TOWN OF CRAWFORDSVILLE

ZONING REGULATIONS

Prepared by the Crawfordsville Planning Commission

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Prepared with the assistance of
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CHAPTER 1. PURPOSE, AUTHORITY AND JURISDICTION

Section 1.01 Purpose

These regulations are adopted to ensure the coordinated, adjusted and harmonious development of the Town of Crawfordsville, Arkansas. It divides the city into zones and within these zones it prescribes the height, bulk, location and use of buildings, and it prescribes the use and character of land. These regulations are designed to achieve the following results:

A. To stabilize and conserve the value of property;

B. To prevent the overloading of schools, streets, utilities and other services by limiting population density;

C. To provide locations for land uses that are properly related to utilities, transportation, and other land uses;

D. To eliminate congestion by separating conflicting types of traffic and by requiring a parking and loading space off the streets;

E. To improve living conditions, working conditions, and fire protection by requiring light, air and open space around buildings; and,

F. To promote the appropriate economic development of the City by providing suitable land area for the enhancement and growth of existing or new commercial and industrial activities, consistent with the other objectives of these regulations.

The Crawfordsville Planning Commission, having made a comprehensive study of present conditions and future growth of the town and its neighboring territory and having prepared and adopted a General Land Use Plan, finds that these regulations would carry out the intent of the General Land Use Plan and would promote, in accordance with present and future needs, the safety, order, convenience, efficiency and economy in the process of development, convenience in population distribution, for public utilities and other public improvements.

Section 1.02 Authority

A. The authority to enact these regulations is granted by Act 186 of the 1957 Acts of Arkansas, as amended.

Section 1.03 Jurisdiction

A. These regulations apply to all land within the corporate limits of Crawfordsville, Arkansas, as now or hereafter set, as portrayed on the Official Zoning Map.

CHAPTER 2. DEFINITIONS

Section 2.01 Interpretations

For this purpose of this Ordinance, the following rules of interpretation shall be applied, except when the context clearly requires otherwise.

The particular shall control the general.

The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

Words in present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The words 'building" or "structure" are synonymous and include any portion thereof.

Section 2.02 Definitions

Certain words in these regulations are defined for the purposes hereof as follows:

Access: A permanently free and unobstructed means of entry and exit, at least 12 feet wide, from a piece of property to a public street.

Accessory Structure and Use: A subordinate structure or a portion of the main structure located on the same lot with the main structure, or a subordinate use of the land, either of which is customarily incidental to the main structure or to the principal use of the land.

Alley: A public way not over 20 feet in width affording only secondary means of access to abutting property.

Board of Adjustment: The Crawfordsville Board of Adjustment, as established and constituted herein.

Building, Height of: The vertical distance from the grade of (elevation of the curb, sidewalk or average elevation of the ground around the structure) to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

Commission: The Crawfordsville Planning Commission.

Conditional Use: A use permitted in a zoning district only after review and approval by the Commission. Conditional uses are such that they may be compatible only on certain conditions in specific locations in a zoning district, or if the site is regulated in a certain manner.

Dwelling: Any building or portion thereof designed or used exclusively for residential purposes.

Dwelling, Single Family: A building designed for or occupied exclusively by one family.

Dwelling, Two Family: A building designed for or occupied exclusively by two families.

Dwelling, Multiple: A building containing more than two dwelling units.

Dwelling Unit: A room or group of rooms within a dwelling and forming a single habitable unit with facilities for living, sleeping and cooking.

Family: One or more persons occupying a dwelling and living as a single house keeping unit and doing their own cooking on the premises.

Garage, Private: An accessory building used only for the housing of motor vehicles, boats and equipment used solely by the owner of the building, and not as a place of business or business storage.

Garage, Public: A garage other than a private garage.

Home Occupation: Any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling and which is carried on wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising other than an identification sign of not more than four square feet in area, and no other display or storage of materials or exterior indication of the home occupation or variation from the residential character of the main building or accessory building, and in connection with which not more than one person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odors, heat, or glare. When within the above requirements, a home occupation includes, but is not limited to, the following:

- art studio;
- dressmaking;
- professional office of a physician, dentist, lawyer, engineer, architect, accountant, salesman, real estate agent, insurance agent, or other similar occupation;
- teaching, with musical instruction limited to one or two pupils at a time; however, a home occupation shall not be interpreted to include barber shops and restaurants.

Lot: Land occupied or to be occupied by a structure or use and it accessory structures, and including such open spaces and parking as are required under these regulations and having its principal frontage upon a public street.

Lot, Corner: A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty five degrees (135°) within the lot lines.

Lot Coverage: That portion of a lot covered by buildings or structures.

Lot Line or Property Line: The boundary dividing a given lot from a street, alley, or adjacent lots.

Lot, Through: A lot that has both ends fronting on a street. Either end may be considered the front.

Manufactured Home: A detached single-family dwelling unit manufactured on or after June 15, 1976,in an off-site manufacturing facility for the installation and assembly at the building site as a permanent structure with transport features removed, bearing the seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards. Code of Federal Regulations, Title 24, Part 3280, 3282 and 442 USC 5401, et seq as amended in the United States Department of Housing and Urban Development.

Mobile Home: Any vehicle or similar portable structure originally having no foundation other than wheels, jacks or skirtings and so designed or constructed as to permit occupancy for dwelling or sleeping purposes, and built prior to June 15, 1976. A mobile home which is larger than 320 square feet, and designed to be used as a year-round residential dwelling. A mobile home which is to be located on an approved lot shall be anchored in compliance with manufacturers recommendations. A mobile home which is to be placed on an approved lot must be placed on a permanent poured footing and piers or perimeter foundation and completely enclosed (no exposed piers/foundations); and all transport elements such as axles, trailer or transport hitches and exterior light systems attached for highway usage must be removed.

Multi-Family Residential See: Dwelling, Multiple.

Nonconforming: Any building or land lawfully occupied by a use at the time of passage of these regulations which does not conform with the use regulations of the district within which it is located.

Open Space: Any unoccupied space on the lot that is open and unobstructed to the sky and occupied by no structure or portion of structure whatever.

Parking Space: A surfaced area, enclosed or unenclosed, sufficient in size to store one automobile (not less than nine feet wide and twenty feet long) connected to a public street or alley by a surfaced driveway and permanently reserved for the parking or storage of one motor vehicle.

Plat, lot: A drawing of a lot showing its dimensions, the building arrangement thereon and such other information as may by needed for the enforcement of these regulations.

Premises: A lot, together with all buildings and structures thereon.

Principal Use: The chief or main recognized use of a structure or of land.

Single-Family Residential: See: Dwelling, Single Family

Story: That portion of a structure included between the upper surface of any floor and the upper surface of the floor next above. Also any portion of a structure 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 structure exceeds four (4) feet.

Street: A public way of more than thirty feet in width, dedicated to, established by, or maintained by public authority.

Structure: Anything constructed or erected, the use of which requires permanent attachment to the ground on foundation or pilings.

Two-Family Residential: See: Dwelling, Two Family

Variance: A modification of or departure from the strict application of these regulations, when authorized by the Board of Adjustment after finding that the literal application of the provisions of these regulations would cause undue and unnecessary hardship in view of certain facts and conditions applying to a specific parcel of property.

Yard: An open and unoccupied space which is the horizontal distance from a lot line to a parallel main line of the structure.

Yard, Front: A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Rear: A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main building or any projection other than steps, unenclosed porches or entrance ways.

Yard, Side: A yard between the main building and the side line of the lot, and xtending from the front lot line to the rear yard, and being the minimum horizontal distance between a side lot line and side of the main buildings or any projections thereof.

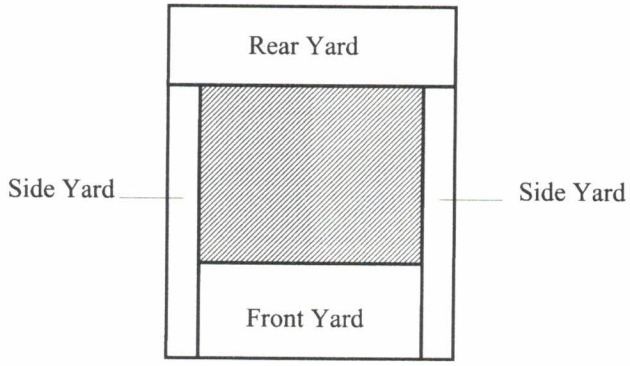


Figure 2.1 Required Yards on a Lot

Section 2.03 Zoning Districts Map

The Town is hereby divided into zoning districts as shown on the Official Area Zoning Districts Map which, together with explanatory information thereon, is hereby adopted by reference and declared to be a part of these regulations. Boundary lines of the zoning districts, unless otherwise indicated by actual dimensions, are intended to follow lot lines, the center line of streets, alleys, corporate limits, the channels of waterways, or the boundaries of railroad rights-of-way. The Board of Adjustment shall interpret the district boundaries where said boundaries are not adequately described.

CHAPTER 3. ZONING DISTRICTS

Section 3.01 Low Density Residential (R-1)

DESCRIPTION: This zone is primarily single-family residential, low density areas for residential expansion. The predominant character of this zone is residential, protected from any commercial and industrial activities, except as herein provided.

PERMITTED USES:

1. Single-family detached structures

CONDITIONAL USES: The following uses are permitted, subject to review and conditions of the Commission:

1. Parks and playgrounds
2. Churches
3. Libraries
4. Rooming and Boarding Houses
5. Adult Day Care
6. Community Recreational Facility
7. School Facilities
8. Publicly owned and maintained buildings (with off-street parking)
9. Professional offices (with off-street parking and required screening)
10. Public and non-profit schools
11. Utility substations (if no staff is required and screening is provided)
12. Agricultural crops, including truck gardens and farming, and orchards for growing or propagation of plants, trees and shrubs. Temporary stands or structures are permitted for seasonal sale of products raised on the premises. This does not include the raising for sale of fowls, birds, rabbits or other animals and fish or other creatures.
13. Home occupations, as defined in Section 2.01, and subject to the requirements of Section 5.05.
14. Hospitals and convalescent homes (with off- street parking).
15. Kindergartens and child care facilities (if off-street loading and unloading of children is provided).
16. Doctor and dental clinics
17. Other uses deemed by the Planning Commission to be in character with the zone.

ACCESSORY USES:

1. Structures and uses deemed accessory and pertinent to the to the principal structure and use the Commission, not detrimental to the character of the zone and subject to the provisions of the zone.

MINIMUM LOT AREA:

1. Single-family: 7,500 square feet
2. Non-residential uses: 8,000 square feet

MAXIMUM LOT COVERAGE:

1. Corner lots: 35%
2. Interior lots: 40%
3. Non-residential uses: 40%

MINIMUM LOT WIDTH:

1. Single-family: Seventy feet (70') at the building line.
2. All other uses: Seventy-five feet (75') at the building line

MINIMUM FRONT YARD:

Twenty-five feet (25') from property line or fifty-five feet (55') from centerline of existing right- of-way, whichever is greater.

MINIMUM SIDE YARD:

1. Interior lots: ten feet (10') from each interior property line.
2. Corner lots: twenty feet (20') from side street property line or forty-five feet (45') from centerline of existing side street right-of-way, whichever is greater.

MINIMUM REAR YARD:

Ten feet (10') from rear property line.

MAXIMUM HEIGHT OF STRUCTURES:

Two (2) stories, and not to exceed thirty-six feet (36').

Section 3.02 Moderate Density Residential (R-2)

DESCRIPTION: This zone provides flexibility in residential density, allowing for multi-family structures, as well as single family. The predominant character of this zone is residential, protected from any commercial and industrial activities, except as herein provided.

PERMITTED USES:

1. Single-family structures
2. Two-family structures
3. Single manufactured homes, subject to requirements listed herein

CONDITIONAL USES: The following uses are permitted, subject to review and conditions of the Commission:

1. Multi-Family Residential
2. Parks and playgrounds
3. Churches
4. Libraries
5. Rooming and Boarding Houses
6. Adult Day Care
7. Community Recreational Facility
8. School Facilities
9. Shelter for abused persons
10. Publicly owned and maintained buildings (with off-street parking)
11. Professional offices (with off-street parking and required screening)
12. Public and non-profit schools
13. Utility substations (if no staff is required and screening is provided)
14. Agricultural crops, including truck gardens and farming, and orchards for growing or propagation of plants, trees and shrubs. Temporary stands or structures are permitted for seasonal sale of products raised on the premises. This does not include the raising for sale of fowls, birds, rabbits or other animals and fish or other creatures.
15. Home occupations, as defined in Section 2.01, and subject to the requirements of Section 5.05.
16. Hospitals and convalescent homes (with off- street parking).
17. Kindergartens and child care facilities (if off-street loading and unloading of children is provided).
18. Doctor and dental clinics

19. Other uses deemed by the Planning Commission to be in character with the zone.

ACCESSORY USES: Structures and uses deemed accessory and pertinent to the to the principal structure and use the Commission, not detrimental to the character of the zone and subject to the provisions of the zone.

MINIMUM LOT AREA:

1. Single-family: 6,000 square feet
2. Two-family: 10,000 square feet
3. Multi-family: 10,000 square feet or 1,400 feet per dwelling unit, whichever is greater.
4. Other non-residential uses: 8,000 square feet.

MAXIMUM LOTCOVERAGE:

1. Corner lots: 35%
2. Interior lots: 40%
3. Non-residential uses: not more than 50%

MINIMUM LOT WIDTH:

1. Single-family: Seventy feet (70') at the building line.
2. All other uses: Seventy-five feet (75') at the building line

MINIMUM FRONT YARD:

Twenty-five feet (25') from property line or fifty-five feet (55') from centerline of existing right- of-way, whichever is greater.

MINIMUM SIDE YARD:

1. Interior lots: ten feet (10') from each interior property line.
2. Corner lots: twenty feet (20') from side street property line or forty-five feet (45') from centerline of existing side street right-of-way, whichever is greater.

MINIMUM REAR YARD:

Ten feet (10') from rear property line.

MAXIMUM HEIGHT OF STRUCTURES:

Two (2) stories, and not to exceed thirty-six feet (36').

Section 3.03 General Commercial (C-1)

DESCRIPTION:

A zone for businesses that provide general retail, services and office space, not involving substantial open displays of merchandise large displays or generating large volumes of vehicular traffic, subject to certain enumerated controls.

PERMITTED USES: The following uses are permitted outright:

General commercial uses including, but not limited to, retail establishments of any kind, professional offices and clinics, financial institutions, personal services.

1. Automotive Car Wash
2. Auto Service Station

3. Automotive Car Sales
4. Bank, Savings and Loan
5. Barber or Beauty Shop
6. Catering Service
7. Christmas Tree Sales
8. Churches
9. Dental, Medical, and Optical
10. Dry Cleaners or Laundramat
11. Eating Place, with Drive Thru
12. Eating Place, dine in facilities
13. Liquor Sales
14. Funeral Home
15. Retail Establishment with no Outside Sales
16. Retail Establishment with Gas and Fuel Sales
17. School, Business
18. Shoe Sales and Repair
19. Veterinarian Office

CONDITIONAL USES:

Commercial and public uses not enumerated above, determined by the Planning Commission to be in keeping with the character of the zone and subject to the provisions of this zone.

ACCESSORY USES:

Structures and uses deemed accessory and pertinent to the principal to the principal structure and use by the Commission, not detrimental to the character of the zone and subject to the provisions of this zone.

MINIMUM LOT AREA: None

MAXIMUM LOT COVERAGE: 80%

MINIMUM LOT WIDTH: None

MINIMUM FRONT YARD:

20. Seventy-five feet (75') from the front property line or ninety feet (90') from the centerline of existing street right-of-way, whichever is greater, when parking is provided in front.

21. Forty feet (40') from the front property line or fifty-five feet (55') from the centerline of existing street right-of-way, whichever is greater, when parking is not provided in front.

MINIMUM SIDE YARD:

1. When abutting a residential lot: Ten feet (10') from side property line
2. When a corner lot: twenty-five feet (25') from the property line.
3. All others: five feet [5']

MINIMUM REAR YARD:

Ten feet (10') from the property line.

MAXIMUM HEIGHT OF STRUCTURES:

Two (2) stories and not to exceed thirty-six feet (36')

ACCESS:

All access points or driveways to the property shall be reviewed and approved by the Commission.

Section 3.04 Highway Commercial (C-2)

DESCRIPTION:

A zone for businesses that serve highway traffic and for general commercial activities, but subject to certain enumerated controls.

PERMITTED USES: The following uses are permitted outright:

1. Highway and automobile oriented retail establishments providing goods and services including, but not limited to: fruit and vegetable stands, service stations, mobile home sales, convenience stores, camper and trailer sales and service, drive-in restaurants, drive- in theaters and farm machinery service and sales.

2. General commercial uses including, but not limited to, retail establishments of any kind, professional offices and clinics, financial institutions, personal services.

    a. Adult Day Care
    b. Automotive Car Wash
    c. Auto Service Station
    d. Automotive Car and Truck Sales
    e. Auto Repair Garage
    f. Bank, Savings and Loan
    g. Barber or Beauty Shop
    h. Building Supplies Sales
    i. Church
    j. Catering Service
    k. Christmas Tree Sales
    l. Dental, Medical, Optical and Pharmacy
    m. Dry Cleaners or Laundramat
    n. Eating Place, with Drive Thru
    o. Eating Place, dine in facilities
    p. Fitness Gyms
    q. Funeral Home
    r. Hospital Health Care
    s. Hotel
    t. Liquor Sales
    u. Motel
    v. Motorcycle, On/Off Road, Sales
    w. Park and Recreational facility
    x. Retail Establishment with no Outside Sales
    y. Retail Establishment with Gas and Fuel Sales
    z. School, Business
    aa. Shoe Sales and Repair
    bb. Veterinarian Office

CONDITIONAL USES:

Commercial and public uses not enumerated above, determined by the Planning Commission to be in keeping with the character of the zone and subject to the provisions of this zone.

1. Warehouse, Inside Storage

2. Baked Goods Manufacturing
3. Beverages Manufacturing – includes alcohol and non-alcohol
4. Sheet Metal Shop
5. Retail, Clothing
6. Furniture, Wood or Metal Manufacturing

ACCESSORY USES:

Structures and uses deemed accessory and pertinent to the principal to the principal structure and use by the Commission, not detrimental to the character of the zone and subject to the provisions of this zone.

MINIMUM LOT AREA: None

MAXIMUM LOT COVERAGE: 50%

MINIMUM LOT WIDTH: None

MINIMUM FRONT YARD:

1. Seventy-five feet (75') from the front property line or ninety feet (90') from the centerline of existing street right-of-way, whichever is greater, when parking is provided in front.

2. Forty feet (40') from the front property line or fifty-five feet (55') from the centerline of existing street right-of-way, whichever is greater, when parking is not provided in front.

MINIMUM SIDE YARD:

Ten feet (10') from side property line, except on a corner lot, in which case the minimum side yard shall be twenty-five feet (25') from the property line.

MINIMUM REAR YARD:

Ten feet (10') from the property line.

MAXIMUM HEIGHT OF STRUCTURES:

Two (2) stories and not to exceed thirty-six feet (36')

ACCESS:

All access points or driveways to the property shall be reviewed and approved by the Commission.

Section 3.05 Industrial (I)

DESCRIPTION: A district intended to provide space for manufacturing activities, wholesaling, warehousing, storage, assembling, packaging and industrial activities having unusual or potentially deleterious operational characteristics where special attention must be paid to location and site development.

PERMITTED USES:

1. All uses permitted in the Commercial (HC) district on a conditional basis;

2. The manufacturing, compounding, processing, packaging, storage or assembling of such products as prohibited in the commercial district, when it is found by the enforcement officer that the uses are not likely to create hazards of fire, explosions, noise, vibration, dust, lint or the emission of smoke, odor or toxic gases.

CONDITIONAL USES:

Industrial uses having by reason of their operation accompanying hazards, such as fire, explosion, noise, vibration, dust, lint or the emission of smoke, odor, or toxic gases, if not in conflict with any ordinance of the Town of Crawfordsville or with any law or statute of the State of Arkansas or the Federal government. These uses may be permitted only if it has been approved by the City Council after public hearing and report by the Commission as provided in Section 8.01. The City Council shall review the plans and statements and shall not permit such buildings, structures or uses until it has been shown that the public health, safety and general welfare will be properly protected and that necessary safeguards will be provided for the protection of surrounding property and persons. The City Council, in reviewing the plans and statements, shall consult with other agencies created for the promotion of public health and safety.

ACCESSORY USES:

Uses deemed by the Commission to be accessory and appropriate to the permitted uses, but not detrimental to the character of the zone.

PROHIBITED USES: The following uses are prohibited in this district:

1. Hospitals;
2. Nursing homes and convalescence institutions;
3. Schools and educational institutions, including churches;
4. Hotels, motels, travel courts, dwellings and other buildings used for permanent or temporary housing of persons, except for dwelling for resident watchmen and caretakers employed on the premises in which case such use will be considered an accessory use.

MINIMUM LOT AREA: None

MAXIMUM LOT COVERAGE: Forty percent (40%)

MINIMUM LOT WIDTH: None

MINIMUM FRONT YARD

1. Seventy-five feet (75') from the front property line or ninety feet (90') from the centerline of existing street right-of-way, whichever is greater, when parking is provided in front.
2. Forty feet (40') from the front property line or fifty-five feet (55') from the centerline of existing street right-of-way, whichever is greater, when parking is not provided in front.

MINIMUM SIDE YARD: Forty feet (40')

MINIMUM REAR YARD: Forty feet (40')

MAXIMUM HEIGHT OF STRUCTURES:

1. Agricultural storage facilities: no limitation.

2. All other uses: Two (2) stories and not to exceed thirty-six feet (36'), except that the Board of Adjustment may waive the height requirements when it is demonstrated that the equipment and operation of the principle use require a structure of greater height and proper precautions have been taken to guarantee the public safety, health and welfare.

ACCESS TO PROPERTY:

All access points or driveways to the property shall be reviewed and approved by the Commission.

PROPERTY LINE SCREEN:

1. A planting or landscaping strip fifteen feet (15') wide abutting the front property line, shall be provided, subject to the requirements for a visibility triangle in Section 3.06;

2. A natural (trees or plants) or artificial (fence) barrier or screening shall be provided on rear and side property lines, at least at eye level, subject to the requirements for a visibility triangle in Section 3.06, when such property line abuts a different zoning district.

Section 3.06 Supplementary District Requirements

FENCES, WALLS, AND HEDGE

Notwithstanding other provisions of these Regulations, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any front yard shall be over two and one half feet (2½') in height.

EXCEPTIONS TO HEIGHT LIMITATIONS:

The height limitations contained in Sections 3.01 through 3.05 do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

STRUCTURES TO HAVE ACCESS:

Every building hereafter erected or moved shall be on a lot adjacent to a public street, and all structures shall be so located on lots to provide safe and convenient access for servicing, fire protection, and required off-street parking.

VISIBILITY TRIANGLE AT INTERSECTIONS:

On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and a half feet (2½') and ten feet (10') above the centerline grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along said property lines twenty- five feet (25') from the points of intersection.

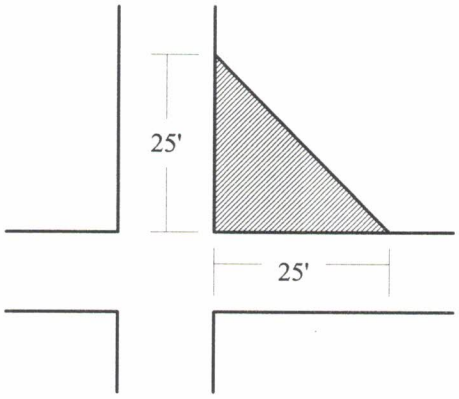


Figure 2. Visibility Triangle

CHAPTER 4. OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 4.01 Purpose

It is the purpose of this chapter to specify the off-street parking and loading requirements for all uses permitted in these regulations, and to describe design standards and other required improvements. All new developments and alterations to, or expansion of, existing developments shall comply with the applicable requirements of this chapter. The requirements of this chapter are intended to anticipate and meet the normal, routine characteristics of land use activities covered by these regulations; waivers to these requirements may be considered by the Board of Adjustment, pursuant to the provisions of chapter 8 herein.

Section 4.02 Category of Uses and Conditions of Uses Covered

The provisions of this Section shall apply to:

A. Buildings and uses built or enlarged after the effective date of these regulations;

B. Extensions or existing parking lots by fifty percent (50%) or more of the number of existing stalls; all of the lot must be brought up to the standards of these regulations.

Section 4.03 Location of Off-Street Parking

Off-street parking shall not be located in front or side set- backs, unless allowed in a particular district. The location of off-street parking shall be:

A. Single-family residential: on the same lot with the building it is to serve;

B. Multi-family dwelling: may be on a contiguous lot if within five hundred feet (500') of the dwelling;

C. Other uses: may be in areas other than on the premises if a definite amount of parking area is set aside for a particular use in such a lot and such area is not located more than five hundred feet (500') from the premises.

Section 4.04 Parking Standards

ACTIVITY NUMBER OF PARKING SPACES

A. Residential Uses:

1. One (1) per dwelling unit, except that multi-family structures shall provide two (2) spaces per dwelling; multi-family structures with more than 10 dwelling units shall also provide one (1) space for each employee, and/or one (1) space for each five (5) dwelling units for recreation vehicles.

B. Commercial Uses

1. Banks:
   a. Three (3) square feet of parking area for each one (1) square foot of gross floor area, except when part of a shopping center.

2. Professional Office
   a. One (1) parking space for each two hundred (200) square feet of gross floor area,except when part of a shopping center.

3. Shopping Center
   a. Five and one half (5½) parking spaces per one thousand (1,000) square feet of gross leasable area.

4. Restaurants
   a. One (1) parking space for each three (3) seats, plus one (1) space for each employee, but not less than five (5) employee spaces.

5. Retail stores, Supermarkets, Department stores and Personal Service Shops:
   a. One (1) parking space for each one hundred (100) square feet of gross floor area,except when located in a shopping center.

6. Other Retail, Furniture, Appliance, Hardware, Service, Clothing or Shoe Repair:
   a. One (1) parking space for each two hundred (200) square feet of gross floor area, except when located in a shopping center.

7. Drive-in Business
   a. One (1) parking space for each fifty (50) square feet of gross floor area, except when located in a shopping center.

8. Uncovered New and Used Car Lots, Plant Nurseries:
   a. One (1) parking space for each two thousand (2,000) square feet of retail sales area.

9. Motor Vehicle Repair and Service:
   a. One (1) parking space for each four hundred (400) square feet of gross floor area.

C. Industrial Uses

1. One (1) parking space for each one thousand five hundred (1,500) square feet of gross floor area.

D. Churches

1. One (1) parking space for each three (3) seating spaces.

E. Other Uses

1. For uses not specifically identified herein, parking shall be provided as specified for the use which, in the opinion of the Commission, is most similar to the use under consideration. In case of disagreement between the applicant and the Commission about interpretation, the Board of Adjustment will make the final determination as provided in Section 6.03 of these regulations.

Section 4.05 Drive-In Businesses

All banks, savings and loan associations, cleaning establishments, food dispensing establishments, and other business which maintain drive-in facilities which are intended to serve customers who remain in their motor vehicles during the business transactions, or are designed in such a manner that customers must leave their automobiles temporarily in a driving line located adjacent to the facility, shall provide stacking space for the stacking of motor vehicles. Suck stacking space shall be separated from, and shall not be calculated as a part of the required off-street parking area. The stacking space, leading to the drive-up windows, shall be equal in length to four (4) car lengths per window.

Section 4.06 Loading and Unloading

A. For all buildings hereafter erected, reconstructed or enlarged, adequate permanent off-street loading space shall be provided if the activity carried on is such that the building requires deliveries to it or shipments from it of

people or merchandise. such buildings and uses may include: warehouses, supermarkets, department stores, office buildings, industrial or manufacturing establishments, freight terminals, mortuaries, schools, nursery or day care centers and such other uses which, in the judgment of the Commission are similar in nature in regard to loading space requirements.

B. No portion of a vehicle taking part in loading or unloading activities shall project into a public street or alley.

C. Loading space shall be in addition to required off-street parking spaces.

D. Space for loading berths may occupy all or any part of any required setback as long as the loading berth is uncovered. A covered loading area shall comply with the minimum setback requirements of the district in which the use is located.

E. The space designated for loading and unloading shall be sufficient to accommodate both the size of vehicles and number of vehicles which can be expected for normal operational requirements.

F. Where the loading and unloading of people and passengers is the normal loading activity, such activity shall be physically separated from traffic.

Section 4.07 Seasonal Off-Site Parking

The requirements of this chapter shall not apply to seasonal agricultural loading and unloading activities. Such activities are not considered, for the purposes of these regulations, to be normal and routine parking, loading and unloading.

CHAPTER 5. GENERAL REGULATIONS

Section 5.01 Application

Within the corporate limits of the Town of Crawfordsville, as herein defined, all land shall be used and all building shall be built, altered, extended, moved and used in conformance with these regulations.

Section 5.02 Annexed Area

Territory annexed after adoption of these regulations shall be classified as Residential (R-1), and subject to the regulations of that land use classification, until the Zoning Map is amended to include the annexed territory.

Section 5.03 Completion of Existing Buildings

Nothing herein contained shall require any change in the plans, construction or designated use of a building which either:

A. is actually under construction, at the time of adoption of these regulations; or,

B. has been approved for construction by appropriate approving agencies within thirty (30) days prior to the adoption of these regulations, provided that construction is started on said building within one hundred twenty (120) days after adoption of these regulations.

Section 5.04 Non-Conforming Uses

A. A non-conforming use of structure:

1. May be continued and is subject to such regulations as to the maintenance of premises and conditions of operation as may be required for the protection of adjacent property.

2. May be extended to any portion of a structure arranged or designed for such non-conforming use at the time of passage of these regulations; or,

3. May be changed to a similar use if no structural changes are necessary; but,

4. Once changed to a conforming use, cannot be changed to a non-conforming use,

B. A non-conforming structure may, with the approval of the Planning Commission, be:

1. remodeled to maintain the premises in a safe and usable condition; or,

2. added to, if said addition meets the area requirements of the district within which the structure is located.

C. Ordinary Repair and Maintenance

1. Normal maintenance and incidental repair or replacement, and installation or relocation of non-bearing wails, non- bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use; provided, however, that this Chapter shall not be deemed to authorize any violation of Sections D through G below.

D. Extensions

1. A nonconforming use shall not be extended, expanded, enlarged or increased in intensity. Such prohibited activity shall include, without being limited to:

2. Extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of this development code, or any amendment to this code that causes such use to become nonconforming.

3. Extension of such use within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this development code, or any amendment to this code that causes such use to become nonconforming.

4. Operation of such nonconforming use in such a manner as to conflict with, or to further conflict with, if already conflicting on the effective date of this development code or any amendments to this code, any use limitations established for the district in which such use is located.

5. New construction, reconstruction or structural alteration. %

E. Relocation

1. No structure that is devoted in whole or in part to a nonconforming use shall be relocated in whole or in part to any other location on the same or any other tract or lot, unless the entire structure and the use of the structure after its relocation conform to all the regulations of the district in which the structure and use are located after being so relocated. No nonconforming use of land shall be relocated in whole or in part to any other location on the same or any other lot, unless such use conforms to all the regulations of the district in which such use of land is located after being so relocated.

F. In the event that any structure that is devoted in whole or in part to a nonconforming use is destroyed by fire, explosion or other casualty to the extent of more than fifty percent (50%) of the current replacement value immediately prior to such damage or destruction, such structure ~~shall not be restored unless such structure and use thereof shall thereafter conform to all requirements of the zoning district in which such structure and use are located~~ may be repaired or reconstructed and used for the same purpose as it was before the damage or destruction, provided such repair or reconstruction commences within one (1) year of the date of such damage or destruction. In no event shall the structure be revuilt, repaired or otherwise altered to increase the floor space or height of the original building in which the nonconforming use was conducted, except that the building height may be increased minimally to accommodate building code and not increase the nonconforming use.

G. When a nonconforming use or structure has been discontinued or abandoned, and its appearance does not depict an on-going use; and, further, if said discontinuation or abandonment exists for a period of more than one (1) year, such use shall not thereafter be re-established or resumed. Any subsequent use or occupancy thereof shall comply with the permitted use requirements of the zoning district in which it is located.

Section 5.05 Occupations Permitted in Residential Structures

An occupation may be carried on in a residential structure in a residential use district only if it does not:

1. involve the use of commercial vehicles;

2. require the use of more than two rooms otherwise normally considered as living space;

3. require the use of an accessory building or yard space or an activity outside the main structure not normally associated with residential uses. When a state statute or regulation requires the operation of an occupation separate from the living quarters, an accessory structure may be utilized, provided that it conforms to other regulations of the district in which it is located;

4. have a sign in excess of four (4) square feet to denote the business, occupation or profession, and such sign must be attached to the structure;

5. involve the external display of goods and services.

Section 5.06 Lot Area

On any lot separately owned in a residential use area at the time of passage of these regulations and retained in continuous, separate ownership, a single-family structure may be erected even though the lot be of less width or area than required by the regulations of the residential use area in which the lot is located, provided all other area requirements are met.

Section 5.07 Area Not to be Diminished

The lot or yard areas required by these regulations for a particular building or use at the time of passage of these regulations or later constructed or established shall not be diminished and shall not be included as a part of the required lot, open space or yard area of any other building or use. If the lot, open space or yard areas required by these regulations for a particular building or use are diminished below requirements, the continued existence of such building or use shall be deemed a violation and punished as provided in these regulations.

Section 5.08 Conditional Use Provisions Not Non-Conforming

Any use which is permitted as a conditional use in a district under the terms of these Regulations, other than a change through Board of Adjustment action from a non-conforming use to another use not generally permitted in the district, shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use. However, if such use violates any condition under which it was originally permitted, it shall be deemed in violation of these regulations to the extent of such violation.

CHAPTER 6. BOARD OF ADJUSTMENT

Section 6.01 Organization

A. A Board of Adjustment is hereby established, which shall consist of the membership of the Planning Commission.

B. Terms of office for each member shall be the same as for their Commission appointment.

C. Upon appointment, and annually thereafter, the Board shall meet, organize, and elect its own chairman, who shall serve for one (1) year or until the successor duly qualifies. The chairman may appoint a secretary who is not a member of the Board, who shall hold office until relieved by the board and who shall receive such compensation from the Town as may be affixed from time to time by the City Council.

D. Members of the Board of Adjustment may be removed from office by the Town Council for cause upon written charges and after public hearing. Vacancies shall be filled in the manner prescribed in B. above for the unexpired term of the member affected.

Section 6.02 Meetings

A. Meetings of the Board shall be held at such times and at such place or places within the city as the Board may designate, and may meet at any time on the call of the chairman.

B. The Board shall keep minutes of its proceedings which shall contain as a minimum:

1. Time, date and place of meeting;
2. Names of members present;
3. Citation, by number and description, of appeal or application;
4. Pertinent facts of the case;
5. Names of persons appearing and their interest in the case;
6. Record of vote by name;
7. Authority for any decision (citing ordinance or statute) and reasons for conditions imposed.

The minutes of the meeting shall be filed by the Secretary of the Board in the offices of the Town Clerk and shall be public record.

C. The presence of four (4) members shall be necessary to constitute a quorum and the concurring vote of all members of the Board present shall be necessary to reverse any order, requirement, decision or determination of an administrative officer, or to decide in favor of the applicant on any matter upon which it is required to pass under the zoning regulations, or to authorize a variance from such regulations.

D. The secretary of the Board shall notify each member of the Board of a scheduled or called meeting seven days in advance of the date of the meeting, by mail or in person.

E. The Board shall establish procedures and by-laws for conduct of meetings, hearings, and public notices. Each session of the Board shall be a public meeting with public notice of said meeting and business to be carried on published in a newspaper of general circulation in the city, at least one (1) time seven (7) days prior to the meeting.

F. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board, after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by

a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

Section 6.03 Powers and Duties

A. Appeals

The Board shall hear appeals from the decision of the administrative officer in respect to the enforcement and application of these regulations; and may affirm or reverse, in whole or in part, said decision of the administrative officer.

B. Variances

1. when a property owner can show that a strict application of the terms of these regulations relating to construction or alteration of buildings or structures will impose upon him practical difficulties or particular hardship, the Board may grant variances from the regulation if the variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such district in which the property is located. Variances may be granted only where by reason of:

   a. of exceptional narrowness, shallowness, depth or shape of a specific piece of property of record on the date of the passage of these regulations; or,

   b. exceptional topographic or physiographic conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any provision of these regulations would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of such property so as to constitute virtual confiscation of such property as distinguished from mere inconvenience to such owner, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan or these regulations as established by the regulations and provisions contained herein.

2. In granting a variance, the Board may impose such conditions as are necessary to protect the public health, safety, or welfare, in accordance with the purpose and intent of the zoning regulations.

3. No non-conforming use of neighboring lands, structure, or buildings in the same district, and no permitted or non- conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

4. Under no circumstances shall the Board grant a variance to allow a use expressly or by implication prohibited by the terms of these regulations in the district involved.

Section 6.04 Notices and Fees

A. Whenever an appeal or application for a variance is made to the Board, the Board shall cause to have published at the expense of the appellant or applicant a notice of the time and place of the public hearing upon such appeal or application, which notice shall be published at least once not less than seven (7) days preceding the date of such hearing in an official paper or a paper of general circulation in the town, said notice to designate the particular location with which the appeal or application is concerned, and a brief statement as to what the appeal or application consists of. The Board shall also give or cause to be given such additional notice of such hearing to interested persons and organizations as it shall deem feasible and practicable.

B. The appellant or applicant shall be required to pay to the Town Clerk a filing fee of twenty five dollars ($25.00) to cover such other costs as may be incurred in connection with such appeal or application.

CHAPTER 7. AMENDMENTS

Section 7.01 Initiation of Changes

Changes to the Zoning Regulations and/or the Zoning Map may be initiated by the City Council, the Commission or one or more persons who own property within the area of the proposed change.

Section 7.02 Procedure for Amendments

A. The Commission shall set hearings on all proposed changes to the Zoning Map at any of its regular monthly meetings or at special meetings called by the Commission for that purpose. Applications for changes to the Zoning Map shall be submitted to the Secretary of the Commission at least fifteen (15) days prior to the meeting to set the hearing.

B. The Commission shall cause all persons that lease or own property within two hundred feet (200') of the proposed zone changes to be notified of the nature of the proposed change and of the time and place of the public hearing on the proposed change or, in the alternative, the Commission may direct persons interested in the change to provide for such notification and to furnish evidence thereof. In either event, all expenses incident to any amendments initiated by property owners shall be paid for by the petitioners.

C. The Commission shall give fifteen (15) days notice of the public hearing in a newspaper of general circulation in the city.

D. Within forty five (45) days after receiving the application for a change in the Zoning Regulations, the Commission shall hold a public hearing and make recommendations to the City Council stating reasons. A copy of these recommendations shall be submitted to the applicant at the same time.

E. No application for a change of the Zoning Regulations may be re- submitted within twelve (12) months from the date of action by the Town Council, unless the Commission finds that a substantial reason exists for waiving this limitation.

CHAPTER 8. ADMINISTRATION AND ENFORCEMENT

Section 8.01 Administration

A. The provisions of these regulations shall be administered and enforced by the enforcement officer, who shall be appointed by and serve at the pleasure of the Mayor. He may be provided with the assistance of such other persons as the City Council may direct.

B. Zoning Permits Required

1. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the enforcement officer. No zoning permit shall be issued by the enforcement officer except in conformity with the provisions of these regulations, unless he receives a written order the Board of Adjustment in the form of an administrative review or variance as provided by these regulations.

2. A building or zoning permit will be issued only when the application has been approved by the enforcement officer as meeting requirements of these regulations. All applications for building or zoning permits shall be accompanied by a plan in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected and its location on the lot, and such other information as may be necessary to provide for the enforcement of these regulations. A record of such application and plats shall be kept in the office of the Town Clerk and submitted to the Commission at the next regular meeting for review.

3. Zoning and/or building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the enforcement officer, Commission, or Town Council authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangements or construction at variance with that authorized shall be deemed in violation of these regulations and punishable as provided herein.

C. Conditional Uses - Procedures

1. The Commission shall hear and decide only such special exceptions as it is specifically authorized to pass on by the terms of these regulations and to decide such questions as are involved in determining whether conditional use should be granted, and to grant conditional use with such conditions and safeguards as are appropriate under these regulations, or to deny conditional use when not in harmony with the purpose and intent of these regulations. A conditional use shall not be granted by the Commission unless and until:

   a. A written application for a conditional use is submitted, indicating the section of these regulations under which the conditional use is sought and stating the grounds on which it is requested;

   b. Notice shall be given at least seven (7) days in advance of public hearing in an official paper or a paper of general circulation in Crawfordsville. The owner of the property for which conditional use is sought or his agent shall be notified by mail. Notice of such hearing shall be posted on the property for which conditional use is sought, at least seven (7) days prior to the public hearing;

   c. The public hearing shall be held. Any party may appear in person, or be agent or attorney;

   d. The Commission shall make a finding that it is empowered under the section of these regulations described in the application to grant the conditional use, and that the granting of the conditional use will not adversely affect the public interest;

   e. Before any conditional use shall be approved, the Commission shall make written findings certifying compliance with the specific rules governing individual conditional uses and the satisfactory provision and arrangement has been made concerning the following, where applicable:

      1) The proposed use in the proposed location will not be detrimental to other uses legally existing or permitted outright in the zoning district;

2) The size of the site is adequate for the proposed use;

3) The traffic generated by the proposed use will not unduly burden the traffic circulation system in the vicinity;

4) the other performance characteristics of the proposed use are compatible with those of other uses in the neighborhood or vicinity;

5) Adequate buffering devices such as fencing, landscaping, or topographic characteristics protect adjacent properties from adverse effects of the proposed use, including adverse visual or auditory effects;

6) The other uses in the vicinity of the proposed site are such as to permit the proposed use to function effectively;

7) The proposed use complies with the performance standards, parking requirements and other applicable provisions of these regulations.

2. The decision of the Commission, with respect to any application for a conditional exception, shall be final, unless an appeal is made to the Town Council within ten (10) days after the Commission's decision. Said appeal shall be in writing to the Town Council and filed with the Town Clerk.

3. Whenever an application for a conditional exception is made to the Commission, the Commission shall cause to have published at the expense of the applicant a notice of the public hearing as prescribed in C(1)(b) above. In addition, the applicant shall be required to pay to the Town Clerk a filing fee of twenty five dollars ($25.00), no part of which is refundable, to cover such other costs as may be incurred in connection with such appeal or application.

Section 8.02 Complaints Regarding Violations

Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully state the causes and basis thereof and shall be filed with the enforcement officer. He shall record properly such complaint, immediately investigate, and take action thereon as provided by these regulations.

Section 8.03 Penalty for Violation

Any person or corporation who shall violate any of the provisions of these regulations or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than one hundred dollars ($100.00). Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of these regulations shall be placed, or shall exist, and any architect, engineer, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as herein before provided.

CHAPTER 9. SEVERABILITY

Section 9.01 Severability

The provisions of these regulation are hereby declared to be severable. If any section, paragraph, sentence, or clause of these regulations shall be held invalid, the invalidity of such section, paragraph, sentence, or clause shall not affect the validity of the remainder of the said regulations.

A survey indicates a minimum lot width of seventy feet at the building line is a common requirement, particularly for residential lots served by municipal water and sewerage. This requirement ensures adequate space for building and avoids overcrowding, according to sources like the American Planning Association.

Elaboration:

Building Line:

The building line is the minimum distance a structure must be from a property line or other designated line. It's established by local authorities to ensure proper spacing between buildings and promote safety, privacy, and prevent overcrowding.

Survey:

A survey is a professional measurement of a property's boundaries, including the lot width and building line.

Minimum Lot Width:

The minimum lot width requirement ensures that lots are wide enough to accommodate a building without being too cramped.

Residential Lots:

This requirement is often applied to residential lots, where building size and spacing are crucial for maintaining community standards.

Municipal Water and Sewerage:

Lots served by municipal systems often have specific minimum lot width requirements to ensure adequate space for infrastructure and prevent potential issues like wastewater overflow.