

ORDINANCE NO.2004-CR- 16

CIVIL TOWN OF GEORGETOWN, INDIANA

AMENDMENTS TO THE ZONING ORDINANCE AND SUBDIVISION CONTROL ACT

WHEREAS, The Civil Town of Georgetown adopted on December 16, 2003 a new Zoning Ordinance and Subdivision Control Act with Land Use Map; and,

WHEREAS, the introduction of the ordinance has indicated certain typographical errors and certain omissions of information; and

WHEREAS, the Plan Commission has met and made recommended changes to the Zoning Ordinance, the Subdivision Control Act, The Tables attached, and the Land Use Map and now brings these changes to the Town Board for Adoption in Ordinance Form; and,

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF GEORGETOWN, INDIANA AS FOLLOWS:

1. That Section 5.3A. be amended on page 45 to include new Two Family and Multi Family lot sizes as follows:

Maximum Lot Coverage

District	R-1	R-2	R-3	B-1	B-2	B-3	A-1
Percentage of Coverage	30%	30%	40%	30%	30%	30%	20%

5.3 Minimum Lot Size: Residential Uses

A. Except as provided for in 5.3(0), a lot on which a dwelling is erected or changed may not be smaller in area, in square feet per dwelling unit, than that prescribed for it in the following table. ("Changed" shall mean "increased in number of dwelling units contained therein" but shall not be construed to mean only refurbished, rehabilitated or expanded in size.)

Lot Area in Square Feet and District

Dwelling Type	R-1	R-2	R-3	B-1	B-2	B-3	A-1
Single-Family							
Sewer	20,000	10,000	5,400	5,400	5,400	5,400	20,000
Septic	40,000	40,000	40,000	40,000	40,000	40,000	40,000
Two-Family	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Sewer	-----	-----	3,000	3,000	3,000	3,000	5,000
Septic	-----	-----	40,000	40,000	40,000	40,000	40,000
Multi-Family	10,000	10,000	10,000	10,000	10,000	10,000	10,000

B. Except as provided for in 5.3(C), a lot on which a dwelling is erected or changed may not be smaller in width, in linear feet, than that prescribed for it by the following table. ("Changed" shall mean "increased in number of dwelling units contained therein" but shall not be construed to mean only refurbished, rehabilitated or expanded in size.) Minimum lot width is to be measured at road frontage and is not to be reduced at any other point.

2. That Section 5.20M. be amended on page 95 as follows: "Hazardous Waste Disposal or Sexually Oriented Businesses."

i. Facilities intended for disposal of hazardous wastes "or Sexually Oriented Businesses" shall be confined to M-3 districts.

3. That Section 5.22 A. 4 be amended on page 96 to include the additional line ... "including any MS4 Regulation that may be required or later adopted."

4. That the land use matrix table be amended to include the changes as listed:

TYPE OF LAND USES	FP	A	RR	R1	R2	R3	MB	B1	B2	B3	M1	M2	M3	PUD
Industrial Uses:	FP	A	RR	R1	R2	R3	MB	B1	B2	B3	M1	M2	M3	PUD
adult entertainment													X	
bottled gas storage/distribution												X	X	
distribution center											X	X		
flex-space											X	X		
general manufacturing											X	X		
heavy manufacturing												X		
Incinerator													X	
light manufacturing											X			
liquid fertilizer and distribution												X		
office complex											X	X		
research center											X	X		

Communications/Utilities	FP	A	RR	R1	R2	R3	MB	B1	B2	B3	M1	M2	M3	PUD
Electrical generator												X		
pipeline pumping station												X		
public well												X		
radio/TV station										X	X			
sewage treatment plant													X	
storage tanks non-hazardous												X		
telecommunications facility											X	X		
utility substation											X	X		

5. That "Adult Entertainment" definition in Section 2 of definitions be modified to sexually oriented business as defined as follows:

Adult Entertainment. An inclusive term used to describe collectively: adult arcade, video viewing booth, adult cabaret, adult media store, lingerie modeling studio; and/or sex shop.

- a. **Adult Arcade or Video Viewing Booths.** An establishment or any portion thereof that consists of any booth, cubicle, stall, or compartment that is designed, constructed, advertised or used for the display or presentation of adult media or feature male or female persons exhibiting specific sexual activities or specified anatomical areas for observation for patrons therein.
- b. **Adult Cabaret.** A building or any portion of a building featuring dancing or live entertainment if the dancing or entertainment is distinguished or characterized by an emphasis on the exhibition of specific sexual activities or specified anatomical areas for observation for patrons therein.
- c. **Adult Media.** Magazines, books, video tapes, digital video discs (DVDs); motion pictures, slides, CD-Roms, or other media used to record images that include material depicting, describing, or relating to hard-core material.
- d. **Adult Media Store.** An establishment that rents, sells, or licenses for viewing adult media, where:
 - 1. 10% or more of the gross public floor is devoted to adult media; or
 - 2. 10% or more of the stock-in-trade consists of adult media; or
 - 3. it advertises or holds itself out in any forum as "XXX," "adult," "sex," or otherwise as adult entertainment.
- e. **Gross Public Floor Area.** The total area of a building accessible or visible to the public, including showrooms, motion picture theaters,

service areas, behind counter areas, storage areas visible from such other areas, restrooms (whether or not labeled "public"), areas used for adult cabaret shows (including stage areas), as well aisles, hallways, and entryways serving such areas.

- f. **Hard Core Material.** Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with the finger or male organ into an orifice of another person; open female labia; penetration of a sex toy or other object into an orifice; male ejaculation; or the aftermath of male ejaculation.
- g. **Lingerie Modeling Studio.** An establishment or business that provides the services of live models modeling lingerie to individuals, couples, or small groups in a room or rooms smaller than 600 sq. ft.
- h. **Sex Shop.** Any establishment that falls into one of the following categories:
 - 1. The establishment offers for sale two or more of the following types of merchandise: (a) adult media, (b) sexually oriented toys or novelties, (c) lingerie or (d) leather goods marketed or presented in a context to suggest sadomasochistic practices; and the combination of such merchandise constitutes more than 10% of its stock-in-trade or occupies more than 10% of the gross public floor area;
 - 2. More than 5% of its stock-in-trade consists of sexually oriented toys or novelties;
 - 3. More than 5% of its gross public floor area is devoted to the display of sexually oriented toys or novelties.
- i. **Sexually Oriented Toys or Novelties.** Instruments, devices, or paraphernalia either designed as representations of genital organs or female breasts, or designed, advertised, or marked primarily for use to stimulate human genital organs.
- j. **Specified Anatomical Areas.** Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- k. **Specific Sexual Activities.** Acts in which the human genitals of one or more participants is in a state of sexual stimulation or arousal; or acts of human masturbation, sexual intercourse, sodomy, fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

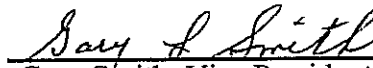
6. That the following fee schedule of services provided be adopted:

SERVICES PROVIDED	SUGGESTED NEW FEE
Preliminary application major residential subdivision	\$400 plus \$20 per lot
Final application major residential subdivision	\$200 per plat sheet
Preliminary application minor residential subdivision	\$150 plus \$5 per lot
Final application minor residential subdivision	\$50 per plat sheet
Residential relocation	\$.10 per sq. ft. (\$50 min.)
Swimming pool (above ground)	\$40 single family; \$160 multi family
Commercial/industrial additions	\$100 plus \$.20 sq. ft.
Commercial/industrial accessory structures	\$100 plus \$.20 sq. ft.
Rezoning petition	\$400 plus \$5.00 acre
Special exception Land Use Variance	\$275 (\$650 for mineral extraction, sanitary landfill, waste transfer station, hotel, shopping center, mobile home park, or junkyard; \$50 for in-home business)
Variance fine (variance required b/c construction did not occur as per approved site plan)	5 times the cost of approved building permit plus cost of variance
Apartments new construction	\$500 min. plus \$.25 sq. ft.
Apartment accessory structures	\$100
Preliminary application major commercial/ industrial subdivision	\$500 plus \$20 per lot
Final application major commercial/ industrial subdivision	\$200 per plat sheet
Preliminary application minor commercial/ industrial subdivision	\$200 plus \$20 per lot
Final application minor commercial/ industrial subdivision	\$150
Sketch plat	-0-
Sign permit	\$80
Temporary sign permit	\$40 per month
Improvement location permit	\$40
Temporary use or structure	\$50
BZA petition	\$250
Mobile home park permit	\$2,000 plus \$20 per lot
Replats/record plat	\$400 if not recorded; \$600 if recorded
Vacation of easement	\$250
Re-inspections	Residential: 1 st --\$50; 2 nd --\$100; 3 rd or more--\$500 each visit; other: 1 st --\$125; 2 nd --\$250; 3 rd or more--\$500 each visit
Comprehensive plan	\$50
Zoning ordinance	\$50
Subdivision control ordinance	\$50

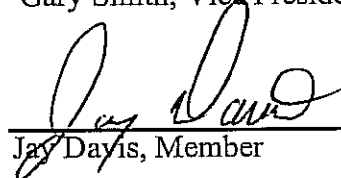
7. That these provisions shall become effective and in force upon passage.
ALL OF WHICH IS ORDAINED THIS 24TH DAY OF JUNE, 2004, BY THE
TOWN COUNCIL OF GEORGETOWN, INDIANA.



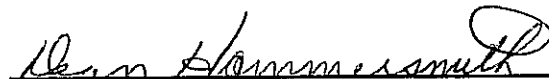
Jeff McCaffrey, President



Gary Smith, Vice President



Jay Davis, Member



Dean Hammersmith, Member

Open Seat

ATTEST:

Douglas Cook, Clerk/Treasurer