(b) Not less than 10 percent of the gross site area shall be devoted to designed and developed recreational facilities, generally provided in a central location or, in the larger parks, decentralized. The minimum dimension of a recreation area shall be 100 feet. Recreation area includes space for community buildings, adult recreation and child play areas and swimming pools.

## 9. Screen planting and Fences

(a) A tight screen planting six feet in width and height, effective during all seasons of the year, shall be placed adjacent to the boundary of the mobile home park.

(b) A wire mesh fence four feet high shall be placed at the boundary line of the mobile home park.

(c) Fences or free-standing walls shall be installed where necessary for screening purposes, such as around laundry yards, refuse collection points, and playgrounds.

(d) All fences and walls shall be located at least 18 feet from the street center lines and at least 18 inches from the pavement edge of streets, driveways, parking spaces and walks.

(e) Fences and walls shall be appropriately designed for the function intended and shall be substantially constructed to withstand conditions of soil, weather and use.

SECTION XXI.

NONCONFORMING USE SPECIFICATIONS. The lawful use of a building or premises, existing on or prior to 2 April 1973, may be continued although such use does not conform to all the provisions of this ordinance, except as hereinafter provided.

A. A nonconforming use may be extended throughout a building provided no structural alterations are made therein, except those required by law.

B. A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided no structural changes are made in the building. Whenever a nonconforming use has been changed to a conforming use or to a use permitted in an area of greater restrictions, it shall not thereafter be changed to a nonconforming use of a less restricted area.

C. No Improvement Location Permits may be issued nor shall any building be erected or modified upon any premise devoted to a nonconforming use, except in conformance with regulations of this ordinance or to eliminate the nonconformity in existence.

D. The Commission may authorize, by written permit, in a residentially-zoned area for a period of not more than one (1) year from the date of such permit, a temporary building for commercial or industrial use incidental to the residential construction and development of said area.

E. Nothing herein contained shall require any change in the plans, construction or designated use of a building for which an Improvement Location Permit has been heretofore issued, and the construction of which has been diligently prosecuted within ninety (90) days of the date of such Permit, and which entire building shall be completed according to such plans filed within three (3) years from the date of passage of this ordinance.

F. In the event that a nonconforming use of any building or premises is discontinued for a period of one (1) year, the use of the same shall thereafter conform to the uses permitted in the area in which it is located if the building is adaptable to a permitted use.

G. When a building containing a nonconforming use is damaged by fire, explosion, act of God or the public enemy to the extent of more than fifty (50) percent of its assessed value, it shall not be restored except in conformity with the regulations of the area within which it is located.

H. Any nonconforming open use of land shall be discontinued within one (1) year after notice of the Commission of five (5) years from the date of passage of the ordinance or amendment which created the nonconforming use of the land in question, whichever is later.

I. These provisions apply in the same manner to a use which may become a nonconforming use due to a later amendment to this ordinance.

#### SECTION XXII.

**ADMINISTRATION.** The Building Commissioner is hereby designated and authorized to enforce this ordinance.

A. Any person, persons, firms or corporations which shall make application for an Improvement Location Permit shall furnish the Building Commissioner with a site plan of the real estate upon which said application for an Improvement Location Permit is made. Said site plan shall be drawn to scale showing the following items:

1. Legal or site description of the real estate involved.

2. Location and size of all buildings and structures.

3. Width and length of all entrances and exits to and from said real estate.

4. All adjacent and adjoining roads or highways.

B. Site plans so furnished to the Building Commissioner shall be filed by the Building Commissioner and shall become a permanent record.

C. The Building Commissioner may require the relocation of any proposed building or structure or exit or entrance shown on said site plan and/or the location of new exits or entrances not shown on said site plan before issuing an Improvement Location Permit, when such action is necessary to carry out the purpose and intent of this ordinance.

D. The Building Commissioner shall issue an Improvement Location Permit for a Special Exception or Contingent Uses only following receipt of notice that the application therefore has been approved by the Board or Commission as appropriate in the case being considered.

E. Any Permit holder must accomplish the following: (1) commence construction within twenty-four (24) months, (2) complete at least thirty (30) percent of total development plan within thirty-six (36) months, (3) conform to the provisions of the development plan and supporting data approved by the Commission. For breach of the above requirements, the Commission may by its own motion require the holder to show cause why the Permit should not be revoked, and revoke same if it seems appropriate. When an aggrieved person files a written affidavit and petition of complaint, the Commission shall issue a show cause order. If construction has in fact started prior to issuance of a show cause order, even though late, the party will have twenty-four (24) months to complete construction and a show cause order will not be issued until this time has elapsed.

1. Upon the determination by the Commission or petition by such person to require the holder of such permit to show cause pursuant to the provisions of Subsection E hereof, the Commission shall set the same for public hearing and cause written notice thereof to be sent by registered mail to the Permit holder and to be published according to law. Such notice shall name a day not less than ten (10) days after the date such notice is mailed and after the second of such publications upon which such hearing will be held.

2. If after such hearing, upon evidence publicly presented to the Commission by members of the public or officers or employees of the county, including members of the Commission present in person at such hearing, the Commission

shall find that the holder of the permit in question has failed to commence construction within twenty-four (24) months from the date the Improvement Location Permit was issued, has failed to carry to completion thirty (30) percent of the total Development Plan within three (3) years after said date, or has failed materially to conform to the provisions of the Development Plan and supporting data finally approved by the Commission and upon the basis of which such Improvement Location Permit was issued, the Commission shall withdraw its approval of such Development Plan and order such permit revoked; provided, however, that the Commission may, if it deems such failure correctible within a period of six (6) months, extend the time within which such permit holder may purge himself of such failure for not longer than such period, during which period such hearing shall be continued to a day certain at the end thereof.

F. Not more than one Improvement Location Permit may be issued and outstanding at any one time for each CSC area symbol on the Use Map or other urban area where permitted.

G. In the event the Commission shall revoke an Improvement Location Permit for a Shopping Center under the authority of Subsection E, (2), hereof, it may thereafter grant approval for another shopping center development in the same CSC area, subject to all of the provisions and requirements of this ordinance.

H. The holder of an Improvement Location Permit for a Planned Development may apply to the Commission at any time for an alteration, change, amendment or extension of the Development Plan upon which such permit is based.

1. Upon receipt of such application, the Commission shall proceed as in the case of original applications for Planned Development.

2. In the event the Commission shall approve and order such Development Plan changed, altered, amended or extended, it shall so notify the Building Commissioner who shall issue an Amended Improvement Location Permit accordingly.

I. No reconstruction, construction or change in use shall be made in any improvement or building, or part thereof, now or hereafter erected, reconstructed or structurally altered, without an Improvement Location Permit having been issued by the Building Commissioner, and no such permit shall be issued to make such change unless it is in conformity with the provisions of this ordinance.

J. Certificate of Occupancy: No improvement shall be occupied or used after being erected, reconstructed or structurally altered, in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy shall have been issued by the Building Commissioner stating that the improvement and its use comply with all of the provisions of this ordinance applicable to the building or premises or the use in the area in which it is located.

K. A Certificate of Occupancy shall be applied for coincidentally with the application for an Improvement Location Permit and shall be issued as an indorsement on the Improvement Location Permit within ten (10) days after the lawful erection, reconstruction or structural alteration of such building shall have been completed. The Permit cost will be equal to one-half that of the original Improvement Location Permit, or as listed in § XXV, whichever is the larger.

L. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Commissioner and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected.



M. Where an Improvement Location Permit for a dwelling has been issued by the Building Commissioner and construction has begun, the owner may apply to the Building Commissioner for a Temporary Certificate of Occupancy to permit him to live in a temporary dwelling on the lot where his permanent dwelling is being constructed. On completion of the permanent dwelling, the Temporary Certificate of Occupancy shall be withdrawn and continued use of the temporary dwelling for residential purposes shall no longer be permitted. A permanent certificate shall be issued as provided for in "K" above, at the time of withdrawal of the Temporary Certificate as set out in "M" above. Temporary certificates are to be issued for only a one (1) year period. The Commission may extend this period for one (1) year periods on a showing of due cause.

#### SECTION XXIII.

BOARD OF ZONING APPEALS. A Board of Zoning Appeals is hereby established with membership and appointment provided in accordance with IC 18-7-5-69 through IC 18-7-5-74 and all acts now or hereafter amendatory thereto.

A. At the first meeting of each year, the Board shall elect a Chairman and a Vice Chairman from among its members, and it may appoint and fix the compensation of a secretary and such employees as are necessary for the discharge of its duties, all in conformity to and compliance with salaries and compensation theretofore fixed by the legislative authority. Such rules and officers shall continue until changed by the Board at a subsequent meeting.

B. The Board shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this ordinance.

C. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings.

keep records of its examinations and other official actions, prepare findings, and record the vote of each member voting upon each question. All minutes and records shall be filed in the office of the Board and shall be a public record.

D. Any decision of the Building Commissioner or Commission in the enforcement of this ordinance may be appealed to the Board by any person claiming to be adversely affected by such decision.

E. The Board shall have the following powers and it shall be its duty to:

1. Hear and determine appeals from and review any order, requirement, decision or determination made by the Building Commissioner or Commission in the enforcement of this ordinance.

2. Hear and decide on permits for Special Exceptions, or other uses upon which the Board is required to act under this ordinance.

3. Authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest. Such variances shall be issued only where owing to special conditions, fully demonstrated on the basis of the facts presented, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and where such issuance will not violate the spirit of this ordinance. The finding of facts relative to issuance of a Variance will be based on evidence presented, findings of fact by the Commission and on personal knowledge of the members of the Board relative to the areas and requirements in question.

F. In exercising its appeal powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from as in its opinion ought to be done for the situation at hand, and to that end shall have all the powers of the parties from whom the appeal is taken. A simple majority of the entire Board may uphold the decision or act appealed from, while a two-thirds (2/3) majority of the entire Board is required to modify or reverse the act appealed from.

G. Every decision of the Board shall be subject to review by certiorari. Only Board action is subject to such review. Commission, Building Commissioner or other activities appealed from shall first be appropriately appealed to the Board prior to requesting certiorari.

H. No variance in the application of the provisions of this ordinance shall be made by the Board relating to buildings, land or premises now existing or to be constructed, unless after a public hearing, the Board shall find:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the need of the use intended that do not apply generally to the other property or class or use in the same vicinity and area, or are necessary for the general public good of the area.

2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and area but which is denied to the property in question.

3. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and area in which the property is located.

4. That the granting of such variance will not materially alter the land use characteristics of the vicinity and area, diminish the marketable value of adjacent land and improvements or increase the congestion in the public streets to a detrimental degree to the neighborhood.

I. Prior to the determination of an Appeal, the Board shall fix a reasonable time for the hearing which will be at a regular joint Commission/Board meeting. Public notice shall be given at least ten (10) days prior to the date set for the hearing by publishing a notice thereof in a newspaper of general circulation in the county setting forth the time and place of the hearing and by giving due notice to the interested persons in accordance with the rules of the Board.

J. The party taking the Appeal of requesting the Special Exception of Variance shall assume the cost of public notice and due notice to interested persons. Interested persons are those property owners who live within 400' of the property involved in the Appeal or in the Special Exception, or any other Parke County property owner who files a written statement with the Building Commissioner/Plan Commission/Board office of their claim of interest.

K. Prior to the determination of a Special Exception or Variance, the Board shall fix a reasonable time for a hearing and public notice given as indicated in "I" above. At the hearing the Commission will establish findings of fact after which the Board may at the public hearing act on the Special Exception, or if lacking a quorum or for any other reason fails to act, may make their decision at a later public meeting of the Board without further notice being issued prior to their decision. After the decision, the interested parties will be notified by ordinary mail.

Parties have thirty (30) days to apply for Writ of Certiorari after (1) any decisions made at public meetings where proper notification and advertising was accomplished, or (2) thirty (30) days after mail notification was made to the interested parties where the decision was made at a Board meeting subsequent to the original advertised public meeting where findings of fact by either the Commission or Board was made after the hearing of evidence from interested parties.

SECTION XXIV.

HISTORICAL/SCENIC PROTECTIVE COMMITTEE & REGULATIONS

A. SCENIC/HISTORICAL REGULATIONS

1. The welfare of Parke County being inextricably tied to its unique scenic characteristics and the peculiar fitness of structures installed in an earlier time, this ordinance recognizes the necessity of establishing a public stewardship of our historical and scenic heritage; a stewardship that will encourage future structural and land improvements that are similarly fitting with our natural and historical setting and will discourage improvements that will tend to wipe out our historical heritage without a great economic or environmental compensation; a stewardship to aid in the conservation of property and environment values in the county.

2. It is therefore the purpose of this section to provide for a review of plans for new buildings, structures and improvements, or their alteration. This review is to promote the most appropriate use of land in our county, for the protection of historic sites and landmarks and to prevent the deterioration of land and property values with attendant adverse effects upon the public health, safety, morals and welfare. Consequently, regulations authorized under the provisions of IC 18-7-5-99 are being adopted herein.

3. In the AFR area all new and remodeled buildings (except those devoted to productive agricultural operations), private drives, fences, signs and accessory structures shall be designed, located and constructed so as to be fitting in their setting and location with a minimum disturbance of natural land forms, trees, and shrubs. The test of fitness shall be based upon such elements of design as proportional relationship to site, structural style, kind of exterior building materials to be used, use of color on exterior surface, building height and lot ground levels. In all other areas also any Improvement Location Permits will be issued only with due consideration of these items.

#### B. HISTORICAL/PROTECTIVE COMMITTEE

1. A county Historical/Scenic Protective Committee will be established to consist of not less than five (5) or more than nine (9) members serving at the pleasure of the Commission. The Committee shall be selected from residents of the county who are nominated by and to represent the County Art Association, County Historical Association, County Farm Bureau, Long Time Plan Commission, Parke County, Indiana or other interested organizations in Parke County, Indiana having a similar interest in the well-being of the county. Not more than one member having similar interest may represent one of the nominating groups. In addition, the Commission may choose at will other interested persons or government officials for this Committee.

2. The Committee shall serve in an advisory capacity to the Building Commissioner, Commission and Board. Application for Improvement Location Permits referred to it by the Building Commissioner or the Commission or Board for review will be accompanied with a request to finish the review within twenty (20) days. If it is found to be essential for the protection of the scenic values of the area, the Committee shall advise the applicant of such changes in the plans,

location, arrangement, etc., of the structure or improvement necessary to provide the protection required by this section. The Committee on its own has status to complain to the Building Commissioner or Commission about contemplated or in-process changes detrimental to the scenic characteristics or cultural heritage of the county.

#### C. PROCEDURE

1. The Plan Commission after consultation with the Historical/Protective Committee and public hearings will designate scenic and historical sights as Special Category and, with the approval or lack of disapproval of the County Commissioners or other legislative authority, shall constitute an amendment of land use change of the zoning ordinance.

2. The Building Commissioner will maintain a listing of all such areas and landmarks in the county, which is to include all cemeteries in the county.

3. No Location Improvement Permits will be allowed for any such area without due consideration of the area's significance, or without the approval of the Commission.

4. Recognized historical preservation organizations, state and federal organizations and officials will be consulted on classification of such areas.

#### SECTION XXV.

AMENDMENTS. All amendments to this ordinance shall be in conformance with IC 18-7-5-67, 18-7-5-39--18-7-5-44.

#### SECTION XXVI.

FILING FEES. Applications and petitions filed pursuant to the provisions of this ordinance shall be accompanied by the filing fees hereinafter specified:

- A. For each application for a Certificate of Occupancy, the sum of Five Dollars (\$5.00), to be paid to and collected by the Building Commissioner.
- B. For each application for a Temporary Certificate of Occupancy, the sum of Five Dollars (\$5.00), to be paid to and collected by the Building Commissioner.
- C. For each petition for an appeal to the Board, a fee of Ten Dollars (\$10.00), to be paid to and collected by the Building Commissioner, the receipt for which shall accompany the petition. The party appealing will be liable for the cost of advertising and notice required by the appeal filed, which will include the research necessary to ascertain the adjacent landowners.
- D. For each application for the approval by the Board of a Special Exception, a fee of Twenty Dollars (\$20.00), to be paid to and collected by the Building Commissioner, the receipt for which shall accompany the petition. This fee may be waived by committee in case of hardship.
- E. For each petition for an amendment to this ordinance or any plat, a minimum fee of Twenty Five Dollars (\$25.00), to be paid to and collected by the Building Commissioner, the receipt for which shall accompany the petition. This fee may be waived by the Commission in case of hardship. Large plats may be subject to additional costs under Procedure, Fig. 13, pg. 143, and under Step 1, C, pg. 139.
- F. No part of any filing fee paid pursuant to this section shall be returnable to the applicant or petitioner.
- G. Fees for severances resulting in parcel numbering change will be Ten Dollars (\$10.00) for the first number; Three Dollars (\$3.00) each for all numbers over one resulting from the same transaction.



H. Improvement Location Permits will be Five Dollars (\$5.00) for construction or additions up to Fifteen Thousand Dollars (\$15,000) in cost, with an additional cost of Two Dollars (\$2.00) for each Five Thousand Dollars (\$5,000) cost increase over the Fifteen Thousand Dollars (\$15,000) base.

#### SECTION XXVII.

FLOOD-PRONE AREA/FIA FLOOD HAZARD AREA MANAGEMENT. Flood-prone areas are those set out on the area maps issued by Indiana Department of Natural Resources and HUD/FIA.

A. FLOOD-PRONE and HAZARD AREA LIMITATIONS. It is unlawful to erect, make, use, or maintain any structure obstruction, deposit, or excavation in or on any floodway without filing a written application for approval from the Natural Resources Commission as prescribed in the 1945 Indiana Flood Control Act, as amended.

#### B. RESTRICTIONS ALONG STREAMS.

1. No structure other than a fence may be erected and, if erected in violation of this Section, no such structure may be used, if the location of the structure is within one hundred (100) feet of the meander line of any stream shown on the area map within a flood-prone or hazard area.

2. Within the areas covered by the restrictions imposed above, no use is permitted other than the following, except on application for an Improvement Location Permit under Section XXII:

- a. Agricultural uses
- b. Forestry

3. The provisions of the 1965 Indiana Drainage Code shall be adhered to, where applicable.

SECTION XXVIII. COORDINATING DUTIES

A. The Parke County Plan Commission, with the help of the Appeals Board and Building Commissioner, shall promulgate regulations and recommend amendments to this ordinance, to implement the legislative purpose indicated by the passage of IC 16-7-4.5-1 thru 16-7-4.5-27. This purpose is to implement the National Flood Insurance Act (42 U.S.C. 4001-4127), the Indiana Flood Control Law IC 1971 13-2-22 and the Indiana Flood Plain Management Law IC 1971 13-2-22.5.

B. The Parke County Plan Commission Appeals Board, acting through the Building Commissioner, shall act as Building Inspector for Parke County, Indiana, in areas where it has jurisdiction until such time that the Parke County Board of Commissioners shall establish a separate organization for this function.

C. The Parke County Plan Commission and Board of Zoning Appeals, in coordination with the Parke County Surveyor and through the Building Commissioner while remaining compatible with the County Auditor's, Assessor's and Recorder's tasking and requirements, shall develop and keep functional the system of keeping up to date the platting and parcel identification system presently being installed in Parke County, Indiana.

D. The Parke County Plan Commission should cooperate with any towns in Parke County who wish to coordinate their own zoning problems with the Parke County Zoning Ordinance, under our present zoning authority or any Indiana Code authority in existence which allows cooperation between various governmental units.

E. At regular monthly meetings of the Commission and in all of its fact-findings, other taskings and special meetings, the Plan Commission shall act informally. The meetings and activities shall be in quest of reasonableness, equity, truth and justice. Hearings will attempt to avoid the atmosphere of an adversary proceeding.

changes in use or improvements, calling for an Improvement Location Permit, the parties supplying or constructing are jointly liable for any violations of the ordinance along with the owner or agent requesting the service construction or change. Contractors as well as owners are responsible for complying with Permit and paperwork requirements for improvements they are accomplishing in Parke County.

SECTION XXX. SUBDIVISION CONTROL, THOROUGHFARE PLAN, and  
IMPROVEMENT LOCATION PERMIT REGULATIONS

A: OFFICIAL THOROUGHFARE PLAN

1. THOROUGHFARE MAPS AND DRAWING. The Official Thoroughfare Plan of the County of Parke, Indiana consists of a map entitled "PARKE COUNTY, INDIANA, Plan of Major Streets and Highways," dated 1959, Sheet 1 of 3, and a map entitled "PARKE COUNTY, INDIANA, Plan of Major Streets and Highways, Detail of Adams, Greene, Jackson, and Union Townships" dated 1959, sheet 2 of 3, Section 30, Figure 1, which shows the locations of existing and proposed thoroughfares within the jurisdiction of the Commission; and a drawing entitled "Typical Thoroughfare Cross-Sections, Parke County, Indiana," dated 1959, Sheet 3 of 3, which shows recommended cross-sections for the proposed thoroughfares. The Official Thoroughfare Plan is hereby declared to be a part of this ordinance and notations, references, indications and other details shown therein are as much a part of this ordinance as if they were fully described in the text of this ordinance.

2. DESIGNATION OF THOROUGHFARES. The major streets and highways comprising the Official Thoroughfare Plan are hereby classified on the basis of width and type, in accordance with their proposed function, as Arterial, Feeder and Residential Streets, as shown in Sheets 1, 2 and 3 described above.

SECTION XXIX. PENALTIES

A. Any individual or corporation who affirmatively or passively allows violations of any of the provisions of this ordinance shall be fined an amount of Ten Dollars (\$10.00). Each day that a violation of this ordinance occurs or continues to occur shall constitute a separate violation thereof. In addition to the personal liability involved for violations, the amounts shall be treated as though a Mechanic's Lien against the property involved.

B. If a written complaint with affidavit is filed with or upon personal knowledge of the Building Commissioner, whereby it is known that real and personal property is in violation of this zoning ordinance and thereby is becoming an eyesore and nuisance, the property may be ordered cleaned up by the Building Commissioner. Upon complaint filed by the Building Commissioner or interested property owners with the Commission after a public hearing with mail notice to the owners or agent, the Commission may order corrections or clean-up accomplished. Non-compliance with the Commission order is a separate violation of the ordinance in addition to the violation complained of.

C. The Building Commissioner, Commission or any Parke County property owner aggrieved has status to bring enforcement proceedings of this section and ordinance; and should there be a court finding to uphold the charges, then costs and fees will be charged the offending party and property in question. For unreasonable actions, fees may be charged to plaintiff.

D. Any party, contractor, supplier, engineer, architect who is instrumental in providing goods or services to a property owner in Parke County, the use of which goods and services by the owner results in a violation of this ordinance, will be personally chargeable as a violator of the ordinance along with the owner or agent. For any,

### 3. POLICIES AND DIRECTIVES

a. **OPENING OR WIDENING OF STREETS.** Whenever a street classified in the Official Thoroughfare Plan is to be platted as a part of a subdivision, the required right-of-way width for such street shall be as specified in the Official Thoroughfare Plan, provided that where a street borders a tract of land to be subdivided, the owner of such land shall be required to plat only one-half of the right-of-way designated for such street, measured at ninety (90) degrees to the center line thereof.

b. **LOCATION OF STREETS.**

(1) Wherever the location of a street is indicated in the Official Thoroughfare Plan as following an existing road or street, or a section or half-section or other established property line, the location of the street shall conform to such location; however, a street lying wholly within a subdivision, and not designated as following an existing road or established property line, may be varied in its alignment when such variance promotes the plan of a neighborhood development unit in accordance with good site planning principles, and if such alignment provides for the continuity of traffic movement.

(2) In the absence of any street being designated in each section of land, within the jurisdiction, on or approximately on the north-south and east-west half-section lines of such sections, it is the intent of the Official Thoroughfare Plan and this ordinance that Feeder Streets be established on such half-section lines where feasible, considering the terrain and soil types and vegetation cover.

(3) Wherever the location of a street is indicated in the Official Thoroughfare Plan as following an

irregular alignment, or a revised alignment or is not referenced to an established line, it shall follow the alignment shown in the Official Thoroughfare Plan. Such alignment shall be subject to a detailed survey which may be provided by the Commission or other public agencies, or by the owners of land to be subdivided if required by the Commission. The survey for such street shall be subject to the approval of the Commission prior to the dedication of the street.

c. CONSIDERATION BY PUBLIC AGENCIES. The Board of County Commissioners shall be guided by and give consideration to the general policy and pattern of street development set out in the Official Thoroughfare Plan in the authorization, construction, widening, alteration, relocation or abandonment of the public streets, highways and related structures.

d. ISSUANCE OF PERMITS. Any permits authorized by the County, including but not limited to Improvement Location Permits, permitting the erection, alteration or relocation of structures and other improvements within the jurisdiction of the Commission, shall be issued only if, in addition to satisfying the requirements of other County ordinances, the proposed street right-of-way as set forth by this ordinance will be protected from encroachment. In this instance, the proposed street right-of-way lines will be considered as the front line of lots and tracts bordering such street.

4. CONTINUING AUTHORITY OF COMMISSION. Subsequent to the passage of this ordinance, the Commission may determine lines for new, extended, widened or narrowed thoroughfares in any portion of the area within the

jurisdiction of the Commission, and certify to the Board of County Commissioners the amended or additional plan under the same procedure as established for the amendment of this ordinance.

## B. SUBDIVISION CONTROL

1. ESTABLISHMENT OF SUBDIVISION CONTROL. No plat or replat of a subdivision of land located within the jurisdiction of the Commission shall be recorded until it shall have been approved by the Commission and the Board of Commissioners, and such approval shall have been entered in writing on the plat by the President and Secretary of the Commission and the Auditor and President of the Board of Commissioners.

2. PROCEDURE. A subdivider desiring approval of a plat of a subdivision of any land lying within the jurisdiction of the Commission, shall submit a written application therefor to the Commission thru the Building Commissioner. Such application shall be accompanied by the information, requirements and plans set forth in Figure 13, all in accordance with the requirements set forth in Section XXX of this ordinance.

3. PRINCIPLES AND STANDARDS OF DESIGN. The final plat of the subdivision shall conform to the following principles and standards of design

a. GENERAL. The subdivision plan shall conform to the principles and standards which are generally exhibited in the Master Plan.

b. STREETS

(1) The street and alley layout shall provide access to all lots and parcels of land within the subdivision.

(2) Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.

(3) Certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.

(4) Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.

(5) Widths of arterial streets and feeder streets shall conform to the widths specified in the Official Thoroughfare Plan, or as provided by the Commission.

(6) The minimum right-of-way of residential streets, marginal access streets or Cul-de-sacs, shall be fifty (50) feet, or as provided by the Commission. All Cul-de-sacs shall terminate in a circular right-of-way with a minimum diameter of one hundred (100) feet, or other arrangement for the turning of all vehicles conveniently within the right-of-way.

(7) Alleys shall be discouraged in residential areas, but should be included in commercial and industrial areas where needed for loading and unloading or access purposes, and where platted, shall be at least twenty (20) feet in width.

(8) The center lines of streets should intersect as nearly at right angles as possible.



(9) Intersections of more than two (2) streets at one point should be avoided.

(10) Where parkways or special types of streets are involved, the Commission may apply special standards to be followed in their design.

(11) Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way or a highway designated as a "Limited Access Highway" by the appropriate highway authorities, provision shall be made for a marginal access street, or a parallel street at a distance acceptable for the appropriate use of the land between the highway or railroad and such streets.

(12) Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the center lines as follows:

(a) Arterial Streets: Four hundred (400) feet.

(b) Feeder Streets and Parkways: Two hundred (200) feet.

(c) Residential Streets: One hundred (100) feet.

(13) Curvature measured along the center line shall have a minimum radius as follows:

(a) Arterial Streets: Four hundred (400) feet.

(b) Feeder Streets and Parkways: Two hundred (200) feet.

(c). Residential Streets: One hundred (100) feet.

(14) Between reversed curves on arterial streets there shall be a tangent of not less than one hundred (100) feet and on feeder and residential streets such tangent shall be not less than forty (40) feet.

(15) Maximum grades for streets shall be eight (8) per cent or as provided by the Commission.

(16) The minimum grade of any street gutter shall not be less than three-tenths (0.3) per cent.

c. BLOCKS

(1) Blocks should not exceed twelve hundred fifty (1250) feet in length.

(2) Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a Limited Access Highway or an arterial street or a railroad right-of-way.

d. LOTS

(1) All lots shall abut on a street or a place.

(2) Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots should be avoided.

(3) Double frontage lots should not be platted, except that where desired along arterial streets, lots may face on an interior street and back on such thoroughfares. In that event a planting strip, or a screen, at least twelve (12) feet in width and eight (8) feet in height shall be provided along the back of the lot. An eight (8) foot fence of solid attractive design may substitute for this screen planting.

(4) Widths and areas of lots shall be not less than that provided in the Zoning Ordinance for single-family dwellings for the area in which the subdivision is located.

(5) Wherever possible, unit shopping centers, based upon sound development standards, should be designed in contrast to the platting of lots for individual commercial use.

(6) Corner residential lots shall be wider than normal in order to permit appropriate setbacks from both streets.

e. EASEMENTS. Where alleys are not provided, easements for utilities shall be provided. Such easements shall have minimum widths of twelve (12) feet, and where located along lot lines, one-half the width shall be taken from each lot. Before determining the location of easements the plan shall be discussed with the local public utility companies to assure their proper placing for the installation of such services.

f. BUILDING SET BACK LINES. Shall be as provided in the Zoning Ordinance, or as provided by the Commission.

g. PUBLIC OPEN SPACES. Where sites for parks, schools, playgrounds or other public uses are located within the subdivision area as shown on the Master Plan, the Commission may request their dedication for such purposes, or their reservation for a period of one year following the date of the approval of the Final Plat. In the event a governmental agency concerned passes a resolution expressing its intent to acquire the land so reserved, the reservation period shall be extended for an additional six (6) months.

4. STANDARDS OF IMPROVEMENTS. The Final Plat of the subdivision shall conform to the following standards of improvements:

a. MONUMENTS AND MARKERS. Shall be placed so that the center of the pipe or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.

(1) Monuments shall be set:

(a) At the intersection of all lines forming angles in the boundary of the subdivision.

(b) At the intersection of street property lines.

(2) Markers shall be set:

(a) At the beginning and ending of all curves along street property lines.

(b) At all points where lot lines intersect curves, either front or rear.

(c) At all angles in property lines of lots.

(d) At all other lot corners not established by a monument.

(3) Monuments shall be of stone, pre-cast concrete, or concrete poured in place with minimum dimensions of four (4) inches by four (4) inches by thirty (30) inches, set vertically in place. They shall be marked on top with an iron or copper dowel set flush with the top of the monument, or deeply scored on top with a cross. Markers shall

consist of iron pipes or steel bars at least thirty (30) inches long, and not less than five-eighths (5/8) inch in diameter.

b. STREETS

(1) Streets (and alleys where provided) shall be completed to grades shown on plans, profiles, and cross-sections, provided by the subdivider, and prepared by a registered professional engineer and approved by the Commission.

(2) The streets shall be graded, surfaced and improved to the dimensions required by the cross-sections and the work shall be performed in the manner prescribed in "Standard Specifications for Road and Bridge Construction and Maintenance--1957" of the State Highway Commission of Indiana. References in the following paragraphs refer to the S.H.C. of 1. Standard Specifications:

(a) In a subdivision proposed to contain an average of more than two (2) lots per gross acre, or in a subdivision proposed to have a street or streets which are extensions of existing paved streets which are surfaced to a width of at least twenty-six (26) feet, the street shall be surfaced to a minimum width of twenty-six (26) feet. Alleys shall be surfaced to their full width.

(b) In a subdivision proposed to contain an average of two (2) or less lots per gross acre, the streets shall be surfaced to a minimum width of twenty (20) feet. Alleys shall be surfaced to their full width.

(c) The street surface shall be of portland cement concrete or a flexible pavement and shall be constructed in accordance with design characteristics at least equal to those given below:

DESIGN CHARACTERISTICS OF STREET & ALLEY PAVEMENTS

<u>Kind of Pavement</u>	<u>Arterial Streets</u>	<u>Feeder Streets</u>	<u>Residential Streets</u>	<u>Alleys</u>
PORTLAND CEMENT CONCRETE -				
Balanced Design Thickness*	10"-7"-10"	8"-5½"-8"	7½"-5"-7½"	-
Uniform Design Thickness	8½"	6½"	6"	6"
*Intersections to be of uniform design using edge thickness.				
FLEXIBLE--**				
Asphaltic Concrete	2"	1½"	-	-
Bituminous Coated Aggregate	3"	3"	3"	2"
Water Bound Macadam	8"	8"	8"	6"
<hr/>				
Total Thickness	13"	12½"	11"	8"

\*\*For intersections on residential streets, use feeder street design characteristics.

(d) In the case of a subdivision containing a place (private street) or places to provide access to the lots, the following requirements shall apply:

-1- The right-of-way width of each place shall be not less than that required for a street in this ordinance unless terrain characteristics would call for less, in which case the Commission may approve smaller right-of-way width.

-2- The improved surface of the place shall consist of eight (8) inches of compacted aggregate, twenty (20) feet in width and shall be constructed in accordance with Section C10., Compacted Aggregate Base as prescribed in "State Highway Department of Indiana - Standard Specifications - 1960."

-3- The deed covenants appearing on the plat shall include as a minimum the following:

"The streets shown on this plat are private and have been approved as such by the Parke County Plan Commission. It is hereby understood that all maintenance of said streets becomes the responsibility of the owner or owners of the lots in the subdivision and in no event will they be accepted for public use and maintenance until they have been improved to the standards for the type of street as listed under the Design Characteristics of Streets and Alley Pavements as specified in Section XXX 'B' of the Parke County Zoning Ordinance.

(e) Prior to placing the street and alley surfaces, adequate subsurface drainage for the street shall be provided by the subdivider. Subsurface drainage pipe, when required, shall be coated corrugated pipe or a similar type not less than twelve (12) inches in diameter approved by the Commission. Upon the completion of the street and alley improvements, plans and profiles as built shall be filed with the Commission.

c. SEWERS

(1) The subdivider shall provide the subdivision with a complete sanitary sewer system, which shall connect with an existing approved sanitary sewer outlet, except that when such approved outlet is not available, one of the following methods of sewage disposal shall be used:

(a) A complete sanitary sewer system to convey the sewage to a treatment plant, to be provided by the subdivider in accordance with the minimum requirements of the Indiana State Board of Health and/or the Indiana Stream Pollution Control Board.

(b) A private sewage disposal system on individual lots consisting of a septic tank and tile absorption field or other approved sewage disposal system, when laid out in accordance with the minimum standards of the Indiana State Board of Health; provided, however, that a private sewage disposal system on individual lots consisting of a septic tank and tile absorption field shall not be permitted if the water table is less than thirty (30) inches below the ground surface.

(2) The plans for the installation of a sanitary sewer system shall be provided by the subdivider and approved by the Indiana State Board of Health (refer to Regulation HSE 14, I.S.B.H.). Upon the completion of the sanitary sewer installation, the plans for such system as built shall be filed with the Commission.

(3) In this section 'c', SEWERS, and the next section 'd', WATER, the phrase "the subdivider shall provide" shall be interpreted to mean that the subdivider shall install the facility referred to, or whenever a private sewage disposal system or an individual water supply is to be provided,



that the subdivider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to in these sections shall be installed by the developer of the lots in accordance with these regulations, unless otherwise agreed to between the seller and the buyer.

d. WATER

(1) Subdivider may sell lots subject to the purchaser providing his own water supply.

(2) The subdivider may provide the subdivision with a complete water main supply system, which shall be connected to an existing approved municipal or community water supply, except that when such municipal or community water supply is not available, the subdivider may provide one of the following:

(a) A complete community water supply system to be provided in accordance with the minimum requirements of the Indiana State Board of Health.

(b) An individual water supply on each lot in the subdivision in accordance with the minimum requirements of the Indiana State Board of Health (refer to Bulletin No. S.E. 7, Safe Water Supplies, current issue).

(3) Plans for the installation of a water main supply system when provided by the subdivider and approved by the Indiana State Board of Health (refer to Regulation HSE. 5, I.S.B.H.). Upon completion of the water supply installation, the plans for such system as built shall be filed with the Commission. Shortage of water is grounds for the Commission to disapprove residential plats and building permits.

e. STORM DRAINAGE

(1) The subdivider shall provide the subdivision with an adequate storm water sewer system whenever curb and gutter is installed and whenever the evidence available to the Commission indicates that the natural surface drainage is inadequate. When the surface drainage is adequate, easements for such surface shall be provided. Deep open ditches for drainage are not permitted in the street, but where curb and gutter are not provided, a shallow swale with its low point at least three (3) inches below the elevation of the subgrade of the pavement may be permitted. Reverse crown hard surface roads may also be permitted.

(2) In a subdivision where curbs and gutter are not provided, the subdivider or owner, as agreed, shall furnish one of the following types of improvements to facilitate roadside drainage and to assure suitable entrances for private driveways which are proposed to intersect the roadway:

(a) A corrugated iron pipe, at least twelve (12) inches in diameter and fourteen (14) feet in length to be placed where required for each driveway; or

(b) A properly dipped or swaled concrete pavement, fourteen (14) feet in length, six (6) feet in width and six (6) inches thick, designed so as not to create a hazard to the underparts of automobiles, at the entrance of each driveway.

f. CURB AND GUTTER

(1) Wherever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with curb and gutter, and wherever the proposed

subdivision will average more than three and one half ( $3\frac{1}{2}$ ) lots per gross acre included in the subdivision, the Commission shall require curb and gutter to be installed on each side of the street surface.

(2) The curb and gutter shall be of one of the construction types shown in Figure 13 and shall be constructed according to the following specifications:

(a) The base for the curb and gutter shall be well-compacted on the existing base or grade.

(b) The minimum specifications shall be as shown for the three types of cross-sections in Figure 13.

(c) All concrete used in the curb and gutter shall meet the State Highway Specifications for Class D concrete.

#### g. SIDEWALKS

(1) Whenever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with sidewalks and whenever the proposed subdivision will average more than three and one-half ( $3\frac{1}{2}$ ) lots per gross acre included in the subdivision, the Commission shall require sidewalks to be installed on each side of the street.

(2) When sidewalks are required, they shall be constructed of portland cement concrete, at least four (4) inches thick, and four (4) feet wide and placed with the side away from the street to be placed on the lot front line.

#### h. STREET SIGNS

The subdivider shall provide the subdivision with a standard street sign at the intersection of all streets, as approved by the Commission.

5. PLAT CERTIFICATES AND DEED OF DEDICATION

a. SCALE AND DRAWING REQUIREMENTS. Plats for approval and recording shall be at scales compatible with Parke County's parcel ownership numbering system and in addition drawn on the Assessor's aerial photos or equal photos and with the plat number obtained for each parcel.

b. ENGINEERS CERTIFICATE

"I, (Name), HEREBY CERTIFY THAT I AM A PROFESSIONAL ENGINEER (OR A REGISTERED LAND SURVEYOR) LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY COMPLETED BY ME ON (Date), THAT ALL THE MONUMENTS SHOWN THEREON ACTUALLY EXIST; AND THAT THE LOCATION, SIZE, TYPE AND MATERIAL ARE ACCURATELY SHOWN.

(SEAL)

(Signature) "

c. DEED OF DEDICATION. Each final plat submitted to the Commission for approval shall carry a deed of dedication signed and affirmed by all owners in substantially the following form:

"We, the undersigned (Names), owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide, said real estate in accordance with the within plat.

This subdivision shall be known and designated as (Name), an addition to (Name). All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public.

Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure.

There are strips of ground       (Number)       feet in width as shown on this plat and marked "Easement," reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities.

(Additional dedications and protective covenants, or private restrictions, would be inserted here upon the subdivider's initiative or the recommendations of the Commission; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area).

The foregoing covenants, (or restrictions) are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 19    , (a twenty-five (25) year period is suggested), at which time said covenants, (or restrictions), shall be automatically extended for successive periods of ten (10) years unless changed by vote of a majority of the then owners of the building sites covered by these covenants, or restrictions, in whole or in part. Invalidation of any one of the foregoing covenants or restrictions, by judgment or court order shall in no way affect any of the other covenants or restrictions, which shall remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected, or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns. Provisions to cover common property ownership and operation."

Witness our Hands and Seals this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signature by all owners)

d. COMMISSION CERTIFICATE

UNDER AUTHORITY PROVIDED BY IC 18-7-5-1--18-7-5-99 AS AMENDED AND PARKE COUNTY ZONING ORDINANCE AS AMENDED, THIS PLAT, CONSISTING OF \_\_\_\_\_ PAGES OF DRAWINGS AND ENGINEERS CERTIFICATE AND \_\_\_\_\_ PAGES OF RESTRICTIVE COVENANTS AND/OR DEED OF DEDICATION NUMBERED PAGE 1 THRU \_\_\_\_\_, WAS APPROVED BY THE COUNTY PLAN COMMISSION AT A MEETING HELD \_\_\_\_\_, 19 \_\_\_\_\_. BOND NOT REQUIRED/REQUIRED IN THE AMOUNT OF \$\_\_\_\_\_.

COUNTY PLAN COMMISSION

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

e. COUNTY COMMISSIONERS CERTIFICATE

UNDER AUTHORITY PROVIDED BY IC 18-7-5-1--18-7-5-99,  
AND ALL ACTS AMENDATORY THERETO, THIS PLAT WAS APPROVED BY  
THE BOARD OF COUNTY COMMISSIONERS OF PARKE COUNTY, INDIANA,  
AT A MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_,  
19 \_\_\_\_\_. BOND NOT REQUIRED/POSTED IN THE AMOUNT OF \$ \_\_\_\_\_.

BOARD OF COUNTY COMMISSIONERS

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Auditor, Parke County, IN

6. DEPARTURES FROM THE PROVISIONS OF § XXX. Where the sub-  
divider can show that a provision of § XXX 'B' of this ordinance  
would cause unnecessary hardship if strictly adhered to and  
where, in the opinion of the Commission, because of topographi-  
cal or other conditions peculiar to the site, the Commission  
may authorize a departure from the provisions of Section XXX  
if it may be done without destroying the intent of such pro-  
vision. Any departure thus authorized is required to be  
entered in writing in the minutes of the Commission and the  
reasoning on which the departure was justified shall be set  
forth.

C. IMPROVEMENT LOCATION PERMITS

1. IMPROVEMENT LOCATION PERMITS. Within the jurisdic-  
tion of the Commission, no structure or improvement or use  
of land, may be altered, changed, placed, erected or located  
on platted or unplatted lands, unless the structure, improve-  
ment or use, and its location, conform with the master plan

and ordinance of Parke County, and an Improvement Location Permit for such structure, improvement or use has been issued. It is hereby declared that with the exception of water systems and sewage disposal systems, the intent of the permit requirements of the ordinance shall not prevail with respect to non-residential buildings and uses which are clearly incidental to agricultural operations. The contractors, supplier, agent or attorney who is instrumental in constructing improvements subject to permits are as responsible as the owners in obtaining such permits.

2. WRITTEN APPLICATION REQUIRED. The Building Commissioner shall issue an Improvement Location Permit only upon written application, and when the proposed structure, improvement, or use and its location conform in all respects to this county zoning ordinance.

3. SITE PLAN AND FEE

a. SITE PLAN. Every application for an Improvement Location Permit shall be accompanied by a site plan, or development plan, drawn to scale, showing: the legal or site description of the real estate involved, the location and size of all buildings and structures, the widths and length of all entrances and exits to and from said real estate; and all adjacent and adjoining roads or highways, and the manner in which the location is to be improved at a scale which is compatible with the assessor's ownership cards.

b. FEES. Application for an Improvement Location Permit, or an amended or extended Improvement Location Permit, shall be accompanied by a fee as set out in § XXVI, this ordinance.



4. APPEAL. Any decision of the Building Commissioner concerning the issuance of an Improvement Location Permit may be appealed to the Board of Zoning Appeals or to the Commission as set out in this ordinance. Approvals or disapprovals by the Commission may also be appealed to the Board. Actions by the Commission relative to their legislative function of amending this ordinance may not be appealed to the Board but only to the County Commission as legislature.

5. REVIEW. A decision of the Commission may be reviewed by certiorari procedure only if it is not in the line of the amendment procedure to the ordinance. Review of actions of the Board or of the Commission is only by certiorari to the Parke County courts. There is no allowable change of venue from Parke County for any legal actions under this ordinance.

#### SECTION XXXI. REMEDIES

1. The Commission, the Board, the Building Commissioner, or any designated enforcement official, or any person or persons, firm or corporation jointly or severally aggrieved, may institute a suit for injunction in the Circuit Court of the County to restrain an individual or a governmental unit from violating the provisions of this ordinance or may institute suit to enforce any provision of this ordinance.

2. The Commission or the Board may also institute a suit for mandatory injunction directing any individual, a corporation or a governmental unit to remove a structure erected in violation of the provisions of this ordinance.

3. Any building erected, raised, or converted, or land or premises used in violation of any provisions of this ordinance or the requirements thereof, is hereby declared to be a common nuisance and as such may be abated in such manner as nuisances are now or may hereafter be abated under IC 18-7-5-94 and other statutes presently applicable.

4. Any property parked or abandoned along the rights-of-way in this county and left over three (3) days is considered a common nuisance and may be abated as indicated in '3' above. Such property may also, on order of Building Commissioner or Commission, be removed to a salvage yard or dump. Should this happen, owners may recover property within thirty (30) days on payment of Fifteen Dollars (\$15.00) plus costs of removal and recovery.

5. Actions under this ordinance may be brought by the Prosecutor or County Attorney under the provisions of IC 18-7-5-94. Any injured party or governmental unit may also bring an action under this ordinance in the Circuit of Small Claims or City Courts of Parke County, Indiana.

SECTION XXXII. INVALIDITY OR PORTIONS.

Should any section or provision of this ordinance be declared by a Court of proper jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof, other than the portion so declared to be invalid.

SECTION XXXIII. REPEAL.

All ordinances or parts thereof that are in conflict with the terms and conditions of this ordinance are hereby repealed.

SECTION XXXIV. WHEN EFFECTIVE.

This amended ordinance shall take effect and supersede the previous zoning and subdivision control ordinances of Parke County, Indiana when passed and approved by the Board of County Commissioners or if not approved but not disapproved this amended ordinance will take effect on \_\_\_\_\_, 1976.

Passed by the Board of County Commissioners of Parke County, Indiana:

7 SEPT 1976 Recorded 21 Sept 1976

Previous History of Parke County Zoning and Subdivision Control Ordinances:

Original ordinance passed by the Plan Commission on October 5, 1959, County Commissioners adopted on December 7, 1959, and recorded on April 28, 1960 in Book 25, Page 23-60.

Last previous amendment:

Plan Commission passed on March 22, 1973, County Commissioners adopted on April 4, 1973, and recorded on April 4, 1973 in Book 35, Page 263+.

Figure 1 - TYPES OF RESIDENTIAL USE & REQUIREMENTS

	<u>Single-Family</u>	<u>Two-Family</u>	<u>Multi-Family</u>
Use Areas Permitted	AP, AFR, RA, RP	AP, AFR, RA, RP	AP, <sup>1</sup> RP, CLB, CGB, RA, CAB
Min Size <sup>2</sup> . per unit No utility system	II 16000' in subdivided lots <sup>2</sup> ; non-subdivided lots 2A, AP	AP 12000' in subdivided lots II 10000' in subdivided lots. 2A w/o subdivision	AP, II 10000' subdivided lots. III 8000' subdivided lots
With approved public or community water system	Deduct 2000'	Deduct 1500'	Deduct 1500'
With sanitary sewer system installed	Deduct 2000'	Deduct 1000'	Deduct 1000'
With storm sewers installed	Deduct 1500'	Deduct 1000'	Deduct 1000'
In all instances in all AFR areas, minimum lot size for a single-family or a two-family unit is 10 acres.			
Minimum lot width <sup>2</sup> . in areas indicated	AFR 300', AP 200', CAB, CLB, CGB, RA 100', RP 60'	Same as single-family	Same use areas as single-family; none set; both Commission and Board must approve.

TYPES OF RESIDENTIAL USE & REQUIREMENTS

Fig. 1 Cont'd.

	<u>Single-Family</u>	<u>Two-Family</u>	<u>Multi-Family</u>
Building height maximum <sup>2</sup> .	AFR, AP, RA, RP, CAB, CLB, CGB	Same as single-family	Same area as single-family. None set. Reasonable for situation w/approval of both Comm. & Board
Minimum side yard <sup>2</sup> .	10% width, not less than 8' except where party wall or adjoining agreement	Same as single-family	Same as single-family
Minimum rear yard <sup>2</sup> .	20'	15'	15'
Minimum ground floor <sup>2</sup> .	600'	600'	250' for efficiency, minimum 4 units
Minimum parking spaces <sup>2</sup> .	Two	Two per unit	1½ per unit, min. 6 spaces.
Maximum lot coverage percent <sup>2</sup> .	35	35	None set; reasonable for situation w/approval of both Comm. and Board
Corner vision clearance required	Yes	Yes	Yes

TYPES OF RESIDENTIAL USE & REQUIREMENTS -

Fig. 3 Cont'd.

1. With the approval by both the Commission and the Board.
2. Footage size is given for platted lots only; metes and bounds lots in acres. The lot size or building site size and specifications in any instance may be decreased or increased by the Commission with right of appeal to the Board as are contingent uses shown in Figure 7.

Figure 2

BUSINESS USES AND REQUIREMENTS

<u>Requirements</u>	<u>TYPE OF BUSINESS USE</u>		
	<u>Local Business</u>	<u>General Business</u>	<u>Accommodation Business</u>
Area(s) in which use is permitted	CLB, CGB & I	CGB & I	CAB
Minimum front yard in feet in areas indicated	Abutting: Arterial St....60 Feeder Street..40 Residential St.25	Same as Local Business (See exceptions)	Same as Local Business (See exceptions)
Minimum side yard in feet along the side street line of a corner lot where block is adjoined by a residential area	5	5	5
Minimum side yard in feet where a commercial area adjoins a residential area within the block	10	10	10
Minimum side yard in blocks not including a residential area	None	None	None

BUSINESS USES AND REQUIREMENTS -

Fig. 2 Cont'd.

<u>Requirements</u>	<u>TYPE OF BUSINESS USE</u>		
	<u>Local Business</u>	<u>General Business</u>	<u>Accommodation Business</u>
Maximum building height in feet in areas indicated	CLB & CGB.....35 I.....75	CGB.....35 I.....75	CAB.....35
Minimum rear yard in feet	15	15	15
Maximum lot coverage in percent of lot	90	90	90
Vision clearance on corner lots	Yes	Yes	Yes



Figure 3

BUSINESS USES - PARKING SPACES REQUIREDTYPE OF USEPARKING SPACE REQUIREDGeneral Business Uses:

Automobile or Trailer Sales  
Area

One for each 1,000 square feet of the premises  
used for retail purposes

Local Business Uses:

Automobile Repair  
Category (2) listed under A,  
Section 15  
Categories (3) through (7) and  
Categories 8(c) and (e) under  
A above

One for each 200 square feet of floor area

One for each 500 square feet of floor area

Indoor Theater  
Bowling Alley

One for each 125 square feet of floor area  
One for each 6 seats

Three for each lane plus one for each six  
spectator seats

Dancing Academy  
Private Club or Lodge

One for each 200 square feet of floor area  
Space to accommodate 50 percent of the active  
membership at one space per each 3 members

Department Store  
Motor Bus or Railroad Passenger  
Station

One for each 200 square feet of floor area

One for each 3 employees plus one for each 10  
seats in waiting room. Other retail uses in con-  
nection therewith shall provide one space for  
each 2 employees

Veterinary Hospital for Small  
Animals or Kennel  
Category (3) under B, Section 15

One space for each 3 animals to be confined in  
temporary or permanent pens or cages

As determined by the Commission

Accommodation Business Uses:

Hotel or Motel

One for each 2 employees plus one for each  
2 sleeping rooms

Figure 4

BUSINESS USES - LOADING AND UNLOADING BERTHS REQUIRED

<u>TYPE OF USE</u>	<u>GROSS FLOOR AREA (Sq. Ft.)</u>	<u>LOADING &amp; UNLOADING BERTHS REQUIRED</u>
Retail Stores	2,000 to 15,000	1
Department Stores	15,001 to 40,000	2
Wholesale establishments, Storage Uses and Other Business Uses	Each 25,000 additional	1 additional
Office Buildings	100,000 or less	1
	100,001 to 336,000	2
	Each 200,000 additional	1 additional

Figure 5

INDUSTRIAL USES AND REQUIREMENTS

<u>REQUIREMENT</u>	<u>TYPE OF USE</u>	
	<u>LIGHT INDUSTRIAL</u>	<u>INDUSTRIAL</u>
Minimum front yard in feet	Abutting: Arterial Street.....60 Feeder Street.....40 Residential Street...25	Same as Light Industrial
Minimum side yard required in feet where industrial use adjoins a residential area	30	30
Minimum side yard in feet, if provided	6	6
Minimum rear yard in feet	15	15
Maximum building height in feet	I.....75 CGB.....35	I.....75
Maximum lot coverage in percent of lot	None, except for required yards	Same as Light Industrial
Vision clearance on corner lots	Yes	Yes

-111-

Figure 6

INDUSTRIAL USES - LOADING AND UNLOADING BERTH REQUIREMENTS

<u>GROSS FLOOR AREA OF INDUSTRIAL USE IN SQUARE FEET</u>	<u>NUMBER OF BERTHS REQUIRED</u>
15,000 or less	1
15,001 to 40,000	2
40,001 to 100,000	3
Each 40,000 additional	1 additional

Figure 7

CONTINGENT USES AND REQUIREMENTS

<u>TYPE OF USE</u>	<u>AREAS IN WHICH USE IS PERMITTED</u>	<u>REQUIREMENT DESIGNATION from Fig.9 Requirement Chart</u>
Agriculture--Farming Use & Farm Buildings	All	Not applicable
Artificial lake of 3 or more acres or private swimming pool	AP, AFR	c1, i1, j1, k2, p, r1, ul, v, w, y
Boarding or Lodging House	AP, CLB, CGB, CAB	k28
Bottled Gas--Storage & Distribution	AP, AFR, IND	c11, h1, e
Bulletin Board for a church or public building	All except AFC	Not applicable
Cemetery	AP, AFR, RA, RP, CAB	b11, c2, i1, k1, p, q, r1, v, w, y
Church or Temple	All except IND, AFC, AFR and CSC	k29
Clinic	AP, AFR, RA, RP, CAB and CLB	b1, c3, h4, j1, k3, l1, r1, v, w, y
College or University	All except IND, CSC, CAB, AFC and AFR	k30

## CONTINGENT USES AND REQUIREMENTS

Fig. 7 Cont'd.

<u>TYPE OF USE</u>	<u>AREAS IN WHICH USE IS PERMITTED</u>	<u>REQUIREMENT DESIGNATION from Fig. 9 Requirement Chart</u>
Fire Station or Police Station	All except AFR & AFC	b1, c1, h5, j1, k6, ll, s, y
Fraternity, sorority and student cooperatives	All except IND, CSC, AFR and AFC	k28
Greenhouse, Commercial	AFR and AP	b4, c6, f2, h1, k7, m4, n1, r, v, w, y
Home Occupation	All except AFR, AFC and CSC	b1, c1, f1, h1, k8, v, y
Housing for tenant and seasonal workers engaged in agricultural operations	All except AFC and CSC	k31
Kindergarten or Day Nursery	AP, AFR, RA, RP, CAB and CLB	b3, c8, f3; h1, i3, j1, k12, p, r1, v, y
Lodge or Private Club (which is of a non-commercial character)	AP, AFR, CLB, CGB	k32
Mortuary	AP, AFR, CLB, CGB	k33
Municipal or governmental building	All except CSC, AFR and AFC	k32
Nursing home or homes for the aged	AFR, AP, CLB, CGB and CAB	k34

## CONTINGENT USES AND REQUIREMENTS

Fig. 7 Cont'd.

<u>TYPE OF USE</u>	<u>AREAS IN WHICH USE IS PERMITTED</u>	<u>REQUIREMENT DESIGNATION from Fig. 9 Requirement Chart</u>
Outdoor Commercial Recreational Enterprise	All except AFC, AFR, RP, CSC	c4, dl, hl, il, j3, kl4, l2, nl, p, r2, s, t, v, w, y
Plant Nursery	All except AFC	k35
Power Transmission Line	All except AFC	p
Private Recreational Development	All except AP, AFR, AFC and CSC	c4, g, hl, j3, k2, l2, rl, v, w, y
Professional Office in residence of practicing professional person	All except AFR and AFC	k27
Public Camp	AFR and RA	b8, c6, dl, hl, j3, kl7, l2, rl, ul, v, w, y
Public or Commercial Sanitary Fill	AP, AFR and IND	bll, cll, e, i9, j5, rl, ul, v, w, y
Public or Employee Parking Area	All except AFC	b2, p, rl, s, t, v, x, y, z
Public Library or Museum	All except AFR, AFC, CSC and IND	k32
Public park or public recreational facility	All except AFC and CSC	k35

## CONTINGENT USES AND REQUIREMENTS

Fig. 7 Cont'd.

<u>TYPE OF USE</u>	<u>AREAS IN WHICH USE IS PERMITTED</u>	<u>REQUIREMENT DESIGNATION from Fig.9 Requirement Chart</u>
Public Utility Substation or Exchange	All except AFC	cl, g, j4, k18, rl, v, y
Raising and breeding of non-farm fowl and animals, commercially except kennel, i.e., commercially confined feed lots for fowls and animals	AP, CGB and IND	b4, cl0, hl, j1, k7, l2, ml, n2, rl, v, w, y
Riding Stable	AP, AFR and RA	b5, cl0, hl, j1, k21, ml, rl, v, w, y
School, public or parochial	All except CSC, AFR, AFC and IND	k36
Seasonal Fishing or Hunting Lodge	AP and AFR	bl, cl, fl, k22, v, w, y
Trade or Business School	AP, CLB, CGB and IND	k30

If the nature of the Contingent Uses involves more than one of those listed, the applicant may apply for an Improvement Location Permit for the Contingent Use which most closely relates to the primary use; provided that the requirements of all the related uses will be met.



Figure 8

CONTINGENT USES - MAXIMUM HEIGHT

<u>AREAS IN WHICH USE IS PERMITTED</u>	<u>MAXIMUM BUILDING HEIGHT IN FEET</u>
RP, RA, AFR, AP, CLB, CGB, CAB and CSC	35
IND	75

Figure 9

SPECIAL EXCEPTIONS AND REQUIREMENTS

<u>SPECIAL EXCEPTIONS</u>	<u>AREAS IN WHICH USE IS PERMITTED</u>	<u>REQUIREMENT DESIGNATION</u>
Accommodation Business Uses	RA and RP	b1, c1, f1, h1, j1, k7, l1, m2, r2, t, ul, v
Airport or Heliport	All except CSC and AFC	b6 (Heliport), b12 (Airport), g, h2, i1 (Airport), l2 (Heli- port), j1, k1, l2, n2, p, r1, s, t, u, v, w, y
Artificial lake of 3 or more acres, or private	All except AFC, AFR, and AP	c1, i1, j1, k2, p, r1, v1, v, w, y
Crematory	AP, AFR, RP, RA and CAB	b11, c2, i1, k1, p, q, r1, v, w, y

SPECIAL EXCEPTIONS AND REQUIREMENTS

Fig. 9 Cont'd.

<u>SPECIAL EXCEPTIONS</u>	<u>AREAS IN WHICH USE IS PERMITTED</u>	<u>REQUIREMENT DESIGNATION</u>
Country Club or Golf Course	All except AFC and CSC	c1, d3, j1, k5, L1, p, r1, v, w, y
Greenhouse, Commercial	All except AFR and CSC	b4, c6, f2, h1, k7, m4, n1, r, v, w, y
Hospital	AP, AFR, RP, RA, CLB and CGB	b7, c6, g, h5, j1, k9, L2, m5, n1, p, s, t, v, y
Industrial Park	All except AFR, AFC, RP, RA and CSC	a1, b10, c7, d3, g, h3, j2, k10, L2, m6, n2, o, p, q, r1, s, t, v, w, y
Junk Yard	IND and CGB	c1, e, h1, i4, k11, L5, m2, n3, r1, v, w, y
Liquid Fertilizer - Storage & Distribution	AP, AFR and IND	d11, h1, e
Mineral Extraction, Borrow Pit, Top Soil Removal and their Storage Areas	AP, AFR and IND	c9, c, h1, i5, j1, n3, r1, s, t, u3, v, w, y

## SPECIAL EXCEPTIONS AND REQUIREMENTS

Fig. 9 Cont'd.

<u>SPECIAL EXCEPTIONS</u>	<u>AREAS IN WHICH USE IS PERMITTED</u>	<u>REQUIREMENT DESIGNATION</u>
Mobile Home Park	AP, AFR, CAB, CLB, CGB and IND	See Section 20. D.
Outdoor Theater	AP, AFR, CLB, CGB and IND	c6, i6, k11, p, r1, s, t, v, w, y
Penal or Correctional Institution	AP, AFR and IND	b13, c10, e, g, k15, 15, n3, p, r1, y
Petroleum Tank Farm	AP, AFR and IND	c11, h1, e
Practice Golf-Driving Range	All except AFC, AFR and RP	c6, i7, j3, k16, 12, r1, v, y
Public Camp	AP, AFR and IND	b8, c6, d1, h1, j3, k17, 12, r1, ul, v, w, y
Public or Commercial Sewage or Garbage Disposal Plant	AP, AFR, RP, RA, CAB and IND	b11, c11, e, k19, r1, ul, v, w, y
Radio or Television Tower	All except AFC	k19, r1, v
Railroad Right-of-Way and Uses essential to Railroad operation	All except AFC	h1, k20, r1, v

SPECIAL EXCEPTIONS AND REQUIREMENTS

Fig. 9 Cont'd.

<u>SPECIAL EXCEPTIONS</u>	<u>AREAS IN WHICH USE IS PERMITTED</u>	<u>REQUIREMENT DESIGNATION</u>
Riding Stable	CAB, CLB, CGB	b5, c10, h1, j1, k21, m1, r1, v, w, y
Sales Barn for Livestock Resale	AP, AFR, IND	c11, e, k7, l3, r1, n2, v, w
Seasonal Fishing or Hunting Lodge	All except AFC, AP, AFR and CSC	b1, c1, f4, k22, v, w, y
Shopping Center (neighborhood)	CSC	a2, b9, g, j1, k23, l2, m3, n1, o, p, s, t, ul, v, y
Stadium or Coliseum	All except AFC, AFR, CLB and CGB	b7, c2, j1, k24, l2, m2, n1, p, r2, s, t, v, y
Tourist Home	All except AFC and CSC	b1, c1, f1, h1, k26, r1, v, y
Truck Freight Terminal	AP, AFR, CLB, CGB, CAB and IND	c1, e, j1, k25, l4, n2, p, r1, s, t, v, w, y

-123-

If the nature of the Special Exception involves more than one of those listed, the applicant may apply for an Improvement Location Permit for the Special Exception which most closely relates to the primary use; provided that the requirements of all the related uses will be met.

NOTE: Use of #symbol in this Figure indicates that the requirements of the area apply to the Special Exception where located

Reqmt.  
Desig.

Requirement Explanation

a. CLASSIFICATION OF USE PERMITTED

- 1. Light Industrial
- 2. Local Business

b. MINIMUM LOT AREA

- |   |  |
|---|--|
| 1. #  | 8. Two acres with 1200 sq. ft. per camp space        |
| 2. 15000 sq. ft.  | 9. Six acres   |
| 3. 110 sq. ft. per child  | 10. Twenty acres                                     |
| 4. 25000 sq. ft.  | 11. Forty acres                                      |
| 5. 20000 sq. ft. plus 5000 sq. ft. per horse over four (4) horses | 12. Eighty acres                                     |
| 6. One acre   | 13. 320 acres  |
| 7. Five acres   | 14. Two times requirement for Single-Family dwelling |

c. MINIMUM YARDS (Feet)

	<u>Front</u>	<u>Side (each)</u>	<u>Rear</u>		<u>Front</u>	<u>Side (each)</u>	<u>Rear</u>
1.	#	#	#	7.	100	Abutting Residential	- 75
2.	#	50	50			Abutting Other Use	- 35
3.	#	10	30	8.	#	20	#
4.	#	40	40	9.	150	150	150
5.	#	--	--	10.	100	100	100
6.	100	40	40	11.	300	300	300

-124-

## SPECIAL EXCEPTION REQUIREMENTS DEFINED

<u>Reqmt. Desig.</u>	<u>Requirement Explanation</u>
d.	BUILDING SETBACK FROM CENTER LINE OF INTERIOR ROAD (Feet)
	1. 40 2. 50 3. 85
e.	USE PERMITTED NOT CLOSER THAN 300 FEET TO A RESIDENTIAL AREA
f.	MINIMUM GROSS FLOOR AREA OF PRINCIPAL BUILDING(S) (Square Feet)
	1. # 2. Over 1000 3. Determined by number of children to be accommodated 4. 400 5. Two times Single-family dwelling
g.	PLAN OF LANDSCAPE DEVELOPMENT TO BE SUBMITTED WITH APPLICATION
h.	MAXIMUM HEIGHT OF STRUCTURE (Feet)
	1. # 2. As required by appropriate State or Federal Agency 3. Same as Light Industrial 4. 45 5. 70

## SPECIAL EXCEPTION REQUIREMENTS DEFINED

FIG. 7 CONT'D.

Reqmt.  
Desig.Requirement Explanation

-126-

- i. FENCE
1. 6-foot wire mesh where applicable to the public
  2. 6-foot wire mesh when located at ground level
  3. 4-foot wire mesh around play area
  4. Solid wall or solid painted fence 8 feet high
  5. 4-foot wire mesh in residence area
  6. Painted board fence 8 feet high
  7. Adequate to protect abutting use
  8. 6-foot wire mesh
  9. 6-foot solid painted for sanitary fill
- j. SCREEN PLANTING WHERE ABUTTING RESIDENTIAL USE  
(Tight screen, effective at all times)
1. 6-foot height by 6-foot width
  2. 25 feet abutting residential area or use
  3. 8-foot height by 6-foot width
  4. Adequate to screen power substation from street view
  5. 6 feet high along streets for sanitary fill
- k. PARKING SPACES
1. 1 per 2 employees plus 1 per 4 seats in waiting room
  2. 1 per 2 customers or members
  3. 1 per 2 employees plus 1 per 6 students
  4. 1 per 3 employees plus 1 per 6 students
  5. 30
  6. 1 per 3 employees per shift
  7. 1 per 3 employees plus 1 per 125 square feet of sales area

## SPECIAL EXCEPTIONS AND REQUIREMENTS

<u>Reqmt.</u>	<u>Desig.</u>	<u>Requirement</u>	<u>Explanation</u>
k.	8.	1 additional	
(cont'd)	9.	1 per 4 beds plus 1 per doctor plus 1 per 3 employees plus 1 per hospital vehicle	
	10.	1 per 2 employees on largest shift	
	11.	1 per 2 employees	
	12.	1 per 2 employees plus 1 per 5 children to be accommodated	
	13.	1 per 2 employees plus 1 per mobile home stand	
	14.	1 per 3 employees plus 1 per 500 square feet of use area	
	15.	1 per 3 employees plus 1 per 10 inmates at estimated capacity	
	16.	1 per 3 employees plus 1 per driving tee	
	17.	1 per camp site and 1 per cabin	
	18.	Telephone exchange - 1 per employee	
	19.	1 per employee per shift	
	20.	1 per 2 employees where headquartered	
	21.	1 per 5000 square feet	
	22.	One	
	23.	1 per 60 square feet of sales area	
	24.	3 per 4 employees plus 1 per 4 seats	
	25.	1 per 2 employees plus 4 for customers	
	26.	1 per employee plus 1 per sleeping accommodation	
	27.	Two additional	
	28.	1 per three occupants	
	29.	1 per three seats in main auditorium	
	30.	1 per three students and staff	



<u>Reqmt.</u> <u>Desig.</u>	<u>Requirement</u>	<u>Explanation</u>	
k. (cont'd)	31.	1 per each dwelling unit	
	32.	1 for each 125 square feet ground floor area of building(s)	
	33.	1 for each 6 seats in main auditorium	
	34.	1 for each 7 persons	
	35.	None required	
	36.	1 for each 3 members of staff plus one for each 8 seats in auditorium	
l.	DISTANCE OF PARKING AREA FROM RESIDENTIAL AREA (Feet)		
	1.	10	4. 100
	2.	25	5. 300
	3.	50	
m.	NUMBER OF LOADING AND UNLOADING BERTHS (Shall not face on bordering highway)		
	1.	1	5. Up to 200 beds - 1
	2.	2	200 to 500 beds - 2
	3.	Per Development Plan	Over 500 beds - 3
	4.	15000 sq. ft. - 1	6. Per Figure 6
		Over 15000 feet - 2	
n.	DISTANCE OF LOADING AND UNLOADING BERTH FROM RESIDENTIAL AREA (Feet)		
	1.	50	
	2.	100	
	3.	300	
o.	PLAT APPROVED BY THE COMMISSION TO BE SUBMITTED WITH APPLICATION		

SPECIAL EXCEPTIONS AND REQUIREMENTS

Fig. 9 Cont'd.

<u>Reqmt.</u> <u>Desig.</u>	<u>Requirement</u> <u>Explanation</u>
p.	DEVELOPMENT PLAN TO BE SUBMITTED WITH APPLICATION
q.	COVENANT BY OWNERS TO PERPETUATE MAINTENANCE AND APPROVE FUTURE IMPROVEMENTS
r.	MAXIMUM NUMBER OF PRINCIPAL ENTRANCES FROM MAJOR THOROUGHFARE 1. 1 2. 2
s.	ACCEPTABLE RELATIONSHIP TO MAJOR THOROUGHFARE
t.	THOROUGHFARES MUST BE ADEQUATE TO CARRY ADDITIONAL TRAFFIC ENGENDERED BY USE
u.	OTHER AUTHORITY APPROVAL REQUIRED 1. State Board of Health 2. Aeronautics Commission of Indiana 3. Planning Act - Section 58 <sup>1/2</sup>
v.	OUTDOOR ADVERTISING SIGNS AND OUTDOOR ARTIFICIAL LIGHTING SHALL BE APPROVED BY THE COMMISSION
w.	DISPOSAL OF LIQUID AND OTHER WASTES SHALL MEET THE APPROVAL OF THE STATE BOARD OF HEALTH
x.	NO SALES, DEAD STORAGE, REPAIR WORK OR DISMANTLING ON THE LOT

SPECIAL EXCEPTIONS AND REQUIREMENTS

<u>Reqmt. Desig.</u>	<u>Requirement Explanation</u>
y.	NO PARKING IN THE FRONT YARD, EXCEPT AS PROVIDED IN SECTION XV.
z.	EXCEPT FOR APPROVED EXITS AND ENTRANCES, A MASONRY WALL 4 FEET IN HEIGHT AND 6 INCHES THICK ERECTED AT REQUIRED FRONT LINE OF BUILDING AND MAY BE REQUIRED ALONG BOUNDARIES OF PARKING AREA, AS DETERMINED BY THE COMMISSION FOR THE PROTECTION OF RESIDENTIALLY ZONED OR USED PROPERTY.

Figure 10

REQUIRED MINIMUM DISTANCES FROM A  
MOBILE HOME STAND TO ITS LOT LINES AND TO  
OTHER STANDS AND BUILDINGS

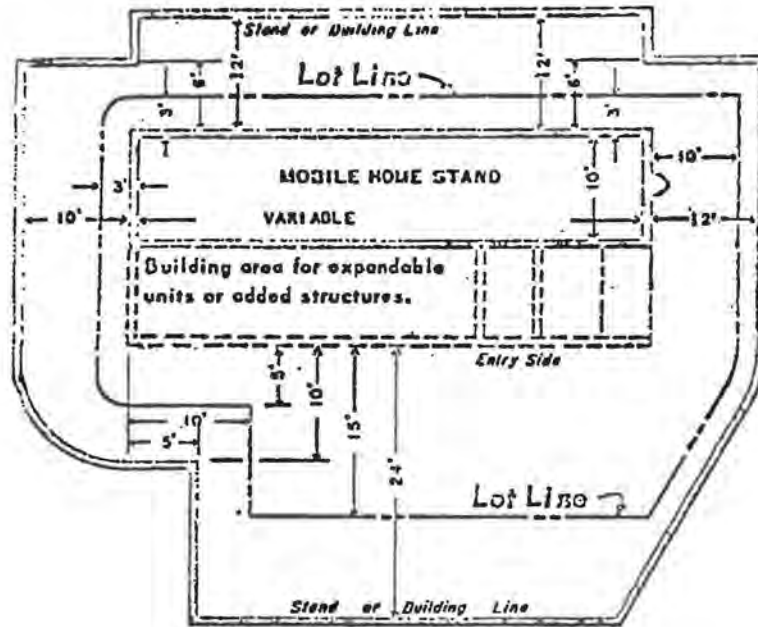


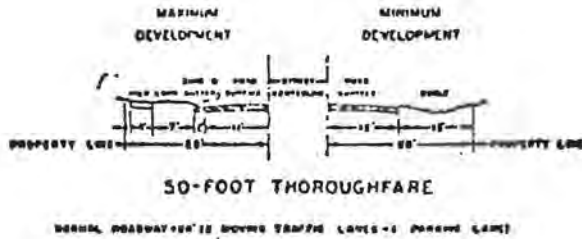
Figure 11

THOROUGHFARE PLAN

Parke County

TYPICAL THOROUGHFARE CROSS-SECTIONS

1959



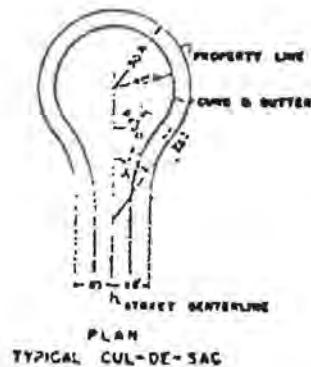
THOROUGHFARE PLAN

NOTE:

In order to permit the construction of the roadway from edge of berm to edge of berm, as shown in these cross-sections, right-of-way widths shown are subject to increases due to cuts and fills based on a two to one (2:1) slope.

NOTE:

The type and character of thoroughfare improvements for all of the cross-sections are designated on the cross-section for the 50-foot thoroughfare in those cases where the cross-sections are split, each left-hand section indicates the maximum development for the right-of-way in



PLAN  
TYPICAL CUL-DE-SAC

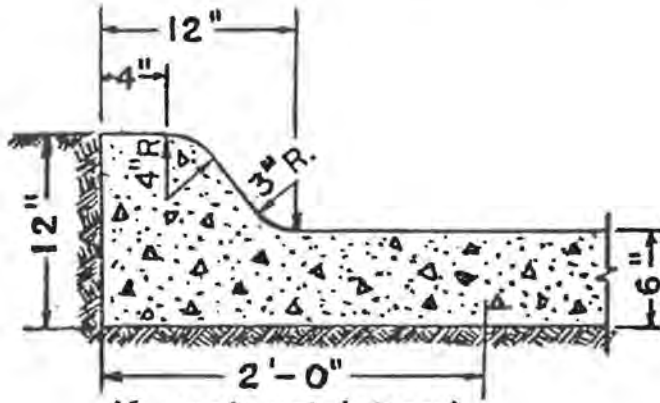
urban areas. The right-hand section in previous figure (page 132) indicates the minimum development which would be appropriate in rural areas. Refer to Subdivision Control Section XXX of this ordinance for specific minimum improvement standards and requirements.

Figure 12

CURB and GUTTER DETAIL--Types A, B, and C

Using Portland Cement Concrete

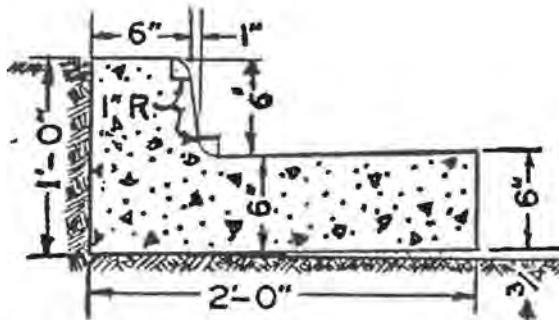
A.



If used not integral  
with pavement

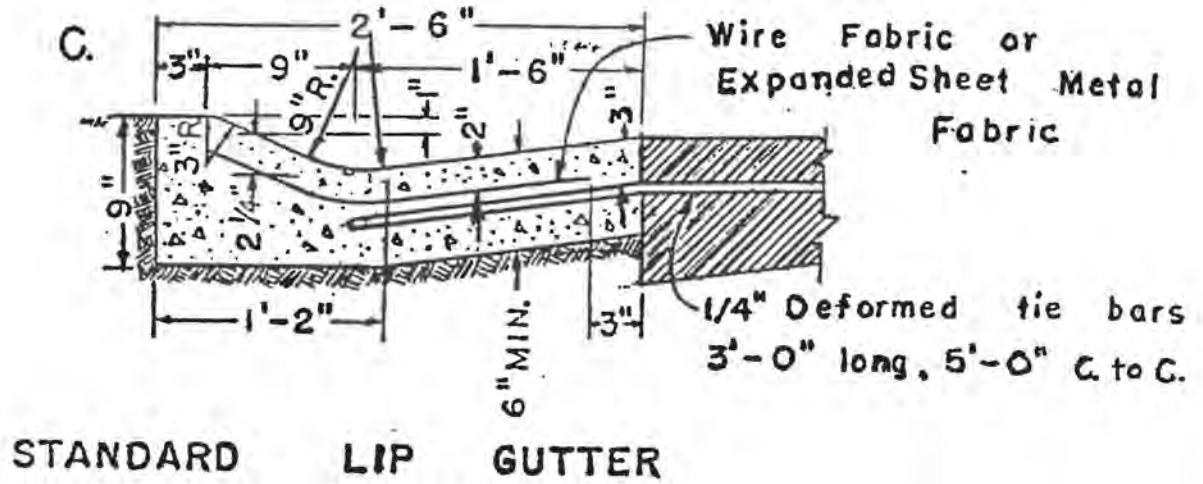
INTEGRAL OR ROLLED CURB GUTTER

B.



COMBINED CURB & GUTTER

CURB and GUTTER DETAIL--Types A, B, and C



NOTE: Tie bars to be omitted for Rock Asphalt or Bituminous Concrete Pavement.



Step 1. PRELIMINARY PLAT FOR SUBDIVISION

A. The owner or subdivider shall provide a preliminary plan of the subdivision which shall show the manner in which the proposed subdivision is coordinated with the Master Plan and its provisions. The Plan will specifically show relationship to the requirements of the Official Thoroughfare Plan, school and recreational sites, shopping centers, community facilities, sanitation, water supply and drainage. It will also show other developments existing and proposed in the vicinity. No land shall be subdivided for residential use unless adequate access to the land over improved streets or thoroughfares exists or will be provided by the subdivider, but private roads may be provided as permitted in other portions of this ordinance. If the land in question is considered by the Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography, or any other feature harmful to the health and safety of possible residents and the community as a whole, the subdivision will not be approved.

B. The subdivider shall provide the following:

1. Location outline map (which shall be prepared by indicating the data by notations on available xeroxed or otherwise copied page from our County parcel ownership plat map) with notes showing:

- a. Subdivision name and location.
- b. Any thoroughfares related to the subdivision.

PROCEDURE FOR DEVELOPMENT OF SUBDIVISION

c. Existing elementary and high schools, parks, and playgrounds serving the area proposed to be subdivided, and other community facilities.

d. This location outline map will be traced on a transparent overlay, which may be placed over the 1" = 800' Assessor's maps for the Board to inspect or be traced directly on an equivalent photo.

2. A preliminary plat showing:\*

a. Proposed name of the subdivision.

b. Names and addresses of the owner, subdivider, land planning consultant, engineer or surveyor, who prepared the plan.

c. Streets and rights-of-way, on and adjoining the site of the proposed subdivision, showing the names (which shall not duplicate other names of streets in the community) and including roadway widths, approximate gradients, types and widths of pavement, curbs, sidewalks, cross-walks, tree-planting and other pertinent data.

d. Easements: Locations, widths and purposes.

e. Statement concerning the location and approximate size or capacity of utilities to be installed.

f. Layout of lots, showing dimensions and numbers.

g. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes.

PROCEDURE FOR DEVELOPMENT OF SUBDIVISION

h. Contours at vertical intervals of four (4) feet if the general slope of the site is less than ten (10) per cent and at vertical intervals of ten (10) feet if the general slope is greater than ten (10) per cent.

i. Tract boundary lines showing dimensions, and references to section, township and range lines or corners.

j. Building setback or front yard lines.

k. Legend and notes.

l. Other features or conditions which would affect the subdivision favorably or adversely.

m. Scale,\* north point and date.

n. An aerial photo equivalent to the Assessor's. Photos for high density areas 1" = 200' will be obtained and the plat will be placed thereon, or the section corners and references placed thereon, and the plat placed on a transparent overlay of an equivalent scale.

o. Report from Parke Soil & Water Conservation District concerning adaptability of the soil and site for the intended purpose, if obtainable.

\* The preliminary and final plat of a subdivision provided the Commission shall be drawn to a scale compatible with the specifications of the Parke County ownership platting system, and with the Parke County Recorder's recording system. For its own purposes the developer may use any scale he desires for his construction details. The Commission may require other drawings at different scales for information purposes as the particular situation of any subdivision requires.

PROCEDURE FOR DEVELOPMENT OF SUBDIVISION

3. A description of the protective covenants or private restrictions to be incorporated in the plat of the subdivision.

C. The application shall be accompanied by a certified check or money order in the amount of Fifteen Dollars (\$15.00) plus fifty (50) cents for each lot in the proposed subdivision, with a minimum total charge of Twenty-five Dollars (\$25.00), to cover the cost of checking and verifying the proposed plat, and such amount along with other fees collected for any purpose shall be deposited in the General Fund for use of the Plan Commission. Costs collected such as recording fees to be paid the Recorder may be handled directly without depositing in General Fund. The developer will also pay for the obtaining of new parcel numbers for the real estate involved. See § XXXVI F and clarifying instructions.

Step 2. PRELIMINARY PLAT APPROVAL

A. After an application for approval of a plat of a subdivision, together with two (2) copies of all maps and data, has been filed, the Commission shall review the preliminary plat and give its acceptance or return the plat to the subdivider with suggestions for changes. No application will be considered at a meeting unless it has been filed with the Commission at least ten (10) days before the date of such meeting.

B. After the Commission has given preliminary acceptance, it shall set a date for a hearing, notify interested parties in writing, and notify by general publication or otherwise, any person or governmental unit having a probable interest in the proposed plat. The cost of publication of the Notice of Hearing and mail notification shall be met by the applicant and collected prior to approval. See Notification on page 143.

PROCEDURE FOR DEVELOPMENT OF SUBDIVISION

C. Following the hearing on the preliminary plat, the Commission will notify the applicant in writing that it has approved the preliminary plat and is ready to receive the final plat, or will advise the applicant of any further changes in the preliminary plat which are desired or should have consideration before approval will be given. If the plat has been disapproved, they will be notified of the fact immediately. The developer may, for this preliminary hearing, provide the final plat and eliminate the preliminary approval step.

Step 3. FINAL PLAT. The final plat shall meet the following specifications:

A. A scale to fit the County Parcel Numbering System, on pages of 9" x 14" size, capable of being read when recorded, and following the format shown in § XXX.

B. Two black line prints shall be submitted with the original final plat.

C. The following basic information shall be shown:

1. Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one (1) foot in five thousand (5000) feet.

2. Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plat.

PROCEDURE FOR DEVELOPMENT OF SUBDIVISION

3. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
4. Accurate metes and bounds description of the boundary.
5. Source of title to the land as shown by the books of the County Recorder.
6. Street names.
7. Necessary curve notes for all curves included in the plan.
8. Street lines with accurate dimensions in feet and tenths of feet, with angles to street, alley and lot lines.
9. Lot numbers and dimensions.
10. Accurate locations of easements for utilities and any limitations on such easements.
11. Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.
12. Building setback or front yard lines and dimensions.
13. Location, type, material and size of all monuments and lot markers.
14. Plans and specifications for the improvements required in this ordinance.

PROCEDURE FOR DEVELOPMENT OF SUBDIVISION

15. Restrictions of all types which will run with the land and become covenants in the deeds for lots.

16. Name of the subdivision.

17. Name and address of the owner and the subdivider.

18. North point, scale and date.

19. Certification by a registered professional engineer or registered land surveyor.

20. Certification of dedication of streets and other public property.

21. Certificates for approval by the Commission and the Board of County Commissioners.

D. The final plat will then be submitted to the Commission at least ten (10) days prior to the regular scheduled meeting. The Commission will examine the plat for a minimum of the following:

1. Equality with the approved preliminary plat.

2. Conformity with zoning ordinance provisions and procedure.

3. A finding that all improvements and installations required or requested for the approval have been completed. If these are not completed, then the Commission shall establish an amount for a bond to be provided by the developer, to run to the Board of Commissioners to guarantee completion by a date certain, the date either established by the ordinance or the Commission.

After the above findings and actions are completed, the plat should be approved as required. The Building Commissioner will hold the plat there until the development provides the fees for integrating with the County ownership record system and for recording and duplication of the plat and provides required bond. Then the Building Commissioner's office or whomever they designate will carry the approval to the Board of County Commissioners for approval and perform the function of integrating the plat into the ownership record system, taxation transfer in the Auditor's office, clearance thru the Assessor and Recorder, and the making of four copies of the plat and attendant paper work. One copy is for the County Commissioners, one for the Assessor and two for the Commission; the original will be returned to the developer by the Recorder.

The Board of Commissioners will in their approval, if given, certify that a bond is posted, should it have been indicated by the Commission that the requirement exists.

Notification: Record landowners have the responsibility of receiving tax statements and paying the taxes on their own property and of providing a current address for this purpose to the Treasurer. For the purposes of this ordinance, tax addresses listed are valid addresses for the purpose of notification, and if a third party is listed to receive tax notices, the third party is the agent of the owner for notification purposes. Where taxation addresses are used, "addressee unknown" returns, combined with the publication notice, is sufficient notice for the purpose of this ordinance.

Signed waivers of notice may be utilized in lieu of mail notice if certified by an attorney or professional engineer preparing the paper work involved, or by other professional such as an abstractor who is bonded for accuracy of work. The certification will include that they have personal knowledge of the identity of the parties signing as the record owners of the real estate which requires mail notice. Mail notice, where required, goes to landowners who own property within four hundred (400) feet of the real estate involved.

This notification applies to the entire ordinance.



CERTIFICATE

I, George Waltz, the duly elected Secretary of the Parke County Plan Commission, do hereby certify that the foregoing is a true, accurate, and complete copy of the Parke County Zoning Ordinance which was advertised for public hearing on 16 Aug, 23 Aug 1976. Public hearing was held 26 AUG 1976; ordinance was approved for passage by the Commission in open meeting on motion by GEORGE WALTZ, seconded by LEWIS AYRES, by a vote of SIX in favor and NONE opposed.

Paul Ray  
Paul Ray  
President  
Parke Co. Plan Commission

George Waltz  
George Waltz  
Secretary  
Parke County Plan Commission

Passed by the Board of County Commissioners, Parke County, Indiana on the 7 day of September, 1976.

46291-#10,760  
RECEIVED FOR RECORDING  
VOL 39..... 11:30 A.M  
PAGE  
465 SEP 21 1976  
Doris Catlin  
Recorder Parke County

BOARD OF COUNTY COMMISSIONERS  
PARKE COUNTY, INDIANA

Max Causey  
Max Causey (approve/disapprove)

Gerald D. Seip  
Gerald D. Seip (approve/disapprove)

Luther Myers  
Luther Myers (approve/disapprove)

ATTEST:

Frankalene Cramer **RECORDED**  
Frankalene Cramer, County Auditor **INDEXED**

Recorded 21 Sept 1976 in Miscellaneous Record 39,  
pages 405 thru 551, on 9-21-76, 1976.