

MASTER PLAN  
OF  
CLARK COUNTY  
INDIANA

ADOPTED 1954

A  
MASTER PLAN  
FOR  
CLARK COUNTY, INDIANA  
1954

THE CLARK COUNTY PLAN COMMISSION

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## PROLOGUE

The Master Plan of Clark County, which is presented herewith, is the reflection of studies covering a period of three and one half years, during which time community assets and its expansion area have been evaluated, and consideration given to the possibilities for its future development.

The Clark County Plan Commission and its Consultants gratefully acknowledge the assistance afforded the endeavor by many individuals, the former Members of the Commission, including Fritz Chapmen, Harvey Russ, Don Reining and others, and especially the efforts of James W. Ehringer and Attorneys Ellis Deibel and Homer D. Smith.

The harmonious and diligent efforts of all concerned have been a large factor in the production of a practical guide for the future growth and expansion of Clark County.

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## ORDINANCE NO. 10, 1954

AN ORDINANCE CLASSIFYING, REGULATING AND RESTRICTING THE LOCATION, HEIGHT, AREA, BULK, AND USE OF BUILDINGS AND STRUCTURES AND THE USE OF LAND IN THE UNINCORPORATED TERRITORY OF CLARK COUNTY, INDIANA, AND FOR SAID PURPOSES DIVIDING THE COUNTY INTO DISTRICTS.

NOW BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLARK COUNTY, INDIANA, UNDER AUTHORITY OF CHAPTER 174, ACTS OF 1947, GENERAL ASSEMBLY OF THE STATE OF INDIANA:

### TITLE I - PURPOSE

#### Section 1.01

The zoning regulations and districts as herein set forth are made in accordance with a comprehensive master plan in order that adequate light, air, convenience of access, and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; and that the public health, safety, comfort, morals, convenience and general public welfare may be promoted. They are made with reasonable regard to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted and the conservation of property values throughout the unincorporated areas of Clark County, Indiana.

### TITLE II - GENERAL PROVISIONS

#### Section 2.01

SHORT TITLE. This ordinance shall be known and may be cited as "The Clark County, Indiana, Zoning Ordinance."

#### SECTION 2.02

DEFINITIONS. In this ordinance words used in the present tense include the future, the singular includes the plural and the plural the singular, and the word "lot" includes the word "plot". The word "used" includes "designed" or "intended to be used". Unless otherwise specified, all distances shall be measured horizontally, in any direction. The following terms, unless a contrary meaning is required by the context or if specifically prescribed, shall have the following meanings:

- (1) **Accessory Building and Use**—A subordinate building located on the same lot with the main building, or a subordinate use of land, either of which is customarily incident to the main building or to the principal use of the land.

Where a substantial part of the wall of an accessory building is a part of the wall of the main building or where an accessory building is attached to the main building in a substantial manner as by a roof, such accessory building shall be counted as part of the main building.

- (2) **Accessory Living Quarters**—Living quarters within an accessory building, for the sole use of persons employed on the premises; such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.
- (3) **Block Frontage**—All the property fronting on one side of a street between intersecting or intercepting streets or between a street and right-of-way, end of dead-end street or city boundary measured along the street line.
- (4) **Board**—Shall mean the Board of Zoning Appeals of the County of Clark, Indiana.
- (5) **Building**—Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattel. When any portion thereof is completely separated from every other portion thereof by a division wall without openings then each such portion shall be deemed to be a separate building.
- (6) **Building, Detached**—A building having no party wall in common with another building.
- (7) **Building, Nonconforming**—A legally existing building which fails to comply with the regulations set forth in this ordinance applicable to the district in which such building is located.
- (8) **Building Semi-Detached**—A building having one party wall common with an adjacent building.
- (9) **Building Height of**—The vertical distance measured from the adjoining street center-line grade at a point opposite the center of

the principal frontage of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. Where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

- (10) **Building Line**—The line nearest the front and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line.
- (11) **Camp Ground**—Any area or tract of land used or rented for occupancy by campers, or for occupancy by or of home trailers, tents or movable or temporary dwellings, rooms or sleeping quarters of any kind.
- (12) **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.
- (13) **Commission**—The Clark County Plan Commission of the County of Clark.
- (14) **Dwelling**—A building or portion thereof, used exclusively for residential occupancy, including one-family, two-family and multiple dwellings, but not including hotels, lodgings or boarding houses or tourist homes.
- (15) **Dwelling, One-Family**—A building used for occupancy by one family.
- (16) **Dwelling, Two-Family**—A building used for occupancy by two families living independently of each other.
- (17) **Dwelling, Multiple**—A building or portion thereof used for occupancy by three or more families living independently of each other.
- (18) **Dwelling, Row**—A building having a party wall on each side in common with an adjoining building.
- (19) **Dwelling Unit**—A dwelling or a portion of a dwelling or of an apartment hotel used by

one family for cooking, living and sleeping purposes.

- (20) **Educational Institution**—Public, parochial or private preprimary, primary, grade, high, preparatory school or academy; junior college, college or university, public or founded or conducted by or under the sponsorship of a religious or charitable organization, or private when not conducted as a commercial enterprise for the profit of individual owners or stockholders. This definition shall not be deemed to include trade or business school as defined in this Section.
- (21) **Family**—One or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary servants.
- (22) **Garage, Parking**—Any building, except those herein defined as a private garage, used exclusively for parking of self-propelled vehicles, and with not more than two pumps for the incidental sale of gasoline.
- (23) **Garage, Private**—A detached accessory building or portion of a main building, used for the storage of self-propelled vehicles where the capacity does not exceed three vehicles, or not more than one per family housed in the building to which such garage is accessory, whichever is the greater, and not more than one-third the total number of vehicles stored in such garage shall be commercial vehicles.
- (24) **Garage, Public**—Any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.
- (25) **Home Occupation**—Any use customarily conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no commodity sold upon the premises except that which is produced by such home occupation, and provided not more than two (2) persons are engaged in such occupation. Such uses as barber shop, beauty par-

lor, tea room, tourist home and animal hospital shall not be deemed to be home occupations.

- (26) **Hospital** — “Sanitarium”, “sanatorium” “preventorium”, “clinic”, provided such institution is operated by, or treatment given under direct supervision of, a physician licensed to practice by the State.
- (27) **Hotel**—A building or portion thereof used for the more or less temporary occupancy of individuals who are lodged with or without meals and in which provision for cooking is made preponderantly in a central kitchen and not in the individual rooms or suites.
- (28) **Junk Yard, Including Automobile Wrecking**—A lot or part thereof used for the storage, keeping or abandonment of junk, including scrap metal or other vehicles or machinery of parts thereof.
- (29) **Lodging House**—A building with more than two but not more than ten guest rooms where lodging with or without meals is provided for compensation.
- (30) **Lot**—A parcel of land fronting on a street and occupied, or to be occupied, by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this ordinance and such open spaces as are arranged and designated to be used in connection with such building. It may be a single parcel separately described in a deed 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 lot. In determining lot area and boundary lines no part thereof within the limits of a street shall be included.
- (31) **Lot, Corner**—A lot at the junction of and fronting on two or more intersecting streets both of which are 20 feet or more in width.
- (32) **Lot, Through**—A lot having frontage on two parallel or approximately parallel streets.
- (33) **Lot Width**—The distance parallel to the front of a building erected or to be erected, measured between side lot lines at the building line.
- (34) **Motel**—A permanent building or group of buildings containing rooms without cooking facilities, used, rented or hired out for the more or less temporary occupancy of overnight guests.
- (35) **Nonconforming Use**—A legally existing use of land or building which fails to comply with the regulations set forth in this ordinance applicable to the district in which such use is located.
- (36) **Parking Area, Public**—An open area, other than a street, used for the temporary parking of more than four automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.
- (37) **Parking Space (Off-Street), One**—A space on private land, accessible from a street or alley, not less than nine (9) feet wide and twenty (20) feet long exclusive of passageways.
- (38) **Sign**—Any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, affixing or placing of a structure on any land or on any other structure, or produced by painting on or posting or placing any printed, lettered, pictured, figured or colored material on any building, structure, or surface. Signs placed or erected by public agencies for the purpose of showing street names or traffic directions or regulations or for other governmental purposes shall not be included herein nor shall this include signs which are part of the architectural design of the building.
- (39) **Story**—That portion of a building included between the surface of any floor and the surface of the floor next above, or if there be no floor above it, then the space between any floor and the ceiling next above it; also any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the front of the building exceeds four (4) feet.
- (40) **Story, Half**—A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not

more than two (2) feet above the floor of such story.

- (41) **Street**—A public way established by or maintained under public authority, a private way open for public uses, or a private way plotted or laid out for ultimate public use, whether or not constructed.
- (42) **Structure**—Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground.
- (43) **Tourist Home**—A building in which more than one but not more than five guest rooms are used to provide or offer overnight accommodations for transient guests for compensation.
- (44) **Trade or Business School**—Secretarial school or college; business school or college when not public and not owned or conducted by or under the sponsorship of a religious or charitable organization, school conducted as commercial enterprise for teaching instrumental music, dancing, barbering or hair dressing or for teaching industrial skills in which machinery is employed as a means of instructions. This definition shall not be deemed to include education institution as defined in this section.
- (45) **Trailer Coach Park**—Any plat of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.
- (46) **Yard**—A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this ordinance.
- (47) **Yard, Front**—A yard extending across the full width of the lot, the depth of which shall be the least distance between the front lot line and the front of the main building.
- (48) **Yard, Rear**—A yard extending across the full width of the lot between the rearmost main buildings and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such main building.

(49) **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 shall be measured horizontally from the nearest point to the side lot line toward the nearest part of the main building.

(50) **Zone or District**—A section of Clark 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.

#### Section 2.03

#### BUILDING AND USES AFFECTED BY ZONING.

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations of this ordinance.

#### SECTION 2.04

#### CONTINUANCE OF NONCONFORMING BUILDINGS OR USES.

##### A. Nonconforming Buildings or Structures.

1. **Maintenance Permitted** — A nonconforming building or structure may be maintained, except as otherwise provided in this Section.
2. **Repairs and Alterations**—May be made to a nonconforming building or structure, provided that in a building or structure which is nonconforming as to use regulations no enlargement shall be made.
3. **Additions, Enlargements or Moving**—
  - a. A building or structure nonconforming as to regulations for use or lot area per dwelling unit shall not be added to or enlarged in any manner unless such building or structure, including such addition or enlargement, is made to conform to the use and area per dwelling regulations of the zone in which it is located.
  - b. A building or structure nonconforming as to height or yard regulations shall not be added to or enlarged in any manner unless such addition or enlargement conforms to all the regulations of the zone in which it is located.
  - c. No nonconforming building or structure shall be moved in whole or in part to any other lo-

cation on the lot unless every portion of such building or structure is made to conform to all the regulations of the zone in which it is located.

**B. Nonconforming Use of Buildings or Structures.**

**1. Continuation and Change of Use—**Except as otherwise provided in this Section:

- a. The nonconforming use of a building or structure, lawfully existing at the time this ordinance became effective, may be continued.
- b. The nonconforming use of a building or structure may be changed only to a use of the same or more restricted classification.

**2. Expansion Prohibited—**A nonconforming use of a building or structure designed for a conforming use shall not be expanded or extended into any other portion of such conforming building or structure nor changed except to a conforming use.

**Section 2.05**

**AMORTIZATION OF NONCONFORMING USES OR BUILDINGS.**

- A. The nonconforming use of land where no building is involved, or any nonconforming billboard or advertising structure not attached to a building, but which lawfully existed at the time this ordinance became effective shall be discontinued within five (5) years from the date of its passage.
- B. Whenever a nonconforming use has been discontinued for a period of six (6) months such use shall not thereafter be established and any future use shall be in conformity with the provisions of this ordinance, except that the six (6) month period of discontinuance shall not apply to uses which are dependent upon seasonal trade and which are customarily closed for a greater portion of a year's time.
- C. No building damaged by fire or other causes to the extent of more than double its assessed value shall be repaired or rebuilt except in conformity with the provisions of this ordinance.

**Section 2.06**

**NONCONFORMANCE DUE TO RECLASSIFICATIONS.**

The provisions of the two immediately preceding Sections shall also apply to buildings, structures,

land or uses which hereafter become non-conforming due to any reclassification of zones under this ordinance or any subsequent change in the regulations of this ordinance, and any time periods specified for discontinuance of nonconforming uses shall be measured from the date of such reclassification or change.

**Section 2.07**

**GENERAL USE PROVISIONS.**

**A. Zone Group Classification.**

Whenever the terms A zone, R zone, B zone or M zone are used, they shall be deemed to refer to all zones containing the same letters as their names; e.g., B zone shall include the B-1, B-2, and B-3 Zones.

**B. Off-Street Parking.**

The following off-street parking spaces shall be provided and satisfactorily maintained, by the owner of the property, for each building which is hereafter erected, enlarged or altered for use for any of the following purposes:

1. Dwellings, at least one parking space for each dwelling unit in the building or buildings.
2. For any general auditorium, gymnasium, church, or theatre; high school or college, or university auditorium or stadium; or other similar place of assembly there shall be provided at least one (1) parking space for each eight (8) seats provided for its patrons, based on the maximum seating capacity, including fixed and movable seats.  
  
For any church there shall be allowed the use of joint parking facilities in connection with any building or use not normally open, used, or operated during the principal operating hours of a church providing a properly drawn legal instrument is executed by the parties concerned for the joint use of such off-street parking facilities, which instrument, duly approved as to form by the Commission Attorney, shall be filed with the application for a building permit.
3. For any hotel, apartment hotel, club house, dormitory, fraternity house or any other similar use or establishment there shall be provided at least one parking space for each three (3) guest sleeping rooms.
4. For any dancing, exhibition, labor temple, lodge hall, skating rink or other assembly hall with-

out fixed seats there shall be provided not less than one (1) parking space for each 120 square feet of floor area thereof.

5. For any bank, clinic, funeral home, office building, professional office, welfare institution or any other similar use or establishment there shall be provided not less than one (1) parking space for each 400 square feet of gross floor area thereof.
6. For any hospital, sanitarium, convalescent home or any other similar use of establishment there shall be provided not less than one parking space for each three (3) beds or any portion thereof.
7. For any eating or drinking establishment or any similar use there shall be provided not less than one (1) parking space for each 200 square feet of gross floor area thereof.
8. For any retail store, except a food market, there shall be provided not less than one (1) parking space for each 600 square feet of gross floor area thereof.
9. For any food market establishment or any similar use with a gross floor area of less than 2500 square feet there shall be provided not less than one (1) parking space for each 250 square feet of gross floor area thereof. For each gross floor area in excess of 2500 square feet there shall be one (1) parking space for each 100 square feet of gross floor area thereof.
10. For any manufacturing, processing, wholesaling, or any other industrial use or establishment including any printing or engraving establishment or any warehouse or storage building there shall be provided one (1) parking space for each two (2) employees.
11. For any Launderette, Laundromat, Self-Service Laundry, Washateria or any similar use or establishment under a different name there shall be provided one (1) parking space for each two (2) washing machines or portion thereof.
12. For any bowling alley there shall be provided four (4) parking spaces for each bowling alley thereof.
13. For any motel, tourist court, or similar use or establishment there shall be provided one (1)

parking space on the same parcel of land for each individual sleeping or living unit.

14. For any trailer coach park there shall be provided not less than one (1) parking space on the same parcel of land for each individual house trailer.

**Mixed Uses**—In the case of any use not listed herein, the number of parking spaces required for such use shall be the same as for a similar use which is listed. In the case of mixed uses in the same building or structure, the total requirement for off-street parking facilities shall be the sum of the requirement of the various uses computed separately from the items set out in this section and off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as herein after specified for collective use.

**Collective Parking Facilities**—Nothing in this section shall be construed to prevent collective provision of any off-street parking facility for two or more buildings or uses providing, however, that the total number of off-street parking spaces shall not be less than the sum of requirements for the various individual uses computed separately in accordance with the items set out in this section.

All parking spaces provided pursuant to this section shall be on the same lot with the building, except that the Board may permit the parking spaces to be on any lot within three hundred (300) feet of the building, except that the requirements of paragraphs 13 and 14, shall not be waived. If the Board determines that it is impractical to provide parking on the same lot with the building, the requirements set forth in paragraphs 3, 5, 6, 7 and 8 first above may be waived by the Board in the case of a building erected or altered as a result of destruction by fire or Act of God, or whenever the Board determines that more than seventy-five (75) per cent of the privately owned lands within three hundred (300) feet of the building to be erected, enlarged or altered are improved with buildings regularly occupied and used.

**Distance Measurements** — The distance to any parking space area as herein required shall be measured between the nearest point of the off-street parking facility and the nearest point of the building said parking area or facility is to serve.

#### C. Off-Street Loading.

On the same premises with every building, structure or part thereof, hereafter erected, es-

tablished or enlarged and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store market, hotel, mortuary, laundry, dry cleaning or other uses, involving the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained adequate space for standing, loading, and unloading in order to avoid undue interference with public use of the street or alley.

Such space, unless otherwise adequately provided for shall include a 12 foot by 35 foot loading space with 14 foot height clearance for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of floor area used for above mentioned purposes, or for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of land used for the above mentioned purposes.

#### D. Public Parking Area.

Every parcel of land which, after the effective date of this ordinance, is changed to a public parking area, automobile or trailer sales area, filling station or public garage shall be developed as follows:

1. Such area, where subject to moving traffic, shall be paved in accordance with the requirements set forth below. Specification code numbers refer to Sections of: "Standard Specifications for Road and Bridge Construction and Maintenance", dated 1952, of the State Highway Commission of Indiana.

Minimum Item Req'd.	Specification
Subgrade for Flexible Base Courses	B902.2
Compacted Aggregate Base	C9
Road Oil Mat	D8

The minimum thickness of the finished base shall be three (3) inches and the completed pavement, including the base, shall have a thickness of at least five (5) inches.

2. Where such area adjoins a lot in an R zone, a solid wall, compact evergreen screen or uniformly painted board fence having a height of not less than four (4) feet shall be erected and maintained between such area and the property in R zones. Such enclosures shall be at least five (5) feet from the side of a lot in an R zone, and all required front and side yards shall be properly maintained as such.

3. Any light used to illuminate said parking area shall be so arranged as to reflect the light away from the adjoining premises in an R zone insofar as practical.

#### E. Permanency of Spaces Provided.

Any parking or loading space established prior to the effective date of this ordinance and which is used or intended to be used in connection with any main building, structure or use, or any spaces designed and intended to comply with the requirements of this ordinance for any such main building or structure erected after such effective date, shall hereafter be maintained so long as said building or structure remains, unless the owner provides and maintains in another location an equivalent number of required spaces in conformance with the provisions of this ordinance.

### TITLE III - ZONES

#### Section 3.01

**ESTABLISHMENT OF ZONES.** For the purpose of this ordinance the unincorporated area of Clark County is hereby divided and classified into nine (9) zones designated as follows:

- C1 Conservancy Zone
- A1 Agricultural Zone
- RS Suburban One-Family Residence Zone
- R1 One-Family Residence Zone
- R2 Limited Multiple-Family Residence Zone
- B1 Limited Business Zone
- B2 Roadside Business Zone
- B3 General Business Zone
- M1 General Industrial Zone

The above zones and their respective boundaries, with the exception of the C1 Zone, are hereby established as shown on the maps entitled "Clark County Zone Map", Sheets 1 thru 12, dated

19 , which accompanies this ordinance and is on file in the office of the Commission. Said maps and all explanatory matter thereon are hereby adopted and made a part of this ordinance.

The C1 Zone is made up of those lands in the unincorporated area of Clark County having an elevation above mean sea level of less than 447.00 feet and are unprotected by a levee or other device

from floods or overflows. This zone is created to protect the public health and to reduce the financial burdens imposed upon the community, its governmental units and its individuals which may result from improper use of lands having excessively high watertables or which are subject to frequent and periodic floods and overflow. The lands included in this zone have been determined from the data in the office of the Indiana Flood Control and Water Resources Commission and the office of the County Surveyor. Upon the presentation of evidence satisfactory to the Commission that lands now designated as C1 are adequately drained or protected from the risks of flooding and overflow, the lands shall automatically be removed from the C1 Zone and reclassified in the zone shown for those lands on the Zone map.

Lands which may hereafter become unincorporated area of the County shall be included in the A1 zone until changed by amendment of this ordinance.

#### Section 3.02

**ZONE BOUNDARIES.** Unless otherwise indicated, the zone boundary lines are land lines, the center lines of streets, parkways, alleys or railroad rights-of-way, or such lines extended.

Where the street layout actually on the ground varies from the layout as shown on the Zoning Map, the County Surveyor shall interpret said map according to the reasonable intent of this ordinance.

### TITLE IV - ZONE REGULATIONS

The requirements of this **TITLE** and the regulations contained in **TITLE II** shall apply in the zones established in **TITLE III**.

#### Section 4.01

**USE REQUIREMENTS.** No building structure or land shall hereafter be used for any purpose not in conformity with the uses permitted in the zone wherein such building or land is located.

#### Section 4.02

### CONTINGENT USES — ALL ZONES.

The following Contingent uses, numbered 1 to 8 inclusive, which are likely but not certain to occur, and which need not be inappropriate to the primary uses of the zones established by this ordinance, may be permitted by the Board in any zone

where such uses are deemed essential or desirable to the public convenience or welfare. In granting a permit for a Contingent Use, the Board shall make a finding that such use is in harmony with the various elements or objectives of the Master Plan, and its location, plan and character of development has been approved by the Commission. In the exercise of its approval, the Commission may impose such conditions regarding the location, character and other features of the proposed building or structure or use as it may deem advisable in the furtherance of the purposes of this ordinance.

1. Airport or Aircraft Land Field.
2. Cemetery.
3. Local Government Enterprise.
4. Hospital.
5. Motor Vehicle or Rail Terminal.
6. Public Utilities and Public Services.

The construction and installation of water and gas pipes, mains and conduits; electric light and electric power transmission and distribution lines; telephone, television and telegraph lines; radio and television transmitter stations including towers; petroleum and natural gas lines, and sewer mains, and other uses considered of a public utility or public service nature, including structures and appurtenances necessary for their maintenance and operation.

7. Educational Institution

Land, buildings and structures owned or used at the time of the enactment of this ordinance for the usual purposes and activities of educational institutions as defined in this ordinance, including instructional and recreational uses, provision for exhibitions and athletic contests, and provision for living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees, together with land, buildings and structures hereafter acquired for such uses by such educational institutions having a location adjacent to land now so owned or used by such educational institutions shall be deemed to be conforming uses in the zone in which the land is located, provided that no building shall be hereafter erected for such use by any such institution within

30 feet of the boundary line of a lot owned by others in an R zone.

Adjacent, as used in the above paragraph, shall be deemed to include any property within 1,000 feet of any part of any property owned or used for educational institution at the time of the enactment of this ordinance.

## 8. Neighborhood Development Unit

The purpose of this subsection is to establish a more flexible procedure for the approval of development plans for large tracts of land and to encourage good planning practices through the submission of neighborhood development plans by prospective developers.

Recent examples of large-scale building of housing, shopping centers and industrial districts often have met with restrictions in zoning ordinances which, when drafted, could not anticipate the variety of successful adaptation of good site planning procedures.

Certain acreages, now undeveloped or subject to redevelopment will lend themselves to large scale development as a unit. It is recognized that careful study and consideration given to such development on a unit basis will be conducive to a soundly developed neighborhood and community and that approval of a plan based on such study and consideration will be consistent with the objective, spirit and intent of the zoning ordinance.

Tracts of land as herein described to be used for R zone, B zone or M1 zone purposes, or certain combinations thereof, may be developed as a unit; e.g., group housing, shopping center, manufacturing district.

a. Land Deemed One Lot—Any parcel of land including any interior streets which is used by a neighborhood development designed as a unit may be deemed to be one lot.

To be considered a neighborhood development unit, the parcel of land must include at least:

(1) Ten (10) acres if used only for R zone or only for B zone purposes;

(2) Fifteen (15) acres if used only for M-1 zone purposes; or a combination of R zone and B zone purposes;

(3) Twenty-five (25) acres if used for combinations of B zone and M-1 zone purposes.

b. Application of regulations — Where a neighborhood development unit consists of two or more buildings to be constructed on a plat of ground not subdivided into the customary streets and lots, and which will not be so subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual building units in such neighborhood development unit, the application of such requirements to such unit may be varied in a manner that will be in harmony with the character of the neighborhood, and if residence use be involved, that will insure a lot area per family no lower and a standard of open space no lower than permitted by this ordinance in the zone in which the proposed neighborhood development unit is to be located.

### Section 4.03

#### SPECIAL EXCEPTIONS — SPECIFIED ZONES.

Certain other uses are herein designated and may be permitted by the Board only in specified zones as indicated below when, in its judgment, the public convenience and welfare will be substantially served and the proposed use will not be detrimental to the orderly developments of the surrounding area.

In A1, B2, B3, and M1 Zones, the Board may permit:

1. Penal or correctional institutions, sanitarium, hospital or asylum for contagious, mental, drug, or liquor addict cases.
2. Drive-In Movie, Golf Course, Country Club.
3. Commercial baseball or athletic field, stadium, race track, fairground, riding academy or stable, except that such use shall not be permitted within 300 feet of an R zone.
4. Permanent or transient amusement enterprises, medicine show or circus, the chief activity

of which is carried on for gain or profit, except that such use shall not be permitted within 300 feet of an R zone.

In A1 and M1 Zones, the Board may permit:

1. **Animal Hospitals or Kennels**, except that such use shall not be permitted within 300 feet of an R zone.
2. **Gun Club, Skeet Shoot or Target Range**, provided that satisfactory evidence is presented to the Board that adequate precautions will be taken to safeguard the public from dangers of firearms used therein, and provided further that no such use shall be permitted within 300 feet of an R zone.

3. **Living Accommodations for Transients and Semi-Permanent Residents, including the following:**

a. **Motel or Tourist Court**, subject to the following minimum requirements:

- (1) The total ground area of the site shall be not less than twenty-five thousand (25,000) square feet, and in no case shall the area of the site, excluding vehicular drives and other service areas, be less than to provide twelve hundred and fifty (1250) square feet of ground per tourist accommodation.
- (2) The distance between buildings shall be not less than twelve (12) feet.
- (3) The distance of any structure from a lot line shall be not less than ten (10) feet.

b. **Camp Ground, Trailer Coach Park or Trailer Camp**, subject to the following minimum requirements:

- (1) The total ground area of the site shall be not less than one (1) acre;
- (2) The minimum area per trailer coach or temporary dwelling space shall be not less than fifteen hundred (1500) square feet;
- (3) The distance between any trailer, building or other structure shall be not less than twelve (12) feet;

(4) The distance of any trailer, building or other structure from a side or rear lot line shall be not less than ten (10) feet;

(5) The distance from the highway or street right-of-way line of any trailer tent or other movable or temporary dwelling shall exceed by at least thirty (30) feet the front yard requirements otherwise required in the zone in which it is located.

Uses permitted under this paragraph may include restaurants and filling stations (auto repairs excepted) when operated as an integral part of the principal use.

4. **Live Stock Sales or Auction, Stock Pens, Sanitary Land Fill**, except that such use shall not be permitted within 300 feet of an R zone.

5. **Animal Breeding and Raising** for experimental laboratory or fur production purposes, as distinguished from general livestock raising, except that such use shall not be permitted within 300 feet of an R zone.

As a requisite to the granting of the Special Exceptions enumerated above, the Board may invoke other reasonable and appropriate requirements deemed necessary to safeguard the general community interest and welfare.

In considering a petition for any one of the Special Exceptions enumerated in this Section, the Board shall give due regard to the following factors as they will apply to the particular situation:

1. The location and size of the use; the nature and intensity of the operations involved in or conducted in connection with it; its site layout; and its relation to streets giving access to it so that vehicular traffic to and from the use will not create undue hazards to the normal traffic of the vicinity, taking into account among other things, vehicular turning movement in relation to routes of traffic flow, relation to street intersections, sight distances, and relation to pedestrian traffic.
2. The nature, location, size, and site layout of the use so that it will not be inharmonious to the zone in which it is situated.

All Special Exceptions as defined in this Section which existed at the time this ordinance became

effective and which are located in a zone which would permit such use in accordance with the provisions of this ordinance, shall be regarded as conforming uses and may be continued, except that major changes in layout, expansion or extension to such uses shall be subject to Board review and approval as required for Special Exceptions. Section 4.04

**PERMITTED USES — SPECIFIED ZONES.**

**“C1” - Conservancy**

1. General Agricultural Operations.
2. Farm Dwellings, including tenant housing.
3. Accessory Buildings and Uses.
4. Public Park and Recreation Areas.
5. Forestry.
6. Mineral Extraction and Storage.
7. Private Recreation Camps and Enterprises for seasonal or temporary use.
8. Rural Roadside Advertising.

**“A1” - Agricultural**

1. All Uses Permitted in C1 Zone, plus:
2. One and Two-Family Dwellings.
3. Greenhouses and Nurseries.
4. Churches, Public and Parochial Schools.
5. The Following Uses, if their location is first approved by the Board following a public hearing:
  - a. Lodging, Tourist, Nursing or Rest Home.
  - b. Processing and Storage of Agricultural Products.
  - c. Roadside Stands.
  - d. Work Shop or Repair Shop for custom work when located on the same lot with the owner and operator employing not more than two assistants.

**“RS” - Suburban Residence  
and**

**“R1” - One-Family Residence**

1. One-Family Detached Dwelling.
2. Public Parks and Recreation Areas.

3. Churches, Public and Parochial Schools, including attached or free standing bulletin board not to exceed 25 square feet in area.
4. Crop or Tree Farming, but excluding raising of livestock.
5. Stands, for the retail sale of agricultural commodities produced on the premises.
6. Accessory Buildings and Uses.
7. Home Occupations.
8. Name Plate or Signs—one per dwelling unit not to exceed 11½ square feet in area; unlighted signs not exceeding 12 square feet in area pertaining to sale or rental of property on which located.

**“R2” - Limited Multiple-Family Residence**

1. All Uses Permitted in the RS and R1 Zones Plus:
2. Two-Family Dwellings.
3. Row Housing, not to exceed four dwelling units.
4. Day Nurseries, Multiple Dwellings, Non-Profit Private Clubs and Professional Offices, if their location is first approved by the Board following a public hearing.
5. Lodging and Tourist Homes.

**“B1” - Limited Business**

1. All Uses Permitted in the R2 Zone, Plus:
2. Retail Shops and Services, with not more than four persons engaged in productive processes incidental to retail sales on the premises.
3. Multiple Dwelling and Club.
4. Nursing and Rest Homes.
5. Mortuary.
6. Indoor Theaters.
7. Public Parking Area.
8. Office Buildings.
9. Automobile Service Station — In accordance with State Regulations concerning the use, handling, storage and sale of flammable liquids, provided that any tire or tube repairing, battery charging and storage of merchandise or supplies are conducted wholly within a building. Plans for the erection or structural alteration of an automobile service station shall be approved by the Commission.

The Commission may require such change therein in relation to yards, location of pumps and buildings and construction of buildings as it may deem best suited to insure safety, to minimize traffic difficulties and to safeguard adjacent properties. The service station use area shall be developed as required for Public Parking Area.

10. Advertising Signs, provided that when they are located within seventy-five (75) feet of an R Zone boundary line they shall be affixed to or be a part of a building, may not extend over any street line nor project above the roof line. The size shall be limited to 3 square feet of area for each front foot of the building displaying such sign.

11. Uses Customarily Incident — To any of the above uses and accessory buildings, when located on the same lot.

#### "B2" - Roadside Business

1. All Uses Permitted in the B1 Zone, Plus:

2. The Following Uses:

- a. Indoor Amusement enterprise, including billiard or pool hall, bowling alley, boxing arena, dance hall, games of skill or science, and the like.
- b. Bottling Works.
- c. Creamery or ice cream manufacture.
- d. Drive-In Business - - where persons are served in automobiles from a refreshment stand; restaurant; food store; used car lots; and the like, provided a wall, compact evergreen screen or uniformly painted board fence not less than 4 feet in height is erected and maintained between such uses and adjoining R. Zone.
- e. Driving tees or ranges.
- f. Feed or Fuel stores.
- g. Greenhouse, Nursery - - provided all incidental equipment is kept wholly within a building.
- h. Laundry or dry cleaning establishments.
- i. Poultry or rabbit killing incidental to retail sales on the premises.
- j. Hotel.

k. Motel, Tourist Court, Camp Ground, Trailer Coach Park or Trailer Camp subject to the specifications for such uses set forth in the preceding Section — "Special Exceptions".

#### "B3" - General Business

1. All Uses Permitted in the B2 Zone, Plus:

2. The Following Uses — Provided where they are within 150 feet of a lot in an A, R, or B1 zone, they shall be conducted wholly within a building:

- a. Carpenter, cabinet, plumbing or sheet metal.
- b. Ice manufacture or cold storage.
- c. Warehousing.
- d. Wholesale merchandise storage.
- e. Any use permitted in the M1 Industrial Zone except those requiring prior Board approval, provided that not more than 10 per cent of the rentable floor area of any floor of a building is devoted to such use. In determining the floor area so used it shall be all the rentable floor area occupied by concerns engaged in such production activities exclusive of that used for offices, display, waiting rooms, or clerical work.
- f. Pawn Shop.
- g. Rescue or temporary revival mission.
- h. Trade or business school or private school.
- i. Art or Antique Shop.
- j. Second-hand Store.
- k. Upholstery Shop.

3. The Following Uses — Provided where they are within 150 feet of a lot in A or R Zone, they shall be conducted wholly within a building or within an area enclosed on all sides with a solid wall, compact evergreen screen or uniformly painted board fence:

- a. Building material sales yard, including the sale of lumber, rock, sand and gravel but excluding concrete mixing.
- b. Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors.
- c. Draying, freighting, or trucking yard or terminal.

- d. Feed or fuel yard or grain elevator.
  - e. Public Utility service yard or electrical receiving or transforming station.
4. Electrical receiving or transforming station.

**"M1" General Industry**

1. **All Uses Permitted in the B3 Zone, Except that** a building or use providing dwelling units shall not be permitted in this zone for a period of three (3) years following the adoption of this ordinance. Sixty days prior to the expiration of the three year period, the Commission shall re-examine this requirement and determine if the need exists to recommend to the Board of County Commissioners that the requirement be continued for an additional period of time.

2. **The Following Uses**—Provided where they are within 150 feet of a lot in an A, R or B zone, they shall be conducted wholly within a building:

- a. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products except fish and meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.
- b. The manufacture, compounding, assembling or treatment of articles, or merchandise from the following prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (excluding planing mill), yarns and paint not employing a boiling process.
- c. The manufacture of pottery or figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
- d. The manufacture or repair of electric or neon signs, billboards, commercial advertising structures, light sheet metal products including heating or ventilating ducts or equipment, cornices, eaves and the like.
- e. The manufacture of musical instruments, clocks, watches, toys, novelties and rubber or metal stamps.

f. Automobile assembling, painting, upholstering, rebuilding, reconditioning, truck repairing or overhauling, tire retreading or recapping, battery manufacturing.

g. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders.

h. Blacksmith shop, manufacture of machine tools, manufacture of machinery including agricultural, electrical machinery or equipment, office or store machines, equipment or supplies and the like, machine shop excluding punch presses over 100 tons rated capacity and drop hammers.

i. Foundry casting lightweight nonferrous metal not causing noxious fumes or odors.

j. Laboratory, experimental, photo, motion picture, film or testing.

k. Chick hatchery.

3. **The Following Uses**—Provided where they are within 150 feet of a lot in an A, R or B Zone, they shall be conducted wholly within a building or within an area enclosed on all sides with a solid wall, compact evergreen screen or uniformly painted board fence not less than 6 feet in height:

- a. Automobile wrecking, but not including the burning of auto bodies as a part of the salvage operation.
- b. Bleaching and Dyeing.
- c. Body or fender works.
- d. Brewery or liquor distillery.
- e. Brick, tile, terra cotta or cinder block manufacture.
- f. Stone Cutting.
- g. Storage, sorting, collecting or bailing of rags, paper, metal or junk.

4. **The Following Exceptions** — Where they are more than 500 feet from an R or B Zone and if their location is first approved by the Board:

- a. Acetylene gas manufacture or storage.
- b. Alcohol manufacture.
- c. Ammonia or bleaching power manufacture.
- d. Asphalt manufacture or refining.

- e. Boiler works, locomotive or railroad car manufacture.
- f. Carbon or lamp black manufacture.
- g. Central Station light or power plant.
- h. Chemical manufacture.
- i. Coal distillation including manufacture or derivation of the by-products.
- j. Coke oven.
- k. Concrete or cement products manufacture.
- l. Creosote manufacture or treatment.
- m. Gas manufacture from coal or petroleum or the storage thereof.
- n. Furniture manufacture.
- o. Incinerator, municipal.
- p. Iron or steel foundry, steel furnace or rolling mill.
- q. Meat Products manufacture.
- r. Oilcloth or linoleum manufacture.
- s. Paint, oil (including linseed), shellac, turpentine, lacquer or varnish manufacture.
- t. Paper or pulp manufacture.
- u. Petroleum products manufacture or wholesale storage of petroleum or its products.
- v. Planing Mill.
- w. Plaster manufacture.
- x. Plastic manufacture.
- y. Potash works.
- z. Power forge.
- aa. Pyroxylin manufacture.
- bb. Quarry or stone mill.
- cc. Rock, sand or gravel—distribution storage, excavating or crushing.
- dd. Rubber or gutta-percha manufacture or treatment.
- ee. Soap manufacture.
- ff. Sodium compounds manufacture.
- gg. Stove or shoe polish manufacture.
- hh. Tanning, curing or storage of raw hides.
- ii. Tar distillation or tar products manufacture.
- jj. Abattoir.

- kk. Garbage feeding or disposal.
- ll. Removal of top soil.
- mm. Rubish dumps.

Section 4.05

HEIGHT REQUIREMENTS — ALL ZONES

Except as hereinafter provided, no building or structure shall be erected, enlarged, or reconstructed to exceed the height limit established for the zone wherein such building structure is located.

1. Maximum Height of Buildings and Structures:

Zone	Maximum Height
C1, A1, RS, R-1, R-2,	Two Stories or 25 feet
B1, B2	35 Feet
B3, M1	25 Feet within 150 feet of an R Zone, otherwise 45 feet

2. Exceptions to Height Limitations

A. Three Story Buildings in Two Story Zones.

In the zones limiting building height to two stories not to exceed 25 feet, any permitted structure may be increased in height to three stories not to exceed 35 feet provided the required side yards are increased an additional foot for each 3 feet such structure exceeds 25 feet.

B. Through Lots (150 feet or less in depth).

On through lots 150 feet or less in depth, the height of a building may be measured from the adjoining curb level on either street.

C. Through Lots (more than 150 feet in depth).

On through lots more than 150 feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than 150 feet from that street.

D. Structures Permitted Above Height Limit.

Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, television aerials,

steeple, roof signs, flagpoles, chimneys, smokestacks, wireless masts, water tanks, grain elevators, silos, gas containers, industrial installations requiring a vertical production procedure, such as flour mills, steel mills and refineries, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing, additional floor space for residential, business or industrial use.

Section 4.06

LOT AREA REQUIREMENTS — ALL ZONES

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

1. **Reduction of Lot Area**—No lot area shall be so reduced, diminished and maintained that the yards, other open space or total lot area shall be smaller than prescribed by this ordinance, nor shall the density of population be increased in any manner except in conformity with the regulations herein established.
2. **Only One Main Building on a Lot** — Every building hereafter erected shall be located on a lot as herein defined. In no case shall there be more than one residential building and its accessory buildings on one lot. Row dwellings or group housing may be considered as one main residential building.

3. Lot Area Requirements

Zone	Minimum Width at Building Line	Minimum Lot Area
C1 (Recreation Camp)	50 Feet	*6,000 Sq. Ft.
A1	100 Feet	15,000 Sq. Ft.
RS	100 Feet	12,000 Sq. Ft.
R1	60 Feet	*7,200 Sq. Ft.
R2 B1, B2, B3, (For Dwelling)	} 50 Feet	*6,000 Sq. Ft., or *3,000 Sq. Ft. per dwelling unit, whichever is the greater.
M1		

\*Or such larger area which may be required by the County Health Department to dispose of sanitary wastes on the lot.

4. Exceptions to Area Requirements.

1. **Recorded Lots Less Than Minimum Area**—Lots of record at the time of the enactment of this ordinance, which have less than the minimum area requirements for R or A zones, may nevertheless, be used for any use permitted therein, except that for dwellings the lot must have a width of at least 37 feet, and an area of at least 5,000 square feet.
2. **Through Lot — May be Two Lots** — Where a through lot has a depth of 150 feet or more, and an area of 10,000 square feet or more, said lot may be assumed to be two lots with the rear line of each approximately equidistant from the front lot lines, provided all area requirements are complied with.

Section 4.07

YARD REQUIREMENTS — ALL ZONES.

Except as hereinafter provided, no building or structure shall be erected on a lot unless such building or structure or enlargement conforms with the yard regulations of the zone in which it is located.

1. **Front Yard Requirements.** There shall be a front yard between the building line and the right-of-way line of streets as follows:

Zone	Type of Street	Distance
All Zones	Federal or State Highway	60 Feet
	Other Major Thoroughfares	40 Feet
	Other Minor Streets	25 Feet

2. **Corner Setback** — In the triangle formed by the lines of streets intersecting at an angle of less than 135 degrees and a line joining points on such lines 15 feet distant from their point of intersection no vegetation may be maintained above a height of 3½ feet above the plane through the center line grades of the intersecting streets.
3. **Front Yards On A Through Lot**—At each end of a through lot there shall be a front yard of the depth required by this ordinance for the zone in which each street frontage is located, and one of such front yards may serve as a required rear yard.

4. **Front Yard—Between Projecting Buildings**—Where a lot is situated between two lots, each

of which has a main building which projects beyond the established front yard line and was so maintained when this ordinance became effective, the front yard requirements on such lot may be the average of the front yards of said existing buildings, provided, however, the front yard of such lot shall be not less than 10 feet.

**5. Front Yard—Adjoining Projecting Building**

—Where a lot adjoins only one lot having a main building which projects beyond the established front yard line and has been so maintained since this ordinance became effective, the front yard requirement on such lot may be the average of the front yard of the existing building and the established front yard line, provided, however, the front yard of such lot shall be not less than 10 feet.

**6. Front Yard — Sloping Lot —** Where the elevation of the ground at a point 50 feet from the front line of the lot and midway between the side lines, differs 10 feet or more from the curb level, or where the slope (measured in the general direction of the side lot lines) is 20 per cent or more on at least one-fourth (1/4) the depth of the lot, the front yard shall be at least 50 per cent of that required in the zone, provided the required front yard of such lot shall be not less than 10 feet. A private garage, not exceeding one story nor 14 feet in height, may be located in such front yard provided every portion of the garage building is at least 10 feet from the front lot line, does not occupy more than 50 per cent of the width of the front yard, and does not encroach upon the side yards.

**7. Side Yard Requirements—**There shall be two side yards for each lot, the minimum width of each side yard and the aggregate width of both side yards to be as follows:

Zone	Width Each Yard	Aggregate Width of Both Yards
All Zones Permitting Residential Use	10% of lot width	25% of lot width
B1, B2, B3, M1 (Business or Industrial Use abutting an R Zone, otherwise side yards not required)	6 feet, or 4 feet for each 12 feet of height, whichever is greater.	Twice the width of "Each" yard requirement.

**8. Side Yards Waived—**For the purpose of side yard regulations, the following dwelling with common party walls shall be considered as one building occupying one lot: Semi-detached dwellings, row dwellings and group dwellings.

**9. Rear Yard Requirements —** There shall be a rear yard for each lot as follows:

Zone	Rear Yard Depth
C1, A1, RS, R1, R2	25% of lot depth
B1, B2, B3, M1 (when abutting an R Zone only)	20% of lot depth but not over 20 feet

**10. Rear Yard — Accessory Building —** An accessory building, not exceeding 20 feet in height may occupy not more than 30 per cent of the area of a required rear yard, provided that no accessory building shall be closer than three (3) feet to a side lot line.

**11. General Provisions and Exceptions to Yard Requirements —**

**a. Yards Apply To Only One Building —** No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected.

**b. Projections Into Yards—**

**1. Porte Cochere —** A porte cochere may be permitted over a driveway in a side yard, provided such structure is not more than one story in height and 20 feet in length, and is entirely open on at least three sides, except for the necessary supporting columns and customary architectural features provided, however, said porte cochere does not extend to within 5 feet of a side lot line.

**2. Cornice, Sill or Chimney —** A cornice, eave belt course, sill, canopy or other similar architectural feature (not including bay window or other vertical projection) may extend or project into a required side yard not more than 2

inches for each 1 foot of width of such side yard and may extend or project into a required front, side or rear yard not more than 30 inches. Chimneys may project into a required front, side or rear yard not more than 1 foot, provided the width of such side yard is not reduced to less than 3 feet.

3. **Fire Escape**—A fire escape may extend or project into any front, side or rear yard not more than 4 feet.
4. **Open Stairway and Balcony**—An open, unenclosed stairway or balcony, not covered by a roof or canopy may extend or project into a required rear yard not more than 4 feet, and such balcony may extend into a required front yard not more than 30 inches.
5. **Open Porch** — An open, unenclosed porch, platform or landing place not covered by a roof or canopy, which does not extend above the level of the first floor of the building, may extend or project into any required side or rear yard not more than 4 feet.
6. **Fence or Wall** — A fence, lattice-work screen or wall, not more than 5 feet in height, may extend into the required side or rear yard, or a hedge or thick growth of shrubs, maintained so as not to exceed 5 feet in height may be located in any required rear, front or side yard except for corner setbacks as required in this Section.
7. **Landscape Feature** — A landscape feature, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard, provided it does not violate the provision for this Section.

Section 4.08

LOT COVERAGE — SPECIFIED ZONES.

Except as hereinafter provided no residential building or structure shall be erected, enlarged or reconstructed to exceed the lot coverage established for the zone wherein such building or structure is located, as follows:

Zone	Maximum Coverage
C1, R1, R2, B1, B2, B3	} 30 per cent of lot area
A1, RS	
	20 per cent of lot area

Section 4.09

RESIDENTIAL BUILDING SIZE — SPECIFIED ZONES.

No building or structure shall be erected, enlarged, or reconstructed for residential purposes having a ground floor area, exclusive of unenclosed porches, terraces, breezeways and garages, of less than the minimum established for the zone wherein such building or structure is located, as follows:

Zone	Minimum Area One Story Building	Minimum Area 1½ or 2 Story Building
C1, A1, R2, B1, B2, B3 (One-Family Bldg.)	672 Sq.Ft.	480 Sq.Ft.
B1, B2, B3 (Two-Family Bldg.)	900 Sq.Ft.	480 Sq.Ft.
R2, B1, B2, B3 (Multi-Family Bldg.)	1100 Sq.Ft.	900 Sq.Ft.
RS	1100 Sq.Ft.	768 Sq.Ft.
R1	768 Sq.Ft.	672 Sq.Ft.

TITLE V — ADMINISTRATION AND ENFORCEMENT

It shall be the duty of the Commission Secretary to enforce the provisions of this ordinance in the manner and form and with the powers provided in the laws of the State of Indiana and in the ordinances of Clark County.

Section 5.01

IMPROVEMENT LOCATION PERMIT. No build-

ing or structure except buildings incidental to agricultural operation, other than residences, shall be erected, reconstructed, enlarged or moved until an improvement location permit shall have been applied for in writing and issued by the Commission Secretary.

The applicant shall post said permit in a prominent place on the premises prior to and during the period of erection, reconstruction, enlargement or moving.

A. Interpretation of Ordinance

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, convenience or the general welfare.

The lot or yard areas required by this ordinance for a particular building shall not be included as part of the required lot or yard areas of any other building. The lot or yard areas of buildings existing at the time this ordinance became effective shall not be diminished below the requirements herein provided for buildings hereafter erected and such required areas and yards shall not be included as part of the required areas or yards of any building hereafter erected.

B. Completion of Existing Buildings.

Nothing in this ordinance shall require any change in the plans, construction or intended use of a building, the construction of which shall have been diligently prosecuted within 6 months preceding the date of this ordinance, and such entire building shall be completed within 2 years from the date this ordinance became effective. Nothing herein shall prevent the reconstruction of a wall or other structural part of a building declared unsafe by the proper authorities of Clark County of the State of Indiana.

Section 5.02

CERTIFICATE OF OCCUPANCY—A certificate

of occupancy to be issued by the Commission Secretary shall be required for any of the following, except buildings incidental to agricultural operations other than residences:

- a. Occupancy and use of a building hereafter erected or enlarged.
- b. Change in use of an existing building.
- c. Occupancy and use of a vacant land except for the raising of crops.
- d. Change in the use of land to a use of a different classification except for the raising of crops.
- e. Any change in use of a nonconforming use.

No such occupancy, use, or change of use, shall take place until a certificate of occupancy thereafter shall have been issued.

Written application for a certificate of occupancy for a new building or for an existing building which has been enlarged shall be made at the same time as the application for the improvement location permit for such building. No fee shall be charged for an original certificate applied for coincident with the application for an improvement

location permit; for all other certificates or for copies of any original certificate there shall be a charge of two (2) dollars each. Said certificate shall be issued within 3 days after a written request for the same has been made to the Commission Secretary after the erection or enlargement of such building or part thereof has been completed in conformity with the provisions of this ordinance.

Pending the issuance of such a certificate, a temporary certificate of occupancy may be issued by the Commission Secretary for a period of not more than 6 months during the completion of the construction of the building or of alterations which are required under the terms of any law or ordinance. Such temporary certificate shall not be construed in any way to alter the respective rights, duties, or obligations of the owner or of the county relating to the use of occupancy of the land or building or any other matter covered by this ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

Written application for a certificate of occupancy for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Commission Secretary.

If the proposed use is in conformity with the provisions of this ordinance, the certificate of occupancy therefor shall be issued within 3 days after the application for the same has been made. Each certificate of occupancy shall state that the building or proposed use of a building or land complies with all provisions of this ordinance.

A record of all certificates of occupancy shall be kept on file in the office of the Commission and a copy shall be forwarded, on request, to any person having proprietary or tenancy interest in the building or land affected.

No permit for erection of any building shall be issued before application has been made for a certificate of occupancy.

Section 5.03

ENFORCEMENT. All departments, officials and

public employees of Clark County which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no permit or license for

any use, building or purpose if the same would be in conflict with the provisions of this ordinance. Any permit or license, issued in conflict with the provisions of this ordinance, shall be null and void.

#### Section 5.04

**PENALTIES.** Any person or corporation, whether as principal, agent, employee or otherwise, who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined not less than ten (10) dollars and not more than three hundred (300) dollars, for each offense. Each day of the existence of any violation may be deemed a separate offense. The erection, construction, enlargement, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated or maintained, contrary to any of the provisions of this ordinance is hereby declared to be a violation of this ordinance and unlawful. The Commission Attorney shall, immediately upon any such violation having been called to his attention, institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate or remove such violation. Such action may also be instituted by any property owner who may be especially damaged by any violation of this ordinance.

The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

#### Section 5.05

**FILING FEES.** Any petition for an appeal from a decision of the Commission Secretary on which the Board is requested to act shall be accompanied by a filing fee of five (5) dollars, which shall be deposited with the County Treasurer and no part of which shall be returnable to the petitioner.

### **TITLE VI - BOARD OF ZONING APPEALS**

#### Section 6.01

**ORGANIZATION AND PROCEDURE.** The Board of Zoning Appeals for the County as presently constituted is hereby re-established in accordance with Chapter 174, Acts of 1947, General Assembly, State of Indiana.

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer

oaths and compel the attendance of witnesses. Prior to decision on petitions addressed to the Board, the Board shall hold a public hearing thereon, notice of which shall be mailed to the petitioner and to the owners of all property deemed by the Board to be affected thereby as they appear in the current records of the County Auditor and also advertised ten days prior to the public hearing in a daily newspaper published in the County. The cost of notifying affected property owners and the cost of advertising the notice of the public hearing shall be borne by the petitioner.

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the enforcement officer, or other duly authorized administrative officer, and the concurring vote of three members of the Board shall be required to decide in favor of the petitioner on any matter within the discretion of the Board upon which it is required to pass under this ordinance or to affect any variation in the application of this ordinance.

The Board shall cause to be made a detailed report of all its proceedings, setting forth its reasons for its decisions. Such record, immediately following the Board's decision shall be filed in the offices of the Board and of the Commission, and shall be open to public inspection. Notice of such decision shall be mailed forthwith to each party in interest as aforesaid.

Any person or persons, jointly or severally aggrieved by any decision of the Board may proceed in the manner prescribed in Section 82, Chapter 174, Acts of 1947, General Assembly of the State of Indiana.

#### Section 6.02

**POWERS OF THE BOARD OF ZONING APPEALS.** The Board shall:

- A. Hear and determine appeals from and review any order, requirements, decision or determination made by an administrative official or board charged with the enforcement of the regulations established in this ordinance.
- B. Permit and authorize contingent uses to the zone regulations only in the classes of cases or in particular situations as specified in this ordinance.
- C. Hear and decide special exceptions to the terms of this ordinance upon which the Board is required to act.

D. Authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

In the exercise of those powers and responsibilities assigned to it by this ordinance, the Board may impose such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this ordinance. It shall not, however, permit any use in any zone which would be in conflict with the permitted uses applicable to such zone under the terms of this ordinance.

**TITLE VII - AMENDMENTS TO ORDINANCE AND MAP**

The regulations, restrictions and boundaries provided for in this ordinance may from time to time be amended or repealed.

Section 7.01

PROCEDURE. This ordinance may from time to time be amended as provided in Chapter 174 of the Acts of 1947.

Section 7.02

FILING FEES. Any petition for an amendment to this ordinance, except by the Commission or Commissioners, shall be accompanied by the filing fee of twenty-five (25) dollars, which shall be deposited with the County Treasurer and no part of which shall be returnable to the petitioner.

**TITLE VIII - VALIDITY, ADOPTION AND REPEALER**

Section 8.01

SEVERANCE CLAUSE. If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this ordinance.

Section 8.02

EFFECTIVE DATE. This ordinance shall take effect upon its passage, approval by the Board of County Commissioners.

Section 8.03

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

Passed by the County Board of Commissioners of the County of Clark, Indiana, on the 2nd day of September, 1954.

BOARD OF COMMISSIONERS OF THE COUNTY OF CLARK

Clarence Bower  
Clyde Raines  
Warren Bottorff

William H. Vissing, Auditor

State of Indiana:

County of Clark: ss

I, Roma K. Patterson, Secretary of the Clark County Plan Commission do hereby certify that the above and foregoing is a true and correct copy of Ordinance #10, being Comprehensive Zoning Ordinance, as was adopted by the Clark County Plan Commission and ordered recorded by the Secretary of the Commission on the 13th day of September, 1954, dated this 14th day of September, 1954.

Roma K. Patterson, Secretary

(SEAL)

Received for Record this 14th day of September, 1954 at 8:30 A.M.

KENNETH GROTH, R.C.C.

## ORDINANCE NO. 11

AN ORDINANCE ADOPTING AS A PART OF THE MASTER PLAN FOR CLARK COUNTY, INDIANA, PROVISIONS FOR SUBDIVISION CONTROL IN THE UNINCORPORATED AREAS IN SAID COUNTY, AND THE APPROVAL OF PLATS AND REPLATS WITHIN THE AREA OVER WHICH THE CLARK COUNTY PLAN COMMISSION HAS JURISDICTION AS PROVIDED BY CHAPTER 174 OF THE ACTS OF 1947 OF THE GENERAL ASSEMBLY OF THE STATE OF INDIANA: PROVIDING FOR FEES IN CONNECTION THEREWITH, AND PROVIDING FOR THE ENFORCEMENT THEREOF AND PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, authorizes the Board of County Commissioners of any County within the State of Indiana to create a Plan Commission for the purpose of promoting the orderly development of the unincorporated areas within its limits, and

WHEREAS, the Board of County Commissioners of Clark County, Indiana, in pursuance of said law, on December 28, 1950, created the Clark County Plan Commission, and has appointed the members thereto, and

WHEREAS, to assure the promotion of public health, safety, morals, convenience, order, or the general welfare, and for the sake of efficiency and economy in the process of development, the plan commission is authorized to prepare a master plan, and

WHEREAS, provisions for subdivision control and matters incident thereto may be included as a part of the master plan;

NOW THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Clark County, Indiana:

SECTION 1. DEFINITIONS: The words and terms used in this Ordinance shall have their usual accepted meaning unless the context indicates otherwise. Words used in the present tense include the future; words used singularly include the plural, and words used plurally include the singular. The word "shall" is to be considered as mandatory. For the purpose of this Ordinance the following particular words are defined as follows:

Alley: A public thoroughfare which affords only secondary means of vehicular access to abutting property, and not over 15 feet in width.

Block: A parcel of land consisting of a number of lots, and abutting on one side of a street and lying between the two nearest intersecting or intercepting streets.

Building Setback Lines: A line on a plat between which line and the adjacent street line, buildings or structures may not be erected.

Commission: The Clark County Plan Commission, of Clark County, Indiana.

County: The word "County" as used herein shall mean Clark County, Indiana.

Dead-end Street: A street having but one outlet for vehicular traffic.

Lot: A parcel of land within a subdivision, or a tract of land intended as a unit, to be used and occupied by one building and accessory building incidental thereto.

Plat: A map or drawing on which the subdivider's plan of subdivision is presented and which is submitted for approval and intending final form, to record.

Street: A public thoroughfare between property lines which provides the principal vehicular access to the abutting property.

Subdivision: A division or re-division of a lot, tract or parcel of land into 2 or more lots or other divisions of land for the purpose whether immediate or future, of building development, including all changes in street or lot lines, provided, however, that division of land for agriculture purposes in parcels of more than 10 acres, not involving any new street or easement access, shall not be considered a subdivision under the terms of this ordinance.

### SECTION 2. PROCEDURE:

(a) A person desiring the approval of the plat for the subdivision of land shall submit a written application therefor with the Commission, together with six blueprint or photostatic copies of the proposed plat. The application shall be submitted at least ten (10) days before a regular meeting of the Commission, and shall contain information concerning the proposed land use of the subdivision, deed restrictions, drainage, elevations, sewage disposal, public utility facilities, and such other information that will assist the Commission

to consider the application. The proposed plat shall comply with all the minimum requirements provided for in Section 3 of this ordinance.

(b) Within a reasonable time thereafter the Commission shall consider the application and proposed plat, and if the same is not approved, the applicant shall be notified in writing of such action and the general reasons therefore by the Commission.

(c) If the Commission tentatively approves the application and proposed plat, shall set a date for the public hearing thereon, notify the applicant in writing of such hearing by regular mail, and shall notify all persons and governmental units having a probable interest in the proposed subdivision of such hearing by one (1) publication in a newspaper of general circulation, printed and published in Clark County, Indiana, not less than ten (10) days prior to the date fixed for such hearing. The cost and expenses of such publication shall be borne by the applicant.

(d) The approval by the Commission of the application and proposed plat shall not be deemed final acceptance of the same, but shall constitute approval only as to the general form and planned features thereof.

(e) Within six (6) months after the approval of the application and proposed plat, unless an extension of time has been granted by the Commission, the final plat shall be submitted to the Commission and shall conform with all of the requirements of a final plan as hereinafter provided for in Section 5 of this Ordinance, and with all the conditions which may have been specified by the Commission upon approval of the application and proposed plat. In addition thereto, the subdivider shall file with the Commission a certificate of the County Surveyor or the County Road Supervisor of Clark County, Indiana, to the effect that the streets, sewers, water and other utilities and facilities that have been required as a precedent to approval have been graded, improved and installed in accordance with specifications and this ordinance. Unless the final plat and certificate is submitted within the time as herein provided or extended by the Commission, the approval of the application and proposed plat shall be null and void and without force and effect.

(f) The commission may approve the final plat of any subdivision in which the improvements

and installations have not been completed as required by the ordinance, or by the Commission for the approval of the final plat if the subdivider or applicant provides a bond which shall:

(1) Run to the Board of County Commissioners of Clark County, Indiana.

(2) Be in an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with this ordinance.

(3) Be with surety satisfactory to the Commission.

(4) Specify the time for the completion of the improvements and installations.

(g) Within a reasonable time after the submission of the final plat and certificate or bond, the commission shall approve or disapprove it. If the Commission approves, it shall affix the Commission's seal thereon, together with the certifying signatures of its president and secretary. If the Commission disapproves, it shall set forth its reasons in its own records and provide the applicant with a copy.

**SECTION 3. PROPOSED OR PRELIMINARY PLAT:** The proposed or preliminary plat submitted with the application shall disclose the following information:

(a) Proposed name of the subdivision.

(b) Name of the owner and subdivider, and name of the registered engineer or land surveyor employed.

(c) Location by reference to Survey, Section, Township and Range.

(d) Date, scale and northpoint.

(e) Location of property line, existing public highways, water courses, railroad and utility rights-of-ways, names of the owners of adjoining land, and other existing features, including elevations at intervals of two feet.

(f) Layout and dimensions of streets, alleys and utility easements and proposed lots and blocks.

(g) Parcels of land intended to be dedicated for public use, or for the use of the property owners in the subdivision.

(h) Building setback lines, showing dimensions.

(i) Location and size of existing sewers, water and gas mains and electric lines, if any, accessible to the subdivision.

**SECTION 4. PROVISIONS OF PLAT NECESSARY FOR APPROVAL. SPECIFICATIONS BY COMMISSION:**

1. The Commission in determining whether an application for approval should be granted shall determine if the plat provides for:

(a) Coordination of the subdivision streets with existing or planned streets or highways.

(b) Establishments of minimum width, depth and area of lots within the subdivision.

(c) Distribution of population and traffic in a manner tending to create conditions favorable to health, safety, convenience and the harmonious development of the County.

2. As a condition of approval of a plat the Commission may specify:

(a) The manner in which streets and alleys shall be laid out, graded and improved.

(b) Provisions for water, sewage, and other utility services.

(c) Provisions for schools, essential municipal services and recreational facilities.

**SECTION 5. FINAL PLAT:** The final plat shall be submitted to the Commission in the form of an original drawing on linen tracing cloth of the size of 18 inches by 25 inches, and to the scale of 100 feet to 1 inch, unless the use of such scale would cause the size of the plat to be in excess of the above dimensions, then an appropriate scale may be used to conform to such size. In addition to the original drawing there shall also be submitted to the Commission six (6) blueprint or photostatic copies of the same.

The following information shall be disclosed on the final plat:

(a) Boundary lines of the subdivided tract, and of adjoining properties.

(b) An accurate metes and bounds description of the tract, and source of title.

(c) Northpoint, scale and date.

(d) The lines and curve data of all streets and alleys with their names and widths.

(e) Lot lines and dimensions, and lot and block numbers.

(f) Location of building setback lines and easements for public utilities, and their dimensions.

(g) Location and type of all permanent monuments.

(h) Restrictions of all types which run with the land.

(i) Name of subdivision, and name of the subdivider.

(j) Certification by a registered professional engineer or land surveyor.

(k) Certificate of dedication for public use.

(l) Certificate for approval by Commission.

**SECTION 6. DEVELOPMENT STANDARDS AND REQUIREMENTS:** The minimum development standards and requirements for land subdivisions are as follows:

1. Streets, alleys and utility easements.

(a) The minimum width for streets shall be as shown on the Thoroughfare plan.

(b) The minimum width for utility easements shall be six (6) feet.

(c) A dead-end street, if permitted by the Commission, shall terminate in a circular right of way providing for a minimum outside diameter of eighty (80) feet.

(d) The streets within the subdivision shall be surfaced to the established grade with not less than eight (8) inches of compact depth of approved road gravel or other suitable material approved by the County Road Supervisor, and to a minimum width of not less than ten (10) feet on each side of the center line of the street. The alleys, if any, within the subdivision shall be surfaced as specified by the Commission.

2. Blocks:

(a) The minimum length of a block shall be not less than four hundred (400) feet and the maximum length shall not exceed

twelve hundred (1200) feet. (b) Blocks shall be of sufficient width to allow two (2) tiers of lots of appropriate depth.

3. Lots:

(a) All lots shall abut on a street or public highway.

(b) The side lines of the lots generally shall be at right angles to straight street lines and radial to curved street lines.

(c) The minimum lot area required shall be the same as required in Ordinance No. 10, Title 4, Section 4.06.

4. Easements: Where alleys are not provided, easements shall be provided for utilities. Such easements shall generally be located along rear side lot lines in which case a minimum width of six (6) feet, three (3) feet on either side of the lot line shall be provided, or if the easement is within the lot, the total minimum width shall be provided.

5. Building Setback Lines:

(a) The building line of lots in a subdivision designated for residential purposes shall conform to Ordinance No. 10, Title 4, Section 4.07.

(b) The building line of lots in a subdivision designated for commercial purposes shall conform to Ordinance No. 10, Title 4, Section 4.07.

6. Monuments: Monuments or markers shall be placed at each outside corner of the subdivision or addition, and at the intersection of street property lines, and at such other points as the Commission deems necessary. Such monument may be of concrete, stone, iron pipe or other permanent material.

7. Sewer, water and storm drainage: Whenever there is, within a reasonable distance, a sanitary sewer outlet or outlets and a connection is feasible, the subdivision shall be provided with a complete public sewer system which shall connect with such outlets. Similar requirements shall apply to the provision for proper water supply for the subdivision. The subdivider shall provide storm sewers, if in the opinion of the Commission natural surface drainage is inadequate.

SECTION 7. FEES: At the time of the filing of the application for the approval of a proposed plat with the Commission, the applicant shall pay to the Commission as a fee for the checking and verifying such proposed plat and for other services

in connection therewith the sum of \$10.00, and in addition thereto the sum of \$2.00 per lot in such proposed subdivision.

SECTION 8. EXCEPTIONS: The provisions of this ordinance relative to the requirements of persons desiring approval of plats insofar as the same has application to and provides minimum requirements, shall not apply to any plat of an acreage aggregating two (2) acres, or less, except insofar as the same applies to the construction of roads provided for in such plat; provided further, that the plats of subdivisions of an acreage of not to exceed two (2) acres shall be in pursuance of the regulations that the Plan Commission deems proper after taking into consideration all of the circumstances, the location and the conditions surrounding such subdivision.

SECTION 9. REVIEW BY CERTIORARI: Any person or persons, firm or corporations aggrieved by any decision of the Commission may have the same reviewed as provided by law.

SECTION 10. ENFORCEMENT OF ORDINANCE AND PENALTIES FOR VIOLATION THEREOF: The Commission may institute a suit for injunction to restrain individuals of this ordinance as provided by law.

A person who violates any provisions of this ordinance shall be guilty of a misdemeanor, and, upon conviction shall be fined not less than Ten Dollars (\$10.00) and not more than Three Hundred Dollars (\$300.00).

SECTION 11. VALIDITY: Should any section or provisions of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 12. WHEN EFFECTIVE: This ordinance shall be in full force and effect as of the date of its passage by the Board of County Commissioners of Clark County, Indiana. Passed by the Board of County Commissioners of the County of Clark, Indiana, on the 8th day of September, 1954.

BOARD OF COMMISSIONERS  
OF THE COUNTY OF CLARK

CLARENCE BOWER

CLYDE RAINES

WILLIAM H. VISSING, Auditor

WARREN BOTTORFF

State of Indiana:

County of Clark: SS

I, Roma K. Patterson, Secretary of the Clark County Plan Commission do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 11, Subdivision Control of the Unincorporated Areas, as was adopted by the Clark County Plan Commission and ordered recorded by the Secretary of the Commission on the 13th day of September 1954, dated this 14th day of September, 1954.

ROMA K. PATTERSON  
Secretary

(SEAL)

Received for Record This 14th day of September  
1954 at 8:32 A.M.

Kenneth Groth, R.C.C.

**ORDINANCE NO. 12, 1954**

**THOROUGHFARE SYSTEM PLAN  
CLARK COUNTY, INDIANA**

**SCOPE AND CHARACTER OF THE  
THOROUGHFARE PLAN.**

The thoroughfare plan is an element of the Master Plan and supplements the land use or zoning plan.

The Thoroughfare Plan forms the structural framework for the development of Clark County.

The pattern of thoroughfares creates neighborhoods bounded by major streets within the portions of the county which are becoming urbanized.

Federal, State and Primary Thoroughfares carry most of the traffic of the county and should therefore be wider and have as direct alignments and the easiest gradients which are possible.

**PURPOSES AND OBJECTIVES OF THE  
THOROUGHFARE PLAN.**

To provide an adequate system of major thoroughfares to serve traffic needs within the potential urbanized areas of the county and to provide adequate roads connecting the various localities of the county.

To provide a system of supplemental thoroughfares to serve as routes for through traffic so as to relieve congested areas now existing or which may develop.

To insure efficient and expeditious movement of traffic in the county and the environs of cities and towns.

To insure maximum safety for people and traffic.

To assure citizens and operators and users of motor vehicles of the greatest possible convenience of traffic movement.

The policy of the County Plan Commission with respect to the Thoroughfare Plan is graphically

illustrated on the map of Clark County which is entitled "Thoroughfare Plan".

**PRINCIPAL EXISTING THOROUGHFARES —  
(FEDERAL & STATE HIGHWAYS.)**

U. S. Highway 31 extends north and south through the center of Clark County. The highway separates into 31E and 31W at Sellersburg; 31E crosses the Ohio River via the George Rogers Clark Memorial Bridge and joins 31W at Nashville. 31W crosses the Ohio River at New Albany and extends south to Mobile, Alabama. U. S. 31 connects Clark County to Indianapolis, South Bend, Grand Rapids and Mackinaw City, Michigan to the north.

U. S. 460 enters Clark County via the George Rogers Clark Bridge on 31E and then follows the alignment of State Highway 62 leaving the county west of Clarksville.

State Highway 62 runs principally from Evansville to Cincinnati entering Clark County north of Clarksville, then to Jeffersonville and then extending in a northwestwardly direction through New Washington and the county line.

State Highway 60 enters Clark County northwest of Borden and connects with 31E at Cementville.

State Highway 3 runs from Charlestown north through Otisco and Marysville and the county line. This highway extends from Charlestown north through North Vernon, Clarksburg, Rushville, Muncie, Fort Wayne, Kendallville to the state line.

State Highway 362 connects Highway 3 with Highway 62 along the north border of Clark County. This highway passes through Nabb.

State Highway 208 extends northeast from Highway 3 just north of Marysville.

State Highway 39 connects Henryville with Charlestown.

State Highway 403 connects Speed and Sellersburg with Charlestown.

State Highway 160 runs between Salem and Henryville. This highway is the gateway to the Clark County State Forest.

State Highway 131 runs between 31E and Highway 62 north of Clarksville.

State Highway 562 runs from 31E in Jeffersonville to U. S. 460 north of Clarksville.

State Highway 111 runs along the Ohio River for about 25 miles west of New Albany and then runs from New Albany to Speed. A very small portion of this highway is in Clark County.

#### LOCAL HIGHWAYS. (PRIMARY AND SECONDARY THOROUGHFARES)

The Thoroughfare Plan map indicates the locations of the important local highways which provide access to various towns and settlements and connections with state and federal highways. They generally have narrow rights-of-way and follow natural grades, resulting in many steep grades and hairpin curves throughout the county.

#### THOROUGHFARE REQUIREMENTS.

Existing Federal and State Highways meet the primary requirements of a thoroughfare system for the county. The principal highway difficulty is occasioned by steep grades and many streams caused by the unusually rugged topographic features in Clark County. A large amount of traffic generates throughout Clark County not only because of the activity within the county, but because of Louisville to the south. Traffic entering Jeffersonville and Clarksville from the George Rogers Clark Bridge must traverse the business center or parts of it in order to reach State Highway 31E to the north and U.S. 460 and State Highway 62.

An interceptor highway is proposed to connect State Highway 62 making a better alignment from Edwardsville to a point midway between Watson and Jeffersonville. This highway should also extend south to Utica Pike. This thoroughfare would provide a route for inter-regional traffic, relieving the urbanized areas of Jeffersonville, Clarksville and New Albany of an intolerable traffic burden. This route should have dual lanes with a right-of-way width of 174'.

A connection between 31E and the Charlestown-Jeffersonville Road is proposed on the north line of land grant 9. This connection would provide good access and be a short cut for many motorists.

A new location for U. S. Highway 31 has been proposed and will be built in the near future. Some of the construction work has already commenced. This highway takes a much more favorable align-

ment to the west of Sellersburg and through Clarksville and Jeffersonville.

Another primary thoroughfare is proposed between Charlestown and Jeffersonville Road and Allison Lane. This road generally follows the alignment of the south line of land grant 21 and intersects the Allison Lane just north of State Highway 62.

A thoroughfare is proposed to run along the west line of land grant 11.

Potter Road should be extended to the west about one mile west of 31E to connection with a road (un-named) that begins at Deadman's Hollow Road and follows the alignment of Silver Creek to Highway 62. This would form a structure for a neighborhood and also make it more convenient for traffic going east and west.

Deadman's Hollow Road should be extended to the south to connect with 62 and another primary thoroughfare should be extended from Deadman's Hollow Road along the transmission line to Highway 62.

A primary thoroughfare is proposed to run north and south about 200' east of the west line of land grant 32.

The Sellersburg-Utica thoroughfare should be extended to connect directly with Utica Pike. This would facilitate the movement of industrial traffic in this area.

It is proposed that Middle Road have a more direct alignment on its course to Utica.

Other primary thoroughfare alignments are shown east and southeast of Sellersburg, and southwest of Charlestown.

At the present time there is a small airport landing strip which runs northwest and southeast along the north side of Potter Road about half a mile west of U. S. 31E in land grant 47. With the re-location of U. S. 31E passing through this land grant, this area becomes a very favorable site for a major airport and in the event that an airport would be built in this area it is highly recommended that any other affected thoroughfares be realigned so as to provide adequate safety for runway length. Because of the fact that Bush Field in Clarksville has been abandoned for a housing development it becomes very necessary for the Jeffersonville-New Albany area to develop an air-

port which would accommodate fairly large twin engine aircraft. Topographically speaking, this area in land grant 47 seems to be very suitable for the location of an airport.

The west and northwest sections of Clark County are extremely rugged and some of the thoroughfares in this section of the county are designated as secondary thoroughfares because they do not generate as much traffic as primary thoroughfares.

A considerable study was made of the land features around Jeffersonville, Sellersburg and Charlestown. Street patterns have been laid out within the structural framework of primary thoroughfares in these areas to show good neighborhood street platting. These streets will fit the topography and they follow good principles of development but are purely suggestive in nature.

#### THOROUGHFARE PLAN MAP.

Existing and proposed thoroughfares are shown on the map entitled "Thoroughfare Plan". This map covers the entire county. Existing federal and state highways are all numbered and colored green. Proposed federal and state highways are indicated with a dashed green line. The proposed interceptor expressway is shown with a dashed blue line. Existing primary thoroughfares are colored orange and proposed primary thoroughfares are shown with a dashed orange line. Existing secondary thoroughfares are yellow and proposed secondary thoroughfares are shown with a dashed yellow line. Suggested minor street patterns are shown with dashed brown lines and other roads and streets are shown with a thin black line. Wherever alignment corrections are required a black arrow points to the location of desired alignment. Incorporated areas are shown in blue. Other large land tracts such as the Clark State Forest and U.S. Military Reservation are indicated by name.

The thoroughfare map shows the policies of the Clark County Plan Commission with respect to the permanent locations of thoroughfares.

#### RIGHT-OF-WAY WIDTHS.

It is a policy of the Clark County Plan Commission that thoroughfares within the county should have the following minimum highway widths:

Federal and State Highways—100' between property lines.

Primary thoroughfares—70' between property lines.

Secondary thoroughfares—60' between property lines.

Other roads and streets 50' between property lines.

Because of the unusual topographic features in Clark County specific alignment of thoroughfares and actual additional widths of right-of-ways are subject to determination by detailed field surveys.

#### ACQUISITION OF RIGHT-OF-WAY.

Most of the thoroughfares designated on the Master Plan including parts of State Highways have right-of-way widths of from 40' to 60'. Some have less than 40'. In many instances the description of land along the roads runs to the center of the highway. As development of uses takes place, land for right-of-way should be dedicated in connection with the filing of plats for the subdivision of land. Where existing roads are not well aligned or are not open, detailed surveys of their alignments should be made prior to or at the time of platting so that the roads will be properly located. Most of the necessary right-of-way for primary thoroughfares will be secured through dedication as parts of plats, but critical sections, which will be needed to keep pace with development, should be acquired through purchase by the State Highway Commission or the county.

#### SUBDIVISION CONTROL ORDINANCE.

The most effective facility for accomplishing the Master Plan is the control of the subdivision of land. Whenever a subdivision of land is made a portion of the Master Plan becomes a reality or if the subdivision is laid out contrary to the Master Plan it becomes a permanent obstacle to its accomplishment. It is extremely important that the Clark County Plan Commission have direct supervision of platting. The Indiana Planning statute extends this authority to counties, and Clark County already has in effect subdivision regulations, which establish procedures for filing of preliminary and final plats and the method for securing the approval of plats before they can be recorded with the Recorder of Clark County. The ordinance establishes standards for:

Alignment of Streets

Size and Area of Lots

Widths of Streets

Methods of Staking and Monumenting Lands, Streets, Boundaries and Points of Curvature

- Setback Line, Buildings
- Public Open Spaces
- Installation of Proper Sanitary Facilities
- Improvement of Streets

The provisions of the ordinance are in conformity with recognized standards for subdivision planning and development throughout the nation and adherence to their provisions will be of mutual benefit to the owners of property, developers, future owners of lots and Clark County.

**THOROUGHFARE PLAN**  
**ORDINANCE NO. 12, 1954**  
**FOR**  
**CLARK COUNTY, INDIANA**

AN ORDINANCE establishing a Thoroughfare Plan to promote the orderly development of the unincorporated area of Clark County, Indiana; to improve the present health, safety, convenience and welfare of its residents; and to plan for the future development of the county; to the end that the highway system be carefully planned; that new community centers grow only with adequate highway facilities; that the needs of industry, business and agriculture be recognized in future growth; that residential areas provide safe and healthy surroundings for family life; and that the development of the county be commensurate with and promotive of the efficient and economical use of public funds; and for the purpose of formulating definite policies for the laying out and development of public highways and services to platted and unplatted land; and

WHEREAS, the Clark County Plan Commission has prepared a Thoroughfare Plan for the unincorporated area of Clark County, including an ordinance for its enforcement; has held a public hearing on the plan and ordinance; has by resolution adopted the Thoroughfare Plan and recommended thereon to the Board of County Commissioners that said ordinance be passed; all in accordance with Sections 37 to 39, both inclusive, of Chapter 174 Acts of the General Assembly of Indiana for 1947, NOW THEREFORE:

BE IT ORDAINED by the Board of County Commissioners of Clark County, Indiana:

**SECTION 1. DESIGNATION.** This ordinance shall be known as the Thoroughfare Plan, a Section of

the Master Plan of Clark County, Indiana.  
**SECTION 2. MAP AND DESCRIPTIVE REPORT.** The Thoroughfare Plan consists of a Descriptive Report accompanied by a Map of Clark County entitled "Thoroughfare Plan"; which map is hereby declared to be a part of this ordinance.

**SECTION 3. MAP AND REPORT ON FILE.** One copy of the map and report mentioned in Section 2, herein, are on file in the office of the Auditor of Clark County in the Court House at Jeffersonville, Indiana, and are available for public examination during all regular office hours of the Auditor; and the Auditor of Clark County is hereby ordered and directed to keep such copies on file for public examination during all regular office hours of the office of the Auditor.

**SECTION 4. POLICIES AND DIRECTIVES.**

a. **Opening or Widening of Thoroughfares.** Whenever a Thoroughfare designated on the plan is to be platted as a part of a subdivision of land, the right-of-way width shall conform to the policies and specific designations and indications in the Plan or on the Map accompanying the Plan; provided that where a Thoroughfare 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 width designated for such Thoroughfare, measured at ninety (90) degrees to the center line thereof.

b. **Location of Primary Thoroughfares.** Whenever the location of Primary Thoroughfares are indicated as following existing roads or streets, or section or half-section lines, or other established property lines, they shall conform to such locations. Thoroughfares which follow irregular alignments, or indicate revised alignments, or are not referenced to establishment lines, shall follow in a general manner the alignment shown on the Map which accompanies the Thoroughfare Plan. They shall be subject to detailed surveys of their alignments, which may be made by the County Surveyor, the County Plan Commission or other public agencies, or by the owners of land to be subdivided. Such surveys shall be subject to the approval of the County Plan Commission prior to the acquisition of land or the filing of subdivision plans affecting such Thoroughfares.

c. **Consideration by Public Agencies.** After adoption of the Thoroughfare Plan and this ordinance, the Board of County Commissioners or other governing body or official agency having any jurisdiction within the County, shall be guided by and give consideration to the general policy and pattern of development set out in the Thor-

## ORDINANCE NO. 13, 1954

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF IMPROVEMENT LOCATION PERMITS WITHIN THE JURISDICTION OF THE CLARK COUNTY PLAN COMMISSION, AS A PART OF THE MASTER PLAN FOR THE COUNTY OF CLARK, INDIANA.

NOW BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, COUNTY OF CLARK, INDIANA, UNDER AUTHORITY OF CHAPTER 174, ACTS OF 1947, GENERAL ASSEMBLY OF THE STATE OF INDIANA.

### Section 1.

Within the unincorporated portions of Clark County, Indiana, no structure, improvement, or use of land, may be altered, changed, placed, erected or located on platted or unplatted lands, unless the structure, improvement or use, and its location, conform with the master plan and ordinances of Clark County, and an Improvement, Location Permit for such structure, improvement, or use has been issued. It is hereby declared that the intent of the permit requirements of this ordinance shall not prevail with respect to a structure which is clearly incidental to agricultural operations; a dwelling, irrespective of location, is not considered incidental to agricultural operations.

### Section 2.

The Secretary of the Clark County Plan Commission shall issue an Improvement Location Permit, upon written application, when the proposed structure, improvement, or use and its location conform in all respects to the master plan for Clark County.

### Section 3.

Every application for an Improvement Location Permit shall be accompanied by a site plan, showing the location of the structure, improvement, or use to be altered, changed, placed, moved, erected or located, the dimensions of the lot to be improved, the size of yards and open spaces, existing and proposed streets and alleys adjoining or within the lot, and the manner in which the location is to be improved. Application for an Improvement Location Permit shall be accompanied by a fee, as follows:

- (a) The minimum fee for all permits shall be two (2) dollars.

- (b) For residential and accessory buildings the fee shall be twenty (20) cents per one hundred (100) square feet of total floor area or any fraction thereof.

- (c) For business, commercial or industrial buildings, or structures the fee shall be thirty (30) cents per one hundred (100) square feet of total floor area or any fraction thereof. (The total floor area of buildings set forth in subsections (b) and (c) above shall be measured from the length and width of such buildings outside and includes all useable floors of the building except a basement.)

- (d) For alterations, repairs or additions to all buildings or structures, the fee shall be one (1) dollar for each five hundred (500) dollars, or fraction thereof, of the value of such alterations, repairs or additions.

- (e) For other improvements the fee shall be one (1) dollar for each one thousand (1000) dollars, or fraction thereof, of the value of such improvements.

- (f) No permit fee shall be required of a governmental agency or instrumentality thereof.

### Section 4.

Any decision of the Secretary of the Clark County Plan Commission concerning the issuance of an Improvement Location Permit may be appealed to the County Plan Commission by any person claiming to be adversely affected by such decision.

### Section 5.

A decision of the County Plan Commission may be reviewed by certiorari procedure as provided for the appeal of zoning cases from the Board of Zoning Appeals.

### Section 6.

Action on the violation of any provision of this ordinance and the right of injunction against such violation shall be as provided by Chapter 174, Acts of 1947 of the Indiana General Assembly.

### Section 7.

This ordinance shall be in force and effect from and after its passage.

oroughfare Plan in the authorization, construction, alteration or abandonment of public highways and structures.

SECTION 5. CONTINUING AUTHORITY OF COUNTY PLAN COMMISSION. Subsequent to the adoption of the Thoroughfare Plan and the passage of this ordinance, the County Plan Commission may:

- a. Determine lines for new, extended, widened or narrowed thoroughfares in any portion of Clark County.
- b. Certify to the Board of County Commissioners the amended or additional plan under the same procedures as established for the certificate and approval of the original Thoroughfare Plan.

SECTION 6. AMENDMENTS. In addition to the provisions of Section 5, herein, amendments may be initiated as follows:

- a. The Board of County Commissioners may direct the County Plan Commission to prepare an amendment, as desired, and submit it to public hearing within sixty (60) days after formal written request by the Board of County Commissioners.
- b. The owners of fifty percentum (50%) or more of the area of property abutting upon a Thoroughfare may also petition the County Plan Commission requesting an amendment to the Thoroughfare Plan.

SECTION 7. WHEN EFFECTIVE. This ordinance shall be in full effect from and after its passage according to law.

Approved and passed the 8th day of September, 1954.

BOARD OF COMMISSIONERS OF THE COUNTY OF CLARK

Clarence Bower  
Clyde Raines  
Warren Bottorff

Attest:

William H. Vissing, Auditor

State of Indiana:

County of Clark: :ss

I, Roma K. Patterson, Secretary of the Clark County Plan Commission do hereby certify that the above and foregoing is a true and correct copy of Ordinance #12, Thoroughfare System Plan,

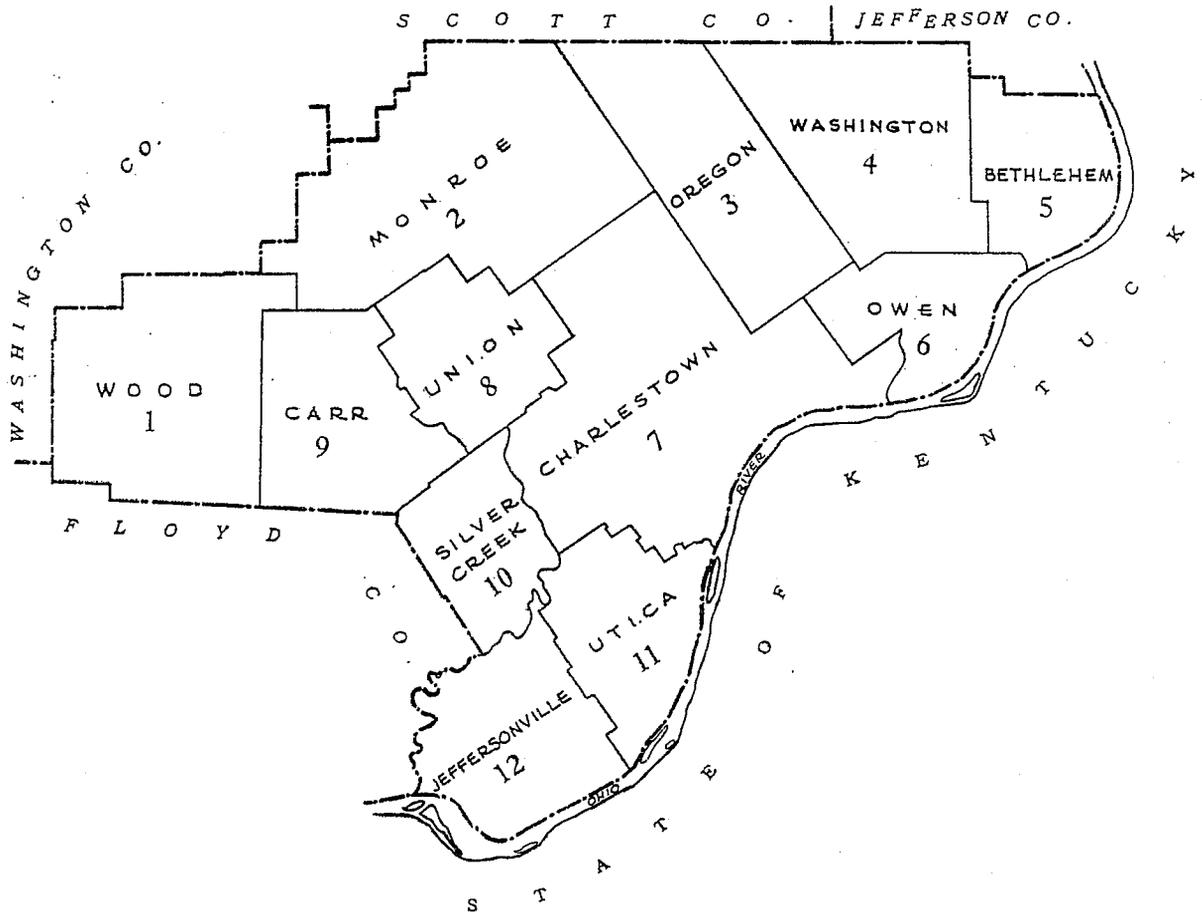
as was adopted by the Clark County Plan Commission and ordered recorded by the Secretary of the Commission on the 13th day of September, 1954, dated this 14th day of September, 1954.

Roma K. Patterson, Secretary

(SEAL)

Received for Record this 14th day of September, 1954 at 8:34 A.M.

Kenneth Groth, R.C.C.



# KEY MAP

## CLARK COUNTY, INDIANA

ZONE MAP & THOROUGHFARE PLAN FOR  
 EACH TOWNSHIP IS IDENTIFIED  
 BY NUMBER SHOWN ABOVE.

prepared for The Clark County Plan Commission

***Metropolitan Planners, Inc.***

**Planning Consultants**

800 Board of Trade Building • Indianapolis 4

Passed by the Board of County Commissioners of the County of Clark, Indiana, on the 8th day of September, 1954.

BOARD OF COMMISSIONERS OF THE  
COUNTY OF CLARK

Clarence Bower  
Clyde Raines  
Warren Bottorff

Attest:

William H. Vissing, Auditor

State of Indiana:  
County of Clark: ss

I, Roma K. Patterson, Secretary of the Clark County Plan Commission do hereby certify that the above and foregoing is a true and correct copy or Ordinance #13, Improvement Location Permit Ordinance, as was adopted by the Clark County Plan Commission and ordered recorded by the Secretary of the Commission on the 13th day of September, 1954, dated this 14th day of September, 1954.

Roma K. Patterson, Secretary

(SEAL)

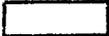
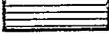
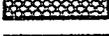
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Kenneth Groth, R.C.C.

# Z O N E M A P

## CLARK COUNTY, INDIANA

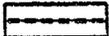
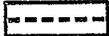
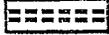
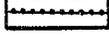
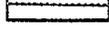
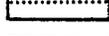
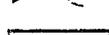
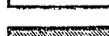
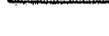
### LEGEND OF ZONES:

	A-1 Agricultural
	R-S Suburban One - Family Residence
	R-1 One - Family Residence
	R-2 Limited Multiple - Family Residence
	B-1 Limited Business
	B-2 Roadside Business
	B-3 General Business
	M-1 General Industrial

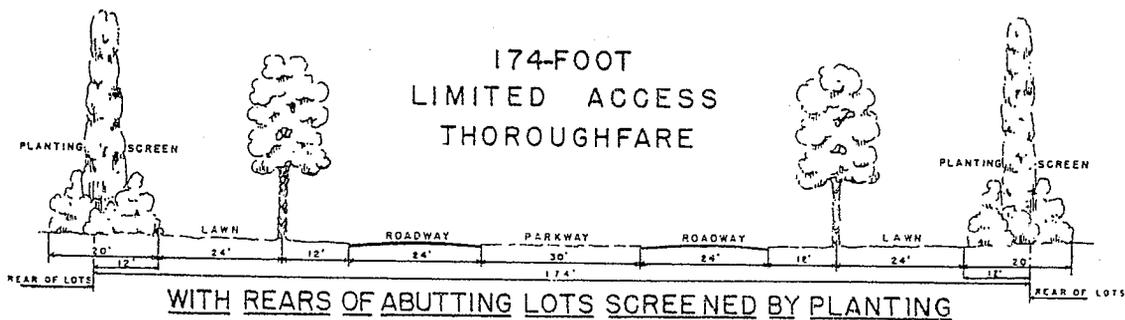
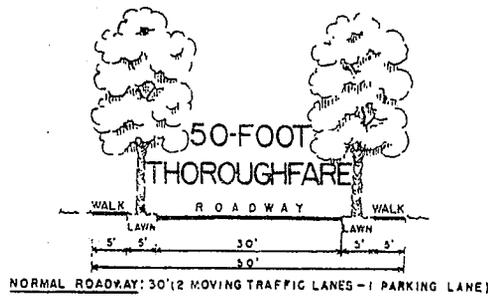
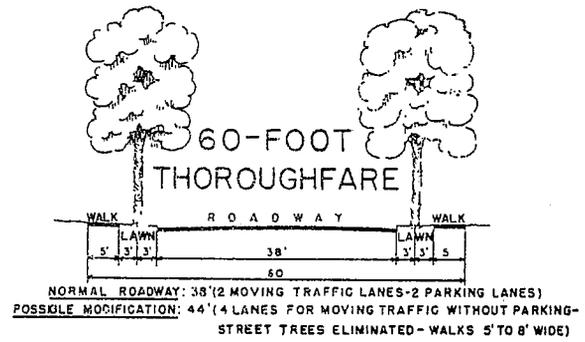
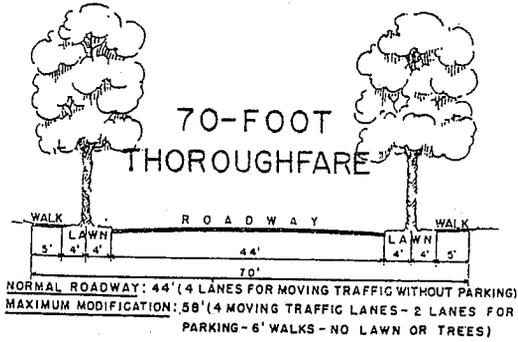
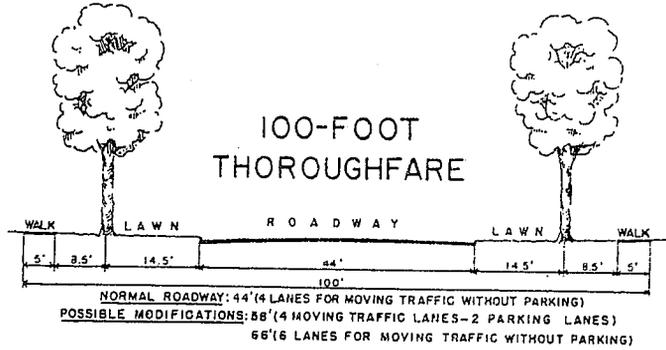
# THOROUGHFARE PLAN

## CLARK COUNTY, INDIANA

### LEGEND:

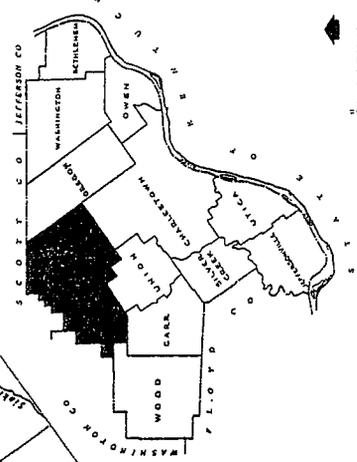
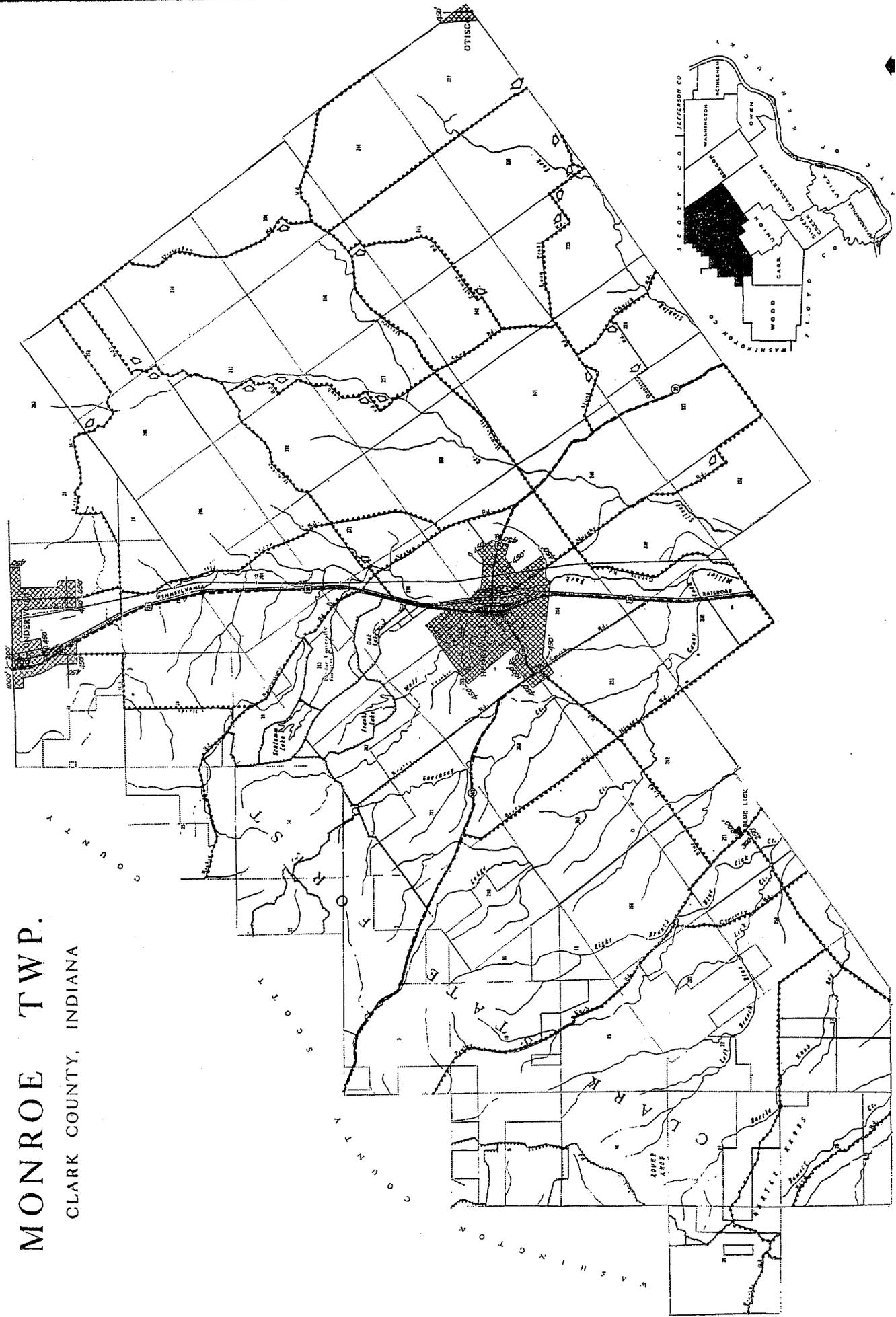
	Existing Federal & State Highways
	Proposed Federal & State Highways
	Proposed Interceptor Expressway
	Existing Primary Thoroughfare
	Proposed Primary Thoroughfare
	Existing Secondary Thoroughfare
	Proposed Secondary Thoroughfare
	Other Roads & Streets Including
	Suggested Minor Street Patterns
	Alignment Correction Required
	Incorporated Areas

# TYPICAL THOROUGHFARE CROSS-SECTIONS



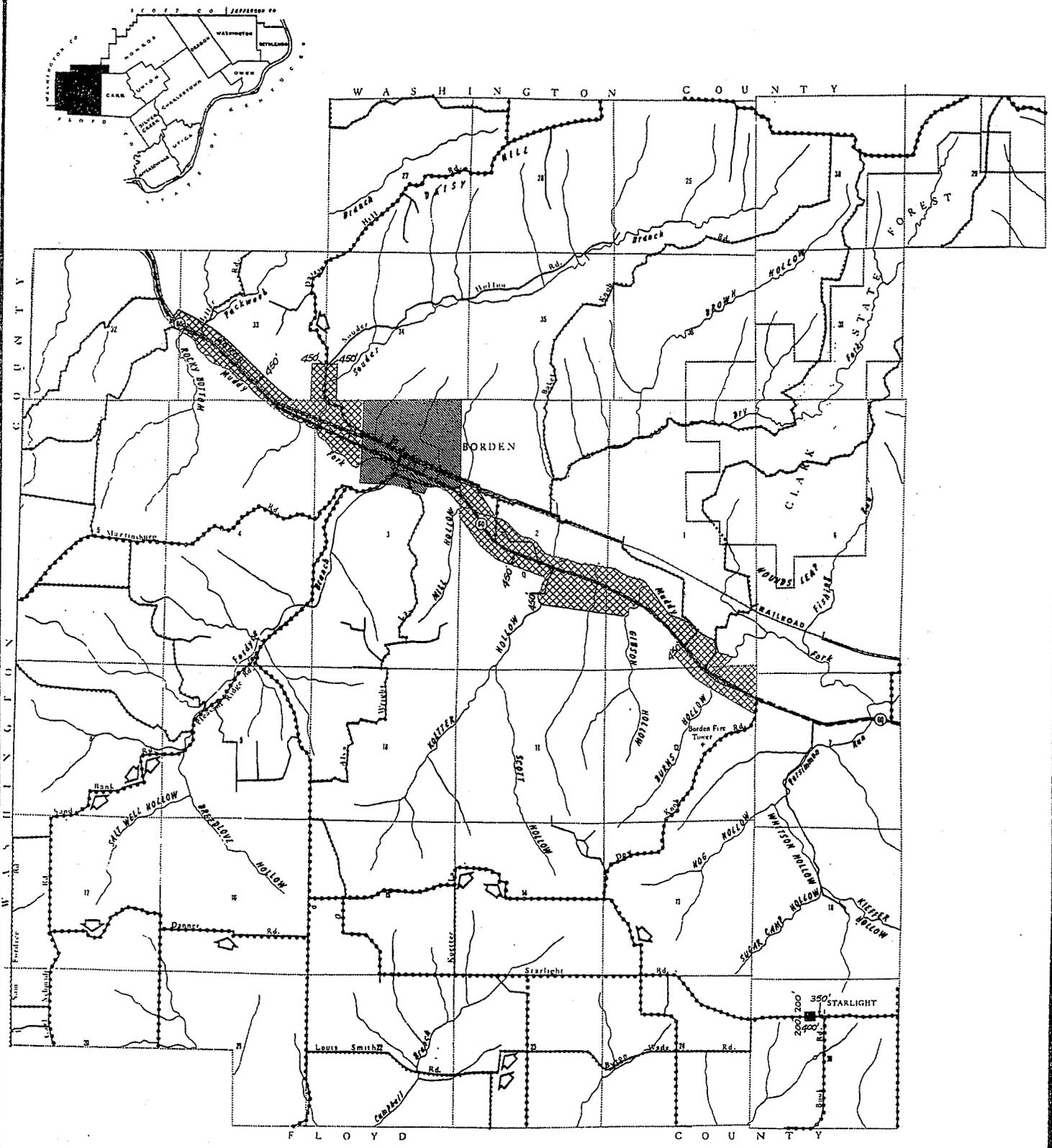
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CLARK COUNTY, INDIANA



# WOOD TWP.

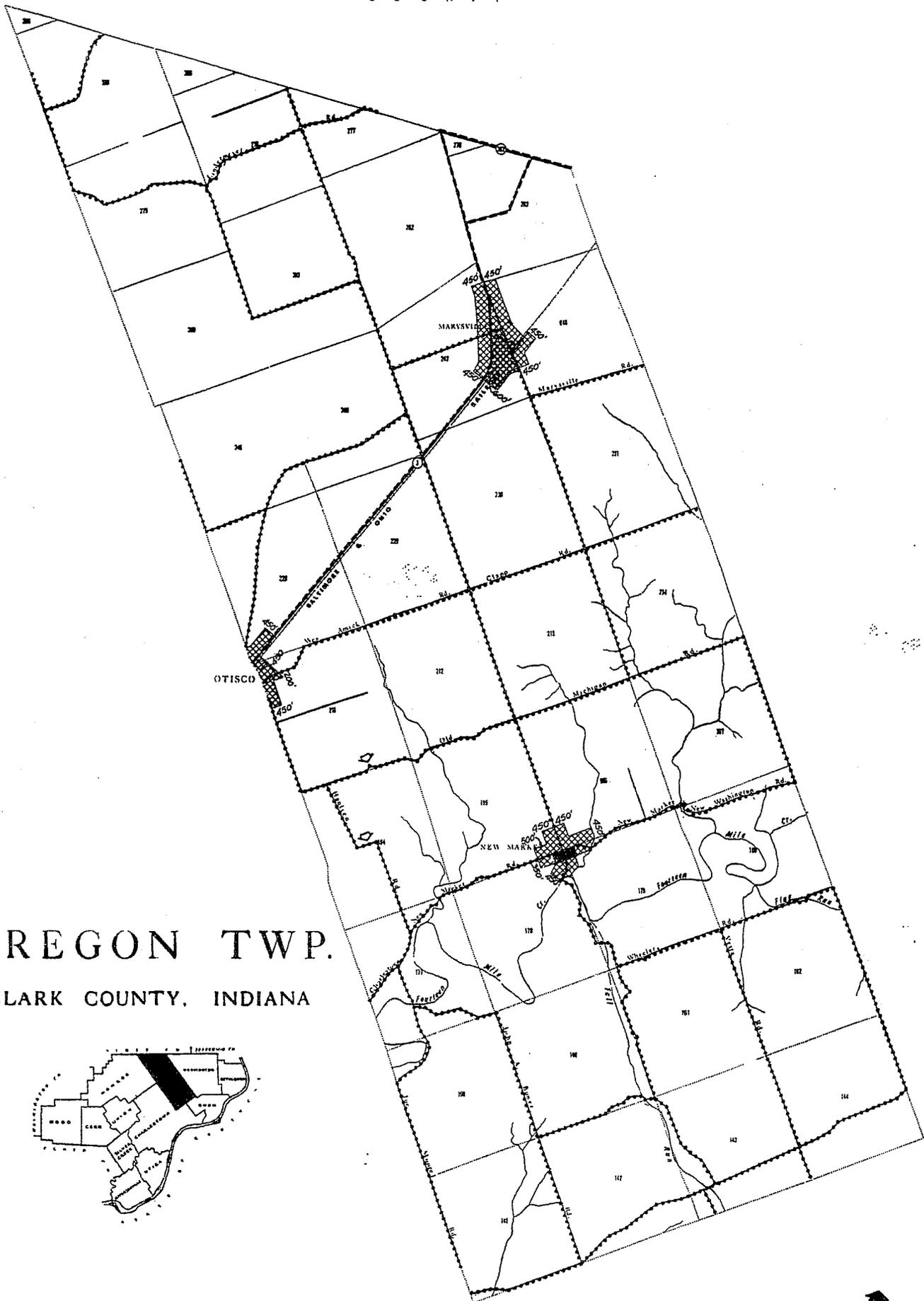
## CLARK COUNTY, INDIANA



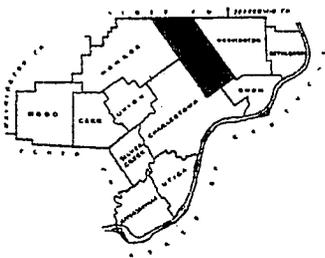
Prepared for CLARK COUNTY PLAN COMMISSION

**MAP 1**  
METROPOLITAN PLANNERS, INC., INDIANAPOLIS - 1951

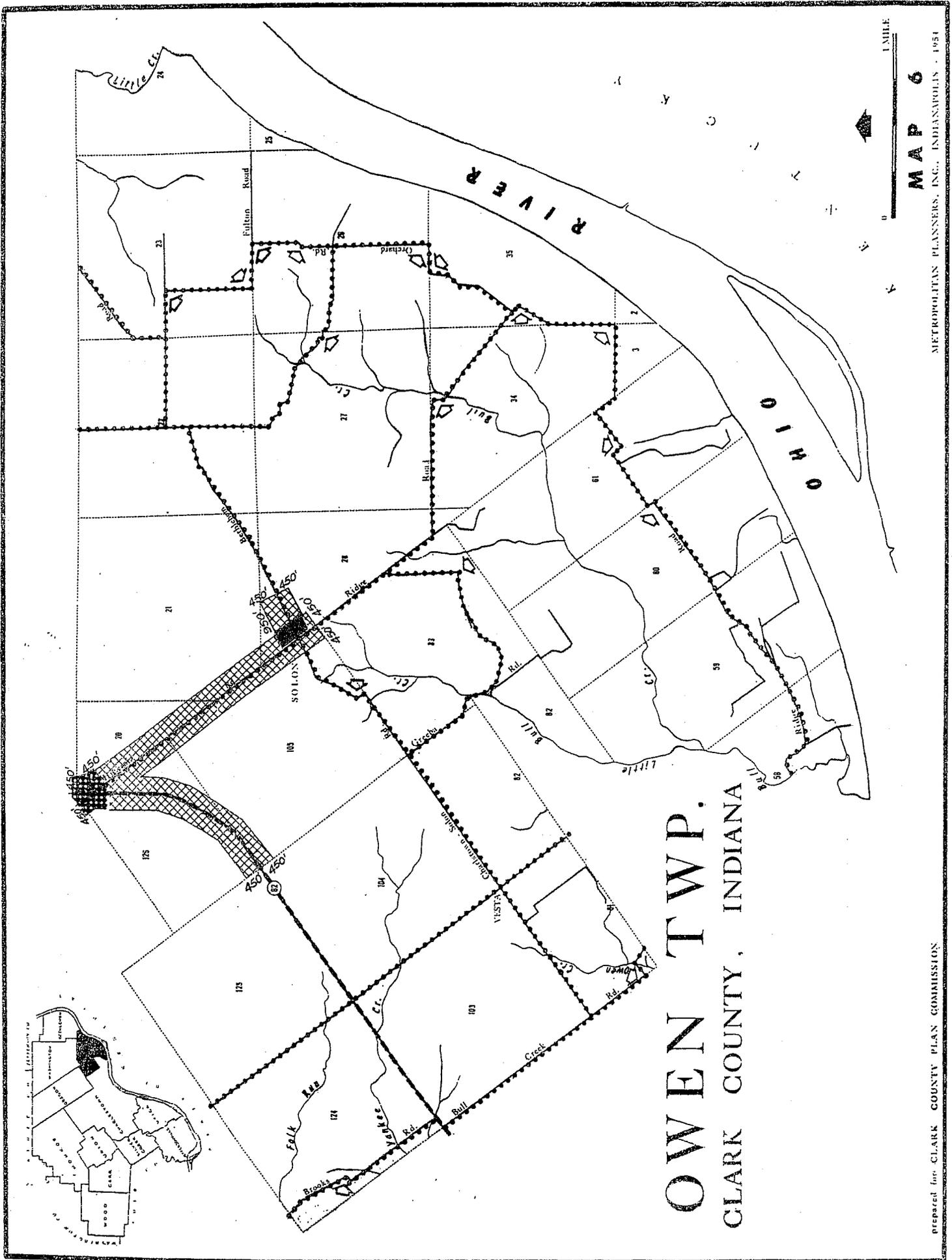




**OREGON TWP.**  
 CLARK COUNTY, INDIANA



1 MILE  
**MAP 3**



**OWEN TWP.**  
**CLARK COUNTY, INDIANA**

Prepared for CLARK COUNTY PLAN COMMISSION

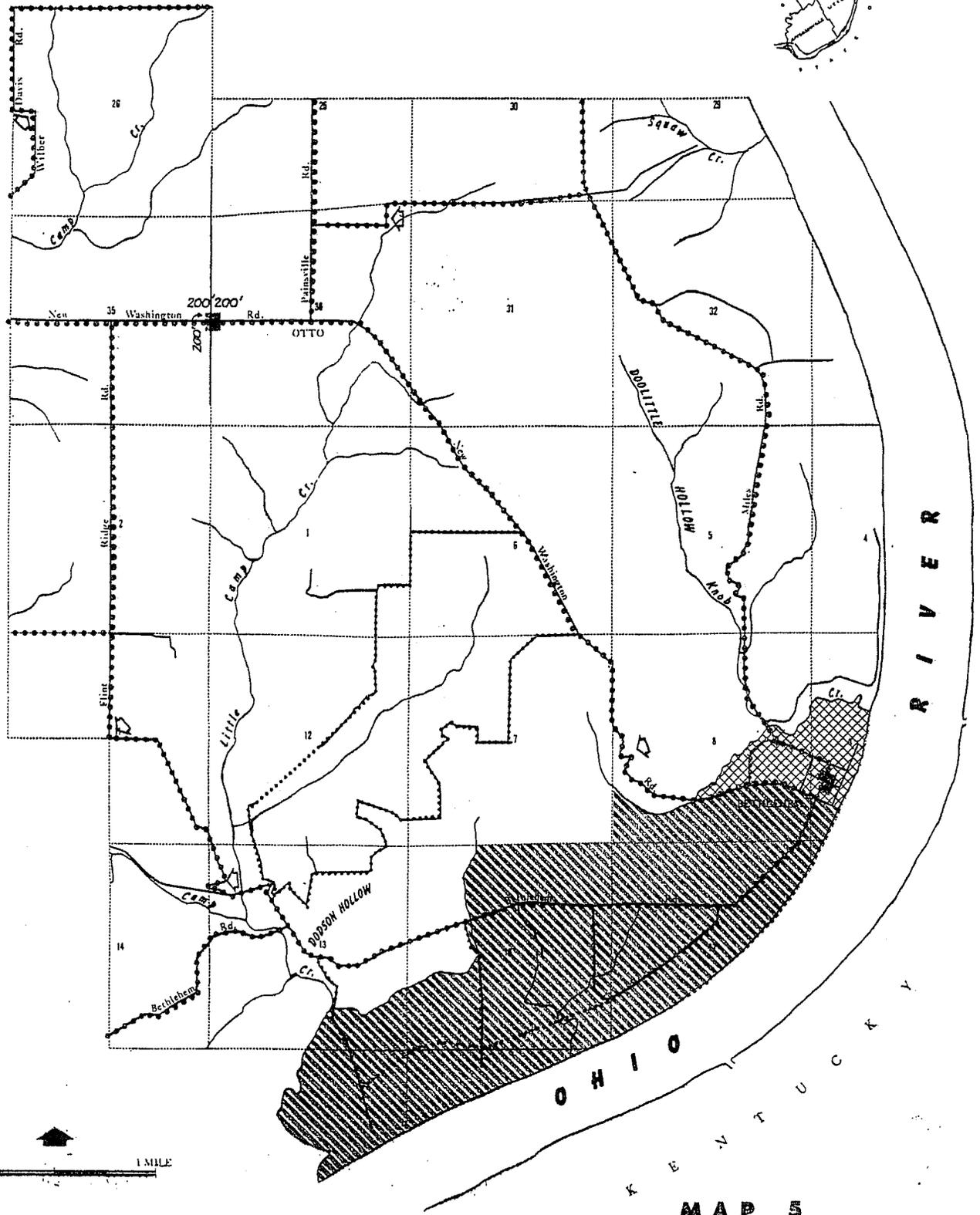
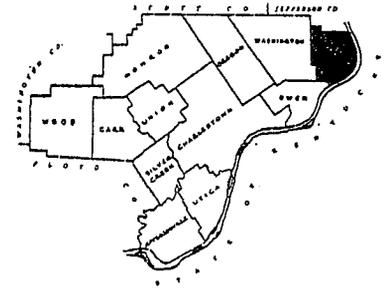
**MAP 6**

METROPOLITAN PLANNERS, INC., INDIANAPOLIS - 1951

1 MILE

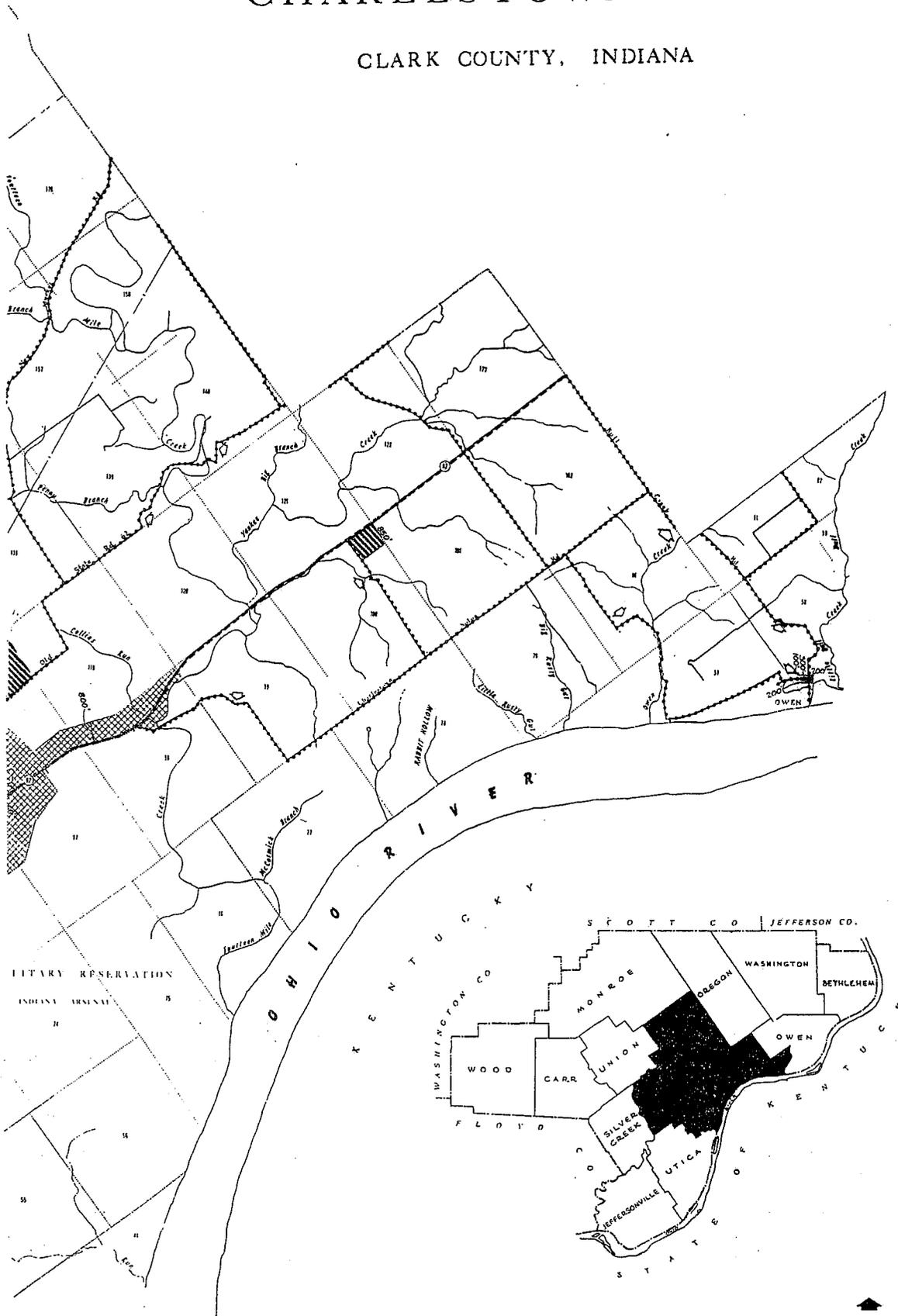
# BETHLEHEM TWP.

CLARK COUNTY, INDIANA



# CHARLESTOWN TWP.

CLARK COUNTY, INDIANA



MILITARY RESERVATION  
INDIANA ARSENAL

O H I O R I V E R

WASHINGTON CO. | SPOTT CO. | JEFFERSON CO.  
WASHINGTON  
MONROE  
OWEN  
BETHLEHEM  
WASHINGTON  
WOOD  
CARR  
UNION  
SILVER CREEK  
UTICA  
JEFFERSONVILLE  
KENTUCKY



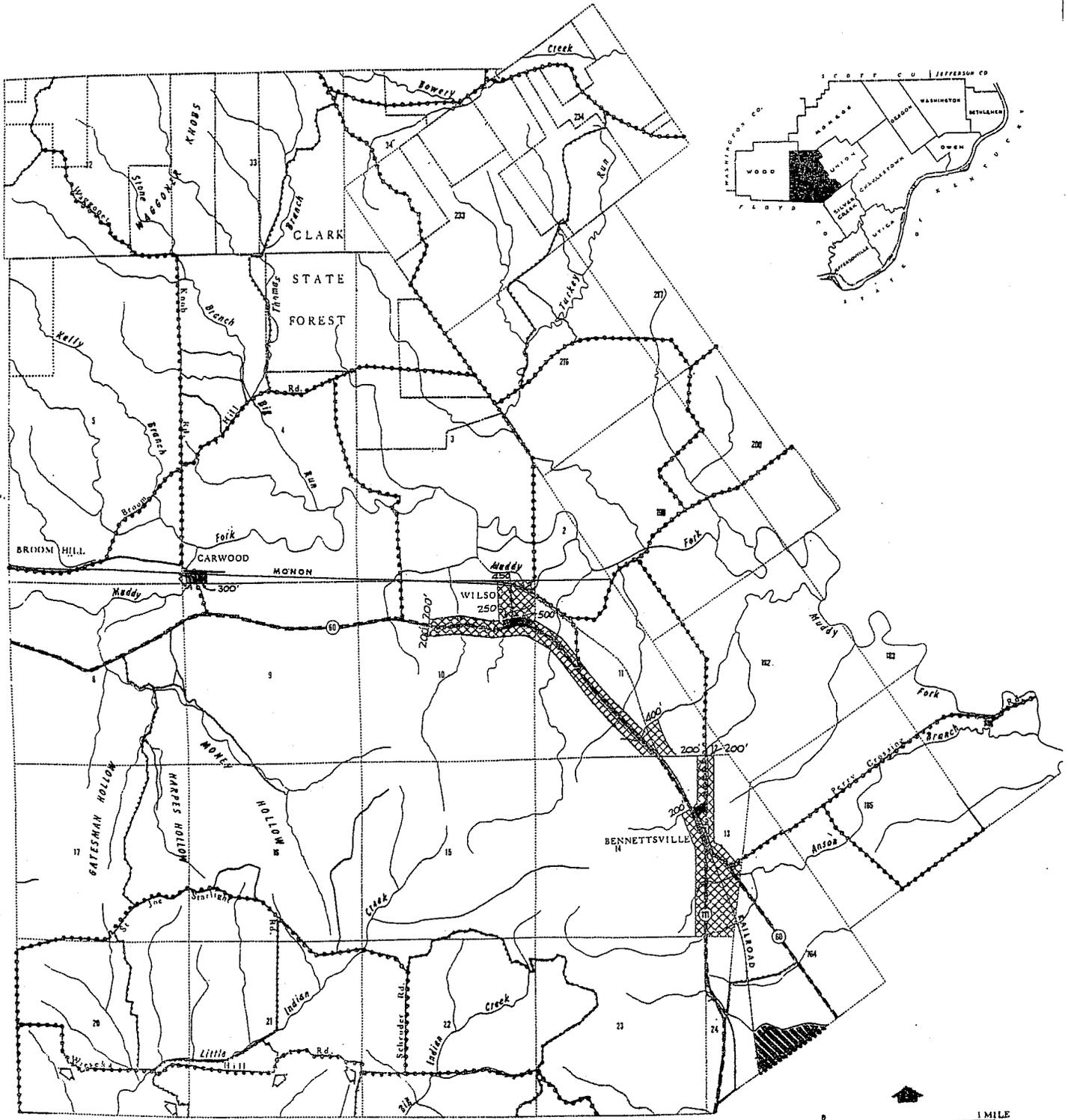
MAP 7

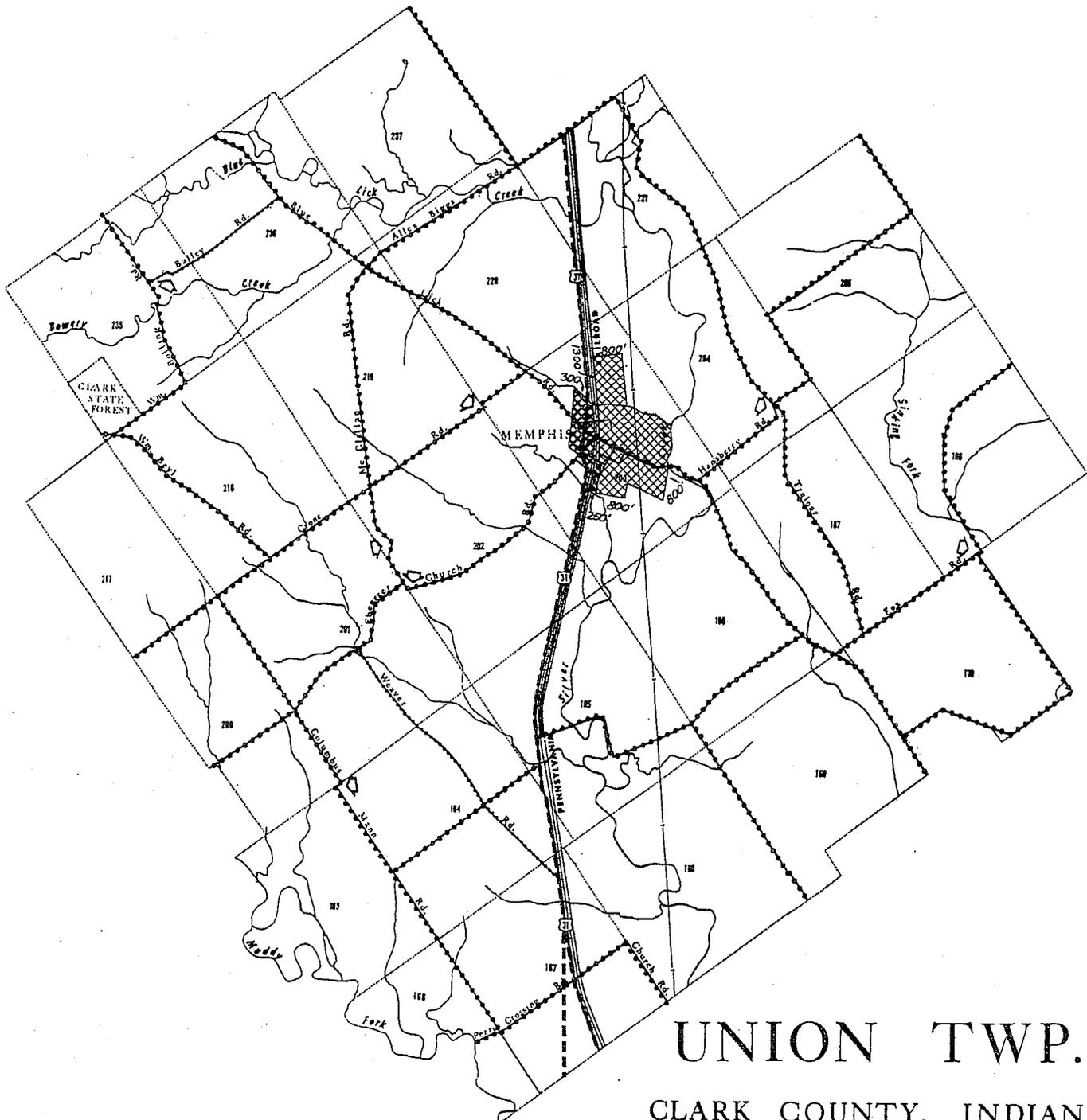
METROPOLITAN PLANNERS, INC., INDIANAPOLIS - 1954



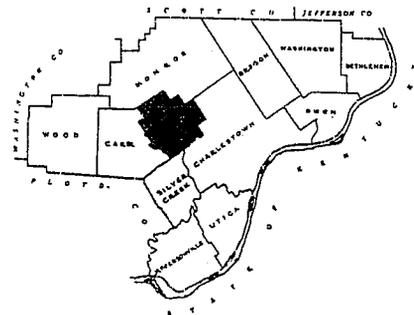
# CARR TWP.

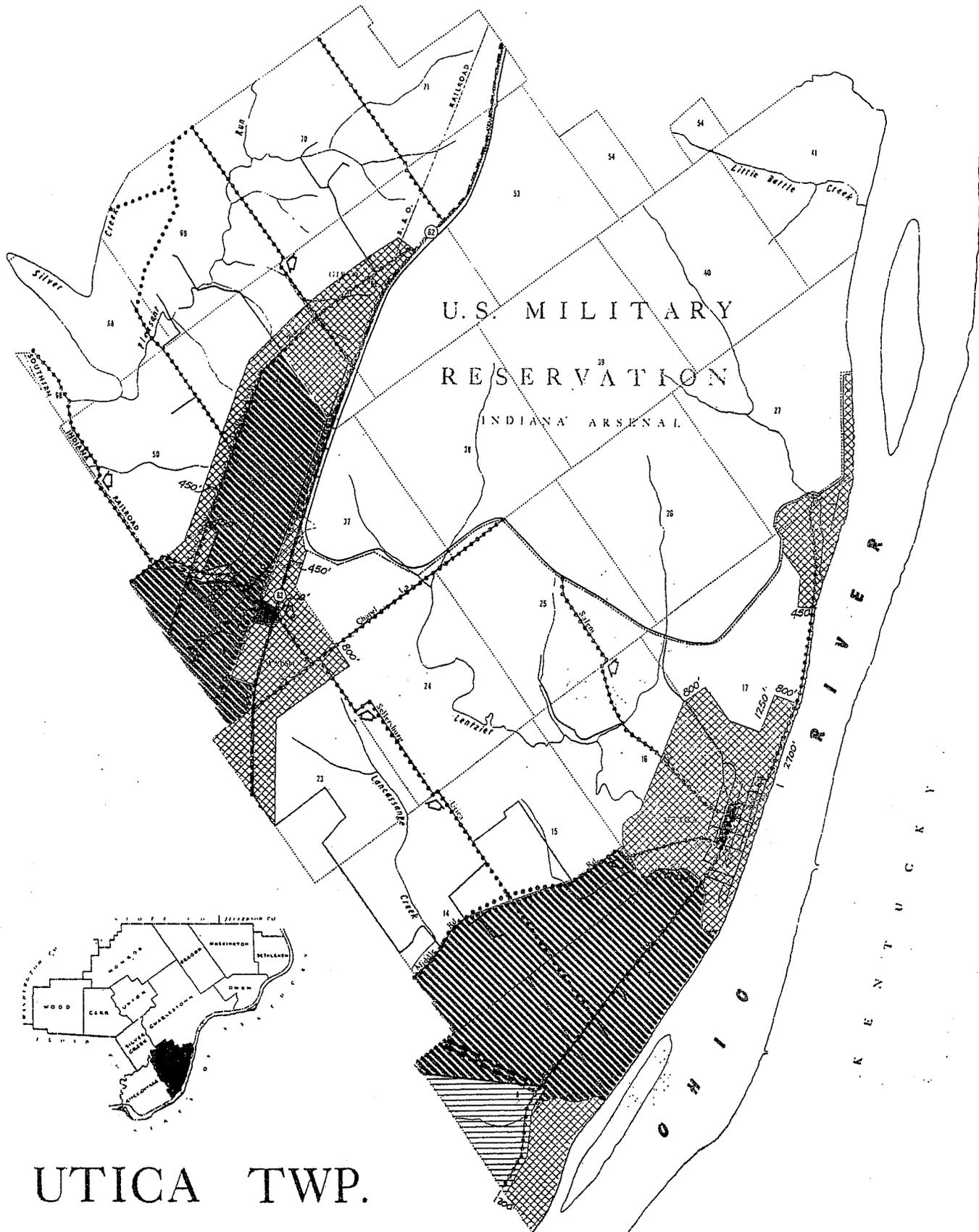
CLARK COUNTY, INDIANA



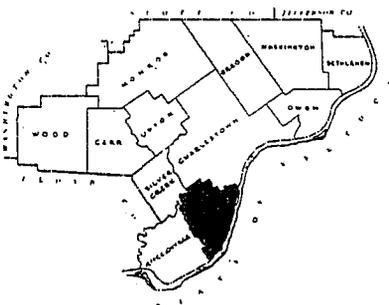


**UNION TWP.**  
**CLARK COUNTY, INDIANA**





U.S. MILITARY  
RESERVATION  
INDIANA ARSENAL



UTICA TWP.

CLARK COUNTY, INDIANA



MAP 11

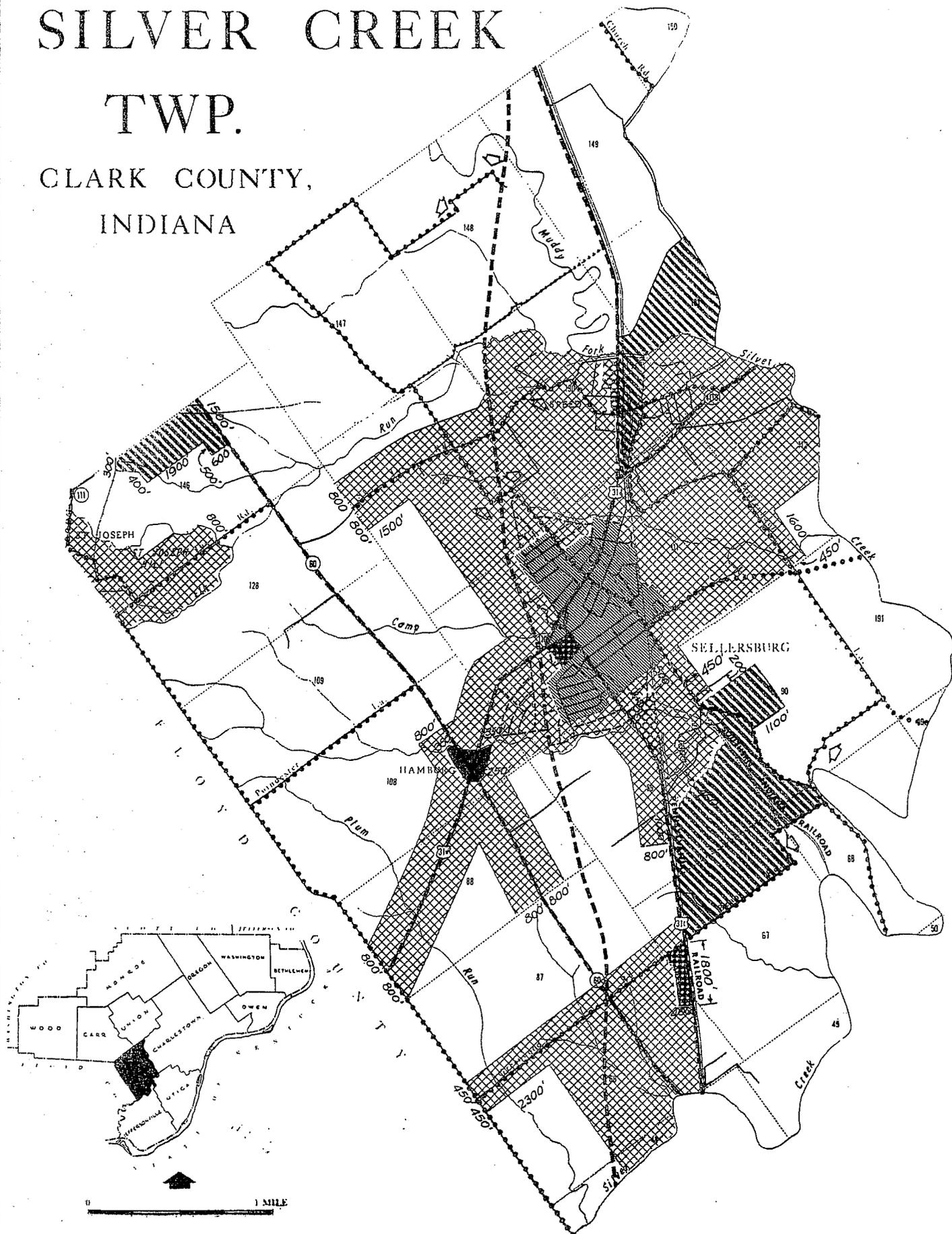
METROPOLITAN PLANNERS, INC., INDIANAPOLIS - 1954

Prepared for CLARK COUNTY PLAN COMMISSION

# SILVER CREEK

## TWP.

CLARK COUNTY,  
INDIANA



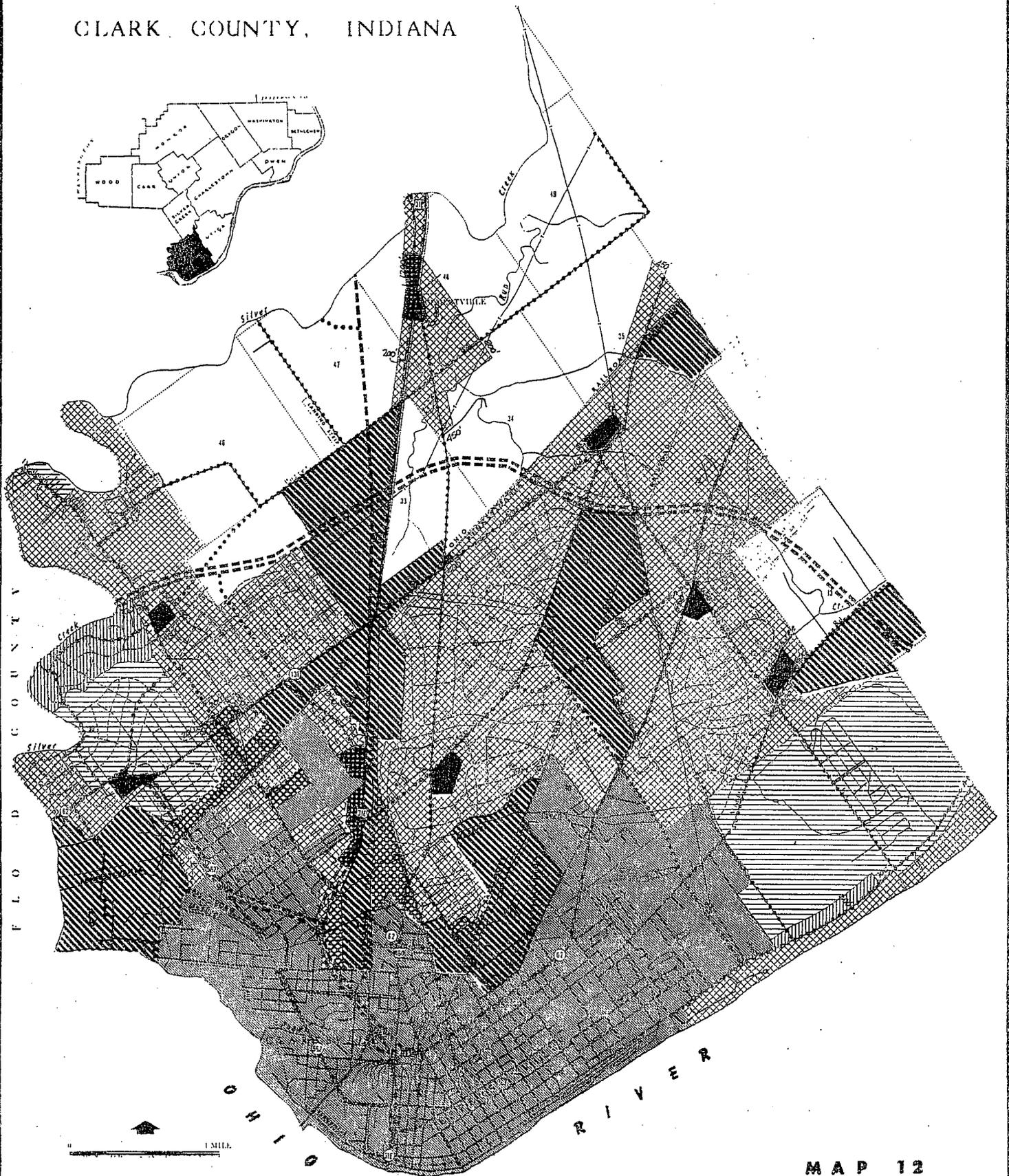
**MAP 10**

METROPOLITAN PLANNERS, INC., INDIANAPOLIS - 1954

prepared for CLARK COUNTY PLAN COMMISSION

# JEFFERSONVILLE TWP.

CLARK COUNTY, INDIANA



F L O R I D A C O U N T Y

O H I O R I V E R

MAP 12

Prepared for CLARK COUNTY PLAN COMMISSION

METROPOLITAN PLANNERS, INC., INDIANAPOLIS - 1954