

BY THE COMMON COUNCIL FOR  
THE CITY OF CHARLESTOWN, INDIANA

ORDINANCE NO. 1999-14

AMENDMENT NO. 1  
TO ORDINANCE NO. 1999-4

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
FOR CLARK COUNTY, INDIANA

WHEREAS, the City Council for the City of Charlestown, Indiana, adopted the City's zoning ordinance as Ordinance No. 1999-4; and

WHEREAS, part of the intent in adopting the ordinance in the manner in which it was adopted was to make the City's zoning rules and regulations consistent, as far as possible and practical, with the zoning rules and regulations of Clark County; and

WHEREAS, since the adoption of the said Ordinance, the City has learned that the County has made some changes to its ordinance, and the City would like to incorporate such changes into the City's zoning ordinance; and

WHEREAS, both the Plan Commission and the Common Council for Charlestown have reviewed such changes, and believe such changes should be made;

NOW, THEREFORE, BE IT ORDAINED by the Common Council for the City of Charlestown, Indiana, as follows:

1. AMENDMENTS TO ORDINANCE NO. 1999-4. Ordinance No. 1999-4 shall be amended as follows:

- (a) Under the heading of "Setback Lines" of Article XV, Paragraph (c) shall be amended to read as follows: "Special Requirements/Proximity to Residential Districts: In any instance where a front, side or rear industrial lot line faces land zoned either RS, R1, and R2 on the opposite side of the street or abuts any such zoned area, the minimum required setback distance shall be 250 feet from the front, side and rear. These setback distances shall be used only for driveways and parking and shall be landscaped with opaque fencing and natural buffer material, i.e., trees, shrubs and similar natural material."

- (b) Under the heading of "Setback Lines" of Article XVI, Paragraph (c) shall be amended to read as follows: "Special Requirements/Proximity to Residential Districts: In any instance where a front, side or rear industrial lot line faces any residential district on the opposite side of the street or abuts any residential district, the minimum required setback distance shall be 500 feet from the front, side and rear. These setback distances shall be used only for driveways and parking and shall be landscaped with opaque fencing and natural buffer material, i.e., trees, shrubs and similar natural material."
- (c) Under the heading "Table S.U." of Article XXI the special use chart shall be amended to allow special use #19 in an M2 zone.
- (d) Special use #19 shown under the heading "List of Special Use Designations" of Article XXI shall be amended to read as follows: "Mining, extraction and processing of rock, sand, gravel, shale, gypsum, or any other mineral." The language which previously identified special use #19, and which has been deemed to be ambiguous and unclear, shall be deleted.
- (e) Under the heading "Table S.U." of Article XXI the special use chart shall be amended to allow special uses #29 and #30 (bed and breakfast facilities) in an ~~RS~~ zones only.  
R/
- (f) Under the heading of "Permitted Uses" of Article XIII, a new item shall be added to the list of permitted uses as follows: "(p) mini-warehouses".
- (g) The definition of "Home Occupation" shall be amended to read as follows: "An occupation or activity conducted within a dwelling by the occupants thereof or within an accessory structure upon the same premises as such dwelling, which is clearly incidental and secondary to the use of the premises for dwelling purposes, pursuant to this Ordinance. This definition shall also include the conduct of a small business in a barn, garage or other outbuilding by the owner and the owner's family members. Any occupation or activity which requires the services and/or assistance of persons other than family members shall not qualify as a home occupation."
- (h) There shall be added to Article XVIII - On-Premises Signs, under the subheading "Placement", a new subparagraph (e) which shall read as follows: "No

sign shall be erected higher than sixty (60) feet above ground level unless a height variance is granted by the Board of Zoning Appeals."

- 950sq ft →
- (i) Under the heading of "Specific Definitions" of Article V, the definition of "Mobile Home" (found at page 13 of the ordinance) shall be amended to be: "A transportable structure ~~six hundred forty-four~~ square feet or larger which is not more than ten (10) years of age and which is designed to be used as a year-round residential dwelling".
  - (j) Under the heading of "Minimum Floor Area (Residential)" of Articles VII, VIII and X shall be amended to read as follows: "Nine Hundred Fifty (950) square feet for single-family dwelling, except mobile home, which shall be ~~Six Hundred Forty Four (644)~~ square feet."  
950
  - (k) Under the heading "List of Special Use Designations" of Article XXI a new use shall be listed as SU 32 for retreat centers and a new use shall be listed as SU 33 for utility substations.
  - (l) Under the heading "Table S.U." of Article XXI, the special use chart shall be amended to allow special use 32 in all residential zones and to allow special use 33 in all zones.
  - (m) Under the heading of "Specific Definitions" of Article V, the following definition shall be added: "**Fence, Privacy.** A fence of uniform construction which is no more than eight (8) feet in height designed to obscure the area which it covers and defined by the commonly used understanding of the word as given by dictionary definition. A privacy fence may be constructed of wood, painted rustproof metal, vinyl or other commercially produced synthetic fencing material so long as it is durable, uniform and attractive. No privacy fence may be maintained or used in any condition which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of the other property in the neighborhood in which the fence is located.
  - (n) A new section shall be added to the zoning code as follows: "A privacy fence may not be erected in any location or in any way as to obstruct the safe sight lines of a person operating a vehicle upon a public roadway. Regardless of road sight lines, privacy fences may not be erected in a residential zone any closer to a public roadway than twenty-five (25) feet or the front of the residence, whichever is farther from the roadway."

- (o) Under the heading "Chart for On-Premise Signs" of Article XVIII the distance from right-of-way line shall be amended to allow signs of 50 sq. ft. or larger to be placed between 10 and 25 feet of the right-of-way line; PROVIDED, HOWEVER, that no sign may be placed in any location or in any way as to obstruct the safe sight lines of a person operating a vehicles upon a public roadway.
- (p) The definition of "Family" shall be changed to read as follows: "A family consists of one or more persons each related to the other by blood, marriage, or adoption (including foster children), together with such relative or the representatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household. A family may also be composed of not to exceed three (3) persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and a single housekeeping unit. A family includes any domestic servants and not more than one (1) gratuitous guest residing with the family; such servants shall be included in the unrelated person limitation of this definition, and shall not be in addition thereto."

2. EFFECTIVE DATE OF ORDINANCE AMENDMENTS. This ordinance shall become effective immediately from and after its passage.

ADOPTED this 4<sup>th</sup> day of October, 1999.

Bruce M. Bortoff  
Councilman

Michael Tompkins  
Councilman

Ward Tackett  
Councilman

Ed Bally  
Councilman

Jerry Plescia  
Councilman

Approved by the Mayor on this 4<sup>th</sup> day of October,  
1999.

Mayor Bob Brownell  
Mayor

ATTEST:

Shawn Barnes  
Clerk-Treasurer