

*Amended*

**ORDINANCE NO. 95-1**

**AN ORDINANCE REGULATING RESIDENTIAL  
USES AND REQUIREMENTS**

WHEREAS, the ordinances of the Town of Michigantown contain no requirements for lot size and set back or for building permit requirements for residential and commercial uses of real property within the town; and

WHEREAS, the town council of the Town of Michigantown, Clinton County, Indiana, finds that for all new construction and additions to existing improvements on real property located within the Town of Michigantown, standard requirements should be adopted;

NOW, THEREFORE, IT IS HEREBY ORDAINED by the town council of the Town of Michigantown, Clinton County, Indiana that:

1. **Minimum Lot Size.** The minimum width for a residential or commercial lot within the Town of Michigantown (hereafter "the town") shall be sixty-five (65) feet; the minimum size for a residential or commercial lot within the town shall be 8,700 square feet.

2. **Set Back Requirements.** The following shall be the minimum set back requirements for residential and commercial units within the town:

- Front Yard 20 feet from the street or highway right of way
- Side Yard 10 feet from the lot boundary
- Rear Yard 10 feet from the lot boundary

3. **Minimum Parking Spaces.** For each residential unit to be constructed within the town, a minimum of two off-street parking spaces per single family unit shall be provided, with a minimum of two off-street parking spaces per unit for multi-family units.

4. **Building Permit.** Prior to beginning construction of any building or any building addition, alteration, reconstruction or remodeling which would affect the external dimensions

of any residential or commercial structure located within the town, the owner or builder must apply for a building permit from the town council. The town council shall issue a building permit if the proposed construction complies with the lot size, set back, and parking area provisions of this ordinance. Prior to issuing a building permit the town council may request documents related to the construction, including but not limited to blueprints, plans, and specifications, to determine compliance with this ordinance. The town council shall establish a schedule of fees to be charged for building permits for construction within the town.

5. **Remedies.** The town council of the Town of Michigantown may institute a suit for injunction in the courts of Clinton County to restrain any person, corporation, or other entity from violating any of the provisions of this ordinance. A suit for mandatory injunction may be instituted in the courts of Clinton County directing any person or entity to remove a building structure erected in violation of this ordinance. Any person or entity in violation of this ordinance shall pay all expenses, court costs, and reasonable attorneys fees to the Town of Michigantown incurred by the town in enforcement of the provisions of this ordinance.

6. **Variance.** The town council shall consider all written requests for variance from the provisions of this ordinance at a regularly-scheduled public meeting of the town council. If the town council determines that:

- A. The approval of the variance request will not be injurious to the public health, safety, morals, and general welfare of the community;
- B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- C. The need for the variance arises from some condition peculiar to the property involved;

D. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and

E. The approval does not interfere substantially with the orderly growth and development of the Town of Michigantown;

the town council may, in its discretion, grant a variance from the terms and provisions of this ordinance. Such grants of variance shall be in writing, delivered to the petitioner for the variance, evidencing the granting of such variance.

7. **Effective Date.** This ordinance shall apply to all construction, both for new construction and additions to existing real property improvements located within the town commenced or for which application is made on or after February 13, 1995.

This ordinance, as amended, is adopted this 13 day of May, 1996.

Town Council, Town of Michigantown

By David L. Collins Pres

By Linda S. Ingram

By \_\_\_\_\_

Attest:

Judith J. Rule  
Clerk/Treasurer

Ordinance adopted 02/13/95

Amended May 13, 1996