

# MONROE COUNTY ORDINANCE REVIEW COMMITTEE



**January 9, 2023  
4:00 pm**

**Hybrid Meeting  
In-person**

Monroe County Government Center  
Planning Department  
501 N. Morton Street, Suite 224  
Bloomington, IN 47404

**Virtual:** <https://monroecounty-in.zoom.us/j/84961227024?pwd=ZUISOUQweHVT0HVLNmVUaHdxVERjUT09>. If calling in, dial 312-626-6799 and enter the Meeting ID: 849 6122 7024 and Password: 346950 when prompted.

**A G E N D A**  
**ORDINANCE REVIEW COMMITTEE**  
**of the Monroe County Plan Commission**

Monroe County Planning Department  
HYBRID

**When:** January 9, 2023 at 4:00 PM

**Where:** 501 N Morton St, Suite 224

Or via Zoom: <https://monroecounty-in.zoom.us/j/84961227024?pwd=ZUISOUQweHVTOHVLTmVUaHdxVERjUT09>

If calling into the Zoom meeting, dial: 312-626-6799.

When prompted, enter the Meeting ID #: 849 6122 7024

Password: 346950

**ADMINISTRATIVE BUSINESS: NONE.**

**OLD BUSINESS: NONE.**

**NEW BUSINESS:**

**TOPICS FOR DISCUSSION:**

1. CDO Module 2 – Review of Draft Uses
2. Any other business properly brought before the committee

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Monroe County, should contact Monroe County Title VI Coordinator Angie Purdie, (812)-349-2553, [apurdie@co.monroe.in.us](mailto:apurdie@co.monroe.in.us), as soon as possible but no later than forty-eight (48) hours before the scheduled event.

Individuals requiring special language services should, if possible, contact the Monroe County Government Title VI Coordinator at least seventy-two (72) hours prior to the date on which the services will be needed.

The meeting will be open to the public.



# MONROE COUNTY, INDIANA COUNTY DEVELOPMENT ORDINANCE

MODULE 2 Draft | December 5, 2022



**Cover picture:** Cedar Ford Covered Bridge, Monroe County, Indiana

**Source:** <https://vsenaineerina.com/Projects/Structural?ProjectName=CEDAR%20FORD>

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# List of Revisions

Ordinance #	Date Passed	Revision
Example	XX/XX/XXX	Summary of revisions...

# Basic Provisions

## 800. TITLE AND PURPOSE

### 800.1 Title

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These regulations (Monroe County Code Chapters 800 through 843) and all accompanying maps, which are on file in the Planning Director's office), and all ordinances and regulations supplemental or amendatory thereto, shall be known and may be cited as the "Monroe County Development Ordinance" and are generally referred to herein as the "Zoning Ordinance", the "Development Ordinance", the "Subdivision Ordinance", "this/the ordinance", or "these regulations".

### 800.2 Purpose

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These regulations are hereby adopted in order to:

- A. Promote the orderly, responsible, and beneficial development and use of land and business enterprises within the County Jurisdictional Area.
- B. Promote the public health, safety, morals, comfort, convenience, and general welfare of the County.
- C. Protect the character and stability of residential, institutional, commercial, industrial, and natural areas.
- D. Promote efficient, safe, and convenient traffic circulation in the public streets.<sup>1</sup>
- E. Secure adequate light, air, convenience to access, and safety from fire, flood, and other danger, which may include providing adequate open spaces for light, air, and outdoor uses.
- F. Conserve and enhance the scenic beauty, aesthetics, and environmental integrity of the County Jurisdictional Area.<sup>2</sup>
- G. Encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses.
- H. Regulate the locations and intensities of the use of buildings, structures, and land for trade, residence, and other purposes<sup>3</sup>.
- I. Define the powers and duties of administrative officers and bodies as provided herein, and to establish procedures for the implementation and enforcement of these regulations.
- J. Further such other purposes as area stated hereinafter within specific provisions of these regulations.

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<sup>1</sup> Re-worded this purpose statement to be more affirmative

<sup>2</sup> Change "preserve to conserve"

<sup>3</sup> Removed "restrict" from the statement and slight edits to the text.

This ordinance shall be interpreted, administered, and enforced in a manner that is consistent with the foregoing purposes.

## **801. GENERAL REGULATIONS AND APPLICABILITY**

### **801.1 Applicability**

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This County Development Ordinance, unless otherwise noted, shall apply to all public, private, and institutional development, except for road development projects by the Monroe County Highway Department. However, all Monroe County Highway Department Road development projects shall remain subject to the provisions of **Chapter 808: Flood Damage Prevention**.

### **801.2 Authority and Jurisdiction**

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These regulations, enacted pursuant to the Indiana home rule and planning enabling legislation (Indiana Code §36-1-3-4, §36-7-4-1, §36-7-2-2, §36-7-3-2<sup>4</sup>, as amended), and pursuant to the Monroe County Code and all other applicable authorities and provisions of Indiana statutory and common law, shall apply to all land uses within the County Jurisdictional Area.<sup>5</sup>

### **801.3 Inclusion of and Relationship to Other Ordinances**

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- A.** This ordinance shall be interpreted to include all other provisions of the Monroe County Code which are necessary for an understanding of this ordinance and the attainment of its purposes. The Board of Commissioners of the County of Monroe, Indiana, intends that all Monroe County Code provisions relating to land use, and all orders, rules, and regulations established pursuant to said provisions, be read as part of a uniform system of Monroe County land use regulation.
- B.** All departments, officials and employees of Monroe County, Indiana, that are vested with the duty or authority to issue permits, certificates, or approvals, shall conform to the provisions of this ordinance and shall issue no permit, certificate or approval for any use, structure, or activity if the same would be in conflict with the provisions of this ordinance. Any permit, certificate or approval issued in conflict with the provisions of this ordinance shall be null and void and, in no event, shall act as a waiver of the standards and requirements of these regulations.

### **801.4 Interpretation, Conflict, and Separability**

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- A.** In their interpretation and application, these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

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<sup>4</sup> Added sections

<sup>5</sup> Revised language

- B. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where the conditions imposed by, or pursuant to, these regulations are different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, statute or other provision of law, the provisions which are more restrictive, and which impose the higher/greater standards shall control.
- C. Private covenants, restrictions, and/or agreements, whether by deed or other instrument, which impose any requirements or standards different than those established under this ordinance, shall not be construed to modify the provisions of this ordinance or impose any enforcement obligations thereunder upon the Commission, the Board, and the Plan Department staff unless the Commission or the Board had approved or accepted, in writing, and had specifically accepted the responsibility for enforcement of, the terms and conditions of any such private covenant, restriction, or agreement. This section does not apply to PUD District Ordinances.<sup>6</sup>
- D. The provisions of this ordinance are separable. If any part or provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The County hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.
- E. With respect to the subdivision of land within the County that falls within the zoning jurisdiction of another unit of government, the zoning laws of the other jurisdiction would apply to the development of that property.

## 801.5 General Regulations

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- A. **Prohibited Uses and Acts.** Except as provided in these regulations, no building, structure, or premises may be used for any purpose other than those permitted in the zoning district in which the building, structure or premises is located. No land or lot area may be reduced, diminished, used, or developed except in accordance with all applicable provisions of these regulations. No building or structure may be altered, erected, constructed, installed, moved, replaced, or maintained except in accordance with all applicable provisions of these regulations.
- B. **Computation of Time.** Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day of the specified period. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. When the time period prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded.

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<sup>6</sup> New

- C. **Saving Provision.** These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing planning and zoning regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the County under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the County except as shall be expressly provided for in these regulations.
- D. **Effective Date.** The Monroe County Development Ordinance shall become effective on XXXX. All references in this ordinance to the “effective date of this ordinance” or to the “effective date” shall refer to that date unless otherwise stated.<sup>7</sup>
- E. **Amendment.** When necessary to further the purposes and policies of this ordinance, the county may from time to time amend these regulations. Public hearings on all proposed amendments shall be held by the Commission and/or County in the manner prescribed by law and as described herein.<sup>8</sup>
- F. **Conditions.** The regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision; and the attachment of reasonable conditions to the use and development of land within the County Jurisdictional Area as part of the approval of rezoning petitions, subdivisions, conditional uses, home occupations, temporary uses, variances, PUD district ordinances, development plans, plat vacations and amendments, or as otherwise authorized, is an exercise of valid police power delegated to the county by the state. The applicant has the duty of compliance with reasonable conditions laid down by the Commission for design, dedication, improvement, and the restrictive use of the land in order to conform to the physical and economic development of the county and to the safety, environmental health, and general welfare of present and future landowners and citizens of the county. The failure to comply with the applicable regulations of this ordinance, and any such conditions prescribed by the Commission, shall be considered a violation of this ordinance.<sup>9</sup>
- G. **Form of Certificates, Notations, Applications, and Findings.** The Department shall establish the form of all certificates, notations, applications, and findings required or permitted by these regulations. All such forms must be approved by the Commission and must be consistent with these regulations.

## 801.6 Transition Rules

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In determining the applicability of this ordinance with respect to the previously applicable zoning regulations, the following rules shall apply:

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<sup>7</sup> Deleted Repealer section and replaced with effective date section

<sup>8</sup> Relocated from 850-5

<sup>9</sup> New



- A. When a use lawfully existing on the effective date of this ordinance was classified as a permitted use prior to the effective date of this ordinance, and such use is classified as a "Conditional Use" by this ordinance, such use shall be deemed a lawful nonconforming use. Such use may be granted a conditional use permit in the manner prescribed by Section XXXX of these regulations or, alternatively, may continue subject to the nonconforming use provisions of Chapter XXXX of these regulations.
- B. When a use lawfully existing as a permitted use on the effective date of this ordinance, or any amendment thereto, no longer classifies such use as a permitted use in the zoning district in which it is located, such use shall be deemed a lawful nonconforming use and shall be subject to the nonconforming use provisions of Chapter XXXX of these regulations.
- C. Where any building, structure or lot lawfully existing on the effective date of this ordinance does not meet all development standards set forth in this ordinance, or any amendment thereto, such building, structure, or lot shall be deemed lawfully nonconforming and shall be subject to the nonconforming use provisions of Chapter XXXX of these regulations.
- D. When, before the effective date of this ordinance, a complete application has been filed for an improvement location permit for a building or structure which conforms to all applicable regulations in effect prior to the effective date of this ordinance, the building or structure may be completed in accordance with the plans on the basis of which the application was submitted as long as construction begins within 60 days after the date of permit issuance and on which construction is diligently prosecuted to completion within two years after the date of the permit issuance. Upon completion, said building or structure may be occupied for the use, which was specified on the improvement location permit application, provided said use at the time of application was classified as permitted, or if classified as a conditional use, had been approved by the Plan Commission and/or Board of Zoning Appeals. Provided, also, if the use originally intended no longer complies with all requirements of this ordinance such use shall be a lawful nonconforming use subject to the nonconforming use provisions of Chapter XXXX of these regulations or, alternatively, as a conditional use subject to the conditional use provisions of Section 0 of these regulations. However, if said application or permit expires or is suspended or revoked in accordance with Section 836.4B.7 of these regulations, any new permit application that is submitted after the effective date of this ordinance shall be subject to the regulations in this ordinance.
- E. All variances granted prior to the effective date of this ordinance shall remain in full force and effect subject to the conditions of variance approval. However, such variance shall apply only to the specific variance of use or development standard granted.
- F. All conditional use permits granted prior to the effective date of this ordinance shall remain in full force and effect subject to the conditions of conditional use approval. Expansion or change in use shall require compliance with this ordinance.

- G.** A PUD District Ordinance approved under the previous Zoning Ordinance and shown on the previous zoning maps shall constitute an approved PUD District Ordinance subject to the standards and conditions of the PUD District Ordinance approval. Subsequent development plans for the site shall<sup>10</sup> comply with the development plan provisions of this ordinance, provided that the proposed development plan does not conflict with the standards and conditions applicable to the approved PUD District Ordinance. A development plan approved under the previous ordinance shall constitute an approved development plan subject to the standards and conditions of development plan approval. Where a PUD District Ordinance has been approved but has expired, prior to the effective date of this Zoning Ordinance, the PUD District Ordinance shall be void and may not provide a basis for development plan approval.
- H.** A primary and/or secondary plat approved prior to the effective date of this Zoning Ordinance, whether or not yet recorded, shall remain in full force and effect, subject to the standards and conditions of plat approval. Secondary plats may be recorded as approved in accordance with the Subdivision Control Ordinance. Primary plats shall be entitled to secondary plat approval subject to the conditions of primary plat approval and subject to the subdivision control ordinance and the Zoning Ordinance provisions that were in effect at the time of preliminary approval. Lots in such subdivisions shall be established in their platted size and configuration as lots of record. All subsequent re-subdivision, vacation and/or amendment of such plats shall be made under the provisions of the current comprehensive land use plan, the current Subdivision Control Ordinance, and this Zoning Ordinance. A full and complete application for primary plat approval conforming to all applicable regulations in effect at the time of application shall be entitled to review under the regulations in effect at the time of application with respect to lot size and configuration. Upon approval, lots in such plats shall be established in their platted size and configuration as lots of record.
- I.** A Site Plan approved prior to the effective date of this Zoning Ordinance shall remain in full force and effect, subject to the standards and conditions of approval by the Planning Director.

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<sup>10</sup> Deleted previous Zoning Ordinance language

# Zoning Districts

## 802. ESTABLISHMENT OF ZONES

### 802.1 Standard Zoning Districts

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The Monroe County Jurisdictional Area is hereby classified and divided into the following zones, also referred to as Districts:

- A. Agricultural Residential 2.5 “AG2.5”
- B. Forest Residential 5 “FR5”
- C. Conservation Residential 2.5 “CR2.5”
- D. Rural Community 1 “RC1”
- E. Low Density Residential “LD”
- F. Suburban Density Residential “SD”
- G. Medium Density Residential “MD”
- H. High Density Residential “HD”
- I. Urban Density Residential “UD”
- J. Institutional/Public “IP”
- K. Limited Business “LB”
- L. General Business “GB”
- M. Light Industrial “LI”
- N. Heavy Industrial “HI”
- O. Mineral Extraction “ME”
- P. Airport “AP”<sup>11</sup>

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<sup>11</sup> Updated District codes based on PC

## 802.2 Overlays and Special Districts

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In addition to the zones listed above, portions of the Monroe County Jurisdictional Area may be classified according to one or more of the following overlay zones or special Districts:

- A. Planned Unit Development “PUD”
- B. FEMA<sup>12</sup> Special Flood Hazard Area “SFHA”
- C. Indiana Department of Natural Resources Best Available Data “IDNR-BD”
- D. Historic Preservation Overlay “HP”
- E. Environmental Constraints Overlay “ECO”
- F. Lake Lemon Watershed Protection Overlay “WPO”<sup>13</sup>
- G. Critical Drainage Areas “CDA”
- H. Airport Noise Sensitive Area “ANSA”

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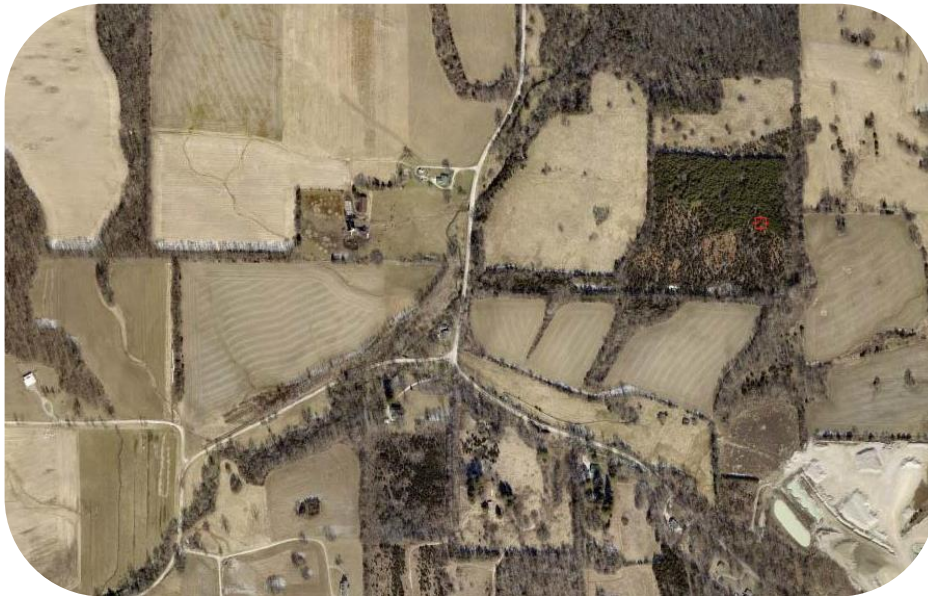
<sup>12</sup> Add FEMA to district name

<sup>13</sup> Added district

## 803. RURAL ZONING DISTRICTS<sup>14</sup>

### 803.1 Agricultural Residential 2.5 "AG2.5" Zoning District<sup>15</sup>

- A. **District Character.** The character of the Agricultural Residential 2.5 District (AG2.5) is in an area that is primarily intended for agriculture uses including, but not limited to, row crop or livestock production, forages, pasture, forestry, single dwelling residential uses associated with agriculture uses and limited, very low density, rural non-farm related single dwelling uses and not in (major) subdivisions.
- B. **Purpose.** The purpose of the AG2.5 Zoning District is to encourage the continuation of agriculture uses, along with the associated single dwelling residential uses; to discourage the development of residential subdivisions and non-farm-related nonresidential uses; to protect the environmentally sensitive areas, the floodplain, and steep slopes; and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the AG2.5 District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to ensure their compatibility with the agriculture-related uses. The development of new non-farm residential activities proximate to known mineral resource deposits or extraction operations may be buffered by increased setback distance.
- C. **Permitted Uses.** Permitted, conditional, accessory, and temporary uses that are allowed in the AG2.5 zoning district are identified on the Table XXX: Table of Permitted Land Uses.



*Figure 803-1: Example development patterns in the AG2.5 Zoning District*

- D. **Summary of Dimensional Standards<sup>16</sup>**

<sup>14</sup> Will be inserting graphics that illustrate the district character and dimensional standards for all zones

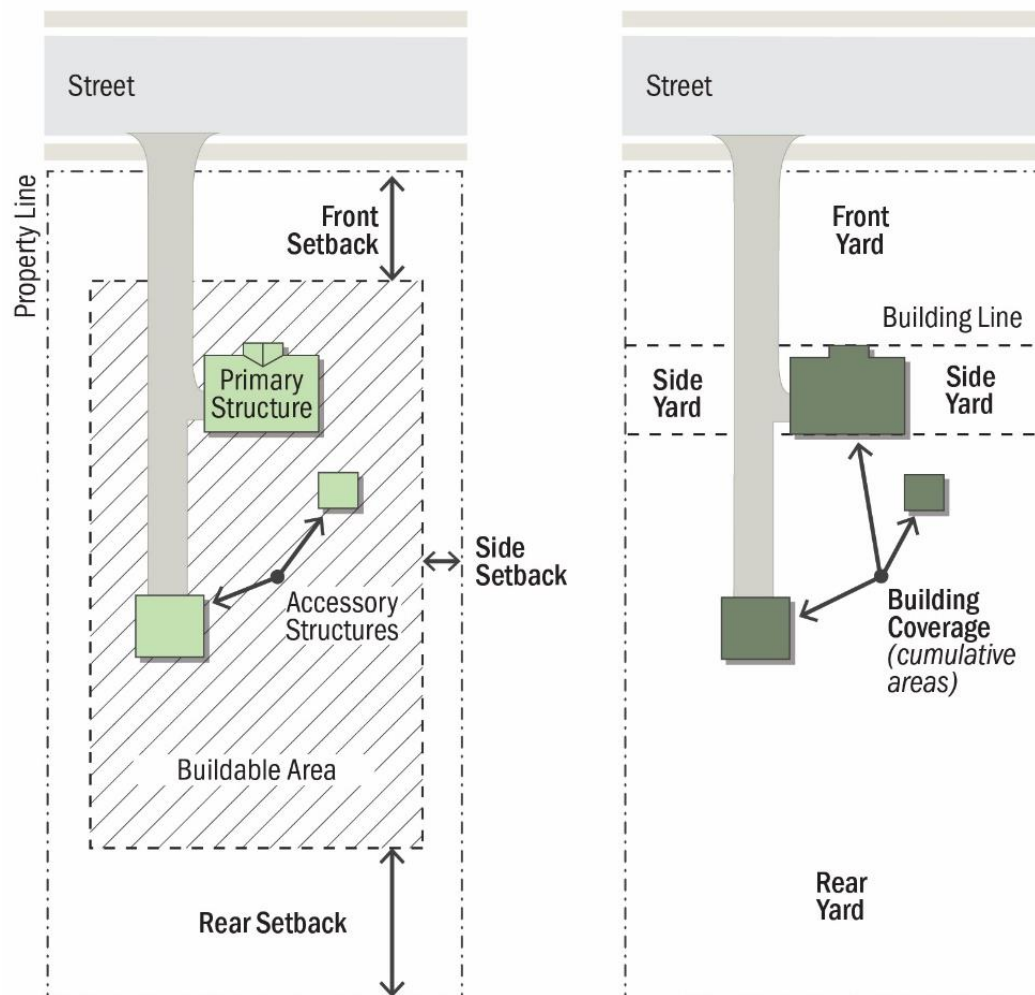
<sup>15</sup> Changed name from AG2.5 (Agriculture/Rural Reserve) to Agricultural Estate

<sup>16</sup> Removed density standard as density is regulated by other standards – lot coverage, height, setbacks, buildable area, use, etc.

## Dimensional Standards - to be determined under Module 3 (examples of standards below)

- Minimum Lot Area
- Minimum Buildable Area
- Front Yard Setback
- Rear Yard Setback
- Side Yard Setback
- Maximum Impervious Cover
- Maximum Height

### Example Graphic Illustrating Dimensional Standards:





## 803.2 Forest Residential 5 “FR5” Zoning District<sup>18</sup>

- A. **District Character.** The character of the Forest Residential 5 “FR5” Zoning District is defined as that which is primarily intended for the preservation of forests, recreational areas, parks, greenways, limited agricultural uses, and very low density single dwelling residential uses.
- B. **Purpose.** The purpose of the FR5 Zoning District is to permit limited single dwelling residential development on very large Lots, to discourage the development of residential subdivisions and non-residential uses, to protect environmentally sensitive areas, floodplains, and steep slopes and to maintain the character of the surrounding neighborhood. Development in the FR5 District can be hindered by extreme topography, poor vehicular and utility access, and the availability of few or no public services. Therefore, the number of uses permitted in the FR5 District is limited and many of the permitted and conditional uses have additional standards that apply to them to ensure their compatibility with the low-density residential and public open space uses.
- C. **Permitted Uses.** Permitted, conditional, accessory, and temporary uses that are allowed in the FR5 zoning district are identified on the Table XXX: Table of Permitted Land Uses.



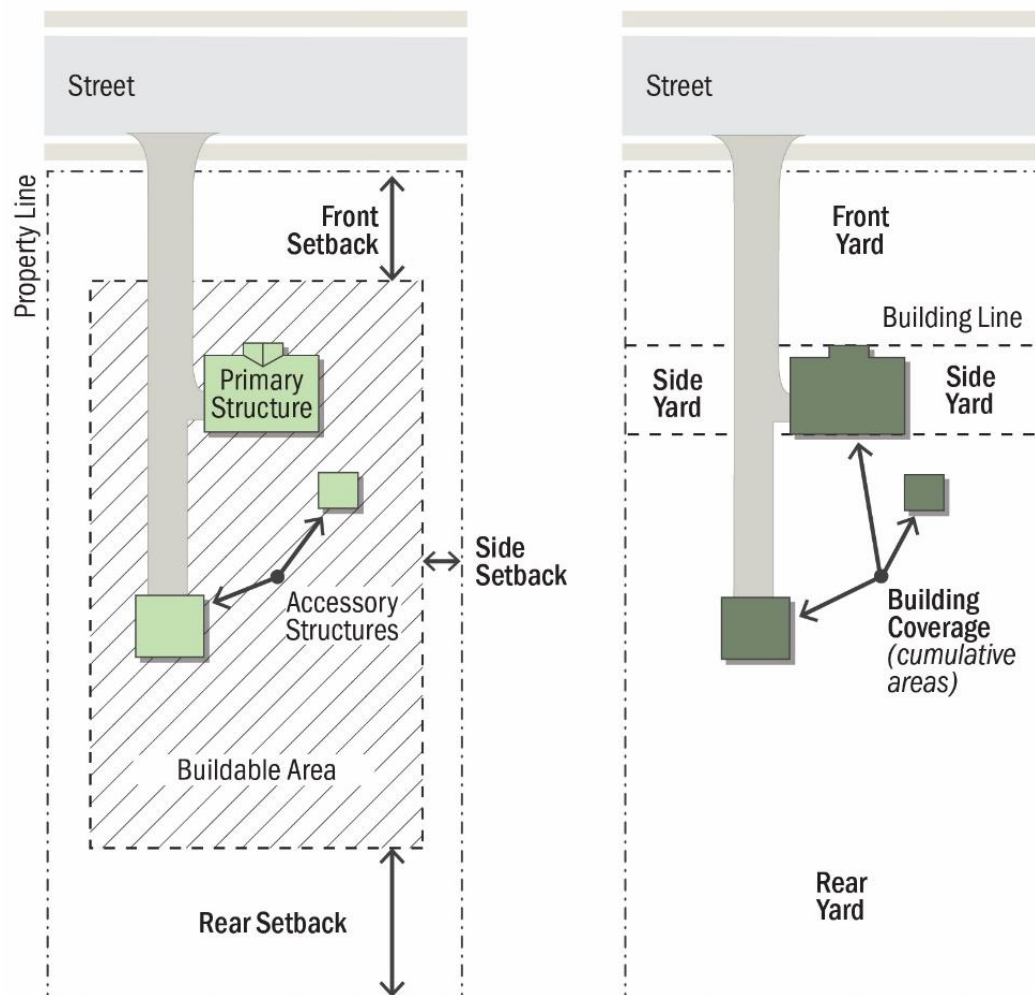
*Figure 803-3: Example development patterns in the FR5 Zoning District*

<sup>18</sup> Name change from Forest Reserve to Forest Estate

## Dimensional Standards - to be determined under Module 3 (examples of standards below)

- Minimum Lot Area
- Minimum Buildable Area
- Front Yard Setback
- Rear Yard Setback
- Side Yard Setback
- Maximum Impervious Cover
- Maximum Height

### Example Graphic Illustrating Dimensional Standards:



### 803.3 Conservation Residential 2.5 "CR2.5" Zoning District<sup>19</sup>

- A. **District Character.** The character of the Conservation Residential 2.5 "CR2.5" Zoning District is defined as that which is primarily intended to provide a residential option ) at environmentally sound locations, while protecting the environmentally sensitive reservoirs, Griffy and Monroe.
- B. **Purpose.** The purpose of the CR2.5 Zoning District is to protect the environmentally sensitive watersheds, the floodplain, and steep slopes; to permit limited single dwelling residential development on very large Lots or in subdivisions (planned unit or cluster development) at environmentally sound locations; to discourage the development of nonresidential uses; to discourage the development of sanitary sewer systems, except for existing development; and to maintain the character of the surrounding neighborhood. Development in the CR2.5 District is hindered by concern over the watershed environment, and, in some cases, extreme topography, poor access and the availability of few or no public services. Therefore, the number of uses permitted in the CR2.5 District is limited and many of the permitted and conditional uses have additional standards that apply to them to ensure compatibility with the watershed environment and low-density residential uses. The development of new residential activities proximate to known mineral resource deposits or extraction operations may be buffered by increased setback distances.
- C. **Permitted Uses.** Permitted, conditional, accessory, and temporary uses that are allowed in the CR2.5 zoning district are identified on the Table XXX: Table of Permitted Land Uses.



*Figure 803-5: Example development patterns in the CR2.5 Zoning District*

- D. **Summary of Dimensional Standards**

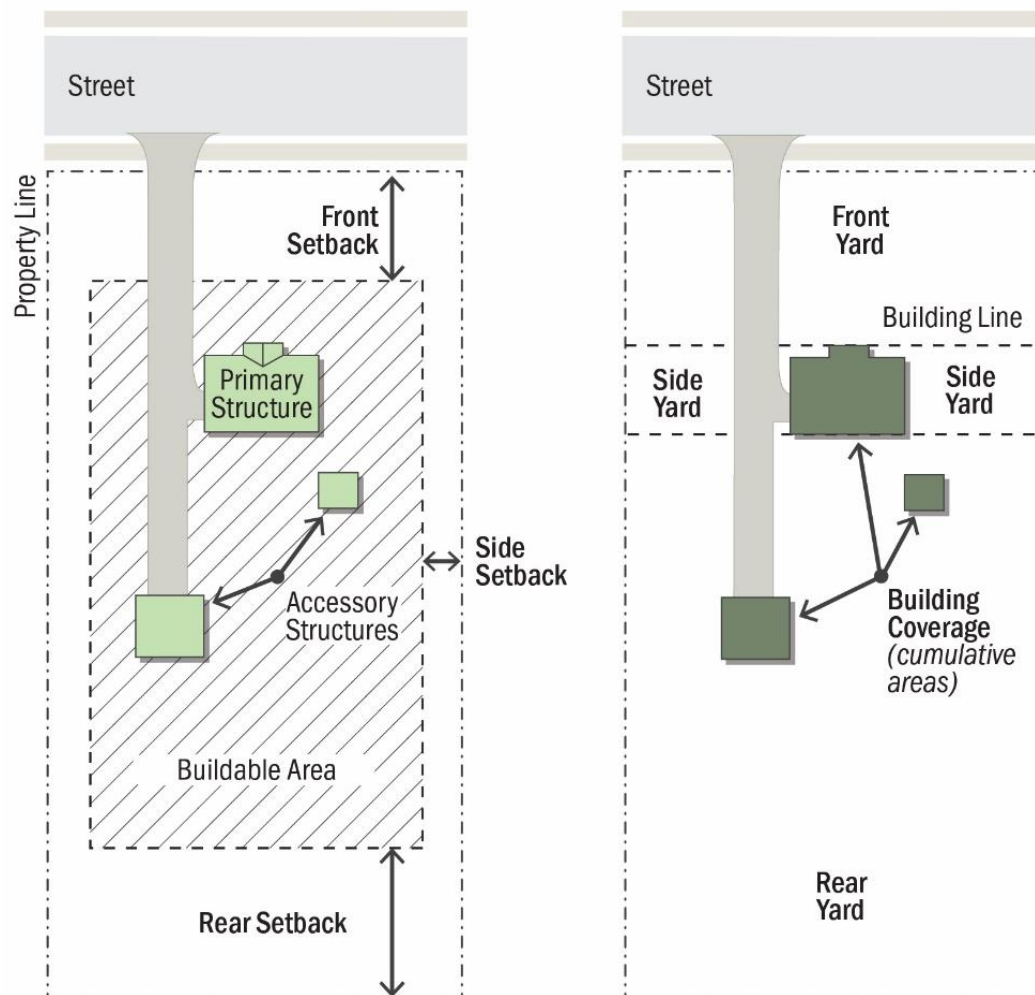
<sup>19</sup> Name change from Conservation Residential to Conservation Estate



## Dimensional Standards - to be determined under Module 3 (examples of standards below)

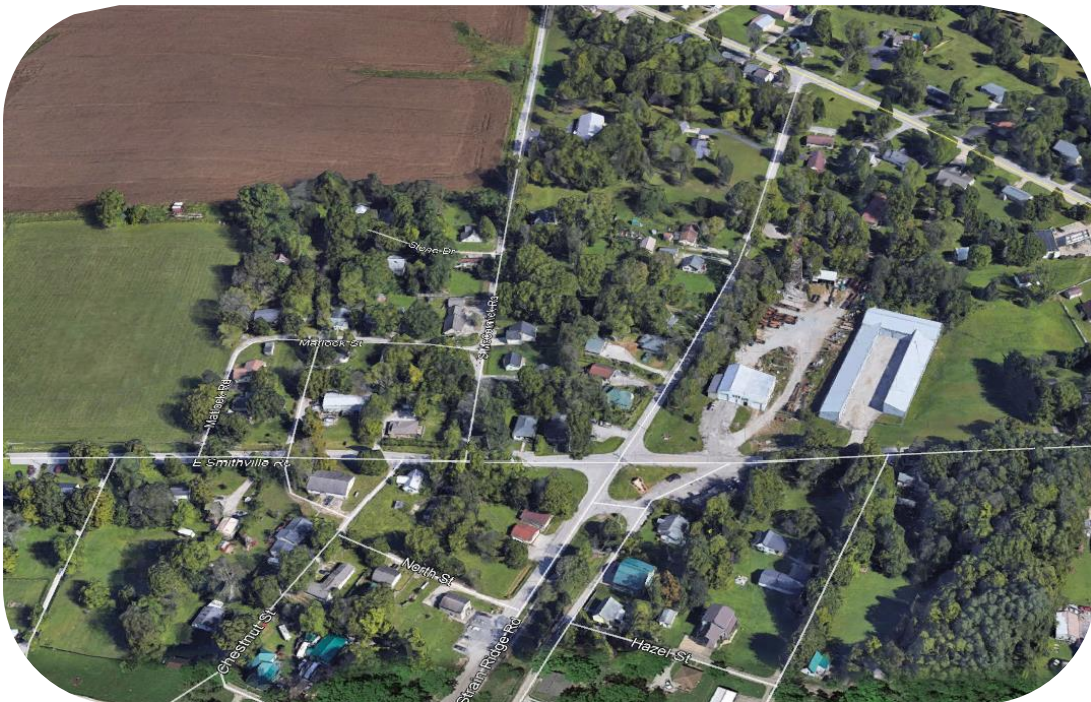
- Minimum Lot Area
- Minimum Buildable Area
- Front Yard Setback
- Rear Yard Setback
- Side Yard Setback
- Maximum Impervious Cover
- Maximum Height

### Example Graphic Illustrating Dimensional Standards:



## 803.4 Rural Community 1 "RC1" Zoning District<sup>21</sup>

- A. **District Character.** The character of the Rural Community 1 "RC1" Zoning District is defined as that which is primarily intended for low density, single dwelling residential developments, on relatively flat land in areas that have some, but not full, public services, generally along or near major County roads or state highways.
- B. **Purpose.** The purposes of the RC1 Zoning District are to permit limited single dwelling residential development on large Lots; to discourage the development of sanitary sewer systems, except for existing development; to discourage the development of residential subdivisions and non-farm nonresidential uses; to protect environmentally sensitive areas, such as the floodplain, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the RC1 District is limited and many of the permitted and conditional uses have additional standards that apply to them to ensure their compatibility with the low-density residential uses. The development of new residential activities proximate to known mineral resource deposits or extraction operations may be buffered by increased setback distance.
- C. **Permitted Uses.** Permitted, conditional, accessory, and temporary uses that are allowed in the RC1 zoning district are identified on the Table XXX: Table of Permitted Land Uses.



*Figure 803-7: Example development patterns in the RC1 Zoning District*

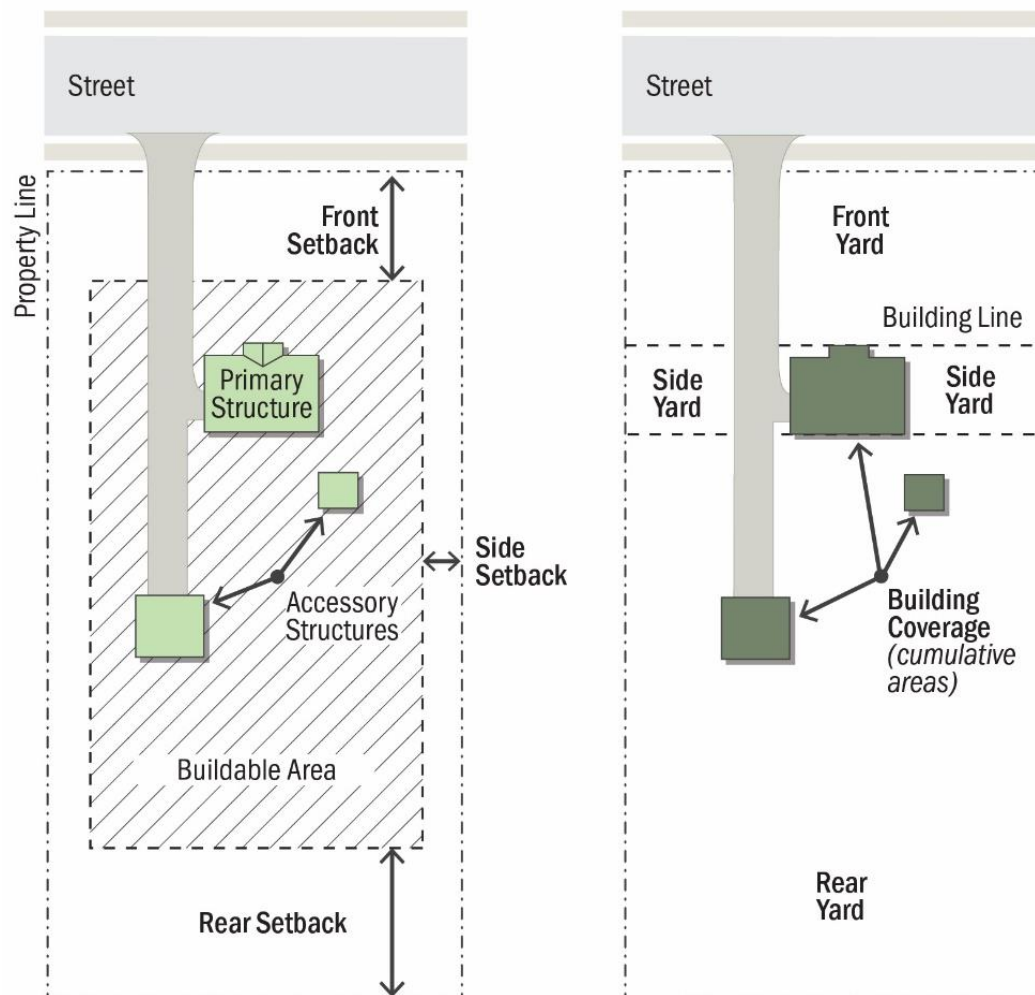
- D. **Summary of Dimensional Standards**

<sup>21</sup> Name change from Estate Residential to Rural Community

## Dimensional Standards - to be determined under Module 3 (examples of standards below)

- Minimum Lot Area
- Minimum Buildable Area
- Front Yard Setback
- Rear Yard Setback
- Side Yard Setback
- Maximum Impervious Cover
- Maximum Height

### Example Graphic Illustrating Dimensional Standards:





## 804. RESIDENTIAL ZONING DISTRICTS

### 804.1 Low Density Residential "LD" Zoning District

- A. **District Character.** The character of the Low Density Residential "LD" Zoning District is defined that which is primarily intended for residential development in areas in and surrounding urban service areas, where public sewer service is available.
- B. **Purpose.** The purposes of the LD Zoning District are to encourage the development of moderately sized residential Lots in areas where public services exist to service them efficiently, to discourage the development of nonresidential uses, to protect the environmentally sensitive areas, including floodplain, watersheds, karst, and steep slopes, and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the LD District is limited and many of the permitted and conditional uses have additional standards that apply to them to ensure their compatibility with residential uses. The development of new residential activities proximate to known mineral resource deposits or extraction operations may be buffered by distance.
- C. **Permitted Uses.** Permitted, conditional, accessory, and temporary uses that are allowed in the SD zoning district are identified on the Table XXX: Table of Permitted Land Uses.

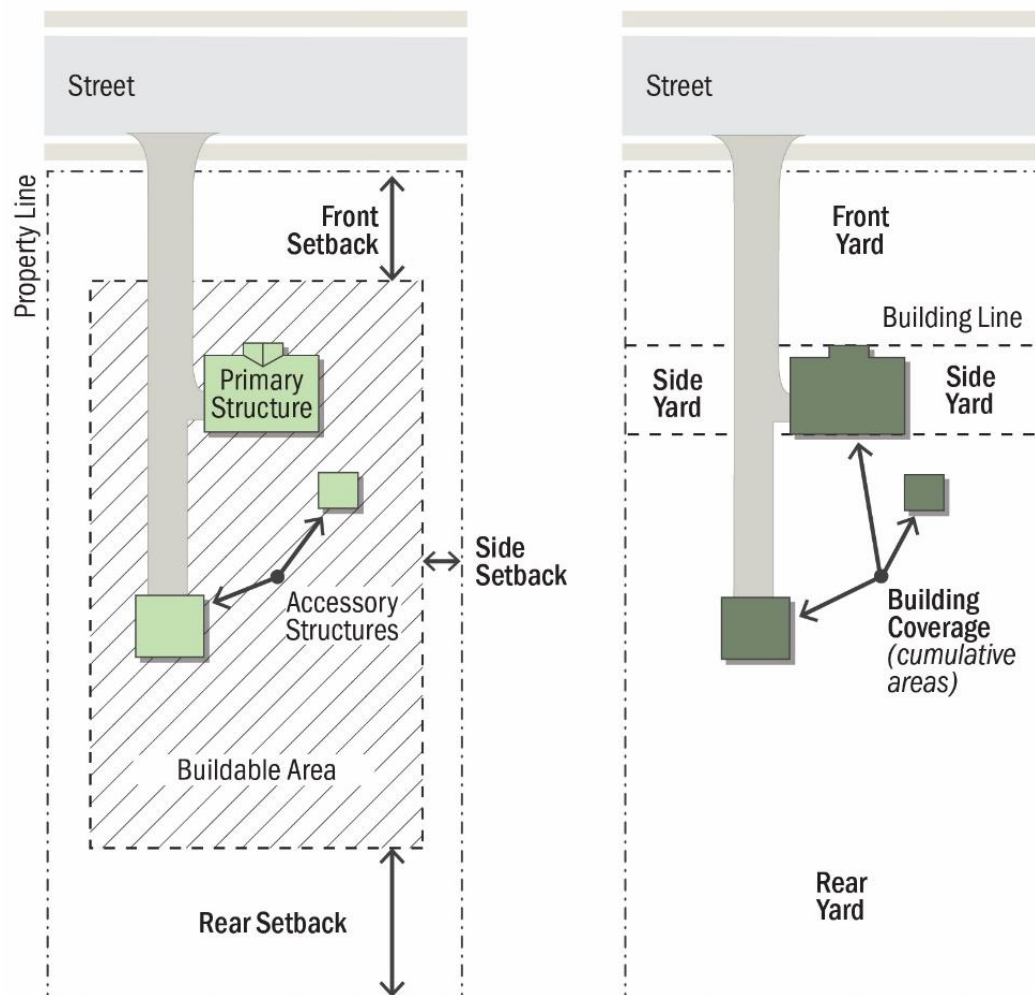


*Figure 804-1: Example development patterns in the AG2.5 Zoning District*

## Dimensional Standards - to be determined under Module 3 (examples of standards below)

- Minimum Lot Area
- Minimum Buildable Area
- Front Yard Setback
- Rear Yard Setback
- Side Yard Setback
- Maximum Impervious Cover
- Maximum Height

### Example Graphic Illustrating Dimensional Standards:



## 804.2 Suburban Density Residential "SD" Zoning District

- A. **District Character.** The character of the Suburban Residential "SD" Zoning District is defined as that which is primarily intended for existing, possibly nonconforming, recorded single dwelling residential subdivisions and Lots of record.
- B. **Purpose.** The purposes of the SD Zoning District are to accommodate existing, substandard subdivision developments and Lots; to permit the build-out of single dwelling residential uses in those developments and Lots; to discourage the development of nonresidential uses; to protect environmentally sensitive areas, such as the floodplain, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the SD District is limited and many of the permitted and conditional uses have additional standards that apply to them to ensure their compatibility with residential uses. The need for expanding this district beyond the areas designated on the Official Zone Maps on the date of the adoption of the zoning regulations is not anticipated or encouraged.
- C. **Permitted Uses.** Permitted, conditional, accessory, and temporary uses that are allowed in the SD zoning district are identified on the Table XXX: Table of Permitted Land Uses.



*Figure 804-3: Example development patterns in the SD Zoning District*

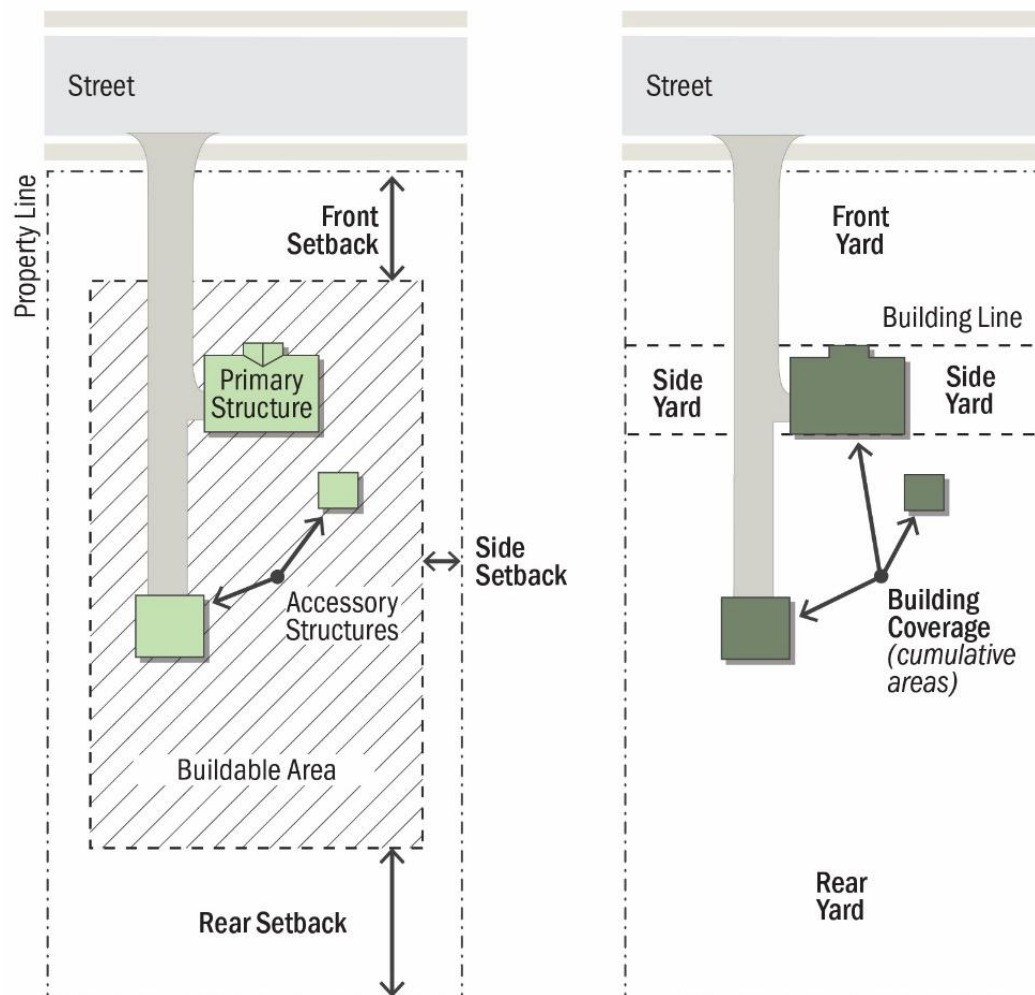
- D. **Summary of Dimensional Standards<sup>25</sup>**

<sup>25</sup> For the setbacks, I took the least restrictive of the existing SD and LD dimensional requirements

## Dimensional Standards - to be determined under Module 3 (examples of standards below)

- Minimum Lot Area
- Minimum Buildable Area
- Front Yard Setback
- Rear Yard Setback
- Side Yard Setback
- Maximum Impervious Cover
- Maximum Height

### Example Graphic Illustrating Dimensional Standards:





### 804.3 Medium Density Residential “MD” Zoning District

- A. **District Character.** The character of the Medium Density Residential “MD” Zoning District is defined as that which is primarily intended for residential development in urban service areas, where public sewer service is available.
- B. **Purpose.** The purposes of the MD Zoning District are to encourage the development of moderately-sized residential Lots, in areas where public services exist to service them efficiently; to discourage the development of nonresidential uses; to protect the environmentally sensitive areas, including the floodplain, watersheds, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the MD District is limited and many of the permitted and conditional uses have additional standards that apply to them to ensure their compatibility with residential uses. The development of new residential activities proximate to known mineral resource deposits or extraction operations may be buffered by distance.
- C. **Permitted Uses.** Permitted, conditional, accessory, and temporary uses that are allowed in the MD zoning district are identified on the Table XXX: Table of Permitted Land Uses.



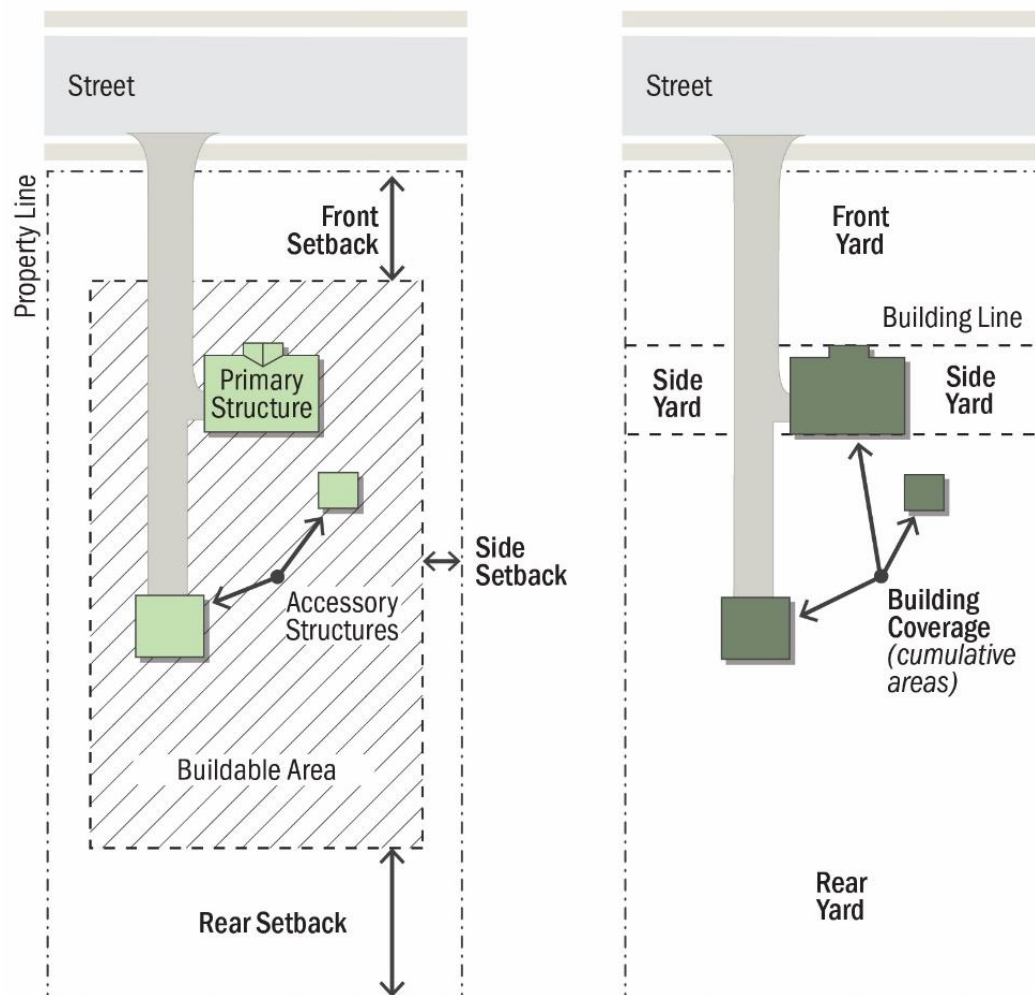
*Figure 804-5: Example development patterns in the MD Zoning District*

- D. **Summary of Dimensional Standards**

## Dimensional Standards - to be determined under Module 3 (examples of standards below)

- Minimum Lot Area
- Minimum Buildable Area
- Front Yard Setback
- Rear Yard Setback
- Side Yard Setback
- Maximum Impervious Cover
- Maximum Height

### Example Graphic Illustrating Dimensional Standards:





## 804.4 High Density Residential “HD” Zoning District

- A. **District Character.** The character of the High Density Residential “HD” Zoning District is defined as that which is primarily intended for residential development in urban service areas, where public sewer service is available, and near amenities such as grocery stores, schools, recreation areas, etc.
- B. **Purpose.** The purposes of the HD Zoning District are to encourage the development of smaller-sized residential Lots in areas where public services exist to service them efficiently; to discourage the development of nonresidential uses; to protect the environmentally sensitive areas, including the floodplain, watersheds, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the HD District is limited and many of the permitted and conditional uses have additional standards that apply to them to ensure their compatibility with ensure compatibility with adjacent residential uses. The development of new residential activities proximate to known mineral resource deposits or extraction operations may be buffered by distance.
- C. **Permitted Uses.** Permitted, conditional, accessory, and temporary uses that are allowed in the HD zoning district are identified on the Table XXX: Table of Permitted Land Uses.



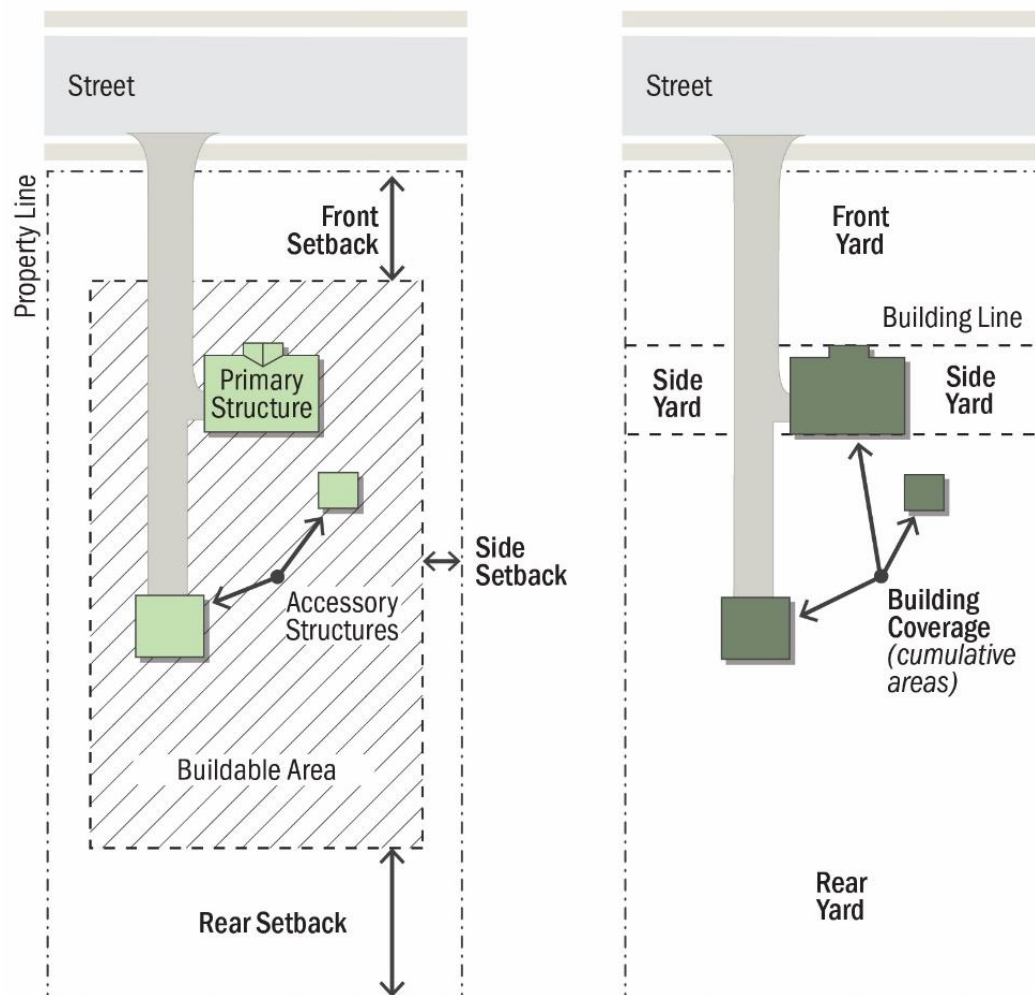
*Figure 804-7: Example development patterns in the HD Zoning District*

- D. **Summary of Dimensional Standards**

## Dimensional Standards - to be determined under Module 3 (examples of standards below)

- Minimum Lot Area
- Minimum Buildable Area
- Front Yard Setback
- Rear Yard Setback
- Side Yard Setback
- Maximum Impervious Cover
- Maximum Height

### Example Graphic Illustrating Dimensional Standards:



## 804.5 Urban Density Residential “UD” Zoning District

- A. **District Character.** The character of the Urban Density Residential “UD” Zoning District is defined as that which is primarily intended for multifamily and high density residential development in areas within urban service areas, near business nodes and concentrations where public sewer service is currently available.
- B. **Purpose.** The purposes of the UD Zoning District are to encourage the development of multifamily and two-family residential Lots and developments in areas where public services exist to service them efficiently; to encourage the integration and mixing of high-density residential development with local nonresidential uses in an appropriate and comprehensive manner; to protect the environmentally sensitive areas, including floodplain, watersheds, karst, and steep slopes; and to maintain the character of the surrounding neighborhood . Therefore, the number of uses permitted in the UD District is limited and many of the permitted and conditional uses have additional standards that apply to them to ensure their compatibility with ensure compatibility with adjacent residential uses. The development of new residential activities proximate to known mineral resource deposits or extraction operations may be buffered by distance.
- C. **Permitted Uses.** Permitted, conditional, accessory, and temporary uses that are allowed in the UD zoning district are identified on the Table XXX: Table of Permitted Land Uses.

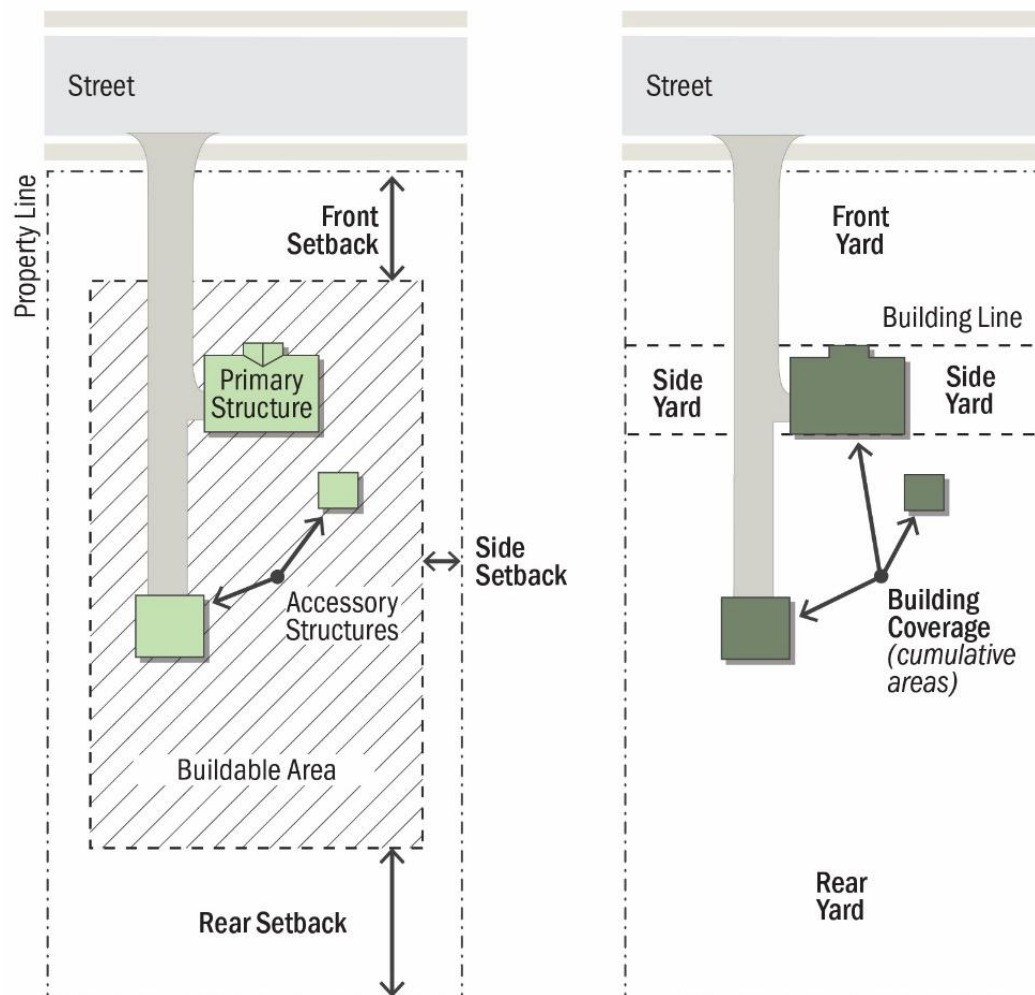


*Figure 804-9: Example development patterns in the UD Zoning District*

## Dimensional Standards - to be determined under Module 3 (examples of standards below)

- Minimum Lot Area
- Minimum Buildable Area
- Front Yard Setback
- Rear Yard Setback
- Side Yard Setback
- Maximum Impervious Cover
- Maximum Height

### Example Graphic Illustrating Dimensional Standards:





## 805. INSTITUTIONAL AND PUBLIC ZONING DISTRICTS

### 805.1 Institutional/Public “IP” Zoning District

- A. **District Character and Purpose.** The character of the Institutional/Public “IP” Zoning District is defined as that which is primarily intended to accommodate uses of a governmental, civic, public service, or public institutional nature, including major public facilities, public utilities, and local government-owned property.
- B. **Permitted Uses.** Permitted, conditional, accessory, and temporary uses that are allowed in the IP zoning district are identified on the Table XXX: Table of Permitted Land Uses.

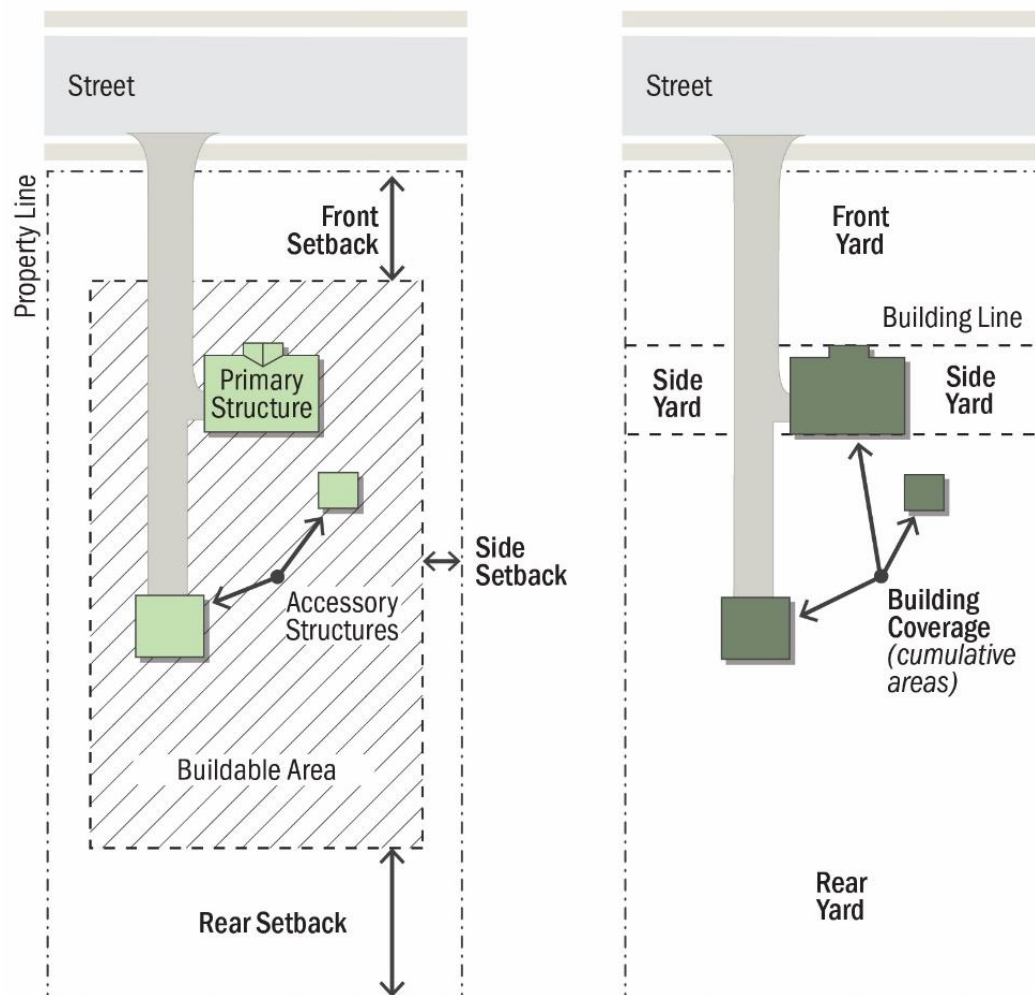


*Figure 805-1: Example development patterns in the IP Zoning District*

## Dimensional Standards - to be determined under Module 3 (examples of standards below)

- Minimum Lot Area
- Minimum Buildable Area
- Front Yard Setback
- Rear Yard Setback
- Side Yard Setback
- Maximum Impervious Cover
- Maximum Height

### Example Graphic Illustrating Dimensional Standards:



## 806. BUSINESS ZONING DISTRICTS

### 806.1 Limited Business "LB" Zoning District

- A. **District Character.** The character of the Limited Business "LB" Zoning District is defined as that which is primarily intended to meet the essential business needs and convenience of neighboring residents. Limited business uses should be placed into cohesive groupings rather than on individual properties along the highways, and access control should be emphasized.
- B. **Purpose.** The purposes of the LB Zoning District are to encourage the development of groups of nonresidential uses that share common highway access and/or provide interior cross-access in order to allow traffic from one business to another without having to enter the highway traffic; to discourage single dwelling residential uses; to protect environmentally sensitive areas, such as the floodplain, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the LB district is limited and many of the permitted and conditional uses have additional standards that apply to them to ensure compatibility with adjacent residential uses.
- C. **Permitted Uses.** Permitted, conditional, accessory, and temporary uses that are allowed in the LB zoning district are identified on the Table XXX: Table of Permitted Land Uses.



*Figure 806-1: Example development patterns in the LB Zoning District*

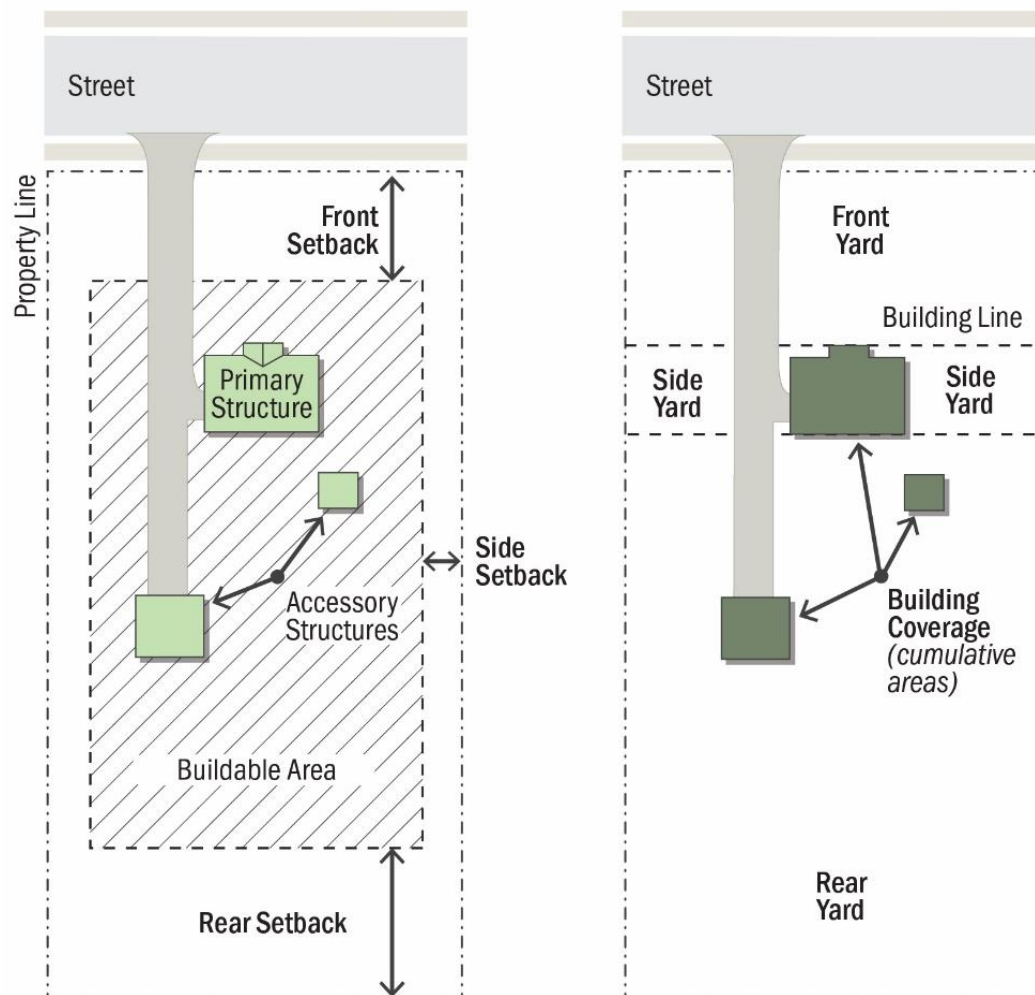
- D. **Summary of Dimensional Standards**



## Dimensional Standards - to be determined under Module 3 (examples of standards below)

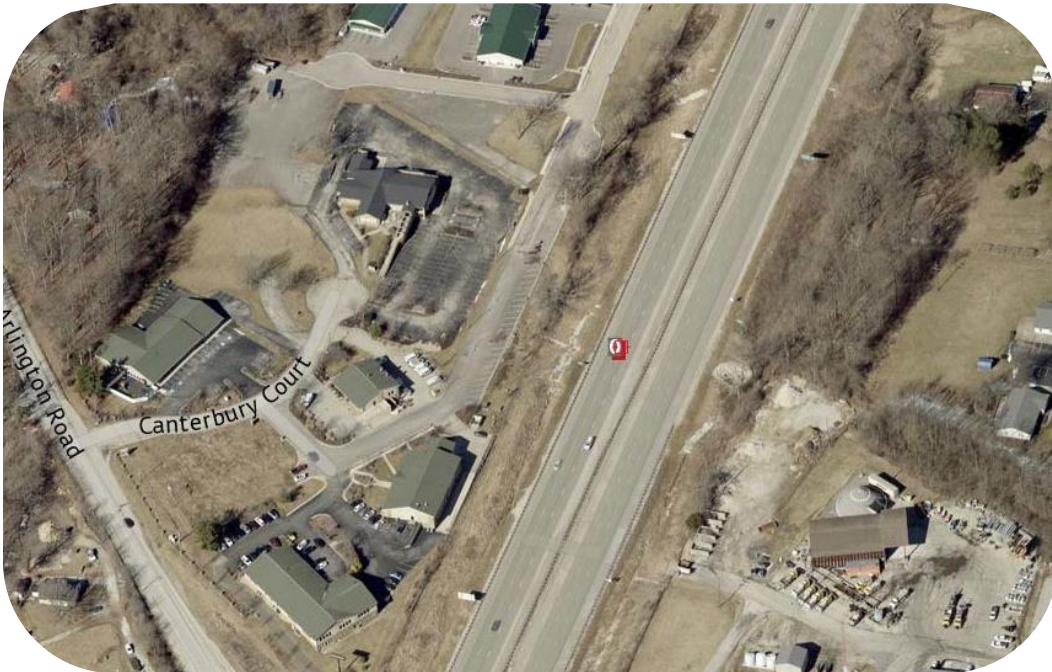
- Minimum Lot Area
- Minimum Buildable Area
- Front Yard Setback
- Rear Yard Setback
- Side Yard Setback
- Maximum Impervious Cover
- Maximum Height

### Example Graphic Illustrating Dimensional Standards:



## 806.2 General Business "GB" Zoning District

- A. **District Character.** The character of the General Business "GB" Zoning District is defined as that which is primarily intended to meet the needs for heavy retail business uses. General business uses should be placed into cohesive groupings rather than on individual properties along highways in order to take advantage of major thoroughfares for traffic dissemination. Access control should be emphasized.
- B. **Purpose.** The purposes of the GB Zoning District are to encourage the development of groups of nonresidential uses that share common highway access and/or provide interior cross-access in order to allow traffic to flow from one business to another without having to enter the highway; to discourage single dwelling residential uses; to protect environmentally sensitive areas, such as the floodplain, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the GB district is limited and many of the permitted and conditional uses have additional standards that apply to them to ensure compatibility with adjacent residential uses.
- C. **Permitted Uses.** Permitted, conditional, accessory, and temporary uses that are allowed in the GB zoning district are identified on the Table XXX: Table of Permitted Land Uses.



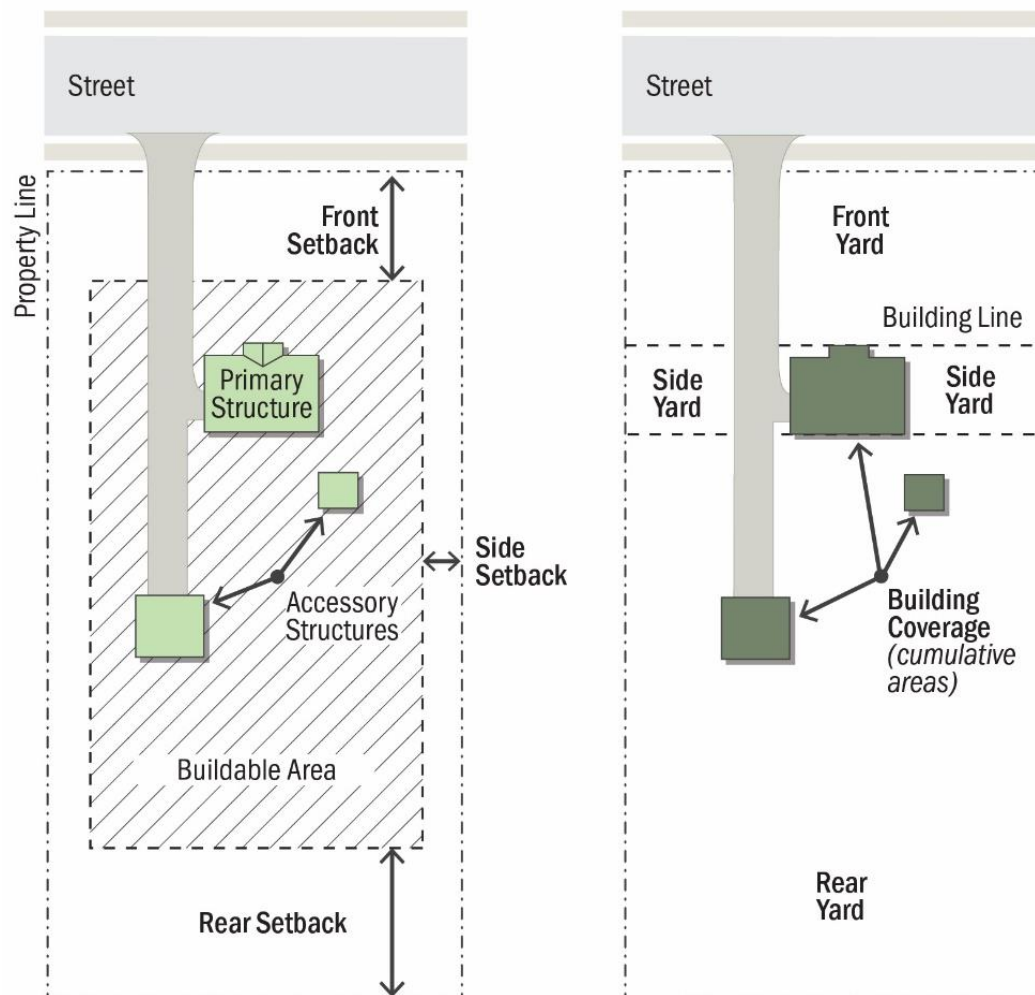
*Figure 806-3: Example development patterns in the GB Zoning District*

- D. **Summary of Dimensional Standards**

## Dimensional Standards - to be determined under Module 3 (examples of standards below)

- Minimum Lot Area
- Minimum Buildable Area
- Front Yard Setback
- Rear Yard Setback
- Side Yard Setback
- Maximum Impervious Cover
- Maximum Height

### Example Graphic Illustrating Dimensional Standards:



## 807. INDUSTRIAL ZONING DISTRICTS

### 807.1 Light Industrial “LI” Zoning District

- A. **District Character.** The character of the Light Industrial “LI” Zoning District is defined as that which is primarily intended for industrial uses that have minimal exterior movement of vehicles and goods.
- B. **Purpose.** The purposes of the LI Zoning District are to establish areas for the exclusive development of light industries; to discourage residential and commercial uses; to protect environmentally sensitive areas, such as the floodplain, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Uses shall be restricted to activities that are not a nuisance because of dust, fumes, noise, odor, refuse matter, smoke, vibration, water-carried waste, or other adverse effects on surrounding uses. Therefore, the number of uses permitted in the GB district is limited and many of the permitted and conditional uses have additional standards that apply to them to ensure compatibility with adjacent non-industrial uses. The LI District shall provide open space, landscaping, and buffering in order to achieve desirable site development.
- C. **Permitted Uses.** Permitted, conditional, accessory, and temporary uses that are allowed in the LI zoning district are identified on the Table XXX: Table of Permitted Land Uses.



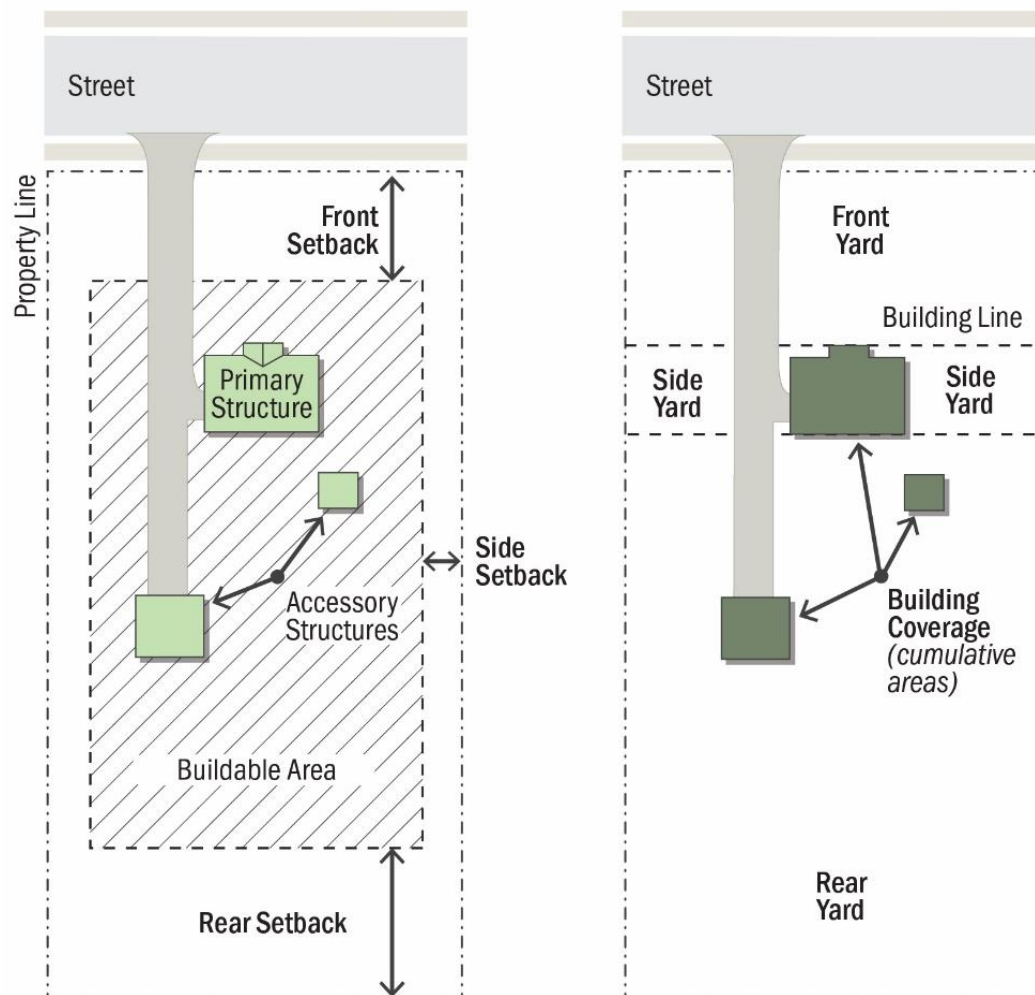
Figure 807-1: Example development patterns in the LI Zoning District



## Dimensional Standards - to be determined under Module 3 (examples of standards below)

- Minimum Lot Area
- Minimum Buildable Area
- Front Yard Setback
- Rear Yard Setback
- Side Yard Setback
- Maximum Impervious Cover
- Maximum Height

### Example Graphic Illustrating Dimensional Standards:



## 807.2 Heavy Industrial “HI” Zoning District

- A. **District Character.** The character of the Heavy Industrial “HI” Zoning District is defined as that which is primarily intended for industrial uses that have extensive exterior movement of vehicles and goods.
- B. **Purpose.** The purposes of the HI Zoning District are to establish areas industrial uses; to discourage residential and commercial uses; to protect environmentally sensitive areas, such as the floodplain, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the HI district is limited and many of the permitted and conditional uses have additional standards that apply to them to ensure compatibility with adjacent uses. The intensity of uses associated with the HI District requires imposing strict measures, such as extensive setbacks, buffers, and landscaping, to control adverse environmental and visual impacts.
- C. **Permitted Uses.** Permitted, conditional, accessory, and temporary uses that are allowed in the HI zoning district are identified on the Table XXX: Table of Permitted Land Uses.

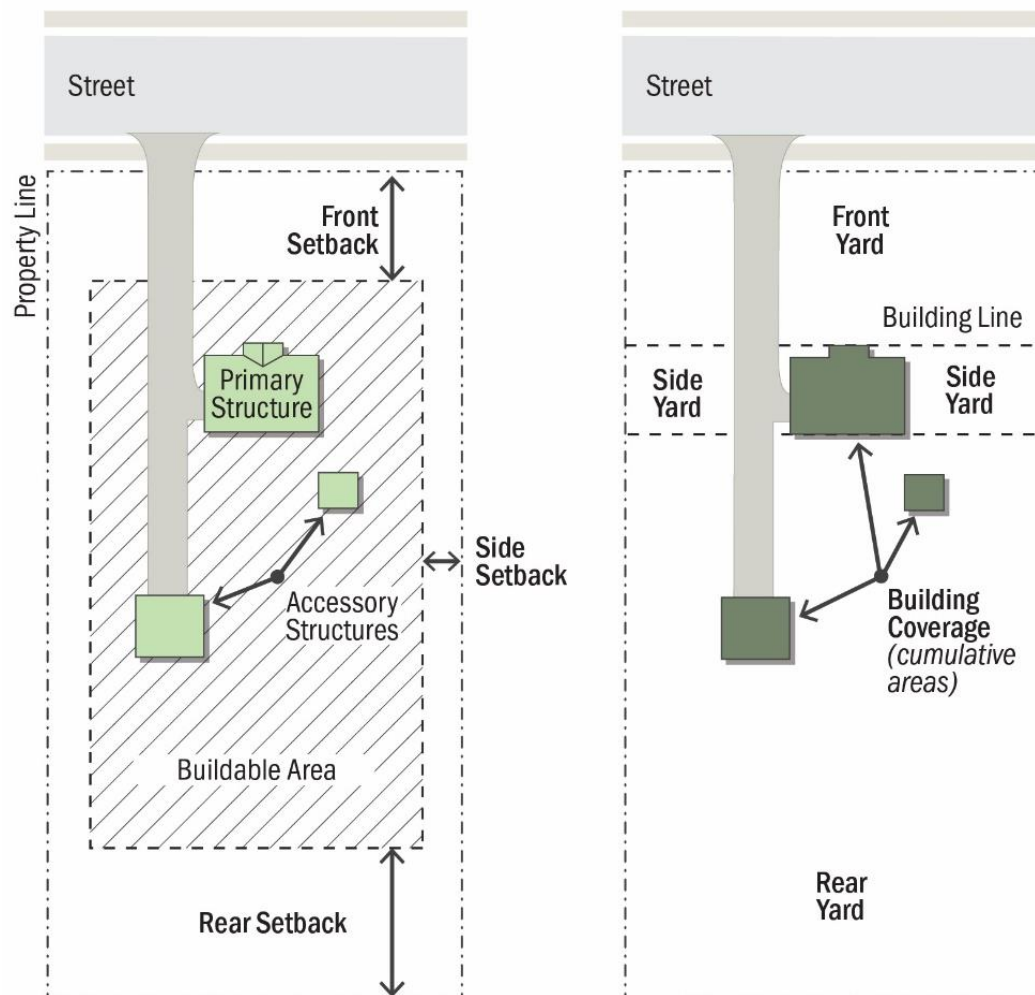


*Figure 807-3: Example development patterns in the HI Zoning District*

## Dimensional Standards - to be determined under Module 3 (examples of standards below)

- Minimum Lot Area
- Minimum Buildable Area
- Front Yard Setback
- Rear Yard Setback
- Side Yard Setback
- Maximum Impervious Cover
- Maximum Height

### Example Graphic Illustrating Dimensional Standards:





### 807.3 Mineral Extraction “ME” Zoning District

- A. **District Character.** The character of the Mineral Extraction “ME” Zoning District is defined as that which is primarily intended for limestone extraction and stone processing activities, and where known limestone reserves exist but have not been tapped and limited agricultural uses.
- B. **Purpose.** The purposes of the ME Zoning District are to establish areas industrial uses; to protect areas of known limestone reserves from encroachment by incompatible residential and commercial development; to discourage residential, commercial, and industrial uses; to protect environmentally sensitive areas, such as the floodplain, karst, and steep slopes; and to maintain the character of the surrounding neighborhood to the greatest extent possible. Therefore, the number of uses permitted in the ME district is severely limited due to the intensive nature of the extractive operations.
- C. **Permitted Uses.** Permitted, conditional, accessory, and temporary uses that are allowed in the ME zoning district are identified on the Table XXX: Table of Permitted Land Uses.



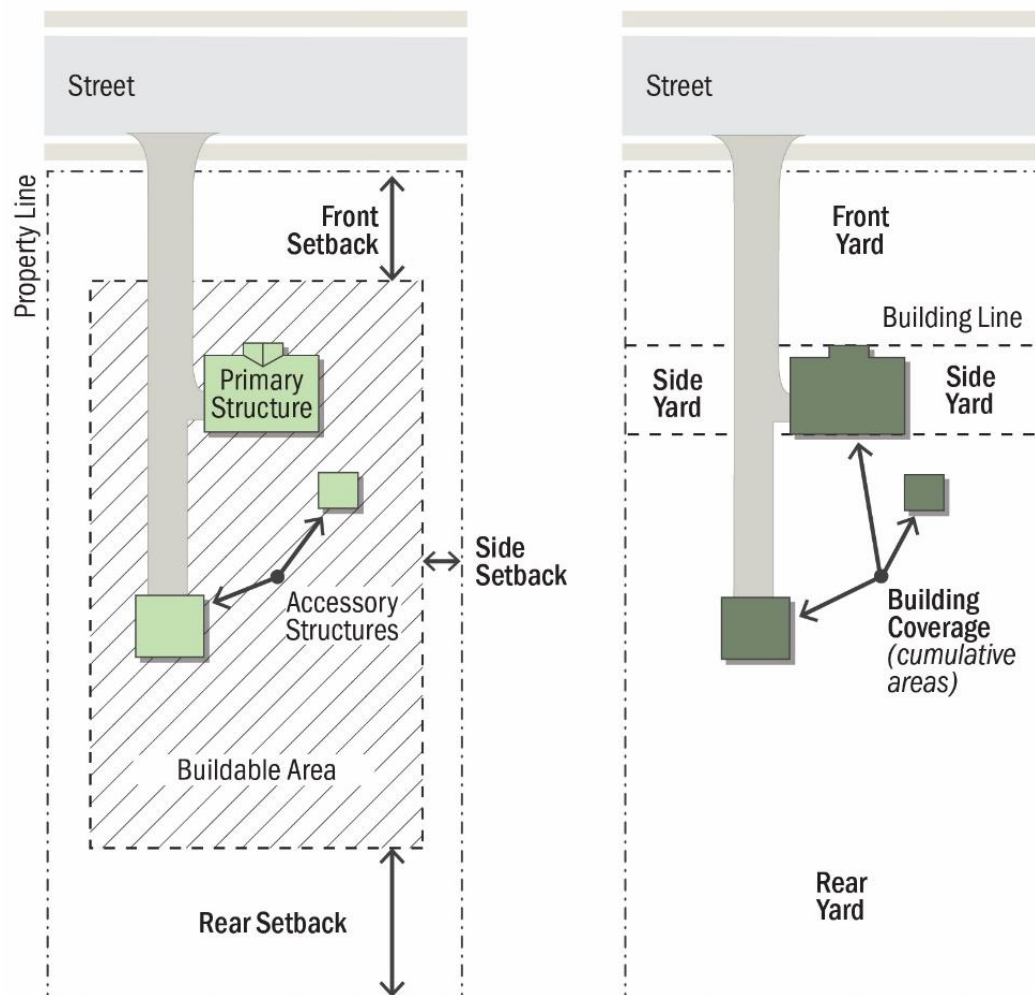
*Figure 807-5: Example development patterns in the ME Zoning District*

- D. **Summary of Dimensional Standards**

## Dimensional Standards - to be determined under Module 3 (examples of standards below)

- Minimum Lot Area
- Minimum Buildable Area
- Front Yard Setback
- Rear Yard Setback
- Side Yard Setback
- Maximum Impervious Cover
- Maximum Height

### Example Graphic Illustrating Dimensional Standards:



## 808. AIRPORT ZONING DISTRICT

### 808.1 Airport "AP" Zoning District

- A. **District Character and Purpose.** The Airport District is intended to protect the airport from encroaching land uses which would hamper its operation and to protect those land uses from negative impacts associated with safety and noise. Additionally, the Airport District allows for uses appropriate associated with an airport.
- B. **Permitted Uses.** Permitted, conditional, accessory, and temporary uses that are allowed in the AP zoning district are identified on the Table XXX: Table of Permitted Land Uses.

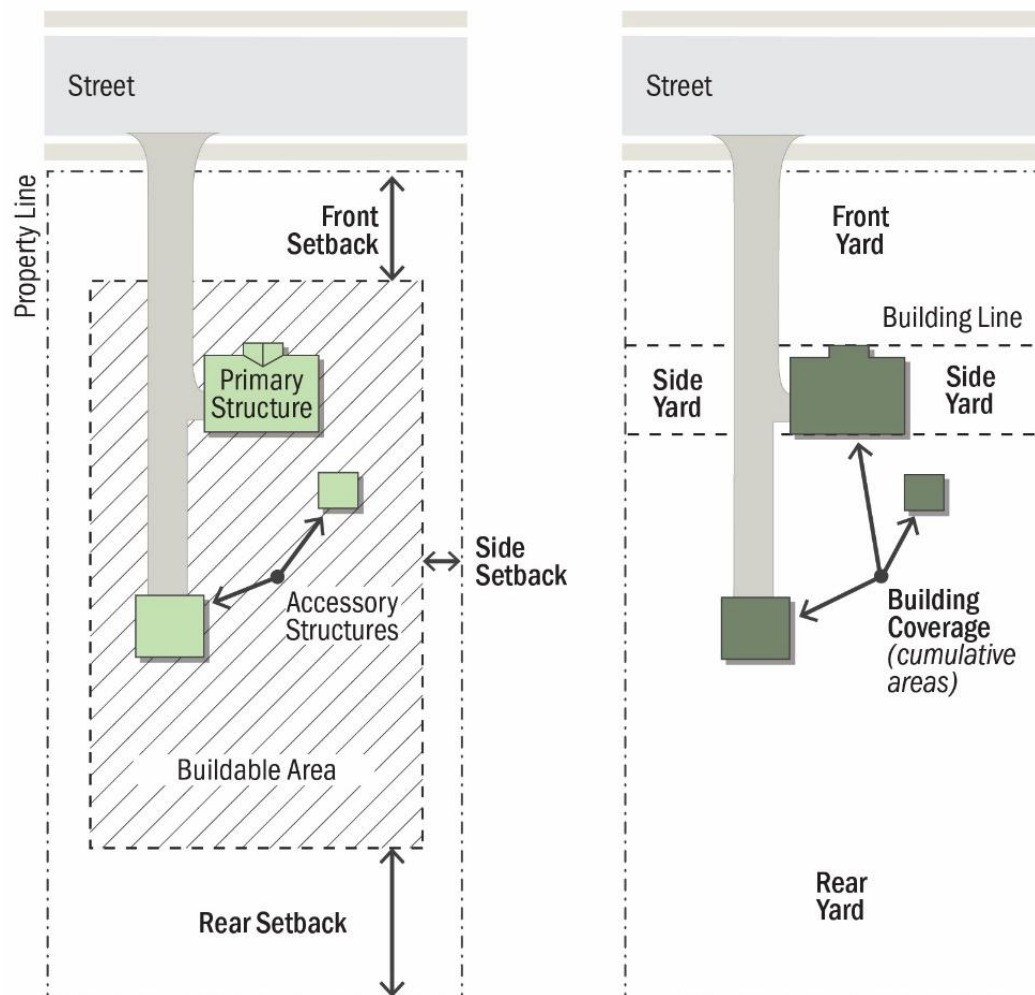


*Figure 808-1: Example development patterns in the AP Zoning District*

## Dimensional Standards - to be determined under Module 3 (examples of standards below)

- Minimum Lot Area
- Minimum Buildable Area
- Front Yard Setback
- Rear Yard Setback
- Side Yard Setback
- Maximum Impervious Cover
- Maximum Height

### Example Graphic Illustrating Dimensional Standards:



## **809. ESTABLISHMENT OF ZONE MAPS**

### **809.1 Monroe County Zone Maps**

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- A.** The zone maps adopted with this ordinance are hereby established as the Official Zone Maps and Zoning Districts (hereinafter “Zone Maps” of Monroe County, Indiana. The Zone Maps designate the respective zoning Districts in accordance with this ordinance. In addition, the Flood Insurance Rate Map for Monroe County, Indiana, prepared by the Federal Emergency Management Agency, is also designated as part of the Official Zone Maps.
- B.** The Zone maps are specifically identified as follows:
  - 1.** Zoning Map of Bean Blossom Township
  - 2.** Zoning Map of Benton (North) Township
  - 3.** Zoning Map of Benton (South) Township
  - 4.** Zoning Map of Bloomington Township
  - 5.** Zoning Map of Clear Creek Township
  - 6.** Zoning Map of Indian Creek Township
  - 7.** Zoning Map of Perry Township
  - 8.** Zoning Map of Polk Township
  - 9.** Zoning Map of Richland Township
  - 10.** Zoning Map of Salt Creek Township
  - 11.** Zoning Map of Van Buren Township
  - 12.** Zoning Map of Washington Township
  - 13.** Zone Map identified as the “Flood Insurance Rate Map of Monroe County, Indiana”, shall be identified as the “Monroe County and Incorporated Areas Flood Insurance Rate Map, prepared by the Federal Emergency Management Agency”.



## **809.2 Determination and Interpretation of Zone Boundaries**

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- A.** In determining the boundaries of Districts, and establishing the provisions applicable to each district, due and careful consideration has been given 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 County Jurisdictional Area.
- B.** Where uncertainty exists as to the exact boundaries of any district as shown on the Zone Maps, the following rules shall apply:

  - 1.** Unless otherwise indicated, the zone boundary lines are the section, half and quarter section lines, the center lines of streets or such lines extended;
  - 2.** Where zone boundary lines divide a lot having frontage only on a street in the more restricted zone, the more restrictive zoning provisions shall extend to the entire lot; and
  - 3.** In the case of further certainty, the Commission shall interpret the intent of the Zone Map as to the location of the boundary in question.

# Zoning Use Regulations

## 810. USE REGULATIONS

### 810.1 Permitted Land Use Table

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- A. Use Table Identified.** The chart and conditions of Table XXX are incorporated in this section and are adopted as the Basic land use regulations of the County Jurisdictional Area. The chart and conditions, which may be generally referred to as the “County Land Use Schedule”, identify the types of land uses that are permitted within the County Jurisdictional Area. A measure of intensity associated with the land use may be noted after a particular use.
- B. How to Use the Table**
1. To determine the zone(s) in which a particular use is allowed, find the use in the list of uses along the left-hand side of Table XXX and read across the use row to find the zone column designations.
  2. The uses listed in Table XXX are laid out in the following categories:
    - a. Agricultural
    - b. Residential
    - c. Public and Semi-Public Facilities
      - i. Public and Semi-Public Utilities
      - ii. Public and Semi-Public Waste Removal<sup>39</sup>
    - d. Business and Personal Services
    - e. Retail and Wholesale Trade
    - f. Automotive and Transportation Services
    - g. Amusement and Recreational Services
    - h. Manufacturing, Mining, Construction, and Industrial Uses
    - i. Adult Oriented Uses
    - j. Mixed Uses and Adaptive Reuse<sup>40</sup>
    - k. General Uses
- C. Permitted Land Use Table Legend**
1. A “P” in the table means the use is allowed in that zoning district. A “PS” in the table means that the use is allowed subject to certain development standards in that zoning district.<sup>41</sup>

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<sup>39</sup> Added Subsections

<sup>40</sup> Removed Accessory Uses

<sup>41</sup> Added “PS” language

2. A blank space signifies that a use is **not** permitted in the zoning district.
3. A “C” in the table means the use is conditionally allowed in that zoning district.

**D. Similar Use Determination<sup>42</sup>**

1. Where there is a proposed use that is not currently listed in Table 809.1, the Planning Director has the authority to determine the use that most closely relates to the proposed activity on a property.
2. To determine the most similar use for a proposed activity, a use determination form may be required for the Planning Director to make an informed decision.
3. The Planning Director may find:
  - a. That the proposed use does not closely relate to any existing permitted uses and is not compatible with the intent and purposes of this Development Ordinance (See 4 below). The applicant may appeal any decision of the Planning Director to the Board of Zoning Appeals per Chapter XX.
  - b. That the proposed use is closely related to a use but is not permitted in the zoning district, or
  - c. That the use is closely related to a use that is permitted in the zoning district.
4. When determining whether a proposed use is similar to a listed use in the table, the following criteria shall be considered:
  - a. The actual or projected characteristics of the proposed use;
  - b. The relative amount of site area or floor area and equipment devoted to the proposed use;
  - c. Relative amounts of sales;
  - d. The number of customers;
  - e. The relative number of employees;
  - f. Hours of operation;
  - g. Building and site arrangement;
  - h. Types of vehicles used and their parking requirements;
  - i. The number of vehicle trips generated;
  - j. How the proposed use is advertised;
  - k. The likely impact on surrounding properties; and
  - l. Whether the activity is likely to be found independent of the other activity on the site.

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<sup>42</sup> New similar use language – from Fishers, IN

- E. Number of Principal Buildings.** Only one principal building and its accessory structures may be located on a legal lot of record unless the development is approved under the category of Mixed Uses and Adaptive Reuse, planned unit development, or the use includes an agricultural use paired with a residential use on the same lot. In the case of an agricultural use and residential use on the same property, the agricultural use shall be considered primary and any agricultural uses involving the general public shall conform to all site plan standards applicable.<sup>43</sup>
- F. Performance Standards for Permitted Uses.** All permitted uses established or placed into operation after the effective date of this ordinance shall comply with the following performance standards in the interest of protecting public health, safety, and welfare, and lessening injury to property. No use in existence on the effective date of this ordinance shall be so altered as to conflict (or increase an existing conflict) with these standards. The Plan Commission may attach additional conditions to its approval of a use to prevent injurious or obnoxious dust, fumes, gases, noises, odors, refuse matter, smoke, vibrations, water-carried waste, or other objectional conditions in order to preserve the character of the surrounding neighborhood.
- 1. Fire Protection.** Firefighting equipment and prevention measures acceptable to the local fire department shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive materials is conducted.
  - 2. Electrical Disturbance.** No use shall cause electrical disturbance adversely affecting radio, television, telecommunication, or other equipment in the vicinity of the use.
  - 3. Noise.** No use shall produce noise in such a manner as to be objectional because of volume, frequency, intermittence, heat, shrillness, or vibration. Such noise shall be muffled or otherwise controlled so as not be detrimental, provided however, that public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard. Noise produced by machinery or equipment shall be restricted to 7:00 am to 7:00 pm<sup>44</sup>.
  - 4. Vibration.** No use shall cause vibrations or concussions detectable beyond lot lines without the aid of instruments.
  - 5. Air Pollution.** No use shall discharge across lot lines fly-ash, dust, smoke, vapors, noxious, toxic, or corrosive matter, or other air pollutants in such concentration as to be detrimental to health, animals, vegetation, or property and/or in conflict with relevant air quality standards established by state and/or federal agencies. Dust and other types of air pollution borne by the wind from such sources as storage areas and roads shall be minimized by landscaping, paving, or other acceptable means<sup>45</sup>.

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<sup>43</sup> New

<sup>44</sup> New

<sup>45</sup> New

6. **Heat and Glare.** No use shall produce heat or glare in such manner as to create a nuisance perceptible from any point beyond the lot lines of the property on which the use is conducted. In nonresidential areas, any lighting used to illuminate an off-street parking area, loading area, driveway, or service drive shall be shielded with appropriate light fixtures directing the light down and away from adjacent properties in order that the illumination at any property line shall not exceed one foot candle. All exterior lighting shall be hooded and shielded so that the light source (i.e., bulb, filament, etc.) is not directly visible from the residential property lines. In residential areas, exterior lighting at any property line shall not exceed one foot candle. All exterior lighting shall comply with the International Dark-Sky association standards<sup>46</sup>.
7. **Water Pollution.** No use shall produce erosion or other pollutants in such quantity as to be detrimental to adjacent properties and conflict with relevant water pollution standards established by state and/or federal agencies.
8. **Waste Matter.** No use shall accumulate within the lot, or discharge beyond the boundary lines of the lot on which the use is located, any waste matter, whether liquid or solid, in violation of applicable public health, safety and welfare standards and regulations. No organic or inorganic waste materials shall be disposed of or permanently stored or placed on the site with the exception of compost bins or piles and approved septic systems<sup>47</sup>.
9. **Outdoor Storage.** Uses that have outdoor storage of fuel, raw materials, and flammable products, as well as any all HVAC, air conditioners, and dumpsters associated with a site shall be adequately screened as required by the Landscaping Chapter XX to conceal such storage from adjacent properties and public rights-of-way<sup>48</sup>.
10. **Dust.** Uses or construction activity that produces dust that leaves the property boundary and enters other properties shall take immediate actions to reduce any and all dust leaving the site.

**G. Table of Permitted Land Uses**

1. The following uses are permitted in all districts
2. All uses require a site plan review and Improvement Location Permit unless stated otherwise.
3. Conditional uses must follow conditional use standards in Chapter X. Some conditional uses have additional use standards contained within the following chapters. Such conditions shall apply in addition to the conditional use standards<sup>49</sup>.

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<sup>46</sup> New

<sup>47</sup> New

<sup>48</sup> New

<sup>49</sup> New – to clarify for conditional uses that do not have use specific standards



**Table 810.1: Table of Permitted Land Uses**

	RURAL				RESIDENTIAL						BUSINESS		INDUSTRIAL				
Uses	AG 2.5	FR 5	CR 2.5	RC 1	LD	SD	MD	HD	UD	IP	LB	GB	LI	HI	ME	AP	Ref <sup>50</sup>
GENERAL USES																	
Accessory Buildings or Structures	Permitted upon issuance of an Improvement Location Permit.																Y
Accessory Solar Panel																	Y
Accessory Use																	Y
Temporary Use, Commercial Use										PS	PS	PS	PS	PS		PS	Y
AGRICULTURAL USES																	
Agricultural Event Center <sup>51</sup>	C																Y
Agriculture-Related Commerce	PS	C	PS										P			PS	Y
Agriculture, Traditional	P	P	P	P						P	P	P	P	P	P	P	
Agritainment/ Agritourism	C	C	C													C	Y
Aquaculture	PS																Y
Community/ Institutional Garden	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Y
Equestrian Center	C	C	C													C	Y
Equine Services / Stables	PS															PS	Y
Farm Supply & Equipment Sales and/or Repair	C											P	P	P		C	Y
Farm Store	PS	PS		PS												PS	Y
Feed Mill	C																Y
Intensive Agriculture	C												C	C			Y
Logging, Urban Area	Permitted upon issuance of an Improvement Location Permit																Y
Nursery/Greenhouse	PS	PS	PS													PS	Y
Roadside Stand, Permanent	PS	PS	PS													PS	Y
Roadside Stand, Temporary	PS	PS	PS	PS		PS										PS	Y
Veterinary Service, Large Animal	C															C	Y
Winery	PS	PS	PS													PS	Y
RESIDENTIAL USES																	
Accessory Apartments	PS	PS	PS	PS	PS	PS	PS	PS									Y
Accessory Dwelling Units, Attached and Detached	C	PS	C	C													Y
Accessory Livestock	PS	PS	PS	PS	PS	PS	PS	PS									Y
Artificial Pond or Lake	PS	PS	PS	PS	PS	PS	PS										Y
Boarding house											P	P					

<sup>50</sup> Will replace with section numbers once those are finalized

<sup>51</sup> Consolidating large, medium, and small agricultural event centers into one use – conditional use will specify applicable size allowed

**Table 810.1: Table of Permitted Land Uses**

Uses	RURAL				RESIDENTIAL					IP	BUSINESS		INDUSTRIAL			AP	Ref <sup>50</sup>
	AG 2.5	FR 5	CR 2.5	RC 1	LD	SD	MD	HD	UD		LB	GB	LI	HI	ME		
Continuing Care Retirement Community											PS <sup>52</sup>	PS					Y
Emergency Housing / Short Term Shelter	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Group Care Home I	PS	PS	PS	PS	PS	PS	PS	PS	PS								Y
Group Care Home II	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	PS					Y
Home Based Business	C	C	C	C	C	C	C	C	C								Y
Home Occupation	Permitted , no ILP required.																
Long Term Shelter											C	C					Y
Manufactured Home Park	Permitted as a PUD. See Chapter XX																Y
Multi-Unit Dwelling (3-4 units)				C				C	PS								Y
Multi-Unit Dwelling (5+ units)									C								Y
Residential Storage Structure <sup>53</sup>	PS	PS	PS	PS	PS	PS	PS	PS	PS								Y
Senior Housing							PS	PS	PS								Y
Single-Unit Attached Dwelling (3+ units)								C	PS								Y
Single-Unit Detached Dwelling	P	P	P	P	P	P	P	P	P								
Single-Unit Paired Dwelling (2 units)	PS	PS	PS	PS	PS	PS	PS	PS	PS								
Two-Unit Dwelling	PS	PS	PS	PS	PS	PS	PS	PS	PS								Y
<b>PUBLIC AND SEMI-PUBLIC FACILITIES</b>																	
Birthing Center											C	P				PS	Y
Cemetery/Mausoleum	PS	PS		PS	PS	PS	PS	PS	PS	PS						PS	Y
Child Care Center	C	C	C	C	C	C	C	C	PS	PS	PS	PS	PS				Y
Child Care Home	Permitted , no ILP required.																
Clubs/Lodges												PS				PS	Y
Correction/Detention Facilities										C				C		C	Y
Crematory				P									C	C		C	Y
Cultural Facility				P						P						PS	
Educational Facilities and Trade Schools										PS						PS	Y
Farmers Market	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Y
Funeral Home												P				PS	Y
Governmental Facility										PS	PS	PS		PS		PS	Y
Hospital												PS					Y
Medical Clinic											P	P				PS	Y
Parks and Playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Police, Fire, or Rescue Station	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Y
Radio/TV stations										P		P	P			PS	Y

<sup>52</sup> Added this a permitted use in the LB Zoning District

<sup>53</sup> Newly permitted in RC1, LD, MD, HD, and UD districts

**Table 810.1: Table of Permitted Land Uses**

	RURAL				RESIDENTIAL						BUSINESS		INDUSTRIAL				
Uses	AG 2.5	FR 5	CR 2.5	RC 1	LD	SD	MD	HD	UD	IP	LB	GB	LI	HI	ME	AP	Ref <sup>50</sup>
Recreation Center, Public	C	C	C							P			P	P		PS	Y
Religious Assembly	P	P	P	P	P	P	P	P	P		P	P				PS	Y
Relocation of Pole Signs	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Y
School	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS					Y
Social Service Use										P	P					PS	Y
	Public and Semi-Public Waste Removal																
Composting Facility	C													C	C	C	Y
Greenfill	C														PS		Y
Processing Facility										C				C	C	C	Y
Recycling Center										C	C	C	C	C	C	C	Y
Solid Waste Facility														C	C	C	Y
Transfer Station	C	C	C							C	C	C	C	C	C		Y
	Public and Semi-Public Utilities																
Solar Farm	C									C			C	C	C	C	Y
Utility, Major										C				C		C	Y
Utility, Minor	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	Y
Wastewater Treatment Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Water Treatment Facility	C	C	C	C						C			C	C		C	Y
Wireless Communications Facilities	This use is conditional in all zones and must comply with Chapter X																Y
PERSONAL SERVICES																	
Artisan Crafts	C	C	C	C	C	C					P	P	P	P		PS	Y
Artisan Food or Beverage Production	C	C	c								PS	PS				PS	Y
Bed and Breakfast	PS	PS	PS	PS	PS	PS	PS	PS	PS		P	P				PS	Y
Caterer/Commercial Kitchen											PS	PS				PS	Y
Check Cashing											C	C					Y
Dry Cleaning and Laundry											PS	PS				PS	Y
Financial Institution											P	P				PS	Y
Financial Institution, Drive-through											C	C				C	Y
Kennels	C	C											PS			C	Y
Personal Services				C							P	P				PS	Y
Real Estate Sales / Model Home Office					P	P	P	P	P		P	P				PS	Y
Rehabilitative Therapy Facility											PS	PS	PS			PS	Y
Self-Storage													PS			PS	Y
Short Term Rental – Owner Occupied	PS	PS	PS	PS	PS	PS	PS	PS	PS							PS	Y
Tourist Home/Cabin	PS	PS	PS	C	C	C	C	C	C							PS	Y
Veterinary Service, Small Animal				C							C	PS	PS	PS		C	Y

**Table 810.1: Table of Permitted Land Uses**

Uses	RURAL				RESIDENTIAL					IP	BUSINESS		INDUSTRIAL			AP	Ref <sup>50</sup>
	AG 2.5	FR 5	CR 2.5	RC 1	LD	SD	MD	HD	UD		LB	GB	LI	HI	ME		
BUSINESS SERVICES																	
Business Services												P	P	P		PS	Y
Event Center												PS				PS	Y
Food Wholesale													P	P		PS	
Hotel/Motel												PS				PS	Y
Office											P	P	P			PS	
Parking Facility											PS	PS	PS	PS		PS	Y
Repair Services, Drop-off												P	P			PS	Y
Repair Services, Off-site	C	C	C	C	C	C	C	C	C		P	P	P	P		PS	Y
Taxidermist	PS	PS	PS									PS	PS	PS		PS	Y
RETAIL																	
Artisan Distillery												P				PS	Y
Auction House	C											P	P			PS	Y
Firearm Sales				C					C		PS	P				PS	Y
Garden Center <sup>54</sup>	C											P	P				
Grocery Store				C							C	P				C	Y
Liquor Store												P				PS	Y
Manufactured Housing Sales												P		P		PS	Y
Microbrewery/ Brewpub											PS	P				PS	Y
Outdoor Retail and Display, Accessory											PS	PS				PS	Y
Pharmacy											P	P				PS	
Pharmacy, Drive-through											C	C				C	Y
Restaurant, Café/Coffee Shop				C							PS	PS				PS	Y
Restaurant, Drive-through												C				C	Y
Restaurant, Fast Casual												PS				C	Y
Restaurant, Sit-Down				C							PS	PS				PS	Y
Retail Sales, includes drive-through												C	C	C		C	Y
Retail Sales, Big Box												C	C			C	Y
Retail Sales, Large Scale												PS	C			C	Y
Retail Sales, Medium Scale											C	PS				C	Y
Retail Sales, Small Scale				C					C		PS	P				C	Y
Smoke Shop												C					Y
AUTOMOTIVE AND TRANSPORTATION SERVICES																	
Automotive/Boat service and repair, major												PS	PS	P		PS	Y

<sup>54</sup> Proposing removing the conditional use allowance in CR2.5 and FR5 due to proximity to Lake Monroe

**Table 810.1: Table of Permitted Land Uses**

Uses	RURAL				RESIDENTIAL					IP	BUSINESS		INDUSTRIAL			AP	Ref <sup>50</sup>
	AG 2.5	FR 5	CR 2.5	RC 1	LD	SD	MD	HD	UD		LB	GB	LI	HI	ME		
Automotive/Boat service and repair, minor	C	C									PS					PS	Y
Automotive Sales and Rental												PS				PS	Y
Automotive Salvage														C		C	Y
Automobile Storage Facility (Impound Lot)													C	PS		PS	Y
Car Wash												PS				PS	Y
Electric Vehicle Charging Station										P	P	P	P	P		PS	Y
Fueling Station												PS	PS			PS	Y
RV/Boat Storage										PS	C		PS			PS	Y
Transfer or Storage Terminal													PS	PS		PS	Y
Truck Stop/Travel Plaza														C		C	Y
Trucking Terminal													C	PS		C	Y
<b>AMUSEMENT AND RECREATIONAL SERVICES</b>																	
Amphitheater	C	C															Y
Campground, Commercial	C	C	C													C	Y
Campground, Primitive	PS	PS	C													C	Y
Fitness Center											C	P				C	Y
Golf Course	C									C						C	Y
Indoor Shooting Range										C						C	Y
Racetrack										C						C	Y
Recreation Center, Private	C											PS				PS	Y
Recreational Vehicle (RV) Park	C	C	C													C	Y
Resort	Permitted only as a part of a PUD																
Rodeo and other Transient Amusement Enterprises										C		C				C	Y
Theater, Indoor												P				PS	Y
Theater, Outdoor	C	C															Y
<b>MANUFACTURING, MINING, CONSTRUCTION, AND INDUSTRIAL USES</b>																	
Accessory Rural General Contractor	C	C	C														Y
Cement, Paving, Central Mixing, Rock Crushing														C	C		Y
Commercial Print Shop												P	P			PS	Y
Construction Trailer and Equipment Rental												P	P			PS	Y
Cut Stone and Stone Products														P	P	PS	Y
Food Processing and Packaging													P	P		PS	Y
General Contractor											P	P	P			PS	Y



Table 810.1: Table of Permitted Land Uses																	
Uses	RURAL				RESIDENTIAL					IP	BUSINESS		INDUSTRIAL			AP	Ref <sup>50</sup>
	AG 2.5	FR 5	CR 2.5	RC 1	LD	SD	MD	HD	UD		LB	GB	LI	HI	ME		
Industrial Equipment Sales and Rental													P	P		PS	Y
Industrial Manufacturing, Heavy														PS			Y
Industrial Manufacturing, Light											PS	P	P	P		PS	Y
Mineral Extraction															PS		Y
Research Laboratories													P	P		PS	
Sawmill	C	C														C	Y
Small Engine and Motor Repair													P			PS	
Warehouse and Distribution													PS	P		PS	Y
MIXED USES AND ADAPTIVE REUSE																	
Adaptive Reuse	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Airport/Related Business														PS		PS	Y
Commercial/Industrial Adaptive Reuse												PS	PS			PS	Y
Dwelling, Live/Work				PS							PS	PS					Y
Fairgrounds, Public										P						C	Y
Historic Adaptive Reuse	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Mixed Use, Commercial											PS	PS				PS	Y
ADULT ORIENTED BUSINESSES																	
Adult Oriented Business	Must comply with Chapter X																Y

H. The following uses are not permitted in any zoning district:<sup>55</sup>

1. Outdoor shooting range
2. Confined Animal Feeding Operation as defined by I.C. XX
3. Solid Waste Landfill
4. Hazardous waste Landfill
5. Injection wells for hazardous waste disposal
6. Hydraulic fracturing
7. Solid Waste Incinerator

<sup>55</sup> New

## 810.2 General Use Regulations

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### A. Accessory Buildings or Structures

#### 1. General Standards

- a. Accessory structures are not permitted on a parcel prior to any primary structure being constructed, except where the accessory structure is being used in conjunction with the act of constructing a primary structure, for agricultural purposes, or if the property qualifies for a Residential Storage Structure.
- b. A mobile home, manufactured home, recreational vehicle, semi-tractor trailer, boat, or motor vehicle shall not be used as an accessory structure in any zoning district.
- c. Accessory structures that are larger than 120 sq. ft. shall incorporate materials, scale, colors, architectural details, and roof slopes that are compatible with the principal buildings.

#### 2. Residential Uses<sup>56</sup>

- a. No more than four accessory buildings or structure shall be erected on a lot. This provision shall not apply to AG2.5, FR5, or the CR2.5 zoning district, which will follow Ch XX design standards.
- b. An accessory building or structure equal or less than 15 feet in height shall be permitted within five feet of rear property lines.
- c. An accessory building or structure that is greater than 15 feet in height are subject to all applicable setbacks.
- d. The cumulative square footage of all accessory buildings on a parcel cannot exceed twice the square footage of the principal use on the property.

### B. Accessory Use.

1. Determination of accessory versus principal use shall be determined by the Planning Administrator.

### C. Accessory Solar Panel.

1. If a standalone structure (not affixed to a roof or other existing structure), an ILP is required with reduced setbacks:
  - a. Front: 10'
  - b. Side and Rear: 5'
2. If affixed to an existing structure and meeting the requirements under an ILP waiver, no ILP shall be required (See Ch XX)
3. Must comply with the definition for Accessory Solar Panel.

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<sup>56</sup> Removed language about no accessory in the front or side yard

**D. Temporary Use, Commercial**

**1. Permit Approval**

- a. All temporary uses shall require approval of Temporary Improvement Location Permit (ILP) prior to the beginning of the temporary use.
- b. Submittals/permits required include:
  - i. Driveway permit as applicable per Chapter 755
  - ii. Stormwater permit as applicable per Chapter 761
  - iii. Current Deed
  - iv. Consent letter, if applicable
  - v. Detailed Site Plan
    - A. Any proposed signage
    - B. Vehicular/Equipment parking
    - C. Driveway locations
    - D. Property boundaries and applicable setbacks<sup>57</sup>
    - E. Location of proposed on-site sales, if applicable
- c. The application must include the signature of the property owner, or a letter of authorization from the property owner.

- 2. Duration.** The duration of temporary uses shall be established on the approved ILP. Generally, temporary uses shall be short in duration – typically less than one month.

- 3. Parking.** Parking for temporary uses shall not result in parking for any other existing use on the property falling below the minimum off-street parking required in Chapter XXX and shall not block any driveways or drive aisles required for access to any other existing use on the property. In addition, temporary parking may allow for an exemption to the surfacing requirement under Chapter X.

**4. Location**

- a. Temporary uses shall be arranged so that vehicles do not block a public right-of-way.
- b. Temporary Seasonal Activity approvals may only be granted for individual parcels; they may not be authorized within any public right-of-way (e.g., streets or sidewalks).

- 5. Signs.** Temporary uses shall be permitted to display one sign with an area of up to 10 square feet. Such signs shall comply with all other aspects of the signage chapter of this ordinance.

- 6. Hours of Operation.** The hours of operation of the temporary use may be considered as part of the ILP approval.

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<sup>57</sup> New

## 810.3 Agricultural Use Regulations

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- A. Applicability.** The following use regulations are for agricultural uses that are permitted per specific use standards (PS) and Conditional Uses © in the Permitted Use Table. These use regulations are in addition to the other use regulations that apply within this code.
- B. Agricultural Event Center – Small, Medium, or Large**<sup>58</sup> This use is conditionally permitted subject to the standards in Chapter XXX and the following:
- 1. Development and Operational Standards.** The following development and operational standards shall apply to an event center in the AG2.5 Zone:
    - a. Parking.** An event center in the AG2.5 Zone shall provide parking at a ratio of one parking space for each two and one-half guests allowed on-site and one parking space for each permanent employee. No off-site parking is permitted unless approved in the conditional use permit process. Parking areas shall follow the requirements of Chapter 806 of the Monroe County Zoning Ordinance (Off-Street Parking and Loading). However, the surfacing requirements for driveways and parking lots may be able to utilize gravel if deemed appropriate by the Board of Zoning Appeals and is directly requested by the Petitioner during the meeting. All ADA spaces must comply with the federal standards, including surfacing requirements.
    - b. Access Standards.**
      - i. Access roads to an event center in the AG2.5 Zone shall comply with county, state and local fire safe standards as determined by the county and the serving fire agency.
      - ii. Direct access to a publicly maintained roadway is required.
      - iii. A driveway permit from the responsible public agency is required to address ingress, egress, and sight-distance requirements for the driveway connection to a county maintained road or state highway.
    - c. Minimum Height, Bulk, and Area Standards.**
      - i. A small agricultural event center shall have a minimum setback of 200 feet to all property lines and a minimum lot size of 5 acres.<sup>59</sup>
      - ii. A medium agricultural event center shall have a minimum setback of 500 feet to all property lines and a minimum lot size of 10 acres.
      - iii. A large agricultural event center shall have a minimum setback of 1,000 feet to all property lines and a minimum lot size of 15 acres.
  - 2. Setbacks.** An event center in the AG2.5 Zone shall be located and is required to hold all outdoor activities associated with the event center (with the exception of parking) a minimum of 200 feet from the exterior property lines. Parking shall be set back a minimum of 75<sup>60</sup> feet from the exterior property lines unless the Board of Zoning Appeals increases the parking setback provision to meet neighborhood conditions.
    - a. Event Size.**

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<sup>58</sup> New section

<sup>59</sup> Setback regulation added to standards

<sup>60</sup> Changed from 50 to 75 feet to address headlight concerns

- i. Small agricultural event center: shall be allowed a maximum event size of 100 guests or as specified by the conditional use permit.
  - ii. Intermediate agricultural event center: shall be allowed a maximum event size of 200 guests or as specified by the conditional use permit.
  - iii. Large agricultural event center: shall be allowed a maximum event size of 300 guests or as specified by the conditional use permit.
- b. **Number of Events.** An agricultural event center may hold events on a maximum of maximum of 40 days per year, which may be further limited by the conditional use permit. For purposes of this provision, an “event” is a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner.
- c. **Agricultural Requirement**
  - i. An event center in the AG2.5 Zone shall be accessory to a primary agricultural use and is required to have an on-going, on-site agricultural production for the length of the term of the conditional use permit.
  - ii. An event center in the AG2.5 Zone and its associated areas such as parking, decks and patios shall not occur within current agricultural production areas on a parcel designated as prime farmland in the Web Soil Survey, Natural Resources Conservation Service, United States Department of Agriculture (Available online at <http://websoilsurvey.nrcs.usda.gov/>) unless otherwise specified in the conditional use permit.
  - iii. **Hours of Operation.** An event center in the AG2.5 Zone shall be allowed to operate from 10:00 a.m. to 11:00 p.m. on Friday and Saturday and from 10:00 a.m. to 8:00 p.m. Sunday through Thursday.
- d. **Noise Regulations.** An event center in the AG2.5 Zone shall be subject to the Noise Control Ordinance (Chapter 380 of the Monroe County Code) and shall be required to stop all noise generating activities, such as music, at 10:00 p.m. or move such activities into an enclosed structure. After 10:00 p.m., all noise levels must be reduced to 50 decibels or less at the event center’s exterior property lines.
- e. **Food Regulations.** An event center in the AG2.5 Zone: as specified by the conditional use permit. If a commercial kitchen is approved with the event center, it shall only be used in conjunction with on-site events and for processing of on-farm products. Restaurants and off-site catering are not allowed as part of an event center in the AG2.5 Zone.
- f. **Neighbor Notification.** An event center in the AG2.5 Zone shall post and maintain a schedule of future events on their website. An annual/seasonal schedule of future events shall be mailed to all owners of real property located within 660 feet of the subject property at least two weeks prior to the beginning of the event year or season. The schedule shall show days planned for events, hours of operation, and include a phone number for inquiries.



- C. Agriculture-Related Commerce.** Agricultural-related commerce uses are conditionally permitted in the FR Zoning District and are permitted in the AG2.5 and CR Zoning Districts subject to the following:
1. All activities involving the sale of animals must be conducted entirely within an enclosed structure. Non-animal sales may be conducted outside of enclosed structures.
  2. All such facilities shall have access onto roadways classified as arterial.
  3. Shall be located on a lot that is five acres in size or greater.
  4. Hours are limited to 7 AM – 8 PM. Sales and display activities shall be limited to daylight hours.
  5. Such use must be at least 20 feet from the right-of-way line and shall not obstruct pedestrian or vehicular circulation or obstruct vehicular sign distances.
  6. Off-road parking at least 20 feet from the right-of-way line shall be provided.
  7. Must comply with Indiana State Department of Health (ISDH) Rule Title 410 IAC 7-24, Retail Food Establishment Sanitation Requirements.
- D. Agritainment/Agritourism<sup>61</sup>**
1. Shall be located on a lot that is five acres in size or greater.
  2. Permitted as an accessory use to Traditional Agriculture.
  3. Hours are limited to 7 AM – 8 PM.
- E. Aquaculture**
1. Shall be located on a lot that is five acres in size or greater.
- F. Community/Institutional Garden<sup>62</sup>**
1. Contact information for all garden coordinators/overseeing organizations must be posted on-site;
  2. Drainage shall prevent water, pesticides, or fertilizer from draining onto adjacent properties;
  3. Composting must be shielded from neighboring properties;
  4. No livestock permitted;
  5. On-site sales are subject to the Temporary Roadside Stand standards if permitted in the zoning district.
- G. Equestrian Center**
1. Require any stables/stalls to be setback 75' from all property lines;
  2. Use only permitted on lots with 5 acres or greater
- H. Equine Services/Stables<sup>63</sup>**

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<sup>61</sup> New

<sup>62</sup> New

<sup>63</sup> New

1. Require any stables/stalls to be setback 75' from all property lines;
  2. Use only permitted on lots with 5 acres or greater
  3. Building square foot of the stables or equine building shall be limited to 5,000 sf or less. If building exceeds this size, the use shall be equestrian center.<sup>64</sup>
- I. **Farm Supply & Equipment Sales and/or Repair**
1. Must be located on a site at least 5 acres in size.
- J. **Farm Store.**<sup>65</sup> Permanent roadside stands shall only be conducted in accordance with the following conditions, in addition to any conditions imposed as part of the site plan approval:
1. The roadside stand must meet all setback requirements and shall not obstruct pedestrian or vehicular circulation, or obstruct vehicular sight distances
  2. Off-road parking, meeting all setback requirements, shall be provided.
  3. Must comply with Indiana State Department of Health (ISDH) Rule Title 410 IAC 7-24, Retail Food Establishment Sanitation Requirements.
  4. Must comply with all Building Codes applicable.
- K. **Feed Mill**<sup>66</sup>
1. All storage of materials shall be indoors;
  2. Site should be located on County-maintained and paved roads of classification collector or arterial.
  3. Such uses shall be located a minimum of 3,000 feet from a platted subdivision.
- L. **Intensive Agriculture.** This use is conditionally permitted subject to the standards in Chapter XXX and the following:
1. Any intensive agriculture use that includes operations involving feedings of cattle, livestock, or other concentrated animal populations shall be set back from all property lines abutting non-agricultural uses by 1,320 feet.
  2. Intensive agriculture use sites should be located on county-maintained and paved roads of classification of collector or arterial<sup>67</sup>.
  3. All applicable state permits must be obtained prior to commencing the use.
- M. **Logging, Urban Area.**<sup>68</sup>
1. Permitted subject to compliance with IC XX and Stormwater regulations.
  2. Must show compliance with Chapter XX
- N. **Nursery/Greenhouse**<sup>69</sup>. Such uses are permitted subject to the following:

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<sup>64</sup> New

<sup>65</sup> New

<sup>66</sup> New

<sup>67</sup> This was a use-specific standard for "Feed Mill" that was integrated into the intensive agriculture use

<sup>68</sup> New

<sup>69</sup> New use-specific standards

1. Storage of outdoor material must be screened from view and comply with setback requirements;
  2. Use only permitted on lots with five acres or greater.
- O. Roadside Stand, Temporary and Permanent.** Temporary and permanent roadside stands shall only be conducted in accordance with the following conditions, in addition to any conditions imposed as part of the plot plan approval.
1. The roadside stand must be at least twenty feet from the right-of-way line and shall not obstruct pedestrian or vehicular circulation or obstruct vehicular sight distances.
  2. Sales and display activities shall be limited to daylight hours.
  3. Off-road parking at least twenty feet from the right-of-way line shall be provided.
  4. Must comply with Indiana State Department of Health (ISDH) Rule Title 410 IAC 7-24, Retail Food Establishment Sanitation Requirements.
  5. Must comply with all Building Codes applicable.
- P. Veterinary Service, Large Animal.** Veterinary Service, Large Animal are conditionally permitted subject to the conditional use standards in Chapter XX and the following:
1. All outdoor kennel areas shall not be visible from all rights-of-way and adjacent properties by use of landscape buffering.
  2. Structures containing livestock or livestock waste shall meet the following minimum setbacks:
    - a. Front: 75 feet<sup>70</sup>
    - b. Side: 75 feet
    - c. Rear: 75 feet
- Q. Winery**
1. Only permitted on lots 5 acres or greater in the AG2.5, CR2.5, FR5, and AP zoning districts
  2. Development in the Airport zone must comply with Chapter X.

## 810.4 Residential Use Regulations

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- A. Applicability.** The following use regulations are for residential uses that are permitted per specific use standards (PS) and Conditional Us©(C) in the Permitted Use Table. These use regulations are in addition to the other use regulations that apply within this code.
- B. Accessory Apartments.** Accessory apartments are subject to the following regulations:
1. Use may be created only through internal conversion of an existing dwelling unit. Detached garage space shall not be converted.<sup>71</sup>
  2. At least one parking space shall be provided for the use by residents of the accessory apartment.

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<sup>70</sup> Front setback was increased from 50 to 75 for consistency purposes

<sup>71</sup> Need feedback on this

3. No new entrance visible from the street shall be added to the structure.
- C. Accessory Dwelling Units, Attached and Detached. Accessory Dwelling Units (ADU) and Detached Accessory Dwelling Unit (DADU) standards apply:**
1. General Regulations
    - a. Either the principal dwelling unit or the ADU or DADU must be occupied by the owner of the lot. Prior to final occupancy, the property owner shall record an affidavit and commitment stating that the property owner will reside in either the principal dwelling unit or ADU/DADU. Once recorded, the affidavit and commitment (requiring owner occupancy) may not be removed or modified without Plan Commission approval.
    - b. One accessory dwelling unit per lot of record is permitted.
    - c. The ADU or DADU must meet current standards of the residential, building, mechanical, electrical and energy codes of the State of Indiana and the Monroe County Building Department if building new. If an existing residence is being converted to a DADU or ADU, then a private home inspection is required; if deficiencies are found in the home inspection, the owner is to address those deficiencies as recommended by the inspector and have a follow-up inspection showing the home meets minimum safety standards. The structure to be converted shall show proof of Certificate of Occupancy of the accessory structure if built after 2000.<sup>72</sup>
    - d. A manufactured home may not be used as an accessory dwelling unit if it was constructed prior to January 1, 1981.
    - e. The design requirements for two-family dwellings shall apply to Accessory Dwelling Units.
    - f. One off-street parking space is required for the ADU or DADU.
    - g. Both dwellings shall share a driveway.
    - h. A DADU/ADU must have a permanent connection to either an approved septic system or sewer system.
    - i. A Recreational Vehicle (RV) is not permitted as a DADU.
    - j. A DADU lot or parcel of record created via the Sliding Scale subdivision option may only be constructed on the Parent Parcel Remainder.
    - k. Each DADU lot shall have a separate buildable area for each dwelling.
    - l. The DADU/ADU may be used as a short-term or long-term rental. If short-term rental, review process must be followed according to the applicable use.

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<sup>72</sup> New

Table 810.2: ADU and DADU Dimensional Regulations		
	AG2.5, FR5, and CR2.5 Zoning Districts	RC1 Zoning Districts <sup>73</sup>
Minimum Lot Size	Minimum lot size of the district	2.5 acres
Maximum Residential Space	1,000 sq. ft.	

- D. Accessory Livestock.**<sup>74</sup> Accessory livestock and non-farm animals shall be permitted only in pasturage context subject to the following. This use applies to lots primarily used for purposes other than traditional agricultural and which contain less than 5 acres. Lots greater than 5 acres are considered another agricultural use.
1. Livestock is permitted in a pasturage context and shall be measured by units per acre of land used as pasture and accessible to the livestock or non-farm animals. Acreage shall be rounded to the nearest whole number. All animals (except bees) less than one year of age shall be calculated at one-half the unit of their respective category unless the lot is less than one acre. Animals per acre shall be determined as follows:
    - a. **Large** (cattle, horse, llamas, swine, ponies, etc.) – two animals per the first acre and one animal per acre thereafter.
    - b. **Medium** (goats, sheep, miniature horses, etc.) – four animals per the first acre and two animals per acre thereafter.
    - c. **Small** (smaller animals, including fowl) – 10 animals per the 0.5 acre and five animals per 0.5 acre thereafter. If lot size is between 0.25 acre and 0.5 acres, the maximum number of small livestock is four and is limited to only hens<sup>75</sup>.
    - d. **Beehives** (bee density based on hive) – eight hives per the first acre and four hives per acre thereafter.
  2. Accessory livestock and non-farm animals more than the above densities require the approval of a variance.
  3. Accessory animals in the CR2.5, RC1, SD, LD, MD, and HD Districts may be kept for the owner's personal use and may not be kept for commercial purposes.
  4. Domestic animals (per definition M.C.C. 441-1) that are kept as pets are not subject to the foregoing conditions but are subject to the regulations set forth in Monroe County Code 441, as amended or reenacted.
  5. Covenants and restrictions for platted subdivisions may restrict accessory livestock. It is the responsibility of the owner to verify all requirements.
- E. Artificial Pond or Lake**<sup>76</sup>
1. Must be reviewed by the MS4 Coordinator and requires a grading permit per Chapter XX.
  2. If karst is present on the site, a geotechnical report will be required

<sup>73</sup> New – allowing ADUs in new districts with smaller regulations.

<sup>74</sup> New Section

<sup>75</sup> Complies with City of Bloomington, which permits 4 hens max in all SFR and duplex lots

<sup>76</sup> New



3. Plans must be certified by an engineer.

**F. Continuing Care Retirement Community.**

1. If there are more than 10 continuing care dwelling units proposed on one legal lot of record, then the Plan Commission must review and approve the proposed site plan.<sup>77</sup>
2. Adequate access shall be provided to collector or arterial streets and traffic shall not travel through residential neighborhoods on local streets.
3. The design of the structure and site, hours of operation, and intensity of use, shall be compatible with the surrounding area.
4. Site must have access to sewer

**G. Group Care Home I & Group Care Home II**

1. Includes up to eight individuals.
2. Must comply with IC 12-28-4-7, including a 3,000 foot buffer between all other group care home facilities, as measured between lot lines.

**H. Home Based Business<sup>78</sup>**

1. Must have direct access to a public roadway. Use not allowed on a property whose sole access is through a shared easement.
2. The operator of the home based business must reside in the dwelling unit. Only two employees who do not reside in the dwelling unit may be permitted, regardless of the number of home based businesses in the dwelling unit;
3. The use must be conducted entirely within the principal residence or accessory structure, with no off-site services performed as part of the home based business. Outdoor display of materials, good, supplies, or equipment shall be prohibited;
4. Direct sales and/or rentals of goods is prohibited from the home, however goods may be mailed to customers from the home. Direct sales of services is permitted from the home. If services are provided, no more than 8 customers are permitted to the residence per day, and no more than one customer at the property at any given time;
5. Not more than 50 percent of the total interior floor area of the principal residence or accessory structure, whichever is used for the home based business, may be used in connection with the home based business;
6. There shall be no advertising, signs, display, or other indications of a home based business in the yard, on the exterior of the dwelling unit, or visible from anywhere outside the dwelling unit, except for one sign, attached to the wall of the building, of a maximum size of two square feet;
7. More than one home business may be permitted within an individual dwelling unit, provided all other standards and criteria applicable to home based business is complied with.

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<sup>77</sup> New – would like feedback on this

<sup>78</sup> These are the home occupation standards for the two-mile fringe area. Are they appropriate for the entire county?

**I. Long Term Shelter<sup>79</sup>**

1. Cannot be located within 300 feet of any other Long Term Shelter.

**J. Multi-Unit Dwelling (3-4 Units)**

1. Site plan review at staff level required.
2. Site must have access to sewer.

**K. Multi-Unit Dwelling (5+ units)**

1. Site plan approval required by the Plan Commission
2. Site must have access to sewer.

**L. Residential Storage Structure**

1. Structure shall not exceed 1750 square feet in the AG2.5, FR or CR zoning Districts and 875 feet in all other permitted zoning Districts.

**M. Senior Housing<sup>80</sup>**

1. If there are more than four senior dwelling units proposed on one legal lot of record, then the Plan Commission must review and approve the proposed site plan. Any project must meet the height, bulk, density standards for the zoning district in which it is located.

**N. Single-Unit Attached Structure (3+ units)**

1. Site plan review at staff level required
2. Must be located within a platted subdivision and noted as a 0-foot side setback on applicable sides must be mentioned on the subdivision plat.
3. Site must have access to sewer.

**O. Single-Unit Paired Dwellings (2 units).**

1. Must be located within a platted subdivision and noted as a 0-foot side setback on one side must be mentioned on the subdivision plat.

**P. Two-Unit Dwellings<sup>81</sup>**

1. Exterior building materials of two-unit dwellings shall be of the same type and quality of the existing dwelling unit, or in the case of new two-unit dwellings, of the same type of quality of dwelling units on adjoining Lots.
2. A two-unit dwelling proposed on a lot or parcel of record created via the Sliding Scale Subdivision Option may be constructed on the Parent Parcel Remainder and only if that Parent Parcel Remainder meets the minimum lot size for the zoning district in which it is located.
3. Two-unit dwellings that are not connected to the public sewer shall have a minimum lot area equal to twice that required for a one-unit dwelling<sup>82</sup>.

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<sup>79</sup> New

<sup>80</sup> New section

<sup>81</sup> Removed Start Up Home Based Business and Temporary Dwelling

<sup>82</sup> Revised standard so it applies only to lots on septic. Removed standard that two-unit dwellings shall be approved by the Plan Commission as part of the approved subdivision plat.

## 810.5 Public and Semi-Public Use Regulations

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- A. Applicability.** The following use regulations are for public and semi-public uses that are permitted per specific use standards (PS) and Conditional Uses (C) in the Permitted Use Table. These use regulations are in addition to the other use regulations that apply within this code.
- B. Birthing Center**
1. In the LB District, helipads are not permitted.
  2. A covered patient drop-off area shall be incorporated into the development.
  3. Development in the Airport zone must comply with Chapter X.
- C. Cemetery/Mausoleum**
1. Shall be located on a site not less than two acres in size.
  2. Access to the site shall be such that traffic and funeral processions to the site will create a minimum of interference with normal traffic operations in the area.
  3. The design of the site and any structures shall be compatible with the surrounding area.
  4. All structures shall be set back from any property line a minimum of 35 feet and all graves and burial plots shall be set back a minimum of 25 feet from any property line.
  5. Use shall not be located in the Special Flood Hazard Area.
  6. Development in the Airport zone must comply with Chapter X.
- D. Child Care Center**
1. Centers are permitted provided that proof of licensing by the State of Indiana shall be provided with submission of site plan. If exempt from state licensing requirements, proof of exemption shall be provided. Operator shall be responsible for compliance with all applicable ordinances and state and federal statutes and regulations.
  2. Permitted after site plan approval by the Plan Commission or Administrator.
  3. Site design and supervision characteristics shall ensure that the peace and safety of the surrounding area shall not be impaired.
  4. No center shall be approved within 500 feet of another center.
- E. Clubs/Lodges<sup>83</sup>**
1. Such uses shall be located on a street with a roadway classification of collector or arterial.
  2. Outdoor activities specific to the intended activities of the club or lodge shall minimize off-site noise or nuisance, including provision for screening from adjacent uses.
  3. Development in the Airport zone must comply with Chapter X.
- F. Composting Facility**
1. Organic solid waste facilities shall be screened with dense landscaping, or an opaque fence or wall to a height of at least six feet.

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<sup>83</sup> Removed parking reductions

2. All applicable state and federal permits must be secured prior to the issuance of an Improvement Location Permit.
3. Development in the Airport zone must comply with Chapter X.

**G. Correction/Detention Facilities**

1. Correction/detention facilities shall provide adequate access to a collector or arterial street.
2. Design of site and structure, and the intensity of use and population density shall be compatible with the surrounding area.
3. Site design and supervision characteristics shall ensure that the peace and safety of the surrounding area shall not be impaired.
4. Development in the Airport zone must comply with Chapter X.
5. Site must have access to sewer or packaging plant.

**H. Crematory**

1. Site of the proposed facility shall be a minimum of 1 acre.
2. Adequate access shall be provided to a street classified as a collector or arterial and traffic shall not travel through residential neighborhoods on local streets.
3. Design of the site and structure shall be compatible with surrounding uses.
4. Access to the proposed site shall be such that traffic and funeral processions will create a minimum of interference with normal traffic operations in the area.
5. Development in the Airport zone must comply with Chapter X.

**I. Cultural Facility**

1. Development in the Airport zone must comply with Chapter X.

**J. Education Facilities and Trade Schools**

1. Schools (K-12) must provide off-street loading facilities, located entirely on the premises, for students.
2. Development in the Airport zone must comply with Chapter X.

**K. Farmers Market<sup>84</sup>**

1. Must apply for a temporary seasonal activity permit for each year of operation
2. Must include a plot plan showing adequate access, parking, public facilities (bathrooms, trash, recycling, etc.) and provisions for public safety.
3. Farmers markets shall be located on private property. If any activity related to the Farmers Market will be in the Right-of-way, proof of compliance with Chapter 755 required and the Manual for Construction within and adjacent to Monroe County Right-of-ways.
4. All market vendors shall comply with all federal, state, and local laws and regulations relating to the operation, use, and enjoyment of the market premises.

**L. Funeral Home**

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<sup>84</sup> New

1. Development in the Airport zone must comply with Chapter X.

**M. Governmental Facility**

1. Outdoor storage areas shall not be visible from streets and/or adjacent properties.
2. Development in the Airport zone must comply with Chapter X.

**N. Greenfill**

1. Outdoor storage areas shall not be visible from streets and/or adjacent properties. This condition does not apply to heavy machinery sales, welding, and wood products when the uses are located in a Heavy Industrial (HI) District.
2. The Planning Administrator may attach additional conditions to its approval in order to prevent injurious or obnoxious dust, fumes, gases, noises, odors, refuse matter, smoke, vibrations, water-carried waste or other objectionable conditions and to protect and preserve the character of the surrounding neighborhood.
3. All applicable State and Federal permits must be secured prior to the issuance of an Improvement Location Permit.

**O. Hospital<sup>85</sup>**

1. Site must have access to sewer
2. Helipads shall be located a minimum of 500 feet from a residential property of use.
3. A covered patient drop-off area shall be provided.

**P. Medical Clinic<sup>86</sup>**

1. Development in the Airport zone must comply with Chapter X.

**Q. Police, Fire or Rescue Station**

1. Shall have adequate access to collector or arterial streets; and
2. Design of the structure and the site shall be compatible with the surrounding area

**R. Processing Facility**

1. Unloading is conducted entirely within a building.
2. Portions of a site used for truck maneuvering or the storage, bailing, processing, or other handling of materials must be enclosed by an opaque fence or wall with a nonglare finish not less than eight feet in height.
3. Loading and unloading areas must be paved.
4. The site must be kept clear of litter, scrap paper, or other refuse matter.
5. Chemical or heating processes shall not be used on materials.

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<sup>85</sup> New

<sup>86</sup> New



6. Prior to application for a Conditional Use Permit, the use must be shown to have fully complied with the provisions of Monroe County Ordinance 2007-18 and Chapter 360 of the Monroe County Code.
  7. If the Conditional Use is approved, all required permits from the Indiana Department of Environmental Management must be issued prior to filing an application for an Improved Location Permit.
  8. Site must have access to sewer
- S. Radio/TV Stations**
1. Development in the Airport zone must comply with Chapter X.
- T. Recreation Center, Public**
1. Shall have adequate access to collector or arterial streets; and
  2. Design of the structure and the site shall be compatible with the surrounding area
  3. Development in the Airport zone must comply with Chapter X.
- U. Recycling Center**
1. The center must be setback 500 feet to nearest rural or residentially zoned property.
  2. All outdoor storage must be screened by an appropriate fence as to not be visible from neighboring properties or the roadways.
  3. Portions of a site used for truck maneuvering or the storage, bailing, processing, or other handling of materials must be enclosed by an opaque fence or wall with a nonglare finish not less than eight feet in height.
  4. Loading and unloading areas must be paved.
  5. The site must be kept clear of litter, scrap paper, or other refuse matter.
  6. Prior to application for a Conditional Use Permit, the use must be shown to have fully complied with the provisions of Monroe County Ordinance 2007-18 and Chapter 360 of the Monroe County Code.
- V. Religious Assembly**
1. Development in the Airport zone must comply with Chapter X.
- W. Relocation of Pole Signs<sup>87</sup>**
1. Pole signs are prohibited, except for relocations when the need for relocation directly results from the condemnation of property near or under the sign or if the relocation reduces the total sign face(s) area by 50% of the sign being relocated. Sign relocations are subject to the following requirements, standards, and procedures:
    - a. The new location is on the same zoning lot or within a LB, GB, LI, HI district if the new location is on a different zoning lot;

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<sup>87</sup> New

- b. Sign area at the new location shall not exceed the sign area at the previous location, nor shall the height of the sign at the new location exceed twenty-five (25) feet, measured from the flat grade of the nearest roadway in which the sign is directed;
- c. The pole sign as relocated shall be at least 300 feet from the nearest pole sign, except on limited-access highways, where the distance to the nearest sign shall be 500 feet. The spacing provisions shall apply to signs on the same side of the road, measured along the roadway between points on the roadway that are nearest to each sign;
- d. The relocated pole sign shall be subject to the front, side, and rear building setback requirement of the district in which it is being relocated;
- e. The pole sign to be relocated must be a pre-existing, lawful, nonconforming sign.
- f. In addition to the foregoing requirements, pole sign relocations are subject to the relevant conditional use requirements, standards, and procedures set forth in Chapter XX. For purposes of Chapter XX, sign relocations shall be processed pursuant to XX. Pursuant to Chapter XX, the relocation of a sign structure from an original zone lot to a new zone lot eliminates the pre-existing, lawful, nonconforming use/structure status of the original zone lot as a pole sign location, to the extent the removed sign structure was responsible for that status. The relocation of a sign structure on the same zone lot does not eliminate the pre-existing, lawful, nonconforming use/structure status of the zone lot as a pole sign relocation.

#### **X. School**

- 1. School uses that serve food and beverages is permitted provided that on-site sales shall be limited to service incidental to the primary activity.
- 2. Any lighted outdoor athletic fields shall not be located within 50 feet of a residential zoning district or use.
- 3. Dwellings used for residential purposes on-site, in excess of one unit, are subject to residential use classification zoning<sup>88</sup>.

#### **Y. Social Service Use**

- 1. Development in the Airport zone must comply with Chapter X.

#### **Z. Solar Farm**

- 1. Must comply with the Stormwater Ordinance Chapter X
- 2. A Solar Farm may be permitted as an accessory use or a principal use.
- 3. It must be located on a lot five (5) acres or greater
- 4. Shall meet the minimum zoning setbacks for the zoning district in which it is located

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<sup>88</sup> This was borrowed from the education facility use standard. Applicable for housing unit associated with a public assembly use.

5. The height of systems will be measured from the highest natural grade below each solar panel. Maximum height of a solar panel is twenty (20) feet.
6. Visibility
  - a. Solar farms with panels located at least one hundred fifty (150) feet from a rural or residentially zoned property, or residential use shall not require screening.
  - b. Solar farms with panels located less than one hundred fifty (150) feet from a rural or residentially zoned property, or residential use must meet the requirements for Bufferyard Landscape Requirements set forth in Chapter 830.
7. A minimum of twenty (20) percent of the lot area must remain open space.
8. Signage is permitted as provided by Chapter 807.
9. A solar farm shall be enclosed by a fence a minimum of six feet in height. Barb wire or razor wire is prohibited on all fences.
10. Solar farms are subject to the County's stormwater management and erosion and sediment control provisions and NPDES permit requirements.
11. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the zoning administrator.
12. A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by the County. The site plan should also show all zoning districts and overlay districts.
13. Solar farms located within 500 feet of an airport or within the A or B safety zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
14. All solar farms shall be in compliance with all applicable local, state and federal regulatory codes, including the Indiana Uniform Building Code, as amended; and the National Electric Code, as amended.
15. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months.
- AA. **Solid Waste Facility.** Such uses are conditionally permitted subject to the requirements of Chapter XX and the following:
  1. Unloading areas for materials must be at least 50 feet from any adjoining property, unless unloading is conducted entirely within a building.

2. Portions of a site used for truck maneuvering or the storage, bailing, processing, or other handling of materials must be enclosed by an opaque fence or wall with a nonglare finish not less than eight feet in height.
  3. Loading and unloading areas must be paved.
  4. The site must be kept clear of litter, scrap paper, or other refuse matter.
  5. Chemical or heating processes shall not be used on materials.
  6. Prior to application for a Conditional Use Permit, the use must be shown to have fully complied with the provisions of Monroe County Ordinance 2007-18 and Chapter 360 of the Monroe County Code.
  7. If the Conditional Use is approved, all required permits from the Indiana Department of Environmental Management must be issued prior to filing an application for an Improved Location Permit.
  8. Site must have access to sewer
- BB. Transfer Station.** Such uses are conditionally permitted subject to the requirements of Chapter XX and the following:
1. Facilities must be located in an enclosed structure or be screened on three sides by a six foot high opaque fence or wall.
  2. Facilities shall not be located within 100 feet of adjoining property.
  3. Storage and unloading areas shall be paved.
  4. The site must be kept clear of litter, scrap paper, or other refuse matter.
  5. No power driven processing equipment shall be used at any unenclosed facility.
  6. Facilities attended by any on-site employees shall provide one parking space per employee.
  7. Prior to application for Conditional Use permit, facility must be shown to have fully complied with the provisions of Monroe County Ordinance 2007-18 and Chapter 360 of the Monroe County Code.
  8. If the Conditional Use is approved, all required permits from the Indiana Department of Environmental Management must be issued prior to filing an application for an Improvement Location Permit
  9. Site must have access to sewer
- CC. Utility, Major**
1. Utility facilities shall be screened with dense evergreen landscaping, or an opaque fence or wall to a height of at least six feet.
  2. Development in the Airport zone must comply with Chapter X.
- DD. Utility, Minor**
1. Utility facilities shall be screened with dense evergreen landscaping, or an opaque fence or wall to a height of at least six feet.

2. Development in the Airport zone must comply with Chapter X.

**EE. Wastewater Treatment Facility**

1. In addition to all state and federal regulations, wastewater treatment facilities may only occur under the following circumstances:
  - a. It is necessary to remedy one or more existing failing wastewater systems.
  - b. It is necessary to replace a wastewater system serving an existing campground or similar facility.
  - c. It will not provide additional capacity beyond the scope of the proposed remedy or replacement.
2. Development in the Airport zone must comply with Chapter X.

**FF. Water Treatment Facility**

1. Development in the Airport zone must comply with Chapter X.

**GG. Wireless Communications Facilities**

1. See Chapter X for standards
2. Development in the Airport zone must comply with Chapter X.

## 810.6 Personal Service Use Regulations

- A. **Applicability.** The following use regulations are for personal service uses that are permitted per specific use standards (PS) and Conditional Uses (C) in the Permitted Use Table. These use regulations are in addition to the other use regulations that apply within this code.
- B. **Artisan Crafts:**<sup>89</sup>
  1. All aspects of business operations (manufacture, processing, retail sales, shipping of goods produced) shall take place in the residence or in no more than one accessory structure to the residence. The accessory structure shall meet the following:
    - a. The structure shall not exceed either the gross floor area of the residential structure or, 1,750 square feet; whichever is greater unless otherwise permitted by the Board of Zoning Appeals;
    - b. No outdoor storage shall be permitted unless the site plan includes screening deemed sufficient by the Board of Zoning Appeals;
    - c. A maximum of four employees are permitted;
    - d. The owner-artisan must live on site; and
    - e. Signage shall follow the same provisions of Chapter 807 as a home based business.
    - f. No more than 1 customer visiting the property at a time is permitted;
    - g. Development in the Airport zone must comply with Chapter X.
- C. **Artisan Food and Beverage**<sup>90</sup>

<sup>89</sup> New

<sup>90</sup> New

1. Activity occurs in either the primary or accessory structure.
2. No retail on the site, unless in LB, GB, or AP zones.
3. Must comply with all State and Local Health requirements, including septic system capacity.
4. Lot size meets or exceeds minimum lot size for the zone.
5. Development in the Airport zone must comply with Chapter X.

**D. Bed and Breakfast**

1. A site plan and notification of adjoining property owners is required for all newly created bed and breakfasts;
2. All rented rooms shall be located in the principal dwelling unit;
3. The establishment shall maintain a maximum of four guestrooms;
4. The proposed bed and breakfast shall retain the architectural orientation and form characteristics of the surrounding neighborhood;
5. Only one bed and breakfast structure shall be permitted per legal lot of record. Cannot include any other primary uses on the lot;
6. Development in the Airport zone must comply with Chapter X.

**E. Caterer/Commercial Kitchen**

1. Site must have access to sewer
2. Development in the Airport zone must comply with Chapter X.

**F. Check Cashing**

1. Check cashing facilities shall not include a drive-through use.
2. Check cashing facilities shall be located a minimum of 2,000 feet from another check cashing use.

**G. Dry Cleaning and Laundry<sup>91</sup>**

1. Site must have access to sewer.
2. Development in the Airport zone must comply with Chapter X.

**H. Financial Institution**

1. Development in the Airport zone must comply with Chapter X.

**I. Financial Institution, Drive-through**

1. Financial institutions shall be limited to a maximum of three drive-through lanes. All drive through lanes shall be subject to the design standards in Chapter XXX.<sup>92</sup>
2. Development in the Airport zone must comply with Chapter X.

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<sup>91</sup> New

<sup>92</sup> New



**J. Kennels<sup>93</sup>**

1. Outdoor kennels, play yards, and storage areas shall not be visible from streets and/or adjoining properties.
2. Animals shall be kept indoors.
3. Outdoor exercise areas shall only be used between the house of 8:00 am and 8:00 pm.
4. Rooms which contain animals shall be insulated, or otherwise soundproofed and vented so that animal noises are not audible anywhere beyond the lot.
5. Development in the Airport zone must comply with Chapter X.

**K. Personal Services**

1. Development in the Airport zone must comply with Chapter X.

**L. Real Estate Sales/Model Home Office**

1. Development in the Airport zone must comply with Chapter X.

**M. Rehabilitative Therapy Facility**

1. The design of the site and structure, and the intensity of use and population density, shall be compatible with the surrounding area;
2. Adequate access is provided to a street classified as a collector or arterial.
3. Peace and safety of the surrounding area shall not be impaired.
4. Development in the Airport zone must comply with Chapter X.

**N. Self-Storage<sup>94</sup>**

1. No outdoor storage permitted.
2. Compliance with all applicable local, state, and federal regulations for the disposal of hazardous materials is required.
3. Development in the Airport zone must comply with Chapter X.

**O. Short Term Rentals –Owner Occupied<sup>95</sup>**

1. Must show proof of innkeeper’s registration with Monroe County.
2. Limited to renting out one bedroom and must show compliance with the parking Chapter X;
3. Development in the Airport zone must comply with Chapter X.

**P. Tourist Home or Cabin**

1. Tourist homes and cabins in the AG2.5, FR5, CR2.5, and AP Districts and subject to the following:
  - a. Must show proof of innkeeper’s registration with Monroe County.<sup>96</sup>

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<sup>93</sup> 3 and 4 are new

<sup>94</sup> Updated regulations

<sup>95</sup> New

<sup>96</sup> Added regulation

- b. The lot must meet or exceed the minimum lot size and infrastructure facilities (i.e., septic system, driveway) requirements for the zoning district prior to the commencement of the Tourist Home or Cabin use.
- c. The Tourist Home or Cabin shall be located no closer than 200 feet from any adjoining principal use structure not currently being used as a tourist home or cabin or from the adjoining property setback line if no adjoining principal use structure exists. An exception exists for properties adjoining federal or state (excluding INDOT) managed lands whereas the non-residential setbacks shall be met.<sup>97</sup>
- d. Any outdoor pool or spa facilities must meet state and local Board of Health requirements and must be visually screened from surrounding properties and properly secured with a Power Safety Pool Cover or Enclosure as defined in Indiana Code (675 IAC 20-4-27 - Safety Features; 675 IAC 20-3-9 – Enclosure) standards for a Class C, Semi-Public Pool.
- e. Parking
  - i. Parking is only permitted on paved or graveled driveways.
  - ii. No parking is allowed on the street or road.
  - iii. One parking space is required per guest room.
  - iv. No parking of any vehicle is permitted in any yard or setback area.
- f. Rules, in a readable size and format, shall be posted outside near the main entrance of the tourist home or cabin and shall include the following:
  - i. Rules and regulations for ensuring safety and preservation of neighborhood values (e.g., emergency phone numbers; 24 hour contact number for property owner or manager; noise restrictions; solid waste management rules; fishing license rules; etc.
  - ii. Diagram of property boundary lines.
  - iii. Diagram of designated parking.
- g. Smoke detectors and a fire extinguisher shall be installed and maintained in working order in all tourist homes or cabins.
- h. All solid waste and refuse shall be removed from the property and properly disposed of prior to a change of occupancy.
- i. No more than two guests per guest room.
- j. No more 1 tourist home per legal lot of record. Use cannot be combined with a bed and breakfast or an additional primary residence on the property.<sup>98</sup>
- k. Site plan approval required.<sup>99</sup>
- l. Development in the Airport zone must comply with Chapter X.

**Q. Veterinary Service, Small Animal.**

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<sup>97</sup> Needs additional discussion

<sup>98</sup> Added regulation

<sup>99</sup> Added regulation

1. Veterinary services are permitted in the subject to the condition that all outdoor kennel areas shall not be visible from all rights-of-way or neighboring properties by use of landscape buffering. Designated areas for an outdoor kennel shall be on the site plan and landscaping shall be protected accordingly.<sup>100</sup>
2. Development in the Airport zone must comply with Chapter X.

## 810.7 Business Services Use Regulations<sup>101</sup>

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- A. **Applicability.** The following use regulations are for business service uses that are permitted per specific use standards (PS) and Conditional Uses (C) in the Permitted Use Table. These use regulations are in addition to the other use regulations that apply within this code.
- B. **Business Services**
  1. Development in the Airport zone must comply with Chapter X.
- C. **Event Center**
  1. The site shall be located on a street with a roadway classification of arterial or collector.
  2. Parking shall be provided to handle the demand of the facility to capacity, but such facilities can apply to utilize shared parking standards as given in Chapter XXX of this ordinance.
  3. Development in the Airport zone must comply with Chapter X.
- D. **Food Wholesale**
  1. Development in the Airport zone must comply with Chapter X.
- E. **Hotel/Motel<sup>102</sup>**
  1. Hotels and motels that are located in the LI District shall be compatible with the purposes of the LI District.
  2. Development in the Airport zone must comply with Chapter X.
- F. **Office**
  1. Development in the Airport zone must comply with Chapter X.
- G. **Parking Facility.**
  1. Parking facilities shall be screened as required in the landscaping Chapter X.
  2. Shared parking facilities are subject to the following:
    - a. No more than 50 percent of the parking spaces required for a building of use may be supplied by parking facilities required for any other building or use.
    - b. Total parking provided shall be sufficient to meet the requirements of the greatest combined peak parking demands.

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<sup>100</sup> Removed regulations

<sup>101</sup> Business Services separated from Personal Services

<sup>102</sup> New

- c. A written commitment shall be agreed to and signed by all applicable property owners and shall be recorded by the owners with the County Recorder, and a copy filed with the planning department.
  3. Off-site parking facilities are subject to the following:
    - a. The off-site parking facility is within a reasonable walking distance of said structure or use, in consideration of the use.
    - b. Such parking facility is located in a zoning district where such parking facilities are allowed as a permitted use.
    - c. A written commitment shall be agreed to and signed by all applicable property owners and shall be recorded by the owners with the County Recorder, and a copy filed with the planning department.
  4. Development in the Airport zone must comply with Chapter X.
- H. **Repair Services, Drop-off**
  1. Development in the Airport zone must comply with Chapter X.
- I. **Repair Services, Off-site.**<sup>103</sup> The following conditions apply in all rural or residential zones where the use is conditional:
  1. Vehicles and associated equipment associated with the business must be stored indoors.
  2. No outside storage of materials.
  3. Development in the Airport zone must comply with Chapter X.
- J. **Taxidermist**<sup>104</sup>
  1. Must show proof of permit from the State of Indiana
  2. Burial of all organic matter must be done in accordance with State Code regulations
  3. Development in the Airport zone must comply with Chapter X.

## 810.8 Retail Use Regulations

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- A. **Applicability.** The following use regulations are for retail uses that are permitted per specific use standards (PS) and Conditional Uses (C) in the Permitted Use Table. These use regulations are in addition to the other use regulations that apply within this code.
- B. **Artisan Distillery**
  1. Development in the Airport zone must comply with Chapter X.
- C. **Auction House**
  1. Development in the Airport zone must comply with Chapter X.
- D. **Firearm Sales**<sup>105</sup>

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<sup>103</sup> New

<sup>104</sup> New

<sup>105</sup> New

1. In the Limited Business (LB) district, the retail store must have reduced hours of operation from 7AM-7PM. No firearms or ammunition shall be sold in any gun sales or gunsmith shops within 200 feet of any:
    - a. Public or parochial school for children in any grades from K through 12; or
    - b. Child care center.
  2. Development in the Airport zone must comply with Chapter X.
- E. Garden Center**
1. Only permitted on lots 5 acres or greater in the AG2.5 zoning district.
- F. Grocery Store**
1. The following conditions apply to the RC1, LB, and AP zones:<sup>106</sup>
    - a. Hours are limited to 8 AM to 10 PM.
    - b. Inventory must be comprised of at least 60% of fresh, canned, and prepared foods.
    - c. Grocery
    - d. Setback from property lines for the store and dumpster/trash compactors must be at least 75 feet from the property line. Parking must be screened as to avoid headlights shining into the public roadway or adjacent neighbors.
    - e. Development in the Airport zone must comply with Chapter X.
- G. Liquor Store**
1. Development in the Airport zone must comply with Chapter X.
- H. Manufactured Housing Sales**
1. Development in the Airport zone must comply with Chapter X.
- I. Microbrewery/ Brewpub standards in the LB and AP zones:**<sup>107</sup>
1. Hours must be limited to noon - 9:00 PM Mon-Thurs, and noon-10:00 PM Fri-Sun.
  2. There must be adequate parking lot access for truck deliveries as applicable, as well as customers.
  3. No outdoor storage is permitted.
  4. All production shall be within completely enclosed structures.
  5. All structures shall be setback a minimum of 200 feet from any residential zoning district or use.
  6. Exterior storage containers that hold materials or products associated with the brewing process must be located in the side or rear yard. Such facilities shall be subject to the maximum height restrictions of the zoning district they are located. No signage or identification may be located

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<sup>106</sup> New

<sup>107</sup> New

- J. Outdoor Retail and Display, Accessory<sup>108</sup>.** Temporary and permanent facilities for outdoor retail and display, that are accessory to another principal use, may be permitted upon compliance with the following:
1. The merchandise is displayed on the sidewalk or walkway adjacent to the building in the front yard.
  2. The merchandise is in the side or rear yard.
  3. The merchandise, if not located adjacent to the principal building, shall not be located more than 20 feet away from the principal building.
  4. The outdoor retail and display areas may not be more than 20 percent of the gross floor area of the building.
  5. The placement of merchandise shall not interfere with pedestrian movement on any sidewalk or walkway. A minimum of four feet of the sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.
  6. Fenced or screened outdoor retail or display areas must incorporate materials, architectural features, and fencing that complements the principal building.
- K. Pharmacy**
1. Development in the Airport zone must comply with Chapter X.
- L. Pharmacy, Drive-Through.**
1. Pharmacies with drive-throughs shall be limited to a maximum of two drive-through lanes. All drive through lanes shall be subject to the design standards in Chapter XXX.<sup>109</sup>
  2. Development in the Airport zone must comply with Chapter X.
- M. Restaurant, Café/Coffee Shop.<sup>110</sup>** Conditions for RC1 and LB zones include:
1. Size of storefront must not exceed 5,000 sq ft
  2. Site must have access to sewer
  3. Development in the Airport zone must comply with Chapter X.
- N. Restaurant, Drive-Through**
1. Restaurants with drive-throughs shall be limited to a maximum of two drive-through lanes. All drive through lanes shall be subject to the design standards in Chapter XXX.<sup>111</sup>
  2. Site must have access to sewer
  3. Development in the Airport zone must comply with Chapter X.
- O. Restaurant, Fast Casual**
1. Site must have access to sewer.

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<sup>108</sup> New standards

<sup>109</sup> New

<sup>110</sup> New

<sup>111</sup> New



2. Development in the Airport zone must comply with Chapter X.
- P. **Restaurant, Sit Down**<sup>112</sup>
  1. Site must have access to sewer
  2. Development in the Airport zone must comply with Chapter X.
- Q. **Retail Sales, includes drive-through**
  1. Retail stores with drive-throughs shall be limited to a maximum of two drive-through lanes. All drive through lanes shall be subject to the design standards in Chapter XXX.<sup>113</sup>
  2. Development in the Airport zone must comply with Chapter X.
- R. **Retail Sales, Big Box**
  1. Any outdoor storage proposed shall be screened with dense evergreen landscaping, or an opaque fence or wall to a height of at least six feet.
  2. Development in the Airport zone must comply with Chapter X.
- S. **Retail Sales, Large Scale**
  1. Any outdoor storage proposed shall be screened with dense evergreen landscaping, or an opaque fence or wall to a height of at least six feet.
  2. Development in the Airport zone must comply with Chapter X.
- T. **Retail Sales, Medium Scale**
  1. No outdoor storage
  2. Development in the Airport zone must comply with Chapter X.
- U. **Retail Sales, Small.**<sup>114</sup> In the UD and RC1 Zoning district, the use is permitted if:
  1. Use is designated on a Plan Commission approved subdivision plat
  2. No outdoor storage
- V. **Smoke Shop**<sup>115</sup>
  1. Smoke shops cannot operate within 500 feet of a school building, child care facility, or public Assembly use.
  2. Smoke shops cannot locate within 500 feet of another smoke shop.
  3. Smoke shops cannot operate between 10:00 PM and 8:00 AM.

## 810.9 Automotive and Transportation Service Use Regulations

- A. **Applicability.** The following use regulations are for automotive and transportation service uses that are permitted per specific use standards (PS) and Conditional Uses (C) in the Permitted Use Table. These use regulations are in addition to the other use regulations that apply within this code.

<sup>112</sup> New

<sup>113</sup> New

<sup>114</sup> New

<sup>115</sup> New – Also definition of “Smoke Shop” includes vape shop and cbd shop

- B. All Automotive and Transportation Service Uses.** All Automotive and Transportation Service Uses are prohibited in the area within 500 feet, measured perpendicularly from the nearest lane of traffic along State Route 37 or I69. This excludes S Old State Road 37, and N State Road 37 Business.
- C. Automobile/Boat Service and Repair, Major.<sup>116</sup>**
1. Outdoor storage areas shall not be visible from streets and/or adjacent properties. This condition does not apply when located in a Heavy Industrial (HI) District.
  2. Development in the Airport zone must comply with Chapter X.
- D. Automotive and Boat Service and Repair, Minor.<sup>117</sup>**
1. In the LB and AP zones, the following conditions apply:
    - a. Conducted inside a fully enclosed garage located on a parcel
    - b. Applies to passenger automobiles, boats, and trucks not in excess of 7,000 pounds gross weight.
    - c. No vehicle/boat may be stored beyond sixty days.
    - d. Vehicles/boats stored outdoors must be screened from view in all directions by an appropriate fence or similar enclosure.
    - e. Vehicles/boats intended for parts, engines, transmissions, and all similar items to be used in future repairs shall be stored indoors.
    - f. Development in the Airport zone must comply with Chapter X.
  2. This use is conditional in AG2.5 and FR5 and is subject to the following conditions:
    - a. Must include a residential use on the property.
    - b. Conducted inside a fully enclosed garage located on a parcel that meets or exceed minimum lot size for the district.
    - c. Applies to passenger automobiles, boats, and trucks not in excess of 7,000 pounds gross weight.
    - d. No more than five vehicles/boats shall be stored outside on the premises.
    - e. No vehicle/boat may be stored beyond sixty days.
    - f. Vehicles/boats stored outdoors must be screened from view in all directions by an appropriate fence or similar enclosure.
    - g. Vehicles/boats intended for parts, engines, transmissions, and all similar items to be used in future repairs shall be stored indoors.
    - h. The use shall not include more than two off-site employees, shall utilize either the principal structure or one accessory structure.
  3. Development in the Airport zone must comply with Chapter X.

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<sup>116</sup> New subsection

<sup>117</sup> Combined Automotive and Boat service and repairs

**E. Automotive Sales and Rental.**

1. A principal building is required.
2. No auctions shall be permitted on the lot.
3. No outdoor speaker systems shall be permitted for uses that are located less than 200 feet from any residential district or use.
4. Automotive repair and service must be performed inside the same building as the new car sales or rental area.
5. Development in the Airport zone must comply with Chapter X.

**F. Automobile Storage Facility (Impound Lot)**

1. Processing of metal salvage shall be permitted only in the HI District. All other waste processing shall take place only within an enclosed building. No processing operation shall be permitted closer than 300 feet from any residential use or district.
2. All outdoor storage shall be conducted entirely within an enclosed opaque fence or wall designed to obscure the view from the road and from adjacent properties. Such wall or fence shall be constructed on or inside the front, side, and rear setback lines required within the zoning district and shall be constructed in such a manner that no outdoor storage or salvage operations shall be visible from an adjacent property, street, or highway. Storage, either temporary or permanent, between such fence or wall and any property line is expressly forbidden.
3. Front, side, and rear yards shall be landscaped to the Board's satisfaction with appropriate materials. At a minimum such landscaping shall include a D-value 1.5 times that of which is required in the zoning district.
4. A maximum of one access driveway shall be permitted on any single street frontage.
5. Development in the Airport zone must comply with Chapter X.

**G. Automotive Salvage**

1. Automotive salvage uses shall not be permitted within 300 feet of any Residential Zoning District.
2. All waste processing shall be conducted completely within an enclosed building.
3. All outdoor storage shall be conducted entirely within an enclosed opaque fence or wall designed to obscure the view from the road and from adjacent properties. Such wall or fence shall be constructed on or inside the front, side, and rear setback lines required within the zoning district and shall be constructed in such a manner that no outdoor storage or salvage operations shall be visible from an adjacent property or rights-of-way.
4. Storage, either temporary or permanent, between such fence and property line is expressly forbidden.
5. Development in the Airport zone must comply with Chapter X.

**H. Car Wash**

1. Stand-alone vacuum and air filling stations shall be located in the side or rear yard.
2. All drive through lanes shall be subject to the design standards in Chapter XXX.

3. Site must have access to sewer.<sup>118</sup>

4. Development in the Airport zone must comply with Chapter X.

**I. Electric Vehicle Charging Station**

1. Development in the Airport zone must comply with Chapter X.

**J. Fueling Station<sup>119</sup>**

1. Fueling areas for automobiles and fueling areas for trucks must be separated.

2. Pump island canopies may not exceed 22 feet in height.

3. All outdoor display areas, gasoline pumps, canopies, and any buildings used for service, repair, work, or washing shall be located a minimum of 100 feet from any Residential Zoning District.

4. Stand-alone vacuum and air filling stations shall be located to the side or rear of the gas canopy.

5. A minimum of two stacking spaces is required for each pump.

6. Development in the Airport zone must comply with Chapter X.

7. Site shall conform to the Karst regulations found in Chapter 829.

**K. RV/Boat Storage<sup>120</sup>**

1. All outdoor storage must be screened on all sides by an opaque fence and landscaping that complies with this Ordinance.

2. The required principal building setbacks shall be applied to all boats stored outside.

3. The retail sales of merchandise, and/or boat repair services shall be prohibited.

4. Must have a 200 foot setback from adjacent rural or residential zone.

5. Development in the Airport zone must comply with Chapter X.

**L. Transfer or Storage Terminal**

1. Outdoor storage areas shall not be visible from streets and/or adjacent properties. This condition does not apply when located in a Heavy Industrial (HI) District.

2. Development in the Airport zone must comply with Chapter X.

**M. Truck Stop/Travel Plaza. The standards of this section apply to all truck stops and travel plazas.**

1. The minimum parcel area for establishment of a new truck stop or travel plaza is ten acres with at least two hundred (200) feet of direct road frontage on a major collector. Dedicated left-turn and/or right-turn lanes must either exist or be constructed by the Developer. All access drives shall be oriented toward the major collector.

2. Location

<sup>118</sup> New

<sup>119</sup> New 3 and 4

<sup>120</sup> New subsection

- a. The parcel on which the truck stop/travel plaza is located must be within 2,000 feet of the centerline of the nearest interstate highway exit/entry ramp.
  - b. The major collector serving the truck stop/travel plaza shall handle any expected traffic and load increase with no more than minor traffic disruptions to adjoining or nearby (within one (1) mile) properties and no significant additional wear and tear on the roadway.
  - c. No more than one truck stop shall have primary access from any interstate highway interchange.
  - d. The minimum distance between truck stops shall be 7,000 feet measured from property line to property line.
3. Fueling areas for automobiles and fueling areas for trucks must be separated. Pump island canopies may not exceed 22 feet in height.
4. All vehicle service and/or repair activities must be conducted within a completely enclosed building. Parts, equipment, lubricants, fuels, tires or other materials must be screened from abutting streets and property. In addition, no vehicle shall be parked on the premises for the purposes of offering the vehicle for sale and no used or discarded automotive parts or equipment or disabled, junked, or wrecked vehicles shall be located in any open area. All activities and operations shall be conducted entirely within an enclosed structure, except as follows:
  - a. The dispensing of petroleum products, water, and air from pump islands.
  - b. The provision of emergency service of a minor nature.
5. If the parcel on which the truck stop/travel plaza is located is within 1,320 feet of a Rural or Residential zoning district, the applicant must provide a noise impact study prepared by a qualified acoustical consultant and must propose necessary mitigation measures to ensure that noise levels at the boundary of the nearest Rural or Residential zoning districts will not exceed 60 dB (A) between the hours of 10 p.m. and 7 a.m. The applicant must also propose idling time restrictions and means of ensuring compliance with such restrictions. The purpose of such restrictions is to reduce noise and air quality-related impacts. Noise from bells or loudspeakers shall not be audible beyond the property line at any time.
6. Overnight parking is not allowed unless Electrified parking spaces (EPS), also known as truck stop electrification, is installed for each overnight space to allow truck drivers to provide power to necessary systems, such as heating, air conditioning, or appliances, without idling the engine.
7. A plan must be submitted showing how the truck stop/travel plaza is designed to prevent any spill from the facility or from vehicles utilizing the facility from contaminating soil or migrating off-site. The facility shall fully comply with all Federal and State regulations regarding the reporting and containment of spills and releases of petroleum and hazardous substances. The following spills must be reported to the Planning Department within 12 hours of occurrence:

- a. Greater than 100 lbs. or the CERCLA Reportable Quantity (RQ) of a hazardous material; Petroleum spills of greater than 55-gallons; or
  - b. Spills of “objectionable substances” – defined as, substances of a quantity and type that are present in sufficient duration and location to damage the waters of the state.
- 8. Site must have access to sewer
  - 9. Development in the Airport zone must comply with Chapter X.

**N. Trucking Terminal**

- 1. In the LI and AP districts, the following conditions apply:
  - a. Trucking terminals may only be used for straight trucks, dump trucks, charter buses, and emergency vehicles. Tractors and semi-trailers are not permitted.
  - b. The minimum parcel area for establishment of a new trucking terminal is two (2) acres with at least one hundred (100) feet of direct public road frontage;
  - c. The public road serving the trucking terminal shall handle any expected traffic and load increase as determined by the County Highway Department.
  - d. All vehicle service and/or repair activities must be conducted within a completely enclosed building. All activities and operations shall be conducted entirely within an enclosed structure, except as follows:
    - i. The dispensing of petroleum products, water and air.
    - ii. The provision of emergency service of a minor nature.
  - e. A plan must be submitted showing how the trucking terminal designed to prevent any spill from the facility or from vehicles utilizing the facility from contaminating soil or migrating off-site.
  - f. Site shall be screened with landscaping, or an opaque fence or wall to a height of at least six (6) feet.
  - g. The Board of Appeals may require design changes or additional landscaping, screening, and berms as necessary to minimize impact, for example and without limitation, of noise, odor, dust, and visual appearance of the trucking terminal on adjacent properties.
  - h. Development in the Airport zone must comply with Chapter X.

## **810.10 Amusement and Recreational Service Use Regulations**

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- A. **Applicability.** The following use regulations are for amusement and recreational uses that are permitted per specific use standards (PS) and Conditional Uses (C) in the Permitted Use Table. These use regulations are in addition to the other use regulations that apply within this code.
- B. **Amphitheater**
  - 1. The site shall have direct access to a street classified arterial or collector.
  - 2. All activities on-site shall be screened with landscaping or opaque fencing to a height of not less than eight feet.



3. Sales of refreshments shall be limited to the operational hours of the theater.
  4. Loading space for patrons waiting for admission to the theater shall be equal to 20 percent of the capacity of the theater. All entrances and exits shall be separated, and internal circulation shall be laid out to provide one-way traffic.
  5. No central loudspeakers shall be permitted.
  6. Requires a minimum site area of 5 acres.
- C. Campground, Commercial**
1. Commercial camping facilities shall be conditionally permitted subject to the Conditional Use Requirements of Section XXX and provided that the applicant submits proof of licensing by the State Board of Health and proof of compliance with all applicable standards set forth in 410 IAC 6-7.1.
  2. Development in the Airport zone must comply with Chapter X.
- D. Campground, Primitive**
1. Primitive camping facilities shall be permitted provided that the applicant submits proof of licensing by the State Board of Health and proof of compliance with all applicable standards set forth in 410 IAC 6-7.1.
  2. Development in the Airport zone must comply with Chapter X.
- E. Fitness Center**
1. Development in the Airport zone must comply with Chapter X.
- F. Golf Course<sup>121</sup>**
1. Requires a minimum of 65 acres
  2. Development in the Airport zone must comply with Chapter X.
- G. Indoor Shooting Range**
1. All Aspects of the use shall be conducted indoors.
  2. The operator shall have and submit all applicable state and federal licenses.
  3. The sale of guns and/or repair of smithing of guns is permitted as an accessory use.
  4. Lead shall be disposed of in a matter which complies with all federal, state, and local regulations.
  5. Noise shall be not audible at the property line.
  6. Development in the Airport zone must comply with Chapter X.
- H. Racetrack**
1. Development in the Airport zone must comply with Chapter X.
- I. Recreation Facility, Private**
1. Access to site should be located on an arterial, collector streets. If located off of a local road, access to site shall not be through a residential neighborhood; and

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<sup>121</sup> New subsection

2. The design of structure and site, hours of operation, and intensity of use, shall be compatible with the surrounding area.

3. Development in the Airport zone must comply with Chapter X.

**J. Recreational Vehicle (RV) Park<sup>122</sup>**

1. Must have access to sewer.
2. Development in the Airport zone must comply with Chapter X.

**K. Rodeo and other Transient Amusement Enterprises**

1. The site must have direct access to an arterial road as identified on the functional street classification map. In addition to the required setbacks from the streets and highways, all yards shall be planted and maintained as a landscaped strip.
2. Cars parked in the viewing area shall be screened on all sides by a wall, fence, or densely planted evergreen hedge not less than six feet in height.
3. Loading space for patrons waiting for admission to the theater shall be equal to 20 percent of the capacity of the theater. All entrances and exits shall be separated, and internal circulation shall be laid out to provide one-way traffic.
4. Sale of refreshments shall be limited to patrons of the theater. Amusement parks or kiddy lands shall be accessible only to patrons of the theater.
5. All parking areas and access ways shall be adequately lighted; provided, however, that such lighting shall be shielded to prevent any glare or reflection onto a public street or onto neighboring properties.
6. No central loudspeakers shall be permitted.
7. Development in the Airport zone must comply with Chapter X.

**L. Theaters, Indoor**

1. Development in the Airport zone must comply with Chapter X.

**M. Theaters, Outdoors<sup>123</sup>**

1. The site shall have direct access to a street classified arterial.
2. All activities on-site shall be screened with landscaping or opaque fencing to a height of not less than eight feet.
3. The theater viewing screen shall not be visible from any public street within 1,500 feet of the screen.
4. Stacking vehicle spaces for patrons waiting for admission shall be equal to twenty (20) percent of the capacity of the theater.
5. Sales of refreshments shall be limited to the operational hours of the theater.
6. No central loudspeakers shall be permitted.

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<sup>122</sup> New subsection

<sup>123</sup> 7 and 8 are new

7. Requires 5 acres

## **810.11 Manufacturing, Mining, Construction, and Industrial Use Regulations**

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### **A. Accessory Outdoor Storage, Industrial**

1. All storage of materials shall be indoors in the LI Zoning Districts, unless specifically approved on a Site Plan.
2. In the HI Zoning District, outdoor storage areas shall not be visible from any rights-of-way and/or adjacent properties. This condition does not apply to heavy machinery sales, welding, wood products, and automotive and boat repair.

### **B. Accessory Rural General Contractor**

1. Site must have a minimum lot size of two and a half (2.5) acres.<sup>124</sup>
2. Site must have direct access to a public roadway. The use is prohibited on lots that have sole access through a shared easement<sup>125</sup>.
3. Presence of a primary residence on the property is required. Business owner/operator must record an affidavit and commitment stating they will reside on the property full-time.
4. Employees of the business living off-site may park at the residential location provided there is sufficient off-street parking to fully accommodate the employees and that they meet a parking setback of 50 feet. The number of employees who live off-site is limited to five total;
5. No retail is permitted at the residential site;
6. Any building used in connection with the general contractor use shall be located at least 35' from rear and side property lines.
7. No permanent advertising signs are permitted at the residential property;
8. Hours of operation shall be between 7:00 AM - 7:00 PM.
9. Any storage of vehicles or materials used for the general contracting business must be stored indoors or screened on all sides by an appropriate fence or appropriate plantings. If screened, the following standards must be followed:
10. A minimum of six foot opaque fence or landscaping that meets the interior tree requirement must immediately surround around the entire storage area meeting the 'Type D' bufferyard type in Chapter 830. The screening must capture the entirety of items stored and staff has the final determination as to whether fencing or landscaping is more appropriate depending on items stored.
11. Outdoor storage of vehicles must be limited to five or less. The types of vehicles must be included on the application and not exceed the County's definition of 'heavy equipment', which is defined as 'Motorized equipment having a gross weight of more than six tons.'
12. No outdoor storage area may exceed 100' x 100' and must be located within buildable area per Chapter 804.

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<sup>124</sup> Propose changing from 5 acres to 2.5 acres since that is the minimum lot size for AG2.5 and CR2.5

<sup>125</sup> New

13. Outdoor storage may not include greenfill waste

**C. Cement, Paving, Central Mixing, Rock Crushing**

1. Applicant shall submit data that details the anticipated impacts of the proposed use which quantifies at a minimum the potential impacts in terms of vibration, traffic loading. Noise, dust, and discharges to the air, ground, water, or surface water. This data shall be presented to the Board at the time of application.
2. The Board may require mitigation measures such as the enclosure of plan and silos, arrangement of structures, limitations on the hours of operation, limits on the location of exterior lighting, required haul routes, and other similar factors. Such conditions shall be as means of reducing anticipated impacts of the proposed use.
3. The Board may require post-construction testing, inspection, and reporting at appropriate times and intervals to insure ongoing compliance with any commitments made by the applicant and any required mitigation measures.

**D. Commercial Print Shop**

1. Development in the Airport zone must comply with Chapter X.

**E. Construction Trailer and Equipment Rental<sup>126</sup>**

1. Development in the Airport zone must comply with Chapter X.

**F. Cut Stone and Stone Products**

1. Development in the Airport zone must comply with Chapter X.

**G. Food Processing and Packaging**

1. Development in the Airport zone must comply with Chapter X.

**H. General Contractor**

1. Development in the Airport zone must comply with Chapter X.

**I. Industrial Equipment Sales and Rental**

1. Development in the Airport zone must comply with Chapter X.

**J. Industrial Manufacturing, Heavy<sup>127</sup>**

1. Site must have access to sewer

**K. Industrial Manufacturing, Light**

1. Development in the Airport zone must comply with Chapter X.

**L. Mineral Extraction.** Mineral Extraction activities are permitted subject to the following provisions:

1. Mining operations shall not be conducted on parcels located within residential Districts or Urban Area.

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<sup>126</sup> New subsection

<sup>127</sup> New subsection

2. The applicant shall state to the Planning Director the course of travel to be followed by vehicles transporting minerals. In the event the course of travel contemplates that the vehicles will process over county roads, then the applicant shall post bond in favor of the county in an amount established by the Plan Commission for the purpose of repairing damage and/or wear to county roads resulting from the use of the roads by the vehicles.
  3. The mining site shall be sprinkled, or other measures shall be taken as deemed appropriate by the Planning Director, to prevent dust and other particles, from polluting the atmosphere because of the mining operations and as a result of transporting minerals.
  4. Vehicles transporting minerals shall be loaded so that the minerals shall not spill from the vehicles to road surfaces.
- M. Research Laboratories**
1. Development in the Airport zone must comply with Chapter X.
- N. Sawmill**
1. Development in the Airport zone must comply with Chapter X.
- O. Small Engine and Motor Repair**
1. Development in the Airport zone must comply with Chapter X.
- P. Warehouse and Distribution**
1. Development in the Airport zone must comply with Chapter X.

## 810.12 Mixed Uses and Adaptive Reuse

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- A. Applicability.** The following use regulations are for mixed uses and adaptive reuse developments that are permitted per specific use standards (PS) and Conditional Uses (C) in the Permitted Use Table. These use regulations are in addition to the other use regulations that apply within this code.
- B. Adaptive Reuse.** Adaptive Reuse sites may be further developed and used as follows and subject to the following conditions.
1. Additional buildings and structures may be constructed or placed on the site;
  2. Multiple uses may be established in the existing and new buildings and structures;
  3. All uses established must be permitted uses in the zone district;
  4. Sewer service must be present and available to serve the site;
  5. Building Department review and approval for change of use and occupancy;
  6. Sidewalks shall be included within the dedicated, unpaved portions of the rights-of-way; Additionally, the Plan Commission may approve an alternate circulation plan, outside of the right-of-way, if sidewalk and/or access easement(for sidewalks, bike paths, public access, private access, etc. ) locations are available;

7. At least one design upgrade from each of the below categories in Table 809.2 (landscaping and parking, aesthetics, and site design) is required. No more than one existing feature may be counted to fulfill these design upgrade requirements<sup>128</sup>.

**C. Airport/Related Business**

1. Allows for a mix of uses as long as each individual use is permitted or conditionally permitted in the zoning district;
2. If a commercial use is proposed as a principal use in the AP District, the applicant shall demonstrate that the proposed retail, restaurant, or business or consumer-oriented uses serve primarily the airport uses in the zoning district and/or their employees;
3. Individual retail enterprises shall be limited to a maximum floor area of 3,000 square feet.
4. Development in the Airport zone must comply with Chapter X.

**D. Commercial/Industrial Adaptive Reuse<sup>129</sup>**

1. Site plan approval required by the Plan Commission
2. Additional buildings and structures may be constructed or placed on the site;
3. Multiple uses may be established in the existing and new buildings and structures;
4. All uses established must be permitted uses in the zone district;
5. Sewer service must be present and available to serve the site;
6. Building Department review and approval for change of use and occupancy;
7. Sidewalks shall be included within the dedicated, unpaved portions of the rights-of-way; Additionally, the Plan Commission may approve an alternate circulation plan, outside of the right-of-way, if sidewalk and/or access easement (for sidewalks, bike paths, public access, private access, etc.) locations are available;
8. At least two of the following design upgrades are required. No more than two existing features may be counted to fulfill these design upgrade requirements:
  - a. Installation of parking lot landscape islands including trees and/or stormwater best management practice treatments;
  - b. Landscape enhancement and/or expansion along the street edge and/or site perimeter.
  - c. Implementation of stormwater best management practice treatments, under direction of the county stormwater utility;
  - d. Installation of a low masonry street wall or decorative fence treatment along the street edge;
  - e. Conversion of pole signs to monument sign(s);

<sup>128</sup> New table – previous code required 2 upgrades. This will require 3 upgrades – 1 from each column.

<sup>129</sup> New



- f. Façade enhancements such as roofline variations, decorative wall signs, canopy treatments, additional window transparency, exterior materials, additional or enhanced entrances;
- g. Provision of outdoor public use areas, such as plazas, patios, benches, etc.;
- h. Creation of a designated pedestrian way through a front parking lot from the public sidewalk to the main entrance;
- i. Aesthetic upgrades to parking lot or exterior building light fixtures (new fixtures must be hooded, shielded, downcast design);
- j. Surface upgrades to deteriorated parking areas where at least 50%<sup>130</sup> of parking surface requires upgrade; or, installation of permeable paver systems, porous asphalt, or porous concrete on newly developed areas or as replacement of existing pavement.
- k. Use definition is set forth in Chapter 802 of the Monroe County Zoning Ordinance for the Commercial /Industrial Adaptive Reuse.

**E. Dwelling, Live/Work<sup>131</sup>**

- 1. The residential unit shall be located above or behind the non-residential areas of the structure.
- 2. The residential living space shall be occupied by the owner of the commercial or manufacturing activity or the owner's employee, including that person's household.
- 3. The resident owner or employee is responsible for the commercial or manufacturing activity performed.
- 4. The commercial activity area shall not exceed 50 percent of the gross floor area of the unit.
- 5. Signs are limited to not more than two internally illuminated wall or window signs not exceeding 10 square feet in total area.
- 6. All work associated with the commercial activity shall be conducted indoors and no outside storage of materials shall be permitted.
- 7. The work activities shall not adversely impact the public health, safety, or welfare of adjacent properties.
- 8. Only permitted on lots with access to sewer.

**F. Fairgrounds, Public**

- 1. Allows for multiple uses on the site as long as it is permitted or conditional in the zoning district.
- 2. Development in the Airport zone must comply with Chapter X.

**G. Historic Adaptive Reuse**

- 1. Property shall have been designated Historic or have filed a petition for Historic designation at the time of the application for a conditional use permit;

<sup>130</sup> Changed from 25% to 50%

<sup>131</sup> New use and standards – standards inspired by Bloomington's for consistency purposes

2. Proposed use shall not diminish the historic character of the property or, if it is located within an historic district, the historic character of said district;
3. Proposed use shall enhance the ability to restore and/or preserve the property; and
4. The granting of the conditional use permit shall be contingent upon any required Certificate of Appropriateness and upon the granting of Historic designation.
5. Proposed use must not lead to more than one principle use on the property.
6. Utility facilities must adequately serve the proposed use.
7. Development in the Airport zone must comply with Chapter X.

#### H. Mixed Use, Commercial

1. Sewer service must be present and available to serve the site.
2. Mixed use commercial buildings are permitted as long as all the uses within the mixed use building are permitted in that zoning district.
3. Development in the Airport zone must comply with Chapter X.

**Table 810.3: Adaptive Reuse Design Upgrade Options**

Landscaping and Parking Items	Aesthetic Items	Site Design Items
<ol style="list-style-type: none"> <li>1. Installation of parking lot landscape islands including trees and/or stormwater best management practice treatments.</li> <li>2. Landscape enhancement and/or expansion along the street edge and/or site perimeter.</li> <li>3. Surface upgrades to deteriorated parking areas where at least 25% of parking surface requires upgrade; or installation of permeable paver systems, porous Asphalt, or porous concrete on newly developed areas or as replacement of existing pavement.</li> </ol>	<ol style="list-style-type: none"> <li>1. Façade enhancements such as roofline variations, decorative wall signs, canopy treatments, additional window transparency, exterior materials, additional or enhanced entrances.</li> <li>2. Conversion of pole signs to monument signs.</li> <li>3. Aesthetic upgrades to parking lot or exterior building light fixtures (new fixtures must be hooded, shielded, downcast design).</li> </ol>	<ol style="list-style-type: none"> <li>1. Implementation of stormwater best management practice treatments, under direction of the county stormwater utility.</li> <li>2. Installation of a low masonry street wall or decorative fence treatment along the street edge.</li> <li>3. Provision of outdoor public use areas, such as plazas, patios, benches, etc.</li> <li>4. Creation of a designated pedestrian way through a front parking lot from the public sidewalk to the main entrance</li> </ol>

# Definitions

## 842. DEFINED WORDS

### 842.1 Usage

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- A. Unless otherwise specifically provided, or unless clearly required by the context:**
  - 1.** Words and phrases that are defined in this chapter shall be given their defined meaning when used in this ordinance.
  - 2.** Words and phrases that are not defined in this chapter but that are defined in other chapters of this ordinance, or in the Subdivision Control Ordinance, or in the Monroe County Code, shall be given their defined meanings when used in this chapter.
  - 3.** Technical words and phrases that are not defined in this chapter, or in other chapters of this ordinance, or in the Subdivision Control Ordinance, or in the Monroe County Code, but that have established and appropriate meanings in law shall be given such meanings when used in this chapter.
  - 4.** Words and phrases that are not otherwise specifically defined shall be taken in their plain, ordinary, and usual sense.
- B.** Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations;" the word "regulations" means "these regulations."
- C.** A "person" includes a governmental entity, a corporation, a partnership, and an incorporated Association of persons such as a club as well as an individual; "shall" is always mandatory; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

## 842.2 Definitions

The following definitions generally apply to the provisions of this ordinance. However, Chapter 808: XXX of this ordinance contain specific definitions which apply to certain terms that are used primarily in that chapter.

### A

**AASHTO:** American Association of State Highway and Transportation Officials.

**Abandon:** To intentionally, permanently, and completely, cease all business activity associated with a wireless support structure.

**Abrasive Products:** Establishments primarily engaged in manufacturing abrasive grinding wheels of natural or synthetic materials, and other abrasive products, such as scouring pads, sandpaper, steel wool, and so forth.

**Access Easement:** A private way which provides access to Lots, tracts, or parcels of land and which meets the minimum standards set for in these regulations.

**Accessory Apartment:** A separate and complete dwelling unit contained within the structure of a single dwelling unit and containing only one bedroom.

**Accessory Building or Structure:** A subordinate building or structure customarily incidental to and located on the same lot with the principal building.

**Accessory Dwelling Units:** A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure. Includes temporary dwellings.

**Accessory Equipment:** Any equipment serving or being used in conjunction with a wireless communications wireless support structure or facility. Accessory equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, guy wires, equipment buildings, cabinets and storage sheds, shelters, or other structures.

**Accessory Livestock, Non-Farm Animals:** Keeping domestic livestock, or poultry for personal use in a manner that is customarily accessory and clearly incidental and subordinate to the principal rural residential uses on the same lot.

### Accessory Rural General Contractor

**Accessory Use:** A customarily accessory, and clearly incidental and subordinate use, to a principal use located on the same lot. The Planning Director has the discretion to determine whether a use is accessory or a principal use based on the information presented<sup>260</sup>.

**Adaptive Reuse:** The reuse of a site or building for a use other than for which it was originally built, purposed, or designed.

**Accessory Solar Panel:** Includes free-standing solar panels and roof-mounted solar panels. Accessory means not to be for the primary purpose of creating energy and supplying the energy back to the grid. In addition, a principal use must exist on the property for the accessory solar panel use to be utilized.

<sup>260</sup> Updated definition and removed redundancy by not having multiple accessory use definitions for different use types.

**Addition** (to an existing structure): Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

**Adjoining:**

**Administrative Approval:** The zoning approval that the Administrator or the Administrator's designee, without a public hearing.

**Administrative Review:** The non-discretionary evaluation of an application by the Administrator or designee, without a public hearing.

**Administrative Subdivision:**

**Administrator:** The officer appointed by and/or delegated the responsibility for the administration of these regulations by the Commission. This term shall be construed to include those planning staff members working under the direction of the Director pursuant to an in accordance with **Monroe County Code Chapter 824**.

**Adult Oriented Business Definitions**

- A. **Adult arcade:** An establishment where, for any form of consideration, arcade booths are provided and are regularly used to show, view, play, or display adult media.
- B. **Adult cabaret:** A nightclub, bar, restaurant, or similar commercial establishment, whether or not alcohol beverages are served, which regularly features persons who appear in a state of semi- nudity.
- C. **Adult media:** Media that are distinguished or characterized by their emphasis on specified sexual activities or specified anatomical areas.
- D. **Adult oriented business, off-site:** Any adult oriented business establishment that sells adult media or adult merchandise, exclusively for off-site use. Off-site adult oriented businesses offer no on-site entertainment of any sort.
- E. **Adult media store:** An establishment that rents and/or sells adult media, and that meets any of the following three tests:
  - 1. Ten percent or more of the gross public floor area is devoted to adult media; or,
  - 2. Ten percent 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 a purveyor of adult media.
- F. **Adult motel:** A motel, hotel, or similar commercial establishment which:
  - 1. Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction of specified sexual activities or specified anatomical areas and which advertises the availability of this adult oriented type of material by means of any off-premises advertising including, but not limited to, signs, newspaper, magazines, pamphlets, leaflets, radio, television, or the internet;
  - 2. Offers a sleeping room for rent for a period of time less than 10 hours; or

3. Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than 10 hours.
- G. **Adult motion picture theater:** A commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.
- H. **Adult oriented business, off-site:** Any adult oriented business establishment that sells adult media or adult merchandise, exclusively for off-site use. Off-site adult oriented businesses offer no on-site entertainment of any sort.
- I. **Adult oriented business, on-site:** Any adult oriented business establishment that offers on-site entertainment of any sort, including but not limited to the following: adult theater, adult cabaret, adult arcade, adult motel, adult motion picture theater, or sexual encounter establishment.
- J. **Adult oriented goods, toys, or novelties (merchandise):** Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts or designed or marketed primarily for use to stimulate human genital organs, or for use in specified sexual activities or sadomasochistic practices.
- K. **Adult retail store:** An establishment offering goods for sale or rent and that meets any of the following tests: (1) more than 10% of its stock in trade or more than 10% of its gross public floor area are devoted to the display or storage of leather goods that are marketed or presented in a context to suggest their use for sadomasochistic practices; (2) more than 5% of its stock in or, more than 5% of its gross public floor area is devoted to the display of other adult oriented goods, toys, or novelties.
- L. **Adult theater:** A theater, concert hall, auditorium, or similar commercial establishment, which, for any form of consideration, regularly features persons who appear in a state of semi-nudity or live performances which are characterized by the exhibition or exposure of specified sexual activities or specified anatomical areas.
- M. **Arcade booth:** Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat five or fewer patrons and that is used to show, view, play, or display media for patrons therein. A video-viewing booth shall not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains more than 600 square feet in floor area.
- N. **Display publicly:** The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen, and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than adult media are on display to the public.
- O. **Escort:** A person who, for any form of consideration, agrees or offers to act as a companion or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- P. **Escort agency:** An establishment who furnishes, offers to furnish, or advertises to furnish escorts as one of its business purposes for a fee, tip, or other consideration.



- Q. Establishment:** Any business regulated by Chapter 802 of the Monroe County Zoning Ordinance and/or Chapter 837 of the Monroe County Code.
- R. Gross public floor area:** The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind- counter areas, storage areas visible from such other areas, restrooms (whether or not labeled public), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, lobbies, and entryways serving such areas.
- S. Historic district:** Any area in any political subdivision of the State of Indiana designated as a historic district pursuant to the zoning or historic preservation ordinances applicable within the subdivision.
- T. 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 smaller than 600 square feet.
- U. Massage parlor:** Any establishment where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as a part of or in connection with specified sexual activities, or where any person providing such treatment, manipulation, or service related thereto exposes his or her specified anatomical areas.
- V. Media:** Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not be limited to books, newspapers, magazines, movies, videos, sound recordings, CD-ROMs, other magnetic media, and undeveloped pictures.
- W. Nude:** The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of covered male genitals in a discernibly turgid state.
- X. Nude or semi-nude model studio:** Any establishment where a person, who regularly appears in a state of semi-nudity, is provided for money or any form of consideration, to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons, excluding those facilities created for educational or artistic purposes.
- Y. Sadomasochistic practices:** Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one clothed or naked.
- Z. Semi-nude:** The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the male or female buttocks. Such definition includes the lower portion of the human female breast but shall not include any portion of the cleavage of the female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

- AA. Sexual encounter establishment:** A business or commercial establishment that, as one of its primary business purposes, offers, for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purposes of specified sexual activities when one or more of the persons is semi-nude. The definition of Adult Oriented Business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.
- BB. Specified anatomical areas:**
1. 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.
- CC. Specified sexual activities:** Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
- DD. Stock in trade:** Stock in trade shall be the number of items in stock in the sales and display area at the time of a site inspection. The number of adult oriented items shall be calculated as a percentage of total items.

**Advisory Plan Commission:** A Plan Commission serving a single local government jurisdiction established as defined under the Indiana Code §36-7-4-102, as amended.

**Agency:** See Public Agency.

**Agribusiness:** A commercial or manufacturing establishment which provides needed services or supplies for agricultural production.

**Agricultural Buildings:** Structures that store agricultural equipment, agricultural materials, or livestock.

**Agricultural Conservation Practices:** Practices that are constructed on agricultural land for the purposes of controlling soil erosion and sedimentation. These practices include grass waterways, sediment basins, terraces, and grade stabilization structures.

**Agricultural Land Disturbing Activity:** Tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tiles.

**Agricultural Sale Barn:** A facility where a livestock auction market is conducted and may include agricultural products or equipment sold on a consignment basis.

**Agricultural Event Center.**

**Agricultural Supply:** An establishment involved in the retail sale of animal feeds, fertilizers, pesticides, seeds and other farm supplies, and non-mechanized equipment.

**Agriculture, Intensive:** The use of land for the purpose of utilizing the property for a feeding operation. If the use of the property is within 25% of the Indiana Department of Environmental Management's definition of Confined Feeding Operation (CFO) or Concentrated Animal Feeding Operation (CAFO).

**Agriculture-Related Commerce:** Includes “Agricultural Sale Barn”, “Christmas Tree Farm”, and “Pick-your-own operation”.

**Agriculture, Traditional Use:** Includes row crops, pasturage for animals (does not include intensive agriculture), orchards, Christmas tree farms. Direct-farm marketing permitted as an accessory use. A use involving the science and art of the production of plants and animals including to an incidental extent the preparation of these products for human use and their disposal by marketing or otherwise. This use may include, but is not limited to, farming (including plowing, tillage, cropping, livestock, and installation of best management practices, seeding, or cultivating), harvesting for the production of food and fibers (except commercial logging and timber harvesting), horticulture, forestry, dairying, sugar making, aquaculture, viticulture, poultry, and exotic animals. Includes the following:

- A. **Agricultural Uses, Land Animal Related:** Agricultural activities involving the production of animals and the preparation of products for human use, including dairying, poultry, livestock, or other such operations, but excluding meat processing and packaging operations.
- B. **Agricultural Uses, Non-Animal Related:** Agricultural and farming activities involving the production and preparation of plants for human use, including horticulture, nurseries, forestry, sugar making, viticulture, grains and seed crops, fruits and vegetables of all kinds, greenhouse applications, and lands devoted to soil conservation and forestry management; all such uses exclude the processing and packaging of plants as food stuffs, with the exception of viticulture operations and small-scale marketing of processed fruit products, as in fruit markets.
- C. **Christmas Tree Farm:** An agricultural use involving the raising or harvesting of Christmas trees for sale on-site or transport to market.
- D. **Commercial Non-Farm Animals:** Animal production for human use, not including animals for agricultural use as listed above, but including animals for commercial production, such as bees and apiary products, fur animals, and exotic animals.
- E. **Grain Elevator:** A building for buying, selling, storing, discharging, and sometimes processing grain.
- F. **Horse farm:** A building or structure and/or land whose operator keeps equines primarily for breeding.
- G. **Orchard:** A group of fruit or nut trees grown and cultivated for the sale of harvested produce.
- H. **Stockyard:** A place where livestock is assembled and at which place facilities are maintained for the handling of such livestock either for purchase or sale at competitive bidding, or purchase by the owners operating the stockyards and such places shall be deemed to include concentration points where livestock is assembled for the purpose of redistribution or resale by means other than competitive bidding, but such places shall not be deemed to include sale barns.

**Agritourism/Agritainment:** Farming-related activities offered on a working farm or other agricultural setting for entertainment or educational purposes.

**Air Cargo and Package Service:** An establishment primarily engaged in the hauling and delivery of cargo and packages between persons, companies, and corporations, while acting a distinct party to the transaction.

**Aircraft Charter Service:** An establishment primarily engaged in the private transportation of passengers and cargo, usually performed under private contract with a person, group of persons, or private company or corporation.

**Airport:** A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers. Monroe County Airport.

**Airport/Related Business:** Commercial uses that service the airport, including uses such as barber shop, retail sales, restaurants, etc.

**Airport Elevation:** means the established elevation of the highest point on the usable landing area.

**Airport Hazard:** means any structure, tree or use of land that obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking-off at the airport.

**Airport Reference Point:** means the point established as the approximate geographic center of the airport landing area and so designated.

**Airport Transportation Service:** An establishment primarily engaged in the transportation of passengers, luggage, and other small cargo from and to airports.

**Alley:** A public or private vehicular right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street. A public or private right-of-way primarily designed to provide secondary access to the side or rear of those properties which have principal frontage and/or access on a street.

**Altered Sinkhole:** A sinkhole which has been filled, excavated, or otherwise disturbed.

**American National Standards Institute (ANSI):** A private organization that develops widely accepted standards for many pieces of modern technological equipment, or its successor bodies.

**Amphitheater:** An open air structure devoted primarily to the showing of theatrical or musical productions, with the provision of seating areas for patrons. These uses frequently include refreshment stands.

**Amplitude:** The maximum displacement of the earth from the normal rest position. Displacement is usually reported as inches per mils.

**Amusement Establishment:** Any establishment where the use of amusement devices for compensation exceeds fifty (50) percent of the establishment's activities.

**Amusements, Outdoor:** Outdoor commercial recreational activities including, but not limited to, miniature golf, bungee jumping, or amusement parks. This definition does not include any activities offered by the public sector in a park or playground.

**Animal:** Any live, non-human vertebrate creature, domestic or wild.

**Antenna:** Any communications equipment that transmits or receives electromagnetic radio signals used in the provision of wireless communications service.

**Antenna Array:** One or more whips, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure as defined in this chapter.

**Apartment:** A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a single housekeeping unit, complete with kitchen, bedroom, and bathroom facilities.

This use encompasses any residential development that includes more than 10 dwelling units on an individual lot.

**Apparel:** An establishment primarily engaged in manufacturing clothing and clothing accessories.

**Appliance Assembly:** An establishment primarily engaged in manufacturing instruments or devices for a particular use, such as stoves, fans or refrigerators that are operated by gas or electric current.

**Apparel Shop:** An establishment involved in selling clothing and clothing accessories.

**Appliance Repair:** An establishment involved in repairing instruments or devices designed for a particular use, such as stoves, fans, or refrigerators that are operated by gas or electric current.

**Appliance Sales:** Establishments involved in selling instruments or devices designed for a particular use, such as stoves, fans or refrigerators that are operated by gas or electric current.

**Applicant:** The owner of land, or his agent or legal representative, who seeks an approval, permit, certificate or determination from the Commission or Board, under the provisions of this ordinance. Applicant. The owner of the land proposed to be subdivided or the Owner's agent or the Owner's legal representative or a person who owns a subordinate interest in the land and who has the Owner's consent to apply for a subdivision of the land.

**Aquaculture:** The commercial cultivation and processing of aquatic life, including fish, shellfish and seaweed.

**Architectural Feature:** A prominent or significant part of element of a building, structure, or site.

**Arterial:** Either a Primary Arterial, Secondary Arterial, or Interstate as defined in this section.

**Arterial, Primary:** A street intended to move through-traffic to and from such major attractions as central business Districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the County; and/or as a route for traffic between communities; a major thoroughfare.

**Arterial, Secondary:** A street intended to collect and distribute traffic in a manner similar to primary arterials, except that they are designed to carry traffic from collector streets to the system of primary arterials and typically service minor traffic generating areas such as community-commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches, and offices.

**Arterial, Street:** Either a Primary Arterial or a Secondary Arterial as defined in this section.

**Artificial Pond or Lake:** A manmade body of water of 1,000 square feet or greater in area. A body of water created artificially that is either fed or not fed by a water-course that is not created as a bioretention facility.

**Artisan:** a worker in a skilled trade, especially one that involves making things by hand or small hand tools.

**Artisan Crafts:** An establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers. This definition includes uses such as small-scale fabrication and may include such processes as welding and sculpting. Can include, but is not limited to, Pottery Products, Leather Goods, Musical Instruments, Jewelry Products, Watches and Clocks, Wood Products, Glass blowing, and Textiles. Use must meet all conditions of the district in which it is located.

**Artisan Distillery:** Meets Indiana's requirements for Artisans Distiller Permit (I.C. 7.1-3-27).

**Artisan Food and Beverage:** small-scale food or beverage production. Does not include on-site retail sales (i.e. baking cakes for off-site consumption/sales). Work is conducted by the owner.

**As-built Plans:** Certified by an engineer and includes, but is not limited to, elevation contours, utility locations, building locations in relation to property lines, sidewalks, street trees, pavement and curb elevations.

**Attached Wireless Communications Facility (Attached WCF):** An Antenna Array that is attached or affixed to an existing building or structure (including but not limited to a utility pole, sign or water tower), along with any transmission cables and accompanying pole or device that attaches or affixes the Antenna Array to the existing building or structure.

**Auction House:** A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other.

**Automotive/Boat service and repair, major:** This use is for repair, service, and body shop uses to transportation vehicles. Use includes "Automotive Paint Shop", "Wrecker Service", "Automotive Tire Repair", "Automotive/Boat Repair Shop".

**Automotive/Boat service and repair, minor:** The replacement of any mechanical part or repair of any mechanical part including the removal of the engine head or pan, engine transmission or differential; and upholstering service.

**Automobile Repair Services, Minor:** The replacement of any mechanical part or repair of any mechanical part including the removal of the engine head or pan, engine transmission or differential; and upholstering service, as an accessory to a residential use. Limited to five non-personally owned vehicles on the premises at all times.

**Automotive Paint Shop:** An establishment primarily engaged in automotive painting and refinishing.

**Automotive Rentals:** Establishments involved in renting passenger cars, noncommercial trucks, motor homes or recreational vehicles, including incidental parking and servicing of vehicles available for rent.

**Automotive/Boat Repair Shop:** An establishment primarily engaged in general or specialized automotive, motorcycle, or watercraft repairs.

**Automotive Sales:** Establishments primarily engaged in the retail sale of new and used automobiles, noncommercial trucks, motor homes or recreational vehicles, including incidental storage, maintenance and servicing.

**Automotive Salvage:** An area where inoperable vehicles are disassembled for future sale of parts, or recycling. May include on-site sales. Car shredding is not allowed.

**Automobile Storage Facility (Impound Lot):** A lot or part of a lot used only for the temporary storage of damaged, abandoned or impounded motor vehicles, excluding salvage and sales. This use does not include "Automotive Salvage or Scrap Metal Processing Facility," except where separately permitted.

**Automotive Supply:** An establishment primarily engaged in the retail sale of automotive parts, tires, and accessories.

**Automotive Tire Sales/Repair:** An establishment primarily engaged in the retail sale and repair or retreading of automotive tires.

**Average Density Procedures:** Procedures for calculating overall density of development prescribed in the Zoning Ordinance as a flexible tool for maintaining overall densities while allowing individual lot sizes to vary from the minimum size allowed in a given zone.



**A-Weighted Sound Level (dB(A)):** In decibels, a frequency-weighted sound pressure level, determined by the use of the metering characteristics and A weighted network specified in ANSI S1.4-1971 “Specifications for Sound Level Meters” and the latest revision thereof.

**Awning:** A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

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**Bakery (Retail):** An establishment primarily engaged in the production and retail sale of bakery products.

**Bakery (Wholesale):** An establishment primarily engaged in manufacturing bakery products for sale primarily for home service delivery, or through one (1) or more non-baking retail outlets.

**Banner:** Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners

**Bare Root:** Dormant plants dug from growing fields, trimmed, freed of all soil at the roots, and protected from drying out until planting.

**Barber Service:** An establishment involved in cutting and styling men’s hair, shaving and trimming beards and performing other related services.

**Basement:** Portion of a structure having its floor sub-grade (below ground level) on all sides.

**Base station:** A station located at a specific site that is authorized to communicate with mobile stations. The term includes all radio transceivers, antennas, coaxial cables, power supplies, and other electronics associated with a station.

**Basin Sinkhole:** A sinkhole shaped like a basin, usually characterized by smooth slopes and a flat bottom owing to a soil mantle on the bedrock.

**Beacon:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

**Beauty Service:** An establishment or department where women’s hair-dressing, facials, manicures, and other related services are performed.

**Bed and Breakfast:** An operator occupied residence in which four (4) or fewer guest rooms, and breakfast, are furnished to the public under a short term lodging agreement.

**Berm:** An earthen mound designed to provide visual interest, screen undesirable views, and decrease noise.

**Beverage Products:** Establishments primarily engaged in manufacturing beverages, beverage bases and beverage syrups.

**Birthing Center:** a home-like facility existing within a healthcare system with a program of care designed in the wellness model of pregnancy and birth. Birth centers are guided by principles of prevention, sensitivity, safety, and appropriate medical intervention. Birth centers provide family-centered care for healthy women before, during, and after normal pregnancy, labor, and birth.

## CHAPTER 842: DEFINED WORDS

### 842.2 Definitions

**Blind Valley:** The portion of the valley containing a sinking stream that comprises a depression that is below the threshold and characterized by closed or depression contours.

**Block:** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

**Board:** The Monroe County Board of Zoning Appeals.

**Board of Aviation Commissioners:** The Monroe County Board of Aviation Commissioners.

**Board of County Commissioners:** The duly elected Board of Commissioners of the County of Monroe, Indiana, referred to herein as "County" so as not to be confused with the Monroe County Advisory Plan Commission which is referred to herein as "Commission" or the Monroe County Board of Zoning Appeals which is referred to herein as "Board." The duly elected Board of Commissioners of the County of Monroe, Indiana, referred to herein as "County" so as not to be confused with the Monroe County Advisory Plan Commission which is referred to herein as "Commission."

**Boarding House:** A dwelling or part thereof in which, for compensation, for long term lodging and meals are provided. Lodgers rent one or more rooms on a nightly basis, and sometimes for extended periods of weeks, months, and years. The common parts of the house are maintained, and some services, such as laundry and cleaning, may be supplied.

**RV/Boat Storage:** A storage facility utilizing enclosed buildings and/or unenclosed outdoor areas for the seasonal or year-round storage of four or more boats and/or Recreational Vehicles (RVs).

**Bookstore:** A place of business where books and magazines are the main items offered for sale.

**Bottled Gas Storage and Distribution:** An establishment primarily engaged in the retail sale of pressurized gas products, such as natural gas and propane, from bulk gas storage facilities.

**Bottling Machinery:** An establishment primarily engaged in manufacturing machinery for use by the food products and beverage manufacturing industries in washing, sterilizing, filling, capping, labeling, and so forth, of food and beverage products; and parts and attachments for the machinery.

#### **Brewpub**

**Buffer Landscaping:** Any trees, shrubs, walls, fences, berms, or related landscaping features installed and maintained as required by these regulations or by the Zoning Ordinance for the purpose of providing a lot or area with sound and/or visual privacy from adjoining or nearby properties or public rights-of-way. (See Screening also).

**Bufferyard (Landscape Buffer):** A requirements between two adjoining properties to separate and screen incompatible land uses from each other. Can be a combination of physical space and vertical elements, such as plants, berms, fences, or walls. The standards are located in Chapter XX.

**Buildable Area:** A designated area of a lot that is compact in form and necessary for the safe construction or placement of structures and associated utility infrastructure. Defined as land that is void of slopes greater than 15%, karst, floodplain, easements for drainage ways or access, rights-of-way, setbacks... A designated area of a lot that is compact in form and necessary for the safe construction or placement of structures and associated utility infrastructure.

**Building:** Any roofed structure built for the support, shelter, or enclosure of persons or property. Any portion of a structure that is completely separated from other portions of the structure by a division wall without openings shall be deemed to be a separate building.

**Building Area:** The total areas taken on a horizontal plane at the mean grade level of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces, steps, roof overhangs, and balconies.

**Building Code:** The County ordinance or group of ordinances that establish and control the standards for constructing buildings, utilities, mechanical equipment and all forms of structures and permanent installations and related matters, within the County, also referred to herein as the "County Building Code."

**Building, Detached:** A building which is completely surrounded by open space, and which is located on the same lot as another building.

**Building Height:** The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest elevation of the roof in the case of a slant or flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided that 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 and the front of the building.

**Building, Historic:** A building of historic importance designated by the Board of Review.

**Building Line:** The line that establishes the minimum permitted distance on a lot between the front-most portion of any building or structure and the street right-of-way line. See Front Yard; Frontage.

**Building Location:** The placement of a building on its lot, as well as the form of the building, based on its massing, private frontage, and height.

**Building Materials:** Establishments involved in selling lumber, and a general line of building materials and supplies, typically sold to contractors, but also to the general public, which may include roofing, siding, shingles, wallboard, paint, cement, and so forth, including incidental storage.

**Building Permit:** A certificate issued by the building permit official of a governing body that permits a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within the governing body's jurisdiction, or cause the same to be done.

**Building Permit Official:** The local government official authorized to issue building permits or his/her designee. The local government official authorized to issue building permits.

**Building, Temporary.** A temporary building is a structure designed, built, created or occupied for short and/or intermittent periods of time and shall include tents, lunch wagons, dining cars, trailers and other roofed structures on wheels or other supports used for residential, business, mercantile, storage, commercial, industrial, institutional, Assembly, educational or recreational purposes. For the purpose of this definition, "roof" shall include an awning or other similar covering whether or not it is permanent in nature.

**Bulk:** Bulk is the term used to determine the size of Lots; the size and placement of buildings or structures, and the location of same with respect to one another, and includes the following:

- A. Size and height of buildings.
- B. Location of exterior walls at all levels in relation to lot lines, streets or to other buildings.
- C. Gross floor area of buildings in relation to lot area (floor area ratio).
- D. All open spaces allocated to buildings.

- E. Amount of lot areas and lot width provided per dwelling unit.

**Business:** Any occupation, employment, or enterprise which occupies time, attention, labor and/or materials for compensation whether or not merchandise is exhibited or sold, or services are offered.

**Business or Industrial Center:** A site developed and operated under single or common ownership to include of a mix of industrial and/or commercial uses where the majority of uses are permitted under the Business and Personal Services, Retail and Wholesale Trade and Manufacturing, Mining, Construction and Industrial use categories, with customer and employee parking provided on-site, provisions for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

**Business Services:** Businesses that are created for serving other businesses. This use includes services that support business uses, such as receiving and shipping, copying, "Newspaper Printing", "Commercial Printing", printing of periodicals, standalone ice vending machines, books, greeting cards, etc.

**Bus Terminal:** A facility designed to accommodate passengers who arrive and depart on commercial buses, which may include management offices, bus parking or storage areas and personal services for passengers.

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**Cabinet Sales:** Establishments primarily engaged in selling cabinets, none of which are made on the premises.

**Caliper:** The diameter of a tree trunk. Caliper Measurements are taken six inches above finish grade for trees up to four inches in diameter and twelve inches above grade for larger diameter trees.

**Camera and Photographic Supply:** An establishment primarily engaged in selling cameras, film, and other photographic supplies and equipment.

**Campground, Commercial.** An area or tract of land where campsites are leased or rented and where provisions are made for tents, recreational vehicles, park models, or vacation mobile homes. A campground is established, operated, and maintained for recreational, health, education, sectarian, business, or tourist activities away from established residences. The term, as used in this rule, does not include primitive campgrounds, youth camps, or tracts of land divided into individually deeded lots (reference IC 410 IAC 6-7.1-1).

**Campground, Primitive.** An area or tract of land with campsites for tents without water supply systems, electricity, or toilets and having no vehicular access (reference IC 410 IAC 6-7.1-1).

**Camping, Private Temporary.** Non-commercial camping utilizing a single RV or tent without access to water, electricity or sewage connection is permitted.

**Canopy:** Any structure, mobile or stationary, attached to and deriving its supports from framework or posts or other means independent of a connected structure for the purpose of shielding a platform, stoop or sidewalk from the elements, or a roof-like structure of permanent nature which projects from the wall of a structure and overhangs the public way.

**Canopy Tree:** A tree that would occupy the upper canopy of a forest in a natural ecological situation. Canopy trees are often referred to as shade trees (examples include, without limitation, beech, hickory, oak, maple and tulip poplar).

**Capacity of a Storm Drainage Facility:** The maximum flow that can be conveyed or stored by a storm drainage facility without causing damage to public or private property for a given storm.

**Capital Improvements Program:** A proposed schedule of all future, major County capital improvements projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All projects that require the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the more durable, longer lived physical assets for the community shall be considered as major projects.

**Car Wash:** An area or structure equipped with automatic or self-service facilities for washing automobiles.

**Carrier on Wheels or Cell on Wheels ("COW") or Mobile Station:** A portable self-contained wireless communications facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna wireless support structure.

**Caterer/Commercial Kitchen:** A place of business whose employees provide food and service for various functions, such as banquets, private parties, weddings, food trucks, and so forth. Includes a fully equipped prep kitchen that can be rented out for shared use.

**Cave Spring:** A spring that discharges from a solution-enlarged opening.

**Cement Products:** A use engaged in processing and manufacturing materials or products predominantly from cement.

**Cement, Paving, Central Mixing, Rock Crushing:** Includes "Cement Products", "Plaster Central Mixing", "Paving Materials Central Mixing", and "Rock Crushing Establishments".

**Cemetery/Mausoleum:** Land used or intended to be used for burying the human dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with and within the boundaries of the cemetery.

**Centerline:** The mid-point in the width of a public right-of-way. This shall be determined by recorded subdivision plats, or by the historic center line for all unplatted rights-of-way. In the event that acquisition of additional right-of-way has taken place on one side of a right-of-way, the original center line prior to such acquisition shall be considered the center line for the purposes of this Zoning Ordinance.

**Central Garbage/Rubbish Collection Facility:** Public or private establishments contracted to remove solid waste from residential or commercial uses and transport such wastes to a locally operated public or private landfill or other waste collection facility, designated for consolidation of garbage and recycled matter.

**Certificate of Occupancy:** The official authorization to occupy a structure as issued by the Monroe County Building Commissioner.

**Certificate of Zoning Compliance:** A written certification that a structure, use or lot is, or will be, in compliance with the requirements of this ordinance.

**Certified Site Plan.** A design that is certified by an engineer or surveyor that shows the full property boundaries, arrangement of buildings, all associated infrastructure, and open space. See specific certification and component requirements under Chapter 815.

**Change in Use:** For any portion of a building, structure, or lot:

- A. Any change from a residential use to any non-residential use.

- B. Any change from one residential land use to another, any increase in the number of units, and any increase in the number of bedrooms for any unit from what is listed on the property report card.
- C. Any change from one use to another use having a higher requirements for off-street parking as specified in Chapter 806.
- D. Any establishment of a use on a previously unused site, or the inclusion of a new use in addition to an existing use.
- E. Any use which requires conditional use approval.

Any change from one use to another use listed in the use table constitutes a change in use.

#### **Change in Use, Agricultural:**

**Channel:** A natural or artificial watercourse that periodically or continuously contains moving water, or that forms a connecting link between two bodies of water, and that has a defined bed and banks which serve to confine the water.

**Character Zone:** Similar to the zoning Districts in the zoning ordinance, such as those found in Chapter 802. These zones are the overlay's most specific classification of land use and development, including not only common planning regulations such as setbacks and height limitations but also density, landscaping, building location on the lot, building frontage as it relates to nearby streets, and parking requirements.

**Charter Buses:** Passenger-carrying motor vehicles utilized by a group of persons who, under a single contract, have acquired the exclusive use to travel together as a group to a specified destination or for a particular itinerary.

**Check Cashing:** A business that for compensation engages in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. Check cashing also includes a facility that provides loans to individuals in exchange for personal checks as collateral. The term "check cashing" does not include a state or federally regulated bank or credit union.

**Checkpoint Agency:** A public agency or organization that is called upon by the Commission to provide expert counsel with regard to a specific aspect of community development or that is required by law to give its assent before a particular land development or use may take place. A public agency or organization that is called upon by the Commission to provide expert counsel with regard to a specific aspect of community development or that is required by law to give its assent before subdivision may take place (e.g., without limitation, Indiana Department of Transportation, Federal Emergency Management Agency, Army Corps of Engineers, Public Service Commission, Indiana Stream Pollution Control Board, Indiana Department of Natural Resources, Indiana State Board of Health, Monroe County Board of Health, Monroe County Drainage Board, etc.).

**Child Care Center:** A non-residential building where at least one child receives child care from a provider where unattended by a parent, legal guardian, or custodian; for regular compensation; and for more than four hours, but less than 24 hours, in each of 10 consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.. This term includes nursery schools, pre-schools, day care centers for children or adults, and similar uses, but excludes public and private primary or secondary educational facilities and childcare homes as defined by the State of Indiana Code. Can include a campus development.

**Child Care Home.** As defined by 470 IAC 3-1.1-7. As used in this rule, "child care home" means a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider: (1) while



unattended by a parent, legal guardian, or custodian; (2) for regular compensation; and (3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. The term does not include a child care center. (b) The term includes the following: (1) A Class I child care home. (2) A Class II child care home. Only one child care home is permitted per legal lot of record.

**Clubs/Lodges:** A facility used for meeting, administrative purposes, recreational or social facilities for a private or nonprofit Association, primarily for use by members and guests.

**Cluster:** A development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

**Coin-Operated Cleaning/Laundry:** An establishment providing coin-operated or similar self-service laundry and dry cleaning equipment for use on the premises.

**Cold Storage Plant:** A facility designed for storing perishable goods in a cold place for preservation.

**Collector Street:** A street intended to move traffic from local streets to secondary arterials. (A collector street serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it and no driveway access to it is permitted unless the property is to be in multifamily use for four (4) or more dwelling units). A major collector or a minor collector as defined in this section.

**Collocation:** The placement or installation of wireless facilities on existing structures that include a wireless facility or a wireless support structure, including water towers and other buildings or structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound.

**Commercial Facilities for the sale, repair, and service of agricultural equipment, vehicles, feed, or supplies:** Establishments selling, renting, or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

**Commercial Message:** Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

**Commercial Non-Farm Animals:** Animal production for human use, not including animals for agricultural use as listed above, but including animals for commercial production, such as bees and apiary products, fur animals, and exotic animals.

**Commercial or Industrial Subdivision:** Any subdivision of land which involves land that is zoned or intended to be used for commercial, industrial, or multifamily purposes as defined in these regulations and/or in Zoning Ordinance.

**Commercial Print Shop:** Establishments primarily engaged in letterpress and screen commercial or job printing, including flexographic; in printing by the lithographic process, in engraving and plate printing; in gravure printing; or in printing newspapers, periodicals, books, greeting cards, and so forth.

**Commercial Use:** See Business.

**Commercial/Industrial Adaptive Reuse:** The repurposing of a building or group of buildings to accommodate a mix of industrial and/or commercial uses developed and operated under single or common ownership where the majority of uses are permitted under the Business and Personal Services, Retail and Wholesale Trade and

Manufacturing, Mining, Construction and Industrial use categories, with customer and employee parking provided on-site, provisions for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

**Commission:** The Monroe County Advisory Plan Commission, unless the context indicates to the contrary. The Monroe County Advisory Plan Commission and/or a delegate of the Monroe County Advisory Plan Commission, unless the context indicates to the contrary.

**Commission Attorney:** The licensed attorney designated by the Commission to furnish legal Assistance for the administration of this ordinance.

**Community Center:** A facility designed for educational, recreational, cultural, and social activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency.

#### **Community/Institutional Garden**

**Compliance Cost:** The actual and/or opportunity costs of complying with a provision of the Subdivision Control Ordinance under typical, Monroe County land development conditions.

**Composting Facility:** An establishment for the composting of waste materials accumulated as the result of the care of lawns, shrubbery, vines, and trees. An establishment engaged in the controlled process of degrading organic matter for retail of processed material. Activities that are exempt include:

1. Composting at one's property vegetative matter and other types of organic material that are generated by the person's activities.
2. A composting operation in an area less than 300 square feet.
3. The temporary storage of vegetative matter where only an incidental amount of composting will occur before removal of the matter.

**Compound Sinkhole:** An assemblage of two or more sinkholes that lie within an individual larger sinkhole.

**Comprehensive Plan:** The inclusive physical, social, and economic plans and policies in graphic and verbal statement forms for the development of the County prepared and adopted by the Commission pursuant to the State Acts and including any part of such plan and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

**Concealed Wireless Communications Facility:** Any wireless communications facility that is integrated as an architectural feature of an existing structure or any new wireless support structure designed so that the purpose of the facility or wireless support structure for providing wireless services is not readily apparent to a casual observer.

**Concentrated Surface Flows:** Drainage of water over plane surfaces that is more focused and of a greater depth than sheet flow. The velocity of the flow is a function of the watercourse slope and the type of channel.

**Conditional Use:** A use specifically designated as a conditional use in the zoning ordinance which, without compliance with Chapter 813 of the Monroe County Zoning Ordinance, cannot be properly classified as a permitted use in a particular zoning district, and which may be conducted only pursuant to a conditional use permit granted by the Board of Zoning Appeals.

**Condominium:** The division of building(s) and the related land into horizontal property interests meeting the requirements of condominiums as prescribed by Indiana Code § 32-1-6-1 through 31.

**Condominium Association:** The community Association that administers and maintains the common property and common elements of a condominium.

**Confectionery:** An establishment primarily engaged in the retail sale of candy, chewing gum, nuts, sweetmeats, chips, popcorn and other confections. Operation of a soda fountain or lunch counter is common.

**Confined Feeding:** The confined feeding of animals for food, fur, or pleasure purposes in Lots, pens, ponds, sheds, or buildings where food is supplied to the animals only by means other than grazing.

**Confined Feeding Operations:** The confined feeding of 150 or more cattle, 300 or more of swine and sheep, or 10,000 or more fowl, per facility.

**Congregate Housing:** Institutional housing consisting of apartments, rooms, medical service facilities, and dining services for residents who require such housing because of age or medical condition.

**Conservation Easement:** An easement which restricts the use and/or guarantees preservation and/or maintenance of existing vegetation and/or other natural features within environmentally sensitive portions of the site.

**Conservation Easement, Conditional:** The grant of a property right stipulating that the described land will remain in its natural state and precluding future or additional residential development. Approved agricultural, business, and industrial uses — including future Light and Heavy Industrial development—may occur within the areas covered by the temporary conservation easement.

**Conservation Easement, Permanent:** The grant of a property right stipulating that the described land will remain in its natural state and precluding future or additional development. Areas used for non-animal related agricultural uses may continue that use after the application of the conservation easement.

**Construction:** The on-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility, or addition thereto, including all related activities, but not restricted to, clearing of land, earth moving, blasting, and landscaping.

**Construction/Demolition Waste:** Solid waste resulting from the construction, remodeling, repair, or demolition of structures. Such waste may include, but is not limited to, scrap lumber, bricks, concrete, stone, glass, wallboard, roofing, plumbing fixtures, wiring, and non-asbestos insulation.

**Construction Plan:** A representation of a project site and all activities associated with the project. The plan includes the location of the project site, buildings and other infrastructure, grading activities, schedules for implementation, and other pertinent information related to the project site. A storm water pollution prevention plan is a part of the construction plan. The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed for the subdivision in accordance with the requirements of this ordinance as a condition of plat approval.

**Construction Site Access:** A stabilized stone surface at all points of ingress and egress to a project site for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.

**Construction Trailer:** The temporary use of a mobile home, or similar structure, as a construction office during the development of a new subdivision, office building, shopping center, industrial complex, and so forth.

**Contiguous:** Adjoining or in actual contact with.

**Continuing Care Retirement Community:** A Continuing Care Retirement Community providing senior housing and care services in an age-restricted setting that includes a mix of housing options that may include independent living, assisted living, nursing care, physical rehabilitation, and memory-impairment housing. Examples can include a campus of independent apartments, detached, or attached cottages, and nursing home rooms in a congregate building, as well as support services and facilities.

**Contractor or Subcontractor:** An individual or company hired by the project site or individual lot owner, their agent, or the individual lot operator to perform services on the project site.

**Convenience Store:** Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. The maximum size for a convenience store is 3,500 square feet. May include gasoline sales, electric charging stations, etc.

**Copy:** The wording or image on a sign surface in either permanent or removable form.

**Copy Service:** A place of business providing duplication services.

#### **Correction/Detention Facilities**

**County Attorney:** The licensed attorney designated by the County to furnish legal Assistance for the administration of these regulations in lieu of the Commission having its own attorney.

**County Auditor:** The County official empowered to examine and settle all accounts and demands that are chargeable against the County and not otherwise provided for by statute.

**County Building Code:** See Building Code.

**County Drainage Board:** The Monroe County Drainage Board.

**County Engineer:** The person designated by the County to furnish engineering Assistance in the administration of these regulations.

**County Government:** That governmental body of the County empowered to adopt planning and public policy ordinances: namely, the Board of County Commissioners, herein referred to as the County.

**County Health Officer:** See Health Officer.

**County Housing Code:** See Housing Code.

**County Jurisdictional Area:** The areas of Monroe County, Indiana, in which the County exercises planning and zoning jurisdiction, namely: all unincorporated areas of Monroe County, Indiana, that are not under the jurisdiction of another duly established plan commission; any area of Monroe County, Indiana, that was incorporated after August 29, 1986 and whose governing body has not adopted a zoning ordinance; and, any area of Monroe County, Indiana, made subject to the County's planning and jurisdiction by way of interlocal agreement. NOTE: Pursuant to I.C. 36-7-4-1104b), the planning and zoning ordinances of Indiana political subdivisions may not regulate or restrict the use of property that is owned by the state or by any state agency.

**County Recorder:** The County official empowered to record and file land description plats.

**County Surveyor:** The County official empowered to keep and maintain the legal survey record book and the corner record book.

**Covenant:** See restrictive covenant.

**Crematory**

**Critical Area:** An area with one or more of the following environmental characteristics: (1) steep slopes; (2) flood plain; (3) soils classified as having high water tables; (4) soils classified as highly erodible, subject to erosion, or highly acidic; (5) land incapable of meeting percolation requirements; (6) land formerly used for landfill operations or hazardous industrial use; (7) fault areas; (8) stream corridors; (9) estuaries; (10) mature stands of native vegetation; (11) aquifer recharge and discharge areas; (12) wetlands and wetland transition areas; and (13) habitats of endangered species.

**Critical Duration Storm:** The storm duration that requires the greatest detention storage.

**Cul-de-loop:** A cul-de-sac with a center or island that is intended to be used for parking or open space purposes.

**Cul-de-sac:** A local street with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement including public safety vehicles. These dead-end roads are intended to serve only adjacent property owners.

**Cultivated Landscape Area:** Planted areas that are frequently maintained by mowing, pruning, fertilizing, etc.

**Cultural Facility:** A library, museum, or similarly registered nonprofit organizational use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

**Culvert:** A closed conduit used for the conveyance of surface drainage water under a roadway, railroad, canal, or other impediment.

**Curb Level:** The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one street, the curb level shall be the average of the levels of the curbs at the center of the front line on each street. Where no curb has been established, the mean level of land immediately adjacent to the building shall be considered the curb level.

**Cut:** See Excavation.

**Cut Stone and Stone Products:** Establishments primarily engaged in cutting, shaping, and finishing marble, granite, slate and other stone for building and miscellaneous uses.

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**D**

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**Dairy Products:** Establishments primarily engaged in manufacturing creamery butter, natural cheese, condensed and evaporated milk, ice cream, and frozen desserts, and special dairy products, such as processed cheese and malted milk; and processing (pasteurizing, homogenizing, vitaminizing, bottling) fluid milk and cream, and related products, for wholesale or retail distribution.

**Day-time hours:** 7:00 a.m. to 7:00 p.m., local time.

**Dead-end Street:** A street or a portion of a street with only one (1) vehicular traffic outlet, and no turnaround at the terminal end.

**Decibel (dB):** A unit of measure, on a logarithmic scale to the base 10, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure, which, for purposes of this regulation, shall be twenty (20) micronewtons per square meter ( $\mu\text{N}/\text{m}^2$ ).

**Deciduous:** A plant with foliage that is shed annually before the plant becomes dormant.

**Demolition:** Any act or process which destroys or partially destroys a structure.

**Density:** The number of dwelling units within a standard measure of land area, usually given as units per acre.

**Density Bonuses:** The allowance of additional density in a development in exchange for the provision by the developer of other desirable amenities from a public perspective, e.g., public open space, plazas, art, landscaping, etc.

**Density, Design:** Density determined by dividing the total acreage within the residential cluster (including any public easements or rights-of-way existing or proposed) by the total number of dwelling units.

**Density, Gross:** Density determined by dividing the total acreage within the site (including any public easements or rights-of-way existing or proposed) by the total number of dwelling units.

**Density, Net:** Density determined by dividing the total acreage within the site (excluding any public easements or rights-of-way existing or proposed) by the total number of dwelling units.

**Density Value (D Value):** A measure of landscaping intensity based on mature size of plant material. Density value of individual plantings is established in the tables in Section 844-1. The density value of a portion of a development site is the aggregate of the density values of individual plantings in that portion of the site.

**Department:** See Public Agency. The Monroe County Planning Department.

**Department Store:** A retail store carrying a general line of apparel, such as suits, coats, dresses and socks; home furnishings, such as furniture, floor coverings, curtains, draperies, linens and major household appliances; and housewares, such as kitchen appliances, dishes, and utensils. These and other merchandise lines are normally arranged in separate sections or departments with accounting on a departmentalized basis. The departments and functions are integrated under a single management. The stores usually provide their own charge accounts, deliver merchandise and maintain open stocks.

**Designated Officials:** Those officials of the Commission designated in the Subdivision Control Ordinance as required signatories of the certificate.

**Detention Basin:** A facility constructed or modified to restrict the flow of storm water through the facility's outlet to a prescribed maximum rate and, concurrently, to detain the excess waters that accumulate behind the facility's outlet. A dry bottom detention basin is a detention basin that is designed to be completely dewatered after it has performed its planned detention function during or immediately following a storm event.

**Detention Storage:** The temporary detaining or storage of storm water in storage basins, on rooftops, on streets, on parking Lots, on school yards, on parks, in open spaces, or on other areas, under predetermined and controlled conditions, with the rate of drainage therefrom regulated by appropriately installed devices.

**Developer:** The owner of land to be developed, the person who causes the land to be developed, and/or the person whom develops land. The fee simple owner of land proposed to be developed, or the fee owner's agent or the fee owner's representative, or a person who owns a subordinate interest in the land and who has the fee owner's consent to develop the land.

**Development:** Any man-made change to improved or unimproved real estate including but not limited to:

- A. Construction, reconstruction, or placement of a structure or any addition to a structure



- B. Installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days
- C. Installing utilities, erection of walls and fences, construction of roads, or similar projects
- D. Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.
- E. Mining, dredging, filling, grading, excavation, or drilling operations
- F. Construction and/or reconstruction of bridges or culverts
- G. Storage of materials
- H. Any other activity that might change the direction, height, or velocity of flood or surface waters

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

**Director:** The Planning Director of the County or a designee of the Planning Director of the County. The individual who is appointed by the Plan Commission to perform the duties set forth in Monroe County Code Chapter 824.

**Discrete Impulses:** A ground transmitted vibration stemming from a source where specific pulses do not exceed sixty (60) per minute (or one per second).

**Distance:** The area measured horizontally between two points.

**District:** Any specifically described area of the County Jurisdictional Area as indicated by the Official Zoning Maps of Monroe County, Indiana.

**District, Overlay:** An additional zoning designation, with corresponding regulations, that may apply to any zoning district, Districts, or parts of such Districts. Overlay Districts shall be indicated on the Official Zoning Maps. The overlay district regulations may relax or further restrict the number or types of uses allowed as well as the way permitted activities operate within the overlay district boundaries.

**District, Underlying:** The zoning district to which an overlay district is added.

**Dormitory:** A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery, or other similar institutional use.

**Drainage Board:** The Drainage Board of Monroe County, Indiana, and any agent or subordinate employee to whom it specifically delegates a duty or responsibility authorized by this ordinance.

**Drainage Area:** The area served by a drainage system; a watershed or catchment area.

**Drainage Swale:** A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses, used to conduct surface water from a field, diversion or other site feature.

**Drainage System:** Any combination of surface and/or subsurface drainage components fulfilling the drainage requirements of these regulations.

**Drapery Sales:** Places of business where draperies are the main product offered for sale.

**Drip Line:** A vertical line extending from the outermost branches of a tree to the ground.

**Drive-In Establishment:** A place of business which is operated for the sale and purchase at retail, of food and other goods, services, or entertainment and which is designed and equipped so as to allow patrons to be served or accommodated while remaining in their automobiles.

**Drive-In or Drive-Through Restaurant:** A restaurant which is laid out and equipped to serve food and beverage to patrons in automobiles.

**Street, Private:** Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way. Access is shared by more than two tracts of land.

**Driveway:** An access to a public road for one residence or one tract of land.

**Driveway, Shared:** A single access to a public road shared by two tracts of land.

**Drop Manhole:** A manhole having a vertical drop pipe that connects an inlet pipe to an outlet pipe and that is located immediately outside the manhole.

**Drugstore:** An establishment engaged in the retail sale of prescription drugs and patent medicines, and which may carry a number of related product lines, such as cosmetics, toiletries, tobacco and novelty merchandise, and which may also operate a soda fountain or lunch counter.

**Dry Cleaning and Laundry:** An establishment providing dry cleaning and laundering services where dry cleaning and laundering are done on the premises.

**Dump Truck:** A vehicle used for transporting loose material typically equipped with a hydraulically operated box-bed. The fuel source can be either separate from or combined with the fuel supply that propels the vehicle.

**Duration:** The time period of a rainfall event.

**D Value:** See Density Value.

**Dwelling:** A building, or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings or multiple-family dwellings, but not including hotels or motels. A structure or portion thereof that is used exclusively for human habitation.

**Dwelling, Attached:** A dwelling unit that is attached to another dwelling unit by any means.

**Dwelling, Detached:** A dwelling unit that is not attached to any other dwelling unit by any means and that is surrounded by open space or yards.

**Dwelling, Modular Unit:** A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure that will be a finished building in a fixed location on a permanent foundation.

**Dwelling, Multi-Unit.** The use of a lot for three or more dwelling units, within one or more buildings, other than a manufactured home.

**Dwelling, Multi-Unit Detached or Attached.** A development which may include a combination of housing types on one legal lot of record, or an attached multi-unit dwelling.

**Dwelling, Single-Unit.** The use of a lot for only one (1) dwelling unit, including site-built housing or manufactured housing, herein defined as a dwelling unit fabricated in an off-site manufacturing facility for installation or Assembly at a building site, which meet the National Manufactured Home Construction and

Safety Standards Act (42 U.S.C. Sec. 5401), including single and double wide mobile homes and modular homes.

**Dwelling, Single-Unit Paired Structure.** Two dwelling units attached by a shared wall, which is one or more stories in height, with each dwelling unit accessible by its own separate exterior entrance at grade level. Each unit is to be on its own legal lot of record.

**Dwelling, Single-Unit Attached.** A group of three (3) to five (5) dwelling units attached by a wall, which is one or more stories in height, with each dwelling unit accessible by its own separate exterior entrance at grade level. Each unit is to be on its own legal lot of record.

**Dwelling, Single-Unit Detached.** A freestanding single-unit dwelling.

**Dwelling, Temporary.** The temporary use of a manufactured home as a residence on a lot previously occupied by permanent dwelling that is destroyed to such an extent as to be unlivable or the temporary placement and occupancy of a manufactured home as a second main structure on a lot as described in Chapter 814-7.

**Dwelling, Two-Unit:** A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

**Dwelling Unit/Unit:** One or more rooms, including a kitchen, bedroom, and bathroom, located within a building providing complete living facilities for one family or containing facilities and equipment for living, sleeping, cooking and eating. One or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single dwelling maintaining a household (see Housing Unit). For the purposes of determining the number of dwelling units, review will include exterior entrances, and whether there is accessibility from inside one dwelling to another dwelling. Though permitted to have multiple kitchens and garages, it may trigger an evaluation as to whether there are multiple dwellings.

**Dwelling Unit Equivalent (D.U.E.):** Establishes a density value for dwelling units based upon the number of bedrooms in the unit. This value may be applied to the units per acre measurement in order to meet the dwelling unit requirements. Where specifically allowed in this ordinance, the following proportions shall be used in calculating the dwelling unit maximums:

- A. 3 or more bedroom unit = 1 unit
- B. 2 bedroom unit with less than 750 square feet = 0.66 units
- C. 1 bedroom unit with less than 500 square feet = 0.50 units
- D. Efficiency unit with less than 400 square feet = 0.33 units
- E. Boarding room unit with less than 250 square feet = 0.25 units

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## E

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**Easement:** A right of use over designated portions of the property of another for a clearly specified purpose.

**Ecosystem:** A characteristic assemblage of plant and animal life within a specific physical environment, and all interactions among species, and between species and their environment.

**Educational Facilities and Trade Schools.** A school offering educational instruction beyond the secondary level, having regular sessions with regularly employed instructors, which is licensed by the State of Indiana.

**Electrical Repair:** An establishment primarily engaged in repairing electrical and electronic equipment, such as electrical household appliances and equipment.

**Electrical transmission tower:** A structure that physically supports high voltage overhead power lines. The term does not include a utility pole.

**Electric Vehicle Charging Station:** Includes commercial charging stations for plug-in hybrids or electric vehicles. Can be an accessory or principal use on a property.

**Electronic Devices and Instruments:** Establishments primarily engaged in manufacturing devices or instruments that work by the methods or principals of electronics.

**Emergency Equipment:** Emergency or fire equipment that is necessary for the preservation of life or property or the execution of emergency governmental functions performed under emergency conditions.

**Emergency Housing/Short Term Shelter:** Housing provided as a result of a natural disaster or as determined by an Executive Order, Commissioner Resolution, Emergency Management statement. Run by not-for-profit organization and typically does not exceed 90 days unless extended by Order, resolution, or statement.

**Employee:** A person working for another person or a business firm for pay.

**Employment Agency:** An agency whose business is to find jobs for people seeking employment or to find people to fill jobs that are available.

**Encroachment:** When a property owner trespasses onto their neighbor's property by building or extending structures beyond their property line, either intentionally or unintentionally.

**Engineering and Scientific Instruments:** Establishments involved in manufacturing instruments used in engineering and scientific procedures.

**Environmental Constraints:** Features, natural resources, or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.

**Equestrian Center:** Riding schools and academies, horse exhibition facilities, and pack stations. This land use includes barns, stables, corrals, and paddocks accessory and incidental to the above uses.

**Equine Services / Stables:** Operations involved in the shelter and care of horses, as well as breeding, training, and for giving lessons, including stables, stud farms, and other related uses.

**Equipment Compound:** The area that surrounds or is near the base of a wireless support structure and encloses wireless communication facilities.

**Equipment Facility:** Any accessory structure used to contain ancillary equipment for WCF which may include cabinets, small shelters, pedestals, or other similar structures.

**Equipment Rental:** An establishment involved in renting small tools and equipment, such as plumbing tools, lawn and garden equipment, janitorial equipment, and so forth; and small furniture and appliances, such as baby beds, chairs and tables, televisions and videocassette recorders, videodiscs, and so forth.

**Erosion:** Detachment and movement of soil or rock fragments by water, wind, ice, temperature changes, and gravity.

**Erosion and Sediment Control Measure:** A practice or a combination of practices, to control erosion and resulting sedimentation.

**Erosion and Sediment Control System:** The use of appropriate erosion and sediment control measures to minimize sedimentation by first reducing or eliminating erosion at the source and then, as necessary, trapping sediment to prevent it from being discharged from or within a project site.

**Erosion Control/Grading Plan:** A plan that fully indicates necessary land treatment measures, including a schedule of the timing for their installation, which will effectively minimize soil erosion and sedimentation caused by land disturbing activities.

**Erosion Control Handbook:** The Indiana Construction Site Erosion Control Handbook or any other erosion control handbook designated by County ordinance or by official action of the Commission.

**Escrow:** A deposit of cash with the Commission in lieu of an amount required and still in force on letter of credit. Such escrow funds shall be held by the County Auditor.

**Establishment:** Any business regulated by Chapter 802 of the Monroe County Zoning Ordinance and/or Chapter 837 of the Monroe County Code.

**Estates Services:** A business which provides estate planning and financial services, and organizes and conducts estate sales and management services, under contract.

**Evergreen:** A plant with foliage that persists and remains green year-round.

**Event Center:** A building (which may include on-site kitchen/catering facilities) where indoor and outdoor activities such as weddings, receptions, banquets, corporate events and other such gatherings are held by appointment.

**Excavation:** Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated.

**Exempt Divisions:** See definition of Subdivision.

**Exception:** A specific type of variance ruling to permit a practice that is not consistent with a provision of or the intent of this chapter and involves a more significant deviation than a warrant. An exception is granted by the Board of Zoning Appeals.

**Existing Structure:** Previously erected wireless support structure or any other structure, including but not limited to, buildings and water tanks, to which wireless communications facilities can be attached. The term does not include a utility pole or an electrical transmission tower.

**Exterior Architectural Appearance:** The architectural character, general composition, and general arrangement of the exterior of a structure, including the kind, color, and texture of the building material and the type and character of all windows, doors, light fixtures, signs, and appurtenant elements, visible from public streets and thoroughfares.

**Pest Control:** A service related to the eradication and control of rodents, insects, and other pests.

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**Façade:** The portion of any exterior elevation on the building extending from grade to top of the parapet, wall or eaves and the entire width of the building elevation.

**Fairground, Public:** An area wherein buildings, structures, and land area used for agricultural-related offices, animal shows and judging, carnivals, circuses, community meetings, recreational uses, concerts, food booths and stands, games, rides, rodeos, temporary sales and auctions, and similar uses. Public fairgrounds also may include temporary recreational vehicle parking and camping if done in conjunction with a sponsored event. Allows for off-season uses including, storage of boats and recreational vehicles.

**Fall Zone:** The area within which the wireless support structure is designed to collapse.

**Family Care Facility:** A non-medical facility for the housing of no more than eight (8) unrelated persons (inclusive of residential staff), who, due to advanced age, handicap, impairment due to chronic illness, or status as a minor who is unable to live with parents or guardians, require Assistance and/or supervision, and who reside together in a family-type environment as a single housekeeping unit. Excluded from the definition of family care facilities are homes in which residents are criminal offenders or former criminal offenders. Excluded from this definition are persons whose disability arises from current use or addiction to a controlled substance as this term is used in the United States Code and Indiana statutes.

**Farm:** A farm is a parcel of land used for growing or raising agricultural products, including the related structures located thereon.

**Farm Conservation Plan:** A plan which provides for use of land, within its capabilities, and treatment, within practical limits, according to chosen to use to prevent further deterioration of soil and water resources.

**Farmers Market:** A market that includes direct to consumer and value-added products for sale that are produced locally. Typically the use of a farmers market is accessory and occurs outside of normal business hours, however the use can be primary if the lot is otherwise vacant.

**Farm Supply & Equipment Sales and/or Repair:** An establishment primarily engaged in repairing farm machinery and equipment, including tractors, combines, balers, etc.

**Farm Machinery and Equipment:** Establishments primarily engaged in manufacturing farm machinery and equipment, including tractors, for use in preparing and maintaining the soil; planting and harvesting crops; preparing crops for market, on the farm; or for use in performing other farm operations and processes.

**Farm Store.** A permanent structure, operated on a seasonal or year around basis, which allows for local agricultural producers to retail their products and agriculture-related items directly to consumers and enhance income through value-added products.

**Faster Meter Response:** The dynamic characteristics specified as “Fasts” in ANSI s1.4-1971 “Specifications for Sound Level Meters” and the latest revision thereof.

**FBFM:** Flood Boundary and Floodway Map.

**Feasibility Report:** A written report prepared by a registered professional engineer or a registered land surveyor pertaining to the suitability of the site for various types of water and sewage disposal systems; for drainage retention or detention; and the subsoil conditions for various methods of street construction.



**Fee Take Line:** The property line at an approximate elevation of 560 Mean Sea Level (MSL), which separates the shoreline area under the jurisdiction of the U.S. Army Corps of Engineers from land regulated by other government agencies. Where this line does not approximate the 560 MSL elevation, the Fee Take Line shall be interpreted to be the 560 MSL elevation line.

**Feed Lot:** An area restricted by fencing or other structure in which animals are fed, watered, and otherwise maintained for the purpose of growing for market.

**Feed Mill:** A facility where various feed stuffs are inventoried and processed for the purpose of providing complete or partial animal rations. This facility sells its product either directly to the user or may provide the service of delivery to the user. Sale of other agricultural items may be included and shall be an incidental accessory use. Limited, portable operation of feed mills as non-commercial uses on farms is allowed as an accessory use.

**Fence:** A free-standing barrier resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

**Fertilizer Sales (Bulk):** Establishments involved in the sale of bulk fertilizer and fertilizer materials.

**Fertilizer Sales (Packaged):** Establishments involved in the sale of packaged fertilizer and fertilizer materials.

**Filled Sinkhole:** A sinkhole of any type that is wholly or partially filled with alluvium, colluvium (heterogenous soil and rock fragment\* deposited by mass-wasting and sheetwash), lacustral or paludal sediment\*.

**Final Plat:** The map, drawing, or plan, described in this ordinance, of a subdivision (including any accompanying material submitted to the Commission for final approval) which, if approved and signed by the designated officials, may be submitted to the County Recorder for recording.

**Final Plat Approval or Final Approval:** Plan Commission approval of a final plat of a subdivision plat for recording. Commission approval of a final plat of a subdivision the construction of which has been completed or secured by a performance bond and financial guaranty.

**Final Stabilization:** The establishment of permanent vegetative cover or the application of a permanent nonerosive material to areas where all land disturbing activities have been completed and no additional land disturbing activities are planned under the current permit.

**Financial Institution:** Any bank, trust company, corporate fiduciary, building and loan Association, credit union, savings bank, bank of discount and deposit or industrial loan and investment company organized or reorganized under the laws of the State of Indiana. The term does not include “check cashing”, except where separately permitted. Accessory uses may include automatic teller machines and offices<sup>261</sup>.

**Financial Service:** An establishment primarily engaged in providing financial and banking services. Typical uses include banks, savings and loan institutions, stock and bond brokers, loan and lending activities and similar services.

**Finding of Fact:** Information obtained with respect to a matter or a statement or a writing made by any person or entity required to make a finding under the terms of this ordinance.

**Firearm Sales:** Any establishment primarily engaged in the sale, trade, or purchase of firearms or ammunition, wholesale or retail.

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<sup>261</sup> Added last 2 sentences for clarification purposes.

**Fitness Center:** A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

**Flag:** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

**Flag Lot:** A lot with two distinct parts:

- A. The flag, which is the only building site; and is located behind another lot.
- B. The pole, who connects the flag to the street; provides the only street frontage for the lot; and at any point is less than the minimum lot width for the zone.

**Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

**Flood Hazard Areas:** Those lands within the County Jurisdictional Area which are subject to inundation by the regulatory flood.

**Floodplain:** The channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe Districts.

**Flood Protection Grade:** The elevation of the lowest point around the perimeter of a building at which flood waters may enter the interior of the building.

**Floodway:** See Regulatory Floodway.

**Floodway Fringe or Fringe:** Those portions of the floodplain lying outside the floodway.

**Floor Area Ratio (FAR):** The number obtained by dividing the floor area of a building or other structure by the gross area of the site on which the building or structure is located. When more than one (1) building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all the buildings or structures by the gross area of the site.

For determining floor area ratio, the sum of the following areas:

- 1. The ground floor area when any portion of the basement or ground floor used for a dwelling, business, or commercial purpose except for home occupation
- 2. Elevator shafts and stairwells at each floor
- 3. Floor space (including any basement floor space) used for mechanical equipment (except equipment, open or closed, located on the roof)
- 4. Penthouses
- 5. Attic space having headroom of seven feet, ten inches or more
- 6. Interior balconies and mezzanines
- 7. Enclosed porches
- 8. Floor area devoted to accessory uses. Space devoted to off-street parking or loading shall not be included in the floor area. The floor area of structures devoted to bulk

storage of materials shall be computed by counting each ten feet or height, or fraction thereof, as being equal to one floor.

**C.** For determining off-street parking and loading requirements, the sum of the following areas:

**9.** Floor space devoted to the principal use of the premises, including accessory storage areas located within selling or working space such as counter, racks, or closets

**10.** Any basement floor area devoted to retailing activities

Floor area devoted to the production or processing of goods or to business or professional offices. For the purpose, floor area shall not include space devoted primarily to storage purposes (except as otherwise noted herein), off-street parking or loading facilities, including aisles, ramps and maneuvering space, or basement floor area other than area devoted to retailing activities, the production or processing of goods, or business or professional offices

**Florist (Retail):** An establishment primarily engaged in the retail sale of cut flowers and growing plants.

**Florist (Wholesale):** An establishment primarily engaged in the wholesale distribution of flowers and florist supplies.

### **Food Processing and Packaging**

**Food Products:** Establishments involved in manufacturing or processing food products.

### **Food Wholesale**

**Footing Drain:** A drainpipe installed around the exterior of a basement wall foundation in order to relieve water pressure caused by high groundwater elevation.

**Foundation:** The supporting member of a wall or structure.

**Frequency:** The number of times that a displacement completely repeats itself in one second of time. Frequency may be designated in cycles per second (cps) or Hertz (Hz).

**Frontage:** That portion of a lot that abuts a public street, private street, watercourse, or lake. The orientation of a lot or building toward a street or property line and ordinarily regarded as the front of the lot. The side of a lot or building serving as the principal entrance is considered to be the primary frontage, though buildings or Lots on a street corner may have more than one frontage. That side of a lot abutting on a street, watercourse or lake and ordinarily regarded as the front of the lot. Lots shall not be considered to front on stub ends of streets and in the case of corner and through Lots will be considered to front on both intersecting streets. Multiple frontage Lots will be considered to front on each street, watercourse or lake.

**Frontage Street.** A service road, usually parallel to a highway, designed to reduce the number of driveways that intersect the highway.

**Front Yard:** A front yard is defined as the lot line which abuts a public street, private street, watercourse, lake, or easement for access. In the case of a corner lot, the owner shall have two front yards.

**Fruit Market:** An establishment primarily engaged in the retail sale of fresh fruits.

### **Fueling Station**

**Funeral Home:** An establishment engaged in undertaking services, such as preparing the human dead for burial, and arranging and managing funerals.

**Funnel Sinkhole:** A funnel-shaped sinkhole that is usually steep sided and likely to have an obvious opening or throat in the bottom.

**Furniture:** An establishment involved in manufacturing furniture.

**Furniture Sales:** Establishments where furniture is the main item offered for sale; however, these places of business may also sell home furnishings, major appliances and floor coverings.

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**Garage:** An accessory building designed and used primarily for the storage of motor vehicles that is owned and used by the occupants of the principal use building and in which no occupation or business is conducted. This does not include any parking area located within the principal use building, unless the garage is the principal use building on the lot.

**Garage, Municipal:** A structure owned or operated by a municipality and used primarily for the parking and storing of vehicles owned by the general public.

**Garage, Private Customer and Employee:** A structure that is accessory to a nonretail commercial or manufacturing establishment, building, or use and is primarily for the parking and storage of vehicles operated by the customers, visitors, and employees of such building and that is not available to the general public.

**Garage, Private Residential:** A detached accessory building or portion of the main building used only for the storage of motor driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located and that is not a separate commercial enterprise available to the general public. If the occupants of the lot have fewer vehicles than the storage spaces contained in said garage, the unused spaces may be used by, or rented to others.

**Garage, Public:** A structure, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

**Garage, Repair:** Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

**Garage, Storage:** A storage garage is any building used for the storage only of motor vehicles pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease, or oil is sold and vehicles are not equipped, serviced, repaired, hired, or sold.

**Garden Center:** A place of business where retail and wholesale nursery and garden products are sold. These uses import many of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

**Gasoline Service Station:** An establishment primarily engaged in selling gasoline and lubricating oils and which may sell other merchandise or perform minor repair work.

**General Contractor:** An individual who contracts to perform building/structure construction related work or to provide supplies on a large scale, or an individual who contracts to erect buildings and/or other structures. Construction related

work may include, but are not limited to, plumbing, landscaping, electrical, framing, concrete, masonry, roofing, pest control, etc.

**General Flooring Sales:** Places of business where floor coverings or hard wood flooring are the main products offered for sale.

**Geotechnical Consultant:** An expert in a specific area of environmental concern pertinent to a specific site, having appropriate specific education and/or experience in the judgement of the approving authority.

**Gift Shop:** An establishment primarily engaged in the retail sale of combined lines of gifts and miscellaneous small art goods, such as greeting cards and holiday decorations.

**Glass and Glassware:** Establishments primarily engaged in manufacturing glass and glassware, pressed, blown, or shaped from glass produced in the same establishment; or establishments primarily engaged in manufacturing glass products from purchased glass.

**Golf Course:** as used herein, shall mean standard sized layouts of at least nine holes and shall not include miniature golf courses, par-3 golf courses, pitch and putt courses or driving ranges.

**Goods:** the sale of goods means the sale of physical or tangible objects that can be easily transferred or sold either in person, via the mail, or by another transfer. Examples of goods include, but is not limited to, food items, apparel, equipment, etc.

**Governing Body:** The body of the relevant local government having the power to adopt ordinances.

**Governmental Facility:** A government owned or operated building, structure, or land used for public purpose. Use includes post office, trustees office, etc.

**Grade:** The inclination or slope of a ground surface usually expressed in terms of the percentage of vertical rise (or fall) relative to a specific horizontal distance. The slope of a street or other public way specified in percentage (%) terms.

**Grading:** The stripping, cutting, filling, spreading or stockpiling of soil or earth on a tract, parcel or lot to create new grades. The stripping, cutting, filling, spreading or stockpiling of soil, sand, gravel or stone or any combination or mixture thereof on a tract, parcel or lot.

**Grading Plan:** See Erosion Control/Grading Plan.

**Grain Elevator:** A building for buying, selling, storing, discharging, and sometimes processing grain.

**Grain Mill Products:** Establishments primarily engaged in manufacturing grain mill products such as flour, cereal, meal, and so forth.

**Greenfill:** The placement of more than 2,000 pounds of organic material brought from an off-site location that has the effect of altering the natural topography of existing low areas or ravines. Organic material includes such items as tree limbs, tree stumps, tree branches and leaves, shrubs, undergrowth, etc... For the purpose of this definition, incidental grass clippings, leaves, tree trimmings from on-site maintenance are not included in this definition. Greenfill is considered a land disturbing activity, subject to the provisions of this ordinance.

**Grocery Store:** A store primarily engaged in the retail sale of various canned foods and dry goods, either packaged or in bulk, such as tea, coffee, spices, sugar, and flour; fresh fruits and vegetables; and, frequently, fresh, smoked and prepared meats, fish, and poultry.

**Gross Leasable Area (GLA):** The total floor area for which a tenant pays rent and that is designed for the tenant's occupancy and exclusive use. This term does not include public or common areas, such as utility rooms, stairwells, and pedestrian malls.

**Ground Floor:** The first floor of a building other than a cellar or basement.

**Ground Cover:** Plants, other than turfgrass, normally reaching an average maximum height of not more than 24 inches at maturity.

**Ground Floor Area:** The area of a building in square feet, as measured in a horizontal plane at the ground floor level within its largest outside dimensions, exclusive of open porches, breeze-ways, terraces, garages and exterior or interior stairways.

**Group Care Home I & II:** A housing unit classified further as one of the following:

- A. Group Care Home, Class I.** A facility providing 24-hour care in a protected living arrangement for not more than eight (8) residents per IC 12-28-4-8. This classification includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons 60 years of age and older, and maternity homes.
- B. Group Care Home, Class II.** Subject to IC 12-28-4-7 A facility providing 24-hour care in a protected living arrangement for not more than eight (8) residents. This classification includes homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, halfway houses providing residence to those needing correctional and mental institutionalization. This classification also includes emergency shelter during crisis intervention for not more than eight (8) victims of crime, abuse, or neglect, and residential rehabilitation for alcohol and chemical dependence for 8 or fewer individuals.

**Guest, Permanent:** A permanent guest is a person who occupies or has the right to occupy a hotel or apartment hotel accommodation as his domicile and place of permanent residence.

**Guest Room:** A guest room is any room offered or used to provide sleeping accommodations to guests. For example, a guest room may be a bedroom, or any other room equipped with a bed, sofa, futon, cot, mattress, or sleeping pallet.

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**Habitable Elevation:** The height of the highest space in any existing or future building which is designed for use as a residence or working area of persons.

**Handcrafted Item:** An object that requires use of the hands, hand tools and human craft skills in its production, and which is not mass produced by mechanical means.

**Handicrafts:** Places of business that sell articles fashioned by those engaged in handicrafts.

**Hardship or Unnecessary Hardship:** Significant economic injury that:

- A.** Arises from the strict application of this ordinance to the conditions of a particular, existing parcel of property;



- B. Effectively deprived the parcel owner of all reasonable economic use of the parcel; and
- C. Is clearly more significant than compliance cost or practical difficulties.

**Hardware:** An establishment less than 30,000 square feet that is primarily engaged in the retail sale of Basic hardware lines, such as tools, builders' hardware, gardening tools and paint and glass, housewares and household appliances and cutlery.

**Hard Surface Floor Coverings:** Establishments involved in manufacturing hard surface floor covering, such as tile and linoleum.

**Hazardous and Toxic Materials:** Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

**Health Department and County Health Officer:** The Monroe County Health Department and the person designated by the County to administer the state and local health regulations within the County.

**Hearing Officer:** Staff member designated by the Plan Commission to review requests for minor deviation from the height, bulk, and density requirements of the RCZO. The Hearing Officer's decision is binding and may be appealed to the BZA. See 835-17 for more information on the Hearing Officer rules of procedure.

**Heavy Equipment:** Motorized equipment having a gross weight of more than six tons.

**Heavy Machinery Sales:** Establishments primarily engaged in marketing heavy machinery, such as road construction and maintenance machinery, mining machinery, agricultural machinery, industrial machinery, and equipment, and so forth.

**Heavy Manufacturing:** The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of truck traffic, railroad activities, noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not meet the definition of "Light Manufacturing." This use may include outdoor activities and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials or products involving flammable, hazardous, or explosive materials and processes, uses involving the fabrication, use, or repair of heavy special purpose equipment such as plastic injection molding. Examples of this use include Bottled Gas Storage and Distribution, Industrial Supplies, Industrial Equipment Repair, Paper Products, Perfumes, Cosmetics and Toiletries, Pharmaceuticals, Plastic Products Assembly, Plating and Polishing Pottery Products, Ship and Boat Building, Structural Clay Products, Terra Cotta, Textiles, Textiles Machinery, Beverage bottling, Heavy manufacturing, unless performed on a scale that meets the definition of "Artisan Craft" or "Light Manufacturing". "Heavy Manufacturing" shall not include any use that is otherwise listed specifically in the use table as a Permitted or Conditional Use.

**Heeled-in:** A means of preventing roots of bare root plants from drying out before planting. Typically, done by laying the plant on its side with its roots in a shallow trench, and then covering the roots with soil, sawdust, or other material, moistened to keep roots damp.

**Height:** For the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

**Height, Building:** The vertical distance from the average grade level adjoining the building: to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between the eaves and the ridge for gable, hip and gambrel roofs.

**Height, Bulk, Area and Density Requirements:** Those regulations and standards concerning minimum lot areas, maximum height of structures, minimum lot widths and depths, minimum front, side, and rear yard setbacks, maximum lot coverage, and other such regulations and standards concerning the design and placement of structures on a parcel or lot.

**Height, WCF:** The vertical distance of a WCF or Support Structure, as measured from the ground elevation at the base of the WCF or Support Structure to the top of the structure, including Antenna Array(s).

**Highway, County:** Any street which is under the jurisdiction of the Monroe County Highway Department.

**Highway, Limited Access:** A freeway, or expressway, providing for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right to access to or from the same, except as such points and in such manner as may be determined by the public authority having jurisdiction over such a highway.

**Highway, State:** Any street which is under the jurisdiction of the Indiana Department of Highways.

**Historic Adaptive Reuse:** The use of a historic property for another use or uses that may not be directly permitted within the applicable zoning district. The purpose of the adaptive reuse is to allow for a financially viable use to help maintain and preserve the historic structures on the site.

**Historic District:** An area which contains or which surrounds an area which contains buildings, structures or places in which historic events occurred or having special public value because of notable architectural or other features relating to the general, archeological, economic, social, political, architectural, industrial or cultural history of Monroe County, Indiana, of such significance as to warrant conservation or preservation, and which, by virtue of the foregoing, has been designated as a Historic District by the Monroe County Commissioners pursuant to the provisions of the Zoning Ordinance. Area in any political subdivision of the State of Indiana designated as a historic district pursuant to the zoning or historic preservation ordinances applicable within the subdivision.

**Historic Preservation Board of Review:** The Monroe County Historic Preservation Board of Review.

**Historic structure:** Any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

**Home Based Business:** An accessory occupational use conducted in a residential dwelling or one accessory structure operated by the inhabitants that is clearly incidental to the use of the structure for residential purposes and does not change the residential character of the site. The use shall not have more than two employees living off-site, permitting on-site sales of merchandise constructed on-site or are incidental to services performed on-site, and are identified with minimal advertising signs as permitted by this Zoning Ordinance.

**Home Improvement Center:** An establishment greater than 30,000 square feet that is primarily engaged in the retail sale of a general line of building materials and supplies, housewares and household appliances and gardening supplies to the general public, which may include roofing, siding, shingles, wallboard, paint, cement, and so forth, including incidental storage. Examples of this use include Lowe's, Menard's, and Home Depot.

**Home Occupation:** An accessory occupational use permitted by right which is conducted in a residential dwelling by the inhabitants that is clearly incidental to the use of the structure for residential purposes and does not change the residential character of the site. A home occupation is based entirely within the primary residential structure and does not include direct sale of goods or services, including any and all customers coming to the residence. Activity shall not occur in any accessory structures and no outside storage is permitted. Activities must not create external visual changes and produce no odors, noise, vibration, dust, light, or other discernible impacts outside the dwelling. Uses may include but are not limited to remote workplace, drafting, drawing, typing, writing, and operating telephones, sewing machines or computers. Use shall not require an Improvement Location Permit, provided that all regulations are met:

1. No employees
2. No customers allowed to visit, drop off, or park vehicles on the premises;
3. No signs are displayed, no online advertising at the residential location; and
4. No deliveries other than those normally associated with residential uses are made to the site.

**Homeowners Association:** A community Association, other than a condominium Association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

**Hospital:** A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an inpatient basis, including ancillary facilities for outpatient and emergency treatment, diagnostic services, palliative care, training, research and administration, and services to patients, employees, and visitors.

**Hotel:** A building, or portion thereof, in which five or more guest rooms (typically accessible from an interior hallway) are furnished to the public under a short term lodging agreement. May include a Hotel Conference Center as an accessory use.

**Hotel Conference Center:** Includes first floor commercial space including but not limited to, conference centers, restaurants, business and personal services. Principal use is a hotel.

**Housing Code:** The County ordinance that controls the continuing safety and healthfulness of buildings for human occupation within the County's jurisdiction. Also referred to herein as the "County Housing Code."

**Housing Unit:** A room or group of rooms used by one or more individuals living separately from others in the building, with direct access to the outside or to a public hall and containing separate bathroom and kitchen facilities (see dwelling unit).



**Immediate Sinkhole Drainage Area:** Any area that contributes surface water directly to the sinkholes, not including areas that contribute surface water indirectly to a sinkhole (e.g., by streams).

**Impact:** An earth borne vibration generally produced by two (2) or more objects striking each other so as to cause separate and distinct pulses.

**Impact Areas:** Areas defined and mapped by the Drainage Board which are unlikely to be easily drained.

**Impervious:** A material through which water cannot pass, or through which water passes with difficulty.

**Impervious Lot Coverage:** The percentage of a lot's area covered by any building or structure or any impermeable surface other than water bodies.

**Improvement Location Permit:** A permit certifying that the site plans of a proposed building, structure, site improvement or use of land have been examined for compliance with all requirements of this ordinance. This includes change of use in a structure or on a lot.

**Improvements:** Any building, structure, parking facility, fence, gate, wall, work or art, underground utility service or other object constituting a physical betterment of real property, or any part of such betterment. See Lot Improvements or Public Improvements. See Lot Improvements or Public Improvements.

**Impulsive Sound:** Either a single pressure peak or a single burst (multiple pressure peaks) for a duration less than one second.

**Indiana Code:** The Burns Indiana Statutes Code Edition, which codifies all Indiana statutes for reference purposes. The latest edition with any amending supplements must be referred to for the laws "now" in force and applicable. (Usually abbreviated as I.C. herein).

**Indiana Utility Regulatory Commission (IURC):** The IURC regulates those telecommunications which are also considered public utilities. Where the telecommunications service being provided is a public utility, such as telephone service, including local, long distance or cellular telephone service, then those services fall under IURC jurisdiction.

**Individual Building Lot:** A single parcel of land within a multiparcel development.

**Individual Lot Operator:** A contractor or subcontractor working on an individual lot.

**Individual Lot Owner:** A person who has financial control of construction activities for an individual lot.

**Individual Sewage Disposal System:** A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device approved by the Health Department to serve the disposal needs of one single-family residential dwelling. An individual sewage disposal system is a private sewage disposal system.

**Indoor Shooting Range:** A facility designed and used for shooting at targets with archery and/or firearms, and which is completely enclosed within a building or structure.

**Industrial Equipment Repair:** An establishment primarily engaged in repairing industrial equipment, including repairing heavy-construction and earth-moving equipment.

**Industrial Equipment Sales and Rental:** An establishment primarily engaged in selling or renting heavy industrial equipment, including heavy construction and earth-moving equipment.

**Industrial Manufacturing, Heavy:** The Assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not constitute "light manufacturing", and which may include open uses and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials or products involving flammable or explosive materials and processes. This definition shall not include any use that is otherwise listed specifically in a zoning district as a permitted or conditional use. Examples of uses may include: Industrial Equipment Repair, Paper Products, Perfumes, Cosmetics and Toiletries, Pharmaceuticals, Plastic Products Assembly, Plating and Polishing, Pottery Products, Ship and Boat Building, Sign and Advertising Displays, Structural Clay Products, Terra Cotta, Textiles, Textiles Machinery, Beverage bottling, Abrasive Products, Appliance Assembly,

Beverage Products, Bottling Machinery, Electronic Devices and Instruments, Engineering and Scientific Instruments, Farm Machinery and Equipment, Furniture, Glass and Glassware, Hard Surface Floor Covering, Insulation Products, Machine Assembly, Machine Shop, Metal Fabrication, Metalworking Machinery, Textile, Welding, Petroleum Bulk Sales and Storage.

**Industrial Manufacturing, Light:** The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not involve significant truck traffic or railroad operations and do not create material amounts of noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, and where such processes are housed entirely within an enclosed building, except as may be authorized in this CDO. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials and includes processes not involving flammable or explosive materials. Examples of activities include but are not limited to Gunsmith, Engineering and Scientific Instruments, Jewelry Products, Leather Goods, Musical Instruments, Watches and Clocks, Wood Products. The term "Light Manufacturing" shall not include any use that is otherwise listed specifically in the Use Table as a Permitted or Conditional Use.

**Industrial Park:** A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation and open space.

**Industrial Supplies:** Establishments primarily engaged in marketing industrial supplies, such as bearings, boxes, gaskets, bottles, rubber goods, welding supplies, metal containers, and so forth.

**Inlet (Storm Water Inlet):** An opening into a storm sewer system through which surface storm water runoff enters the system.

**Instrument Runway:** A runway equipped, or to be equipped, with electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.

**Insulation Products:** Establishments involved in manufacturing insulation products.

**Insurance Agency:** An agency whose business is to insure persons or property.

**Intensive Agriculture:** Includes uses such as Confined Animal Feeding Operations (CAFO), and Confined Feeding Operations (CFO) as defined by the Indiana Department of Environmental Management.

**Intent:** Provisions of this overlay are described by "shall" when required; "should" when expected; and "may" when permitted.

**Interested Parties:** Those persons who are to be notified by mail of a public hearing, or other action, on a proposed subdivision of land; namely, the applicant or developer of the property to be subdivided and the fee simple owners (executive officer or board of governmental owner) of those properties that share a common boundary line or point with the property to be subdivided or that would share a common boundary line or point with the property to be subdivided but for the existence of a public or private street or a distinct parcel owned by the applicant or developer (see Commission Rules of Procedure). If an abutting property consists of "common areas" that are owned and/or maintained by a subdivision/condominium property owners' Association, the Association, rather than the individual subdivision lot/condominium owners, shall be deemed the "interested party" for purposes of notice, unless, additionally, the Administrator orders that certain individual owners be provided with notice as interested parties. The identity of interested parties shall be determined from the following sources: (1) the subdivision application; (2) the Auditor's Plat Books; and (3) the

**Auditor's Transfer Books.** Those persons identified in the Plan Commission Rules of Procedure who are to be notified by mail of a public hearing, or other action, on a proposed division of land.

**Interior Decorating:** An establishment involved in the art or practice of planning and supervising the design and implementation of architectural interiors and their furnishings.

**Intermittent Stream:** A surface watercourse which flows typically only after significant precipitation events or during a particular season, and which evidences a discernable stream bed. This does not encompass man-made drainage ways or natural swales which lack a discernable stream bed.

**Interstate:** The highest type of primary arterial highway, with full access control, high design speeds, and a high level of driver comfort and safety. Interstate roads are at least four lanes wide with a median in rural areas. Access control is exercised to give preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections.

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## J

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**Jewelry:** An establishment primarily engaged in selling any combinations of lines of jewelry, such as diamonds and other precious stones mounted in precious metals such as rings, bracelets, and brooches; sterling and plated silverware; and watches and clocks.

**Jewelry Products:** Establishments primarily engaged in manufacturing jewelry and other articles worn on or carried about the person, made of precious metals with or without stones (including the setting of stones where used), including cigarette cases and lighters, vanity cases and compacts; trimmings for umbrellas and canes; and jewel settings and mountings; or establishments primarily engaged in manufacturing costume jewelry made of all materials, except precious stones and rolled gold plate and gold filled materials.

**Junction Chamber:** A converging section of conduit, usually large enough for a person to enter, used to facilitate the flow from one or more conduits into a main conduit.

**Junkyard:** A junkyard is an open area where junk, waste, scrap, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, bottles, and inoperable equipment or machines or motor vehicles. A junkyard includes automobile wrecking or salvage yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house-wrecking and structural steel materials and equipment, but does not include uses established entirely within enclosed buildings or composting operations.

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## K

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**Karst:** A type of terrain, usually formed on carbonate rocks (limestone, dolomite, calcareous shale), gypsum, and other rocks by dissolution, and that is characterized by sinkholes, underground drainages, and caves.

**Karst Valleys:** Valley-like areas characterized by numerous sinkholes and intermittent sinking streams along adjacent hillsides that have no over land stream outlet.

**Karst Window:** A collapsed sinkhole that exposes a cave stream or an intermittent cave stream.

**Kennel:** An establishment or lot wherein any person engages in the business of boarding, buying, keeping, letting for hire, training for a fee, or selling dogs, cats and/or other small, domesticated household pets (not

farm animals). A kennel, for purposes of this chapter, shall not include a facility in or adjoining a private residence where dogs are kept for the hobby of the householder using them for hunting, practice tracking, exhibiting in shows or field or obedience trials or for the guarding or protecting of the householder's property, and an occasional sale of puppies or kittens by the owner, lessee or other occupant of such property shall not make that property a kennel for the purposes of this chapter.

**Kennels, including commercial animal breeding operations:** The boarding, breeding, raising, grooming, or training of two or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain. An establishment wherein any person engages in the business of boarding, breeding, buying, keeping, letting for hire, training for a fee, or selling dogs, cats, and/or other small, domesticated household pets (not farm animals).

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## L

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**Laboratories:** Facilities equipped for experimental study in a science or for testing and analysis; facilities providing opportunity for research, experimentation, observation, or practice in a field of study.

**Lake Bodies:** The areas covered by Griffy Reservoir and Lake Monroe at normal pool elevation.

**Lake Monroe Watershed:** All areas of Monroe County within the Monroe County planning jurisdiction within the watershed boundaries as located by the Environmental Systems Applications Center, Indiana University, Bloomington. All land within the Lake Monroe Watershed has been classified into the following areas:

- A. **Area 1. All land lying within 1,000 feet (measured horizontally) of the Fee Take Line.**
- B. **Area 2. All land lying between 1,000 feet and 2,500 feet (measured horizontally) of the Fee Take Line. Also, all land lying within 1,000 feet (measured horizontally) of the Regulatory Floodway.**
- C. **Area 3. The entire Lake Monroe Watershed outside of Areas 1 and 2.**

**Land:** Any ground, soil or earth, including marshes, swamps, drainage ways, and areas not permanently covered by water, within the County Jurisdictional Area.

**Land Disturbing Activity:** Any man-made change of the land surface including clearing, cutting, excavating, filling, or grading of land or any other activity that alters land topography or vegetative cover, but not including agricultural land uses such as planting, growing, cultivating and harvesting crop, growing and tending gardens and minor landscaping modifications.

**Land Divider:** The owner of a parcel of land to be further divided pursuant to the exempt division regulations.

**Landing Area:** The area of the airport used for the landing, take-off or taxiing of aircraft.

**Landscape Area:** Land that has been decoratively or functionally altered by contouring and planting shrubs, trees or vines, and with a living or nonliving ground cover.

**Landscape Buffer:** See Bufferyard.

**Landscaping:** The improvement of a lot, parcel or tract of land with a combination of living plants (such as grass, shrubs, trees and/or other plant material) and nonliving material (such as rocks, mulch, walls, fences, or ornamental objects) designed and arranged to produce an aesthetically pleasing effect.



**Landscape Plan:** A component of a development plan on which is shown: proposed landscape species (such as quantity, spacing, size at time of planting, and planting details); proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features; grade changes; buffers and screening devices; and any other information that can reasonably be required in order that an informed decision can be made by the approving authority.

**Landscaping Features:** See Buffer Landscaping, Screening and Canopy and Understory Trees.

**Land Use Certificate:** A certificate signed by the Administrator stating that the occupancy and use of the land, building or structure referred to therein complies with the provisions of this ordinance.

#### **Land Use Density**

**Larger Common Plan of Development or Sale:** A plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer Lots for sale or lease; where such land will be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.

**Lateral Storm Sewer:** A sewer to which inlets are connected but to which no other storm sewer is connected.

**Leather Goods:** Establishments primarily engaged in manufacturing leather goods, such as handbags and purses, billfolds, checkbook covers, saddles, horse whips, and so forth, and where no leather tanning or curing is done on the premises.

**Legal Access:** A platted access easement or the minimum required frontage on a street.

**Legal Description:** A description recognized by law which definitely describes real property by reference to government surveys, coordinate systems or recorded maps; a description which is sufficient to locate property without oral testimony.

**Legal Drain:** Any drain moving in excess of 30 cubic feet per second during a 10 year storm. Any drainage system consisting of an open drain, a tiled drain, or any combination of the two, that is under the jurisdiction of the County Drainage Board as provided by I.C. 36-9-27, as amended.

**Legal Service:** An establishment engaged in offering legal advice or legal services, the head or heads of which are members of the bar.

**Level of Service (LOS):** A quantitative stratification of the effectiveness of a road's capacity to carry a given amount of traffic. A continuum of letter grades, with "A" being the best, most free-flowing travel and "F" being a standstill, is used to quantify travel for a roadway segment.

**Light Equipment:** Motorized equipment weighing six tons or less.

**Liquor Store:** An establishment primarily engaged in the retail sale of packaged alcoholic beverages, such as ale, beer, wine and whiskey, for off-premises consumption.

**Livestock Auction Market:** An established place of business and contiguous surroundings, where domestic animals are consigned to be sold at public auction upon a commission basis to be paid by the consignor at which place the operator of the business Acts as agent for consignor and said place has been inspected and approved on the basis of maintaining minimum standards, in conformance with regulations adopted by the State Board of Health.

**LMI Housing:** Units to be sold or rented to families earning 70 to 120 percent of the county median income, adjusted for family size, as determined by the US Department of Housing and Urban Development.

**Local Street:** A street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

**Location Map:** A map showing the location of the property proposed to be subdivided. Such a map shall show the closest cross streets in all directions.

**Locksmith:** An individual who makes or repairs locks.

**Logging, Urban Area:** Properties seeking a logging permit in the Urban Area as defined by IC 36-7-4-1103 (as amended), which says any lands or lots used for residential purposes where there are at least eight (8) residences within any quarter mile square area, and other lands or lots that have been or are planned for residential areas contiguous to the municipality.

**Long term Lodging Agreement:** An agreement under which rooms are provided for a fee, rate, or rental, and are occupied for overnight lodging or habitation purposes for a period of thirty (30) days or more.

**Lot:** A tract, plot, or portion of a subdivision or other parcel of land, the boundaries of which have been established by some instrument of record, that is intended as a unit for the purpose, whether immediate or future, of transfer of ownership or of building development. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or of building development.

**Lot Area.** The area of horizontal plane bounded by the vertical planes through front, side and rear lot lines.

**Lot, Corner:** A lot situated at the intersection of two (2) streets. A corner lot has a front yard on each abutting street. Corner Lots must observe the minimum front yard setback from both streets and observe the minimum side yard setback from the remaining property lines. A lot situated at the intersection of two (2) streets. A corner lot has a front yard on each abutting street.

**Lot Corner Marker:** An iron or steel dowel at least thirty (30) inches long and 5/8 inch in diameter set at the vertices of each angle in a lot boundary line.

**Lot Coverage:** The percentage of the lot area that is covered by the building or structure, exclusive of open courts, terraces or decks. See Floor Area and Open Space. The percentage of the lot area that is covered by the building or structure, including covered porches or decks and accessory buildings or structures but excluding open courts, terraces or decks. (See Floor Area and Open Space).

**Lot Depth:** The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line. The lot depth of a multiple frontage lot may be determined from any of its front lot lines.

**Lot, Improvement:** Any building, structure, work of art, or other object, or improvement of the land on which such objects are situated that constitute a physical betterment of real property.

**Lot, Interior:** A lot other than a corner lot with only one frontage on a street other than an alley.

**Lot Line:** A lot line is a property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley line.

**Lot Line, Front Yard:** The lot line abutting a street, watercourse or lake. Corner Lots and through Lots have at least two front lot lines, multiple frontage Lots may have more than two front lot lines.

**Lot Line, Rear Yard:** The lot line that is opposite to and most distant from the front property line. In the case of a triangular or irregularly shaped lot, the rear property line shall be Assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to the front property line at a maximum distance from the front lot line. If the front property line is a curved line, then the rear property line shall be Assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint. A lot may have more than one rear lot line.

**Lot Line, Side Yard:** Any boundary of a lot that is not a front or rear lot line.

**Lot, Multiple Frontage:** A lot with frontage at two or more locations.

**Lot of Record:** A lot, which was created by subdivision, the plat of which has been approved as required by applicable County, City, and State law and recorded in the Office of the Monroe County Recorder; or a parcel of land, the bounds of which have been legally established by a separate deed and duly recorded in the Office of the Monroe County Recorder. "Legally established" means not in violation of any County, City, or State subdivision regulations existing at the time the lot was established by deed. Also, a parcel described by a single deed containing more than one (1) metes and bounds description shall be one (1) lot of record unless the parcels described by separate descriptions have, in the past, been lawfully-established, separate parcels of record.

**Lot, Out:** That portion of land of a plat which is usually located adjacent to a street or frontage road and not dedicated to serving the needs of the primary development for an additional and separate building or buildings in the development.

**Lot, Reverse Frontage:** A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts.

**Lot, Substandard:** A parcel of land that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.

**Lot, Through:** A lot having frontage on two parallel or approximately parallel streets. A through lot has a front yard on each abutting street, watercourse or lake.

**Lot Width:** The horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building line. The width of a multiple frontage lot shall be determined at all of its building lines.

**Lowest adjacent grade:** The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

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## M

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**Machine Assembly:** An establishment involved in manufacturing and assembling machinery.

**Machine Shop:** A workshop in which material are machined to size and assembled.

**Major Collector:** Facilities that are designed to convey vehicles safely and quickly to the arterial road system. They serve minor population centers and neighborhood traffic generators that are not feasibly served by the arterials.

**Major Drainage System:** A drainage system that carries runoff from an area greater than or equal to one square mile.

**Major Street:** See Collector Street or Arterial Street.

**Major Street Plan:** See Official Zone Map.

**Major Subdivision:** See Subdivision, Major.

**Major Utility:** See Utility, Major

**Manhole:** A storm sewer structure through which a person may enter to gain access to an underground storm sewer or enclosed structure.

**Manufactured Home:** A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Home Construction and Safety Standards Law of 1974 (42 USC 5401 et seq.).

**Manufactured Home Park:** A site containing spaces with required improvements and utilities that may be leased for the long-term placement of manufactured houses and that may include services and facilities for the residents.

**Manufactured home park or subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home Lots for rent or sale.

**Manufactured Housing Sales:** Establishments primarily engaged in the retail sale of new and used mobile homes, new manufactured houses, and new modular homes, including incidental storage.

**Manufacturing, Light:** The Assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such Assembly, fabrication or processing takes place, where such processes are housed entirely within an enclosed building, except as may be authorized pursuant to Chapter 813. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials and includes processes. This definition shall not include any use that is otherwise listed specifically in any zoning district as a permitted or conditional use.

**Map:** A representation of the earth's surface, or any part thereof, in signs and symbols, on a plane surface, at an established scale, with a method or orientation indicated.

**Marine Supply:** An establishment primarily engaged in the retail sale of motorboats and other watercraft, marine supplies, and outboard motors, including incidental storage.

**Market value:** The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value) or adjusted Assessed values.

**Marker:** A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

**Marquee:** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

## CHAPTER 842: DEFINED WORDS

### 842.2 Definitions

**Massage Studio:** An establishment offering massage therapy and/or body work by a massage therapist certified under IC 25-21.8 or under the direct supervision of a licensed physician, surgeon, chiropractor, or osteopath.

**Master Plan:** See Comprehensive Plan.

**Measurable Storm Event:** A precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half (0.5) inch of rainfall.

**Meat Market:** A place of business where fresh, frozen or cured meats are sold and where no animals are butchered on the premises.

**Medical Clinic:** An establishment providing medical, psychiatric or surgical services exclusively on an outpatient basis, including emergency treatment and diagnostic services. Includes Rehabilitation Therapy Facility, Physical Therapy, Chiropractor, etc.

**Metal Fabrication:** An establishment involved in manufacturing process that shapes metal into parts or end products.

**Metalworking Machinery:** An establishment involved in manufacturing machinery to be used for shaping objects out of metal.

**Microbrewery:** A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district

**Mineral Extraction:** The on-site extraction of surface or sub-surface mineral products or natural resources. Typical extractive uses are quarries, borrow pits, sand and gravel operations, and mining operations.

**Minor Collector:** Facilities that are designed to convey vehicles to major collector or arterial streets.

**Minor Drainage System:** A drainage system that carries runoff from an area of less than one square mile.

**Minor modification:** Any improvements to existing structures that do not qualify as a substantial modification, does not result in an increase to the fall zone to an extent that would result in a violation of the setback requirements and is eligible for administrative review and approval. The term includes the following: (1) Increasing the height of a wireless support structure to avoid interfering with an existing antenna (see Substantial Modification for limits to height increase); (2) Increasing the diameter or area of a wireless support structure to: (A) shelter an antenna from inclement weather; or (B) connect antenna to the wireless support structure by cable.

**Minor Subdivision:** See Subdivision, Minor.

**Mixed-use:** Multiple functions within the same building through superimposition or adjacency, or in multiple buildings within the same area by adjacency. This technique is a tenet of form-based zoning to encourage, compact urban areas, pedestrian activity, reduction of dependence on automobiles and parking facilities, among other benefits.

**Minor Utility:** see Utility, Minor

**Mobile Home:** A single dwelling residential unit with all of the following characteristics:

- A. Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachments to outside systems;
- B. Designed to be transported after fabrication on its own wheels;
- C. Arriving at the site where it is to be occupied as a dwelling complete, conventionally designed to include major appliances, and ready for occupancy except for minor and incidental unpacking and Assembly operations, location on foundation supports, connection to utilities and the like; and,
- D. Designed for removal to and installation or erection on other sites.

**Modular Home:** Any single dwelling unattached manufactured home that is without wheels and chassis but that is designed for transportation on streets after fabrication.

**Monopole:** A single, freestanding pole-type structure supporting one or more Antenna. For purposes of this Ordinance, a Monopole is not a Tower.

**Monument:** A physical structure which marks the location of a corner or other survey point.

**Motel:** A building, or portion thereof, in which five (5) or more guest rooms (typically accessible from an outdoor parking lot) are furnished to the public under a short term lodging agreement.

**Motorcycle Sales:** Establishments primarily engaged in the retail sale of new and used motorcycles, motor scooters, and personal watercraft, including incidental storage, maintenance and servicing.

**Motor Vehicle and Equipment Assembly:** Establishments primarily engaged in manufacturing or assembling complete passenger automobiles, trucks, commercial cars and buses and special purpose motor vehicles, including establishments primarily engaged in manufacturing chassis or passenger car bodies, which may also manufacture motor vehicle parts.

**MS4 Area:** Land comprising one (1) or more places that receive coverage under one (1) NPDES storm water permit regulated by 327 IAC 15-13 or 327 IAC 5-4- 6(a)(4) and 327 IAC 5-4-6(a)(5).

**MS4 Operator:** The person responsible for development, implementation, or enforcement of the minimum control measures for a designated MS4 area regulated under 327 IAC 15-13.

**Mulch:** Nonliving organic and synthetic materials customarily used in landscape design to retard erosion, conserve moisture, prevent weeds from growing, and aid in establishing plant cover.

**Multiple-Family Subdivision:** A subdivision intended to be the site of more than one multifamily dwelling.

**Municipal Sewage Disposal System:** See Public Sewage Disposal System.

**Municipal Water System:** See Public Water System.

**Music Store:** An establishment primarily engaged in selling musical instruments, phonograph records, compact discs, tapes, sheet music and similar musical supplies.

**Musical Instruments:** Establishments primarily engaged in manufacturing pianos, guitars, and other similar instruments, as well as parts and accessories for musical instruments.

**Net Selling Price:** The selling price of a house and its accompanying land minus the costs incurred for land acquisition and construction.

**Night-time Hours:** 7:00 p.m. to 7:00 a.m., local time.

**Noise Pollution:** A level of noise which subjects those in close proximity to such decibel levels that impair their health, general welfare and enjoyment of their property for its intended use.

**Noncommercial Message:** A sign which carries no message, statement, or expression related to the commercial interests of the sign owner, lessee, author or other person responsible for the sign message.

**Nonconforming Sign:** See Sign, Nonconforming.

**Nonconforming Use:** See Use, Nonconforming. Any structure, tree or use of land that is lawfully in existence at the time the regulation prescribed in this chapter, or an amendment thereto, becomes effective and does not then meet the requirements of the regulation.

**Non-Instrument Runway:** A runway other than an instrument runway.

**Normal Pool Elevation:** The mean elevation of a lake body's surface. The normal pool elevation for Griffy Reservoir is 630 feet and the normal pool elevation for Lake Monroe is 538 feet.

**North American Vertical Datum of 1988 (NAVD 88):** as adopted in 1993, a vertical control datum used as a reference for establishing varying elevations within the floodplain.

**Nursery/greenhouse:** An establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building.

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## O

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**Objectionable Substances:** Substances of a quantity and type that are present in sufficient duration and location to damage the waters of the state.

**Octave Band Sound Pressure Level:** The sound pressure level for the sound being measured contained within the specified octave band. The reference pressure is twenty (20) micronewtons per square meter ( $\mu\text{N}/\text{m}^2$ ).

**Odor Concentration:** The number of cubic feet that one cubic foot of sample will occupy when diluted to the odor threshold. It is measured in the number of odor units in one cubic foot of the sample and expressed in odor units per cubic foot.

**Odor Unit:** One cubic foot of air at the odor threshold.

**Office:** An establishment primarily engaged in providing professional, financial, administrative, clerical and other similar services. Includes law offices, accountant offices, real estate offices, tax preparation.

**Office and Computer Equipment:** Establishments primarily engaged in manufacturing office equipment such as typewriters, desk calculators, adding and accounting machines, duplicating machines and similar equipment; and/or in manufacturing electronic computer and peripheral equipment and/or major logical components intended for use in electronic computer systems.

**Office Equipment Repair:** An establishment involved in repairing office equipment, such as typewriters, copying machines, computers, calculators, and so forth.



**Office Showroom:** An establishment where office merchandise is exhibited for sale or where sample office supply items are displayed, including incidental storage, provided that a minimum of twenty (20) percent of the building is comprised of finished office space.

**Office Supplies:** Places of business where stationer and office supplies, such as enveloped, typewriter and mimeograph paper, file cards and folders, pens and pencils, and so forth, are the main items offered for sale.

**Official Master Plan:** See Comprehensive Plan.

**Official Zone Map:** The map or maps established by the County pursuant to law showing the existing and proposed streets, highways, parks, drainage systems, and set-back lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the County or additions thereto resulting from the approval of subdivision plats by the Commission and the subsequent filing of such approved plats.

**Off-Site:** Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval. Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the Applicant.

**Off-Street Loading and Unloading Space:** An open hard-surface area of land, other than a street, driveway, or public way, the principal use of which is for standing, loading and unloading of motor trucks, tractors and trailers or other motor vehicles, to avoid undue interference with the public use of streets and alleys. Such space shall not be less than twelve (12) feet in width, thirty (30) feet in length for short berths and fifty (50) feet in length for long berths and fifteen (15) feet in height, exclusive of access aisles and maneuvering space.

**Off-Street Parking Schedule:** General off-street parking requirements, as delineated in the Zoning Ordinance that indicate the number of parking spaces required per use.

**On-Site:** Any premises located within the area of the property that is the subject of an application for development.

**Opacity:** A condition which renders material partially or wholly impervious to transmittance of light and causes obstruction of an observer's view. For the purposes of these regulations, the following equivalence between opacity and Ringelmann shall be employed.

A.	Opacity Percent Ringelmann No.
1.	100.5
2.	201
3.	301.5
4.	402
5.	603
6.	804
7.	1005

**Open Drain:** A natural or artificial open channel that carries surplus water and that was established under or made subject to any drainage statute or ordinance.

**Open Space:** Total horizontal area of all portions of the lot not covered by buildings, structures, streets, parking areas or paved walkways.

**Open Space, Usable:** That portion of a zoning lot which is not covered by building or paved areas. For the purposes of this ordinance, outdoor roof gardens, patios and decks may be counted, providing a maximum of 100 square feet per dwelling unit may be included as usable open space. Pools and other recreational facilities may be included in the usable open space provided that a minimum of thirty (30) percent of the usable open space must be devoted to landscaping.

**Optical Goods:** Establishments involved in selling visual devices or products.

**Optical Instruments and Lenses:** Establishments primarily engaged in manufacturing instruments that measure an optical property, including apparatus, except photographic, that projects or magnifies, such as binoculars, prisms and lenses; optical sighting and fire control equipment and related analytical instruments; or establishments primarily engaged in manufacturing eyeglass lenses, frames, or fittings.

**Ordinance:** Any legislative action, however denominated, of a local government which has the force of law.

**Ordinary Maintenance:** Ensuring that communications facilities and wireless support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example, the strengthening of a wireless support structure's foundation or of the wireless support structure itself. Ordinary maintenance includes replacing antennas of a similar size, weight, shape and color and accessory equipment within an existing wireless communications facility and relocating the antennas of approved communications facilities to different height levels on an existing monopole or tower upon which they are currently located. Ordinary maintenance does not include minor and substantial modifications.

**Original Parent Parcel:** The lot prior to the utilization of the Sliding Scale Option subdivision method.

**Ornamental Tree:** A deciduous tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.

**Outdoor shooting range:** An area designed and operated for the use of rifles, shotguns, pistols, muskets, or similar firearms that are fired at silhouettes, skeet, trap, paper, still board, or other similar targets. Use is not permitted. Exemptions include: hunting and target practice on private property not for commercial gain.

**Outfall:** The point or location at which storm water runoff discharges from a sewer or drain. The term also applies to the outfall sewer of channel which carries the storm runoff to the point of outfall.

**Owner:** Any person or other legal entity having legal title to or significant proprietary interest in the land subject to a zoning determination under these regulations.

**Owners Association:** See Condominium Association or Homeowners Association.

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**Paper Products:** Establishments involved in manufacturing paper products such as envelopes, paper bags, file folders, stationery, wrapping paper, and so forth, and where no paper is produced on the premises.

**Parcel:** A part or portion of land having a legal description formally set forth in a conveyance instrument (e.g., a deed) together with the boundaries thereof, in order to make possible its easy identification. Not to be confused with Lot of Record.

**Parent Parcel Remainder:** The largest lot created under the Sliding Scale Option subdivision method.

**Parent Tract:** The land from which the new lot or tract of land is being taken as recorded in the County Recorder's Office on the date of adoption of these regulations.

**Park:** A tract of land, designated and used by the public for active and passive recreation.

**Parks and Playgrounds:** Publicly- and privately-owned and operated parks, playgrounds, recreational facilities, golf courses and open spaces.

**Parking Area:** An open hard-surfaced area of land, other than a street, driveway, or public way, the principal use of which is for the storage (parking) of passenger automobiles or commercial vehicles under two-ton capacity by the public, whether for compensation or not, or as an accommodation to clients or customers. An improved surface upon which passenger vehicles are parked, and at which a fee may be charged.

**Parking Area, Private:** A private parking area is an open, hard-surfaced area, other than a public way or street, designed, arranged and made available for the storage (parking) of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory.

**Parking Area, Public:** A public parking area is an open, hard-surfaced area, other than a public way or street, intended to be used for the temporary, daily, or off-street parking of passenger automobiles and commercial vehicles under one and one-half (1-1/2) tons rated capacity, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

**Parking Facility:** An area on a site with or without a principal use, which includes one or more off-street parking spaces together with driveways, aisles, turning and maneuvering areas, clearances, and similar features. A parking facility includes parking Lots, parking garages, and parking structures, and includes both publicly and privately owned facilities.

**Parking Space, Automobile:** Hard surfaced space within a parking area or a building of not less than one hundred fifty-seven and one-quarter (157.25) square feet, being eight and one-half (8-1/2) feet by eighteen and one-half (18-1/2) feet, with a vertical clearance of at least seven (7) feet, exclusive of access drives, aisles, ramps, columns, or office and work area, for the storage of one passenger automobiles or commercial vehicles under two-ton capacity.

**Particle Velocity:** A characteristic of vibration that depends on both displacement and frequency. If not directly measured, it can be computed by the frequency by the amplitude times the factor 6.28. The particle velocity will be in inches per second, when the frequency is expressed in cycles per second and the amplitude in inches.

**Particulate Matter:** Any solid or liquid material, other than water, which exists in finely divided form.

**Party Wall:** A wall which is common to but divides contiguous buildings.

**Paving Materials Central Mixing:** Establishments primarily engaged in mixing paving materials to be transported and used at another location.

**Peak Discharge:** The maximum rate of flow during a storm, usually in reference to a specific design storm event.

**Peak Flow:** The maximum rate of flow of water at a given point in a channel or conduit resulting from a particular storm or flood.

**Pennant:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, usually in series, designed to move in the wind.

**Performance Standard:** A criterion or limit established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat generated by, or inherent in uses of land or buildings.

**Perfumes, Cosmetics and Toiletries Manufacture:** Establishments primarily engaged in the manufacture of perfumes (natural and synthetic), cosmetics, and toiletries; establishments engaged in blending and compounding perfume bases and the manufacture of shampoos and shaving products, whether soap or synthetic detergents.

**Perimeter Street:** Any existing street to which the parcel of land to be subdivided abuts on only one side.

**Permanent Open Space:** Parks, playgrounds, landscaped green space, and natural areas, not including schools, community centers or other similar areas in public ownership.

**Permanent Stabilization:** The establishment, at a uniform density of seventy percent (70%) across the disturbed area, of vegetative cover or permanent nonerosive material that will ensure the resistance of the soil to erosion, sliding, or other movement.

**Permit authority:** The Monroe County board, commission, or employee that, or who, makes legislative, quasi-judicial, or administrative decisions concerning the construction, installation, modification, or siting of wireless facilities or wireless support structures.

**Person:** A governmental entity, a corporation, a partnership, and an incorporated Association of persons such as a club as well as an individual. An individual, firm, partnership, corporation, company, Association, joint stock Association or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian or other representative.

**Personal Services:** Includes Beauty Service, Barber Shop, Spas, Nail Salon, massage studio, tailoring, Upholstery Service and other associated businesses.

**Pesticide:** A chemical substance used to kill a plant or animal that is a nuisance or harmful to humans.

**Pet Services:** Establishments engaged in grooming, when totally within a building, of dogs, cats, birds, fish, or similar small animals customarily used as household pets. Typical uses include dog bathing and clipping salons and pet grooming shops.

**Pet Shop:** Place of business where domestic animals, and products for the health and care of domestic animals, are sold.

**Petroleum Bulk Sales and Storage:** An establishment primarily engaged in the retail sale of petroleum products, such as fuel oil and kerosene, from bulk liquid storage facilities.

**Pharmaceuticals:** Establishments primarily engaged in manufacturing, fabricating or processing drugs in pharmaceutical preparations for human or veterinary use. Most of the products of these establishments are finished in the form intended for final consumption, such as ampuls, tablets, capsules, vials, ointments, medicinal powders, solutions and suspensions. Products of this industry consist of two important lines: pharmaceutical preparations promoted primarily to the dental, medical, or veterinary professions; and pharmaceutical preparations promoted primarily to the public.

**Pharmacy**

**Phasing of Construction:** Sequential development of smaller portions of a large project site, stabilizing each portion before beginning land disturbance on subsequent portions, to minimize exposure of disturbed land to erosion.

**Photographic Service:** An establishment primarily engaged in developing films, in making photographic prints and enlargements for the trade or for the general public, and in renting photographic equipment.

**Physical Therapy Facility:** A place where treatment of disease and injury by mechanical means such as exercise, heat, light, and massage are provided.

**Pick-your-own operation:** An establishment where commercially grown fruit or vegetables are picked by the customer for purchase at the place of production.

**Plan Commission:** See Commission.

**Planned Unit Development:** A means of land regulation which permits large scale, unified land development in a configuration and possibly a mix of uses not otherwise permitted "as of right" under the County Zoning ordinance but requiring under that ordinance a special review and approval process. A Planned Unit Development may be established for predominantly residential, commercial or industrial purposes. A Planned Unit Development is an area under single ownership or control to be developed in conformance with an approved development plan, consisting of a map showing the development area and all improvements to the development area, a text which sets forth the uses and the development standards to be met, and exhibits setting forth any Aspects of the development plan not fully described in the map and text. The map, exhibits, and text constitute a development plan. The uses and standards expressed in the development plan constitute the use and development regulations for the Planned Unit Development site in lieu of the regulations for the underlying district.

**Plaster Central Mixing:** Establishments primarily engaged in mixing plaster, usually for use by others.

**Plastic Products Assembly:** Establishments primarily engaged in molding primary plastics for the trade and fabricating miscellaneous finished plastics products; establishments primarily engaged in manufacturing fabricated plastics products or plastics film, sheet, rod, nontextile monofilaments and regenerated cellulose products and vulcanized fiber, whether from purchased resins or from resins produced in the same plant.

**Plat:** A map indicating the subdivision or resubdivision of land filed or intended to be filed for record with the County Recorder. A map, drawing or plan indicating the subdivision or resubdivision of land which is filed or intended to be filed with the Commission for approval under these regulations and with the County Recorder for recording.

**Plat Committee:** The Monroe County Plat Committee, appointed by the Plan Commission, which may hear subdivision proposals which do not involve the opening of new public ways and that comply in all other respects with this ordinance and the Subdivision Control Ordinance. The Monroe County Plat Committee, appointed by the Commission (see Rules of Procedure), may hear subdivision proposals which do not involve the opening of new public ways and that comply in all other respects with these regulations and with the Zoning Ordinance.

**Plating and Polishing:** Establishments primarily engaged in all types of electroplating, plating, anodizing, coloring and finishing of metals and formed products for the trade.

**Plant Community:** A natural Association of plants that are dominated by one or more prominent species, or a characteristic physical attribute.

**Plot Plan.** A scaled design that shows the area where improvements are being proposed or exist as well as associated infrastructure. See component requirements under Chapter 815.

**Plot Plan, Certified.** A design that is certified by an engineer or surveyor that shows the area where improvements are being proposed or exist as well as all associated infrastructure. See specific certification and component requirements under Chapter 815.

#### **Police, Fire, or Rescue Station**

**Pottery Products:** Establishments involved in manufacturing pottery and related products such as red earthenware flower pots, fine earthenware cooking ware, bone China, China plumbing fixtures, and so forth.

**Practical Difficulties:** For variance purposes, means a significant development limitation that:

- A. Arises from conditions on the property that do not generally exist in the area (i.e., the property conditions create a relatively unique development problem);
- B. Precludes the development or use of the property in a manner, or to an extent, enjoyed by other conforming properties in the area;
- C. Cannot be reasonably addressed through the redesign or relocation of the development/building/structure (existing or proposed); and,
- D. May not be reasonably overcome because of a uniquely excessive cost of complying with the standard.

**Preferred Frequencies:** Those frequencies in Hertz preferred for acoustical Measurements which, for the purposes of this regulation, consist of the following set of values: 20, 25, 31.5, 40, 50, 63, 80, 100, 125, 160, 200, 250, 315, 400, 500, 630, 800, 1000, 1250, 1600, 2000, 2500, 3150, 4000, 5000, 6300, 8000, 10,000, 12,500.

**Preliminary Approval:** An approval (or approval with conditions imposed) granted to a subdivision by the Commission after having determined in a public hearing that the subdivision complies with the standards prescribed in this ordinance.

**Preliminary Plat:** The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Commission for approval.

**Primary Area:** The portion of a Historic District in which historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares and/or neighborhoods are located.

**Primary Arterial:** A street intended to move through-traffic to and from such major attractions as central business Districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the County; and/or as a route for traffic between communities; a major thoroughfare.

**Primary Conservation Areas:** Unbuildable land, including but not limited to, wetlands and land that is generally inundated (land under ponds, lakes, creeks, etc.); all of the floodway and floodway fringe within the 100-year floodplain; steep slopes; karst areas; and soils subject to slumping, expansion, or erosion.

**Principal Use:** The main use of land or structures as distinguished from a subordinate or accessory use.

**Principal Building:** A building or structure or, where the context so indicates, a group of buildings or structures, in which the principal use of a lot or parcel is conducted.

**Private Sewage Disposal System:** Any sewage disposal system not constructed, installed, maintained, operated and owned by a municipality, a taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose. A private sewage disposal system is typically an individual sewage disposal system that may be either a subsurface septic system or mound septic system that is surface constructed of material brought to the site.

**Private Water System:** Any plumbing system for providing potable water to a lot or parcel of property that is not constructed, installed, maintained, operated and owned by a municipality, a taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose. A private water system is typically a well drilled to serve a single lot.

**Project Site:** The entire area on which construction activity is performed.

**Project Site Owner:** The person required to submit the NOI letter under this Chapter and required to comply with the terms of this Chapter, including either a developer or a person who has financial and operational control of the construction activities and project plans and specifications, including the ability to make modifications to those plans and specifications.

**Prominent Discrete Tone:** Sound, having a one-third octave band sound pressure level which when measured in a one-third octave band at the preferred frequencies, exceeds the arithmetic average of the sound pressure levels of the two (2) adjacent one-third octave bands on either side of such one-third octave band by:

- A. Five dB for such one-third octave band with a center frequency from 500 Hertz to 10,000 Hertz, inclusive. Provided, such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band or;
- B. Eight dB for such one-third octave band with a center frequency from 160 Hertz to 400 Hertz, inclusive. Provided, such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band or;
- C. Fifteen dB for such one-third octave band with a center frequency from 215 Hertz to 125 Hertz, inclusive. Provided, such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band.

**Property Line:** The boundaries of a lot of record excluding any right-of-way.

**Public Agency:** An agency or government department acting under the aegis of and representing an elected or appointed council, commission, or other policy-making or advisory body of federal, state or local government to whom it is responsible.

**Public Assembly:** This use includes educational facilities and all accessory uses.

**Public building or land:** Any building or land owned, leased or held by the United States, the State of Indiana, the County of Monroe, any city, town, special district, school district, or any other agency or political subdivision of the State or of the United States, which building, or land is used for governmental or public purposes.

**Public Improvement:** Any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.



**Public Park or Recreation Area:** Public land which has been designated for park or recreational activities including, but not limited to parks, playgrounds, nature trails, swimming pools, reservoirs, athletic fields, basketball or tennis courts, pedestrian/bicycle paths, open spaces, wilderness areas, or similar public land uses.

**Public Sewage Disposal System:** Any sewage disposal system constructed, installed, maintained, operated, owned or defined as a public sewage disposal system by a municipality, taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose.

**Public Utilities:** A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare, such as electric, gas, telephone, water, sewer, solid waste disposal, schools, and public transit.

**Public Water System:** Any water system that is constructed, installed, maintained, operated, owned or defined as a public water system by a municipality, taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose.

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## Q

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**Qualified Geologist:** A person who has met or exceeded the minimum geological educational requirements and who can interpret and apply geologic data, principles, and concepts and who can conduct field or laboratory geologic investigations; and who by reason of experience and education, has an understanding of local karst geology.

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## R

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**Racetrack:** A large open or enclosed space used for games or racing events or competitions and partly or completely surrounded by tiers of seats for spectators.

**Radio/TV stations:** A facility used to host and produce content for radio and/or television.

**Radius of Curvature:** The length of radius of a circle used to define a curve.

**Rainfall Intensity:** The cumulative depth of rainfall occurring over a given duration, normally expressed in inches per hour.

**Recreational Vehicle (RV) Park:** An area designed for transient occupancy by any number of recreational vehicles.

**Reach:** Any length of watercourse, channel or storm sewer.

**Real Estate Agency:** An agency primarily engaged in renting, buying, selling, managing and appraising real estate for others.

**Real Estate Sales or Model Home Office:** The temporary use of a mobile office, or similar structure, or a model home, as a sales office during the development of a new subdivision, office building, shopping center, industrial complex, and so forth.

**Rear Yard:** A yard, as defined herein, encompassing the horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the rear lot line.

**Reception Window:** The area within the direct line between a satellite antenna and those orbiting communications satellites carrying available programming.

**Recreational Area:** A place designed and equipped for the conduct of sports and leisure-time activities.

**Recreation Center:** A recreation center that includes both indoor and/or outdoor facilities. Uses include "Amusement Arcade", trampoline parks, gymnastics gyms, laser tag, paintball, swim clubs, miniature golf, batting cages.

**Recreational Facility, Outdoor:** A use of land for recreational purpose, either public or private, where such use requires no structure for the principal activity. Related functions such as changing rooms or restrooms, and maintenance may be housed in buildings or structures. Uses so defined shall include but not be limited to golf courses, outdoor tennis courts, and swimming pools, but shall not include uses such as miniature golf, bungee jumping, amusement parks or other similar commercial recreation uses.

**Recreational Vehicle:** A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. For purposes of Chapter 808, recreational vehicle means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

**Recreational Vehicle Park:** A lot, tract, or parcel of land used or offered for use in whole or in part with or without charge, for the parking of occupied recreational vehicles, tents, or similar devices used for temporary living quarters for recreational camping or travel purposes.

### Recycling Center

**Registered Land Surveyor:** A land surveyor properly licensed and registered or, through reciprocity, permitted to practice in the State of Indiana.

**Registered Professional Engineer:** An engineer properly licensed and registered in the State of Indiana or, through reciprocity, permitted to practice in the State of Indiana.

**Regulated Area:** All of the land under the jurisdiction of the Drainage Board.

**Regulated Drain:** See Legal Drain.

**Regulatory flood:** The flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Chapter 808-2(B) of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

**Regulatory Flood Elevation:** The maximum elevation, as established by the Indiana Department of Natural Resources, reached by the Regulatory Flood at the locations in question relevant to approval of a given subdivision.

**Regulatory Floodway:** The channel of a river or stream and those portions of the Flood Plains adjoining the channel which are reasonably required to efficiently carry, and discharge Revised 10/02/2015 the peak flow of the Regulatory Flood of any river or stream as shown on the Flood Insurance Rate Map Maps of Monroe County, Indiana, as prepared by the Federal Emergency Management Agency and dated August 2, 1995.

**Rehabilitation Therapy Facility:** A place used to assist humans to achieve or to restore good health or useful life through therapy, treatment and education.

**Release Rate:** The amount of storm water released from a storm water control facility per unit of time.

**Religious Facilities:** A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

**Religious Assembly:** Any church, synagogue, mosque, temple, or other building which is used primarily for religious worship and related religious activities.

**Relocation of Pole Signs:** The relocation of a pole sign or other sign due to a roadway project and related condemnation initiated by the State, County, or other applicable Governmental agency.

**Remote Garbage/Rubbish Removal Facility:** Public or private establishments contracted to remove solid waste from residential or commercial uses and transport such wastes to a locally operated public or private landfill or other waste collection facility, designated for local collection and transportation to central collection facilities for disposal and recycling.

**Repair Services, drop-off:** Includes but is not limited to cell phone repair, appliance repairs, furniture repairs (including upholstery), computer repair, electronics repair, locksmith, and office equipment repair. The use is conducted at a specific business location in which customers drop off items for repair.

**Repair Services, off-site:** Includes but is not limited to cell phone repair, appliance repairs, furniture repairs (including upholstery), computer repair, electronics repair, locksmith, Office Equipment Repair. The use is conducted at any location in which they are called.

**Replacement:** Removing the pre-existing wireless support structure and constructing a new wireless support structure of proportions and of equal height or such other height that would not constitute a substantial modification to a pre-existing wireless support structure to support a wireless communications facility or to accommodate collocation.

**Replacement Cost:** The cost to build a structure which has been destroyed or partially destroyed with a new structure which conforms to modern building standards, and which is otherwise substantially like the structure which was destroyed or partially destroyed. Calculation of the replacement cost shall be based on the most current Building Valuation Data Report as published in the most current copy of BOCA (The Building Official and Code Administration Magazine).

**Required Improvements:** The public improvements, lot improvements and/or landscaping features required by these regulations, by primary approval and by the subdivision improvement agreement.

**Residential district:** Any area designated as one of the residential Districts defined in Chapter 802 of the Monroe County Zoning Ordinance.

**Residential Storage Structure:** A structure to be used for private noncommercial storage by the property owner. Does not require the presence of a principal use on the same lot.

**Residential use:** Any of the uses identified as residential uses in Chapter 802 of the Monroe County Zoning Ordinance, including without limitation, single-family, duplex, townhouse, multiple-family, retirement home, mobile home park, and campground.

**Resort:** A facility for temporary guests where the primary attraction is generally recreational features or activities.

**Restaurant:** An establishment engaged in the retail sale of prepared food and drinks for consumption on the premises or for carry-out.

**Restaurant, Café/Coffee Shop:** An establishment engaged in the retail sale of limited food items and beverages.

**Restaurant, Drive-in:** An establishment engaged in the retail sale of ready-to-consume food and drinks in disposable containers, for consumption on or off the premises, and has drive-in or drive-through facilities so that patrons may be served while remaining in their automobiles.

**Restaurant , Fast Casual:** An establishment engaged in the retail sale of food and drinks that may or may not include consumption on-site. The establishment typically involves no table service and counter pick-up.

**Restaurant, Sit Down:** An establishment that is engaged primarily in table service for consumption on-site and may include retail sale of prepared food and drinks for carry-out.

**Restrictive Covenant:** Limitations of various kinds on the usage of Lots or parcels of land within a subdivision which are proposed by the subdivider, and, in the case of public health, safety and welfare, by the Commission, that are recorded with the plat and run with the land.

**Resubdivision or Plat Amendment:** A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line, or setback; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

**Retail Sales, Big Box:** A facility or establishment with more than 60,000 square feet of gross floor area.

**Retail Sales, Large:** A facility or establishment with between 10,001 and 60,000 square feet of gross floor area.

**Retail Sales, Medium:** A facility or establishment with between 3,501 and 10,000 square feet of gross floor area.

**Retail Sales, Small:** A facility or establishment not involving outdoor display of goods with equal to or less than 3,500 square feet.

**Retention:** The permanent on-site storage of storm water.

**Retirement Center:** A facility designed for educational, recreational, social, and other similar types of activities for retired persons.

**Return Period:** The average interval of time within which a given rainfall event will be equaled or exceeded once.

**Right-of-way:** A strip of land occupied or intended to be occupied by a street, pedestrian-way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, or for other special uses. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct

## CHAPTER 842: DEFINED WORDS

### 842.2 Definitions

from the Lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such Lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, screening or special landscaping, or any other use involving maintenance by a public agency shall be dedicated to public use by the subdivider on whose plat such right-of-way is established.

**Ringelmann Chart:** The chart published and described in the Bureau of Mines, US Department of Interior, information Circular 8333.

**Riparian Conservancy Areas (RCA):** An area of Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether included in areas for dedication, shall be preserved and retained in their natural state as drainage ways unless modifications are deemed necessary by the Drainage Board to improve drainage. An area of Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether included in areas for dedication, shall be preserved and retained in their natural state as drainage ways unless modifications are deemed necessary by the Drainage Board to improve drainage. Such land or lands subject to periodic flooding shall not be included in the computations for determining compliance with the lot area requirements set forth or incorporated in these regulations.

**Rise Pit:** A spring characterized by an upwelling of water, which may be permanently flowing or intermittent.

**Road(s):** See Street(s).

**Roadside Stand, Permanent:** A permanent structure, operated on a seasonal or year-round basis, which allows for local agricultural producers to retail their products and agriculture-related items directly to consumers and enhance income through value-added products.

**Roadside Stand, Temporary:** A non-permanent structure (tent or table), operated on a seasonal basis which allows for local agricultural producers to retail their products and agriculture-related items directly to consumers and enhance income through value-added products.

**Roadway:** The portion of the street right-of-way that is surfaced and available for vehicular movement. Roadway width shall be measured between the edges of the curbs which are furthest from the street pavement.

**Road, Stub:** A roadway extended to an abutting property.

**Rock Crushing Establishments:** Establishments primarily engaged in the use of rock crushing machinery in relation to the construction and mining industries.

**Rodeo:** A facility designed for the entertainment and competition between owners of equine and other farm-related animals.

**Runoff Coefficient:** A decimal fraction relating the amount of rain which appears as runoff and reaches the storm drainage system to the total amount of rain falling. A coefficient of 0.5 implies that 50 percent of the rain falling on a given surface appears as storm water runoff.

**Runway:** The paved or unpaved surface of an airport landing strip.

**Rural Area:** An area that may not be classified as an urban area.

**Rural Community Area:** Aggregation of adjoining parcels within Monroe County, generally centered by a town, in which a special district has been established for the purposes of both current and long-range planning and zoning. The four Rural Community Areas are Ellettsville, Harrodsburg, Smithville, Sanders, and Stinesville. The

towns of Stinesville and Ellettsville have their own planning jurisdictions; as a consequence, the plans for these areas are for the land use beyond the corporate boundaries.

**RV/Boat Storage :** Use may include boat and RV storage, or only boat/ only RV storage. A storage facility utilizing enclosed buildings and/or unenclosed outdoor areas for the seasonal or year-round storage of four or more boats/RVs.

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## S

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**Sale or Lease:** Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

**Same Ownership:** Ownership by the same person, corporation, firm, entity, partnership, or unincorporated Association; or ownership by different corporations, firms, partnerships, entities, or unincorporated Associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated Association.

**Sawmill:** An establishment in which timber is sawed into planks, boards, etc., by machinery.

**School (K-12):** A school offering educational instruction in grades kindergarten (K) through twelve (12), or any portion thereof, having regular sessions with regularly employed instructors, that teach those subjects that are fundamental and essential in general education, and which are licensed by the Indiana Department of Education. Any public or private educational facility serving students under the age of 18, including, but not limited to, child daycare facilities, nursery schools, preschools, kindergartens, elementary schools, preschools, primary schools, intermediate schools, junior high schools, middle schools, high schools, and special education schools.

**Scrap Metal Processing Facility:** As defined by IC 8-23-1-36, as amended, and an establishment having facilities for processing iron, steel, or nonferrous metal and whose principal product is scrap iron, steel, or scrap for sale for re-melting purposes only.

**Screen:** A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

**Screening:** Landscaping or a fence, wall or similar structure, or combination thereof, designed and established to shelter, protect, or hide one use or property from another, possibly incompatible, use or property.

**Secondary Area:** The portion of a Historic District which surrounds the primary area and which the control of the development or the change of which is necessary or desirable to the preservation of the primary area of the Historic District.

**Secondary Arterial:** A street intended to collect and distribute traffic in a manner like primary arterials, except that they are designed to carry traffic from collector streets to the system of primary arterials and typically service minor traffic generating areas such as community-commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches, and offices.

**Secondary Conservation Areas:** Land otherwise buildable under local, state, and federal regulations but placed under a conservation easement as part of the Cluster Subdivision Ordinance provisions.

**Secretary:** The secretary of the Commission, who shall be the Director unless the Commission takes official action to designate another person to act as secretary.

**Section Corner:** A corner established as part of the United States Public Land Survey System used for horizontal control in describing land.

**Sectionalizing or Phasing:** A process whereby an Applicant seeks final approval on only a portion of a plat which has been granted preliminary approval.

**Sector:** A specific geographic area that regulates and organizes the rural community plans' intended development patterns. Sectors are adapted from the rural communities' recommended land use maps.

**Sediment:** Soil material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site or origin by air, water, or gravity, as a product of erosion.

**Sedimentation:** The settling and accumulation of unconsolidated sediment carried by storm water run-off.

**Sediment Basin:** A barrier or dam built at suitable locations to retain rock, sand, gravel, silt, or other materials.

**Seismograph:** An instrument which measures vibration characteristics simultaneously in three mutually perpendicular planes. The seismograph may measure displacement and frequency, particle velocity, or acceleration.

**Self-Storage:** A storage service primarily for personal effects and household goods within an enclosed storage area having individual access, but excluding uses such as workshops, hobby shops, manufacturing, or commercial activities.

**Semitrailer:** A semitrailer is a vehicle without motive power, designed for carrying property and for being drawn by a motor vehicle, and so constructed that some part of the weight of the semitrailer and that of the semitrailer's load rests upon or is carried by another vehicle.

**Senior Housing.** For purposes of this provision, it also includes 'Elderly Housing,' and is defined as housing subject to an age-restriction in accordance with the age-restricted housing rules of the Housing for Older Persons Act of 1995 (42 U.S.C. § 3601). Includes the use of a site for a residential development to house elderly persons who are capable of caring for themselves and maintaining independent households. A typical development would include separate dwelling units, containing independent cooking, bathroom, and sleeping facilities, to be occupied by only one person or couple.

**Services:** The sale of services or work performed for others. Services are intangible and not returnable once performed. Examples of services include, but is not limited to, music lessons, tutoring, accounting, engineering, etc.

**Setback:** A line parallel to and equidistant from the relevant lot line (front, back, side) or right-of-way line, between which no buildings or structures may be erected, except as expressly provided in these regulations. Setback distances are generally set forth in the height, bulk, and density provisions of this ordinance. A line parallel to and equidistant from the relevant lot line (front, back, side) between which no buildings or structures (some exceptions) may be erected as prescribed in the County Zoning Ordinance.

**Sewage:** The water-carried waste derived from ordinary living processes, including, but not limited to, human excreta and wastewater derived from water closets, urinals, laundries, sinks, utensil washing, washing machines, bathing facilities or similar facilities or appliances.



**Sewage Disposal System:** Any arrangement of devices and structures used for receiving, treating, disposing, or storing of sewage.

**Sewage Disposal System, Private:** Any sewage disposal system not constructed, installed, maintained, and operated and owned by a municipality, a taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose. A private sewage disposal system is typically an individual sewage disposal system that may be either a subsurface septic system or mound septic system that is surface constructed of material brought to the site.

**Sewage Disposal System, Public:** Any conduit for sewage constructed, installed, maintained, operated, owned, or defined as a public sewage disposal system by a municipality, taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose.

**Shade Tree:** A tree, usually deciduous, planted primarily for its high crown of foliage or overhead canopy.

**Shaft:** A vertical-sided pit of any diameter that extends downward more than a few feet.

**Sheet Flow:** Drainage of water over plane surfaces at a very shallow depth, usually under one inch.

**Ship and Boat Building:** Establishments primarily engaged in building all types of ships and boats, including converting and altering ships and boats.

**Shoe Repair:** A place of business primarily engaged in repairing footwear.

**Shopping Center:** A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provisions for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan. A site developed and operated under single or common ownership to include a mix of commercial uses where most uses are permitted under the Business and Personal Services and Retail and Wholesale Trade use categories, with customer and employee parking provided on-site, provisions for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

**Short Term Lodging Agreement:** An agreement under which rooms are provided for a fee, rate, or rental, and are occupied for overnight lodging or habitation purposes for a period of less than thirty (30) days.

**Short Term Rentals –Owner Occupied:** A primary residence, one accessory dwelling unit, or a portion of primary residence, in which lodging is furnished to the public under the terms of a short term lodging agreement. Owner must occupy the residence full-time.

**Shrub:** A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

**Side Lot Lines:** Any lines separating two Lots other than front or rear lot lines.

**Sign:** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. The definitions of various types of signs that are set forth in this Section may not be interpreted as a limitation on the scope of the foregoing definition of "sign."

**Signs and Advertising Displays:** Establishments primarily engaged in fabricating and assembling electrical, mechanical, cutout or plate signs and advertising displays.

**Sign, Animated:** Any sign that uses movement or change of lighting to depict action or create a special effect or scene. A sign on which the message changes more than eight times per day shall be considered an animated sign.

**Sign, Building Marker:** Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

**Sign, Building:** Any sign attached to any part of a building, as contrasted to a freestanding sign.

**Sign, Canopy:** Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

**Sign, Changeable Copy:** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy those changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.

**Sign, Directional:** A sign containing information limited to the name of the business, the nature of the business, the business logo, if any, and the distance and direction to the use being advertised.

**Sign, Externally Illuminated:** A sign that is illuminated by an external source of light intentionally directed upon the sign face.

**Sign, Freestanding:** Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

**Sign, Governmental:** Traffic or other civic signs, signs required by law or emergency, railroad crossing signs, legal notices, and any temporary, or non-commercial signs as are authorized under policy approved by the County, State, or Federal government.

**Sign, Ground:** Any sign other than a pole sign in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

**Sign, Incidental:** A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

**Sign, Integral Roof:** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

**Sign, Internally Illuminated:** A sign whose light source is either located in the interior of the sign so that the light goes through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign.

**Sign, Marquee:** Any sign attached to, in any manner, or made a part of a marquee.

**Sign, Nonconforming:** Any sign lawfully existing on the effective date of the ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

**Sign, Pole:** A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is nine (9) feet or more above grade.

**Sign, Portable:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

**Sign, Projecting:** Any sign affixed to a building or wall in such a manner that its leading edge extends more than twelve inches beyond the surface of such building or wall.

**Sign, Residential:** Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises or provided to the premises where the sign is located, if offering such service at such location conforms to all requirements of the zoning ordinance.

**Sign, Roof:** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

**Sign, Snipe:** A temporary sign illegally tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.

**Sign, Suspended:** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**Sign, Temporary:** “Temporary sign” means any sign that is intended to be displayed for a limited period and is not permanently anchored or secured to a building or not having supports or braces permanently secured to the ground, including but not limited to: banners, pennants, or advertising displays including portable signs.

**Sign, Wall:** Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined with the limits of an outside wall or any building or structure, which is supported by such wall or building, and which displays only one sign surface.

**Sign, Window:** Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the windowpanes of glass and is visible from the exterior of the window.

**Single Housekeeping Unit:** A single housekeeping unit may exist where the occupants of the unit enjoy common use and access to all living and eating areas, bathrooms, and food preparation and serving areas.

**Sinkhole:** Any depression in a karst area formed by the subsurface removal of soil or rock by erosion, dissolution, or mass wasting (collapse, in part).

**Sinkhole Cluster Area:** An area containing two or more sinkholes located in close proximity, generally interconnected by groundwater conduits.

**Sinkhole Conservancy Area (SCA):** An area of land that is limited in use to activities described in Chapter 829 of the Monroe County Zoning Ordinance.

**Sinkhole Eye:** A visible opening, cavity, or cave in the bottom of a sinkhole, sometimes referred to as a swallow hole.

**Sinkhole Flooding Area:** The area inundated by runoff from a storm with an annual exceedance probability of 1% and a duration of forty-eight (48) hours assuming no outflow from the sinkhole.

**Sinkhole Ponding Elevation:** The maximum elevation of either the elevation as determined by using currently accepted methods of the Natural Resources Conservation Service to calculate the total volume of runoff from the sinkhole drainage area to the sinkhole utilizing an eight inch (8") rainfall and no sink outlet or the historical elevation of the published flood elevation. Maximum ponding elevation is established by overflow conditions.

**Sinkhole Rim:** The perimeter of the sinkhole depression. This includes the area defined by the elevation of the highest closed contour prior to man-made disturbance and/or the elevation at which the sinkhole, if it were a closed system, would overflow if it were flooded.

**Sinkhole Watershed:** The ground surface area that provides drainage to the sinkholes.

**Sinking Stream:** A stream that flows across the land surface in a karst area and sinks into subsurface channels or caverns within the carbonate bedrock.

**Siphon:** A closed conduit, a portion of which lies above the hydraulic grade line, resulting in a pressure less than atmospheric and requiring a vacuum within the conduit to start flow. A siphon utilizes atmospheric pressure to effect or increase the flow of water through a conduit. An inverted siphon might be used to carry storm water flow under an obstruction such as a sanitary sewer.

**Site:** The entire area included in the legal description of the parcel(s) of land on which development has been proposed or is being constructed; or the controlled area where runoff originates.

**Site Triangle:** The imaginary triangular area formed at a street corner by projecting the curb lines of the two intersecting streets to where the two projected lines would cross. From that intersecting point, one measures twenty-five (25) feet back along both curbs and then the two (2) end points are then connected. Within this imaginary triangle, no visual obstructions taller than three (3) feet are allowed.

**Sliding Scale Option Small Lot:** In the AG2.5, CR and FR zoning Districts, individual small Lots ranging in size from two and a half (2.5) to less than 45% of Original Parent Parcel size which are through the Sliding Scale Option Subdivision. to five (5) acres which can only be created through the Sliding Scale Option Subdivision. In the AG2.5, CR and FR zoning Districts, individual small Lots ranging in size from two and a half (2.5) to five (5) acres which can only be created through the Sliding Scale Option Subdivision Option.

**Small cell facility:** (1) a personal wireless service facility (as defined by the Federal Telecommunications Act of 1996, as in effect on July 1, 2015); or, (2) a wireless service facility that satisfies the following requirements: (A) each antenna, including exposed elements, has a volume of three (3) cubic feet or less; (B) all antennas, including exposed elements, have a total volume of six (6) cubic feet or less; (C) the primary equipment enclosure located with the facility has a volume of seventeen (17) cubic feet or less. For purposes of part (2)(C) of this definition, the volume of the primary equipment enclosure does not include the following equipment that is located outside the primary equipment enclosure: electric meters; concealment equipment; telecommunications demarcation boxes; ground based enclosures; backup power systems; grounding equipment; power transfer switches; and cut-off switches.

**Small cell network:** A collection of interrelated small cell facilities designed to deliver wireless service.

**Small Engine and Motor Repair:** An establishment involved in repairing lawn mowers, garden equipment, model airplane engines, and so forth.

**Smoke:** Small gas borne particles resulting from incomplete combustion, consisting predominantly but not exclusively of carbon, ash, and other combustible material, that form a visible plume in the air.

**Smoke Shop:** Any business whose principal product line for retail sale is vape and vape-related products, tobacco and tobacco-related products, hemp and hemp-related products, and/or CBD and CBD-related products.

**Social Service Uses:** Any community serving activity, other than those separately defined herein, conducted by a non-profit organization which provides a service to a segment of the community's population having needs as a result of specific circumstances, such as low income, illness, developmental disability, and the like.

**Soil:** All unconsolidated mineral and organic material of any origin.

**Soil and Water Conservation District:** A political subdivision established under IC 14-32.

**Soil Survey:** The National Cooperative Soil Survey Project by the United States Department of Agriculture, Soil Conservation Service (now Natural Resources Conservation Service) in cooperation with Purdue University.

**Solar Farm:** A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV) or other conversion technology, for the primary purpose of wholesale sales of generated electricity.

**Sound:** Vibrations that travel through the air or another medium and can be heard when they reach a person's or animal's ear.

**Sound Pressure Level:** In decibels, twenty (20) times the logarithm to the base 10 of the ratio of the magnitude of a particular sound pressure to the standard reference pressure. The standard reference pressure is twenty (20) micronewtons per square meter ( $\mu\text{N}/\text{m}^2$ ).

**Special District (SD):** Designation assigned to areas that, by their function, disposition, or configuration, cannot conform to one of the Character Zones or Sectors. Examples of areas in Monroe County's rural community areas include quarries or other mineral extraction and processing activities, public utilities such as a water or sewage treatment plant, or large parks and recreation facilities.

**Special Exception:** A use which may be permitted in certain zones subject to the conditions specified in the Zoning Ordinance.

**Special Landscaping:** Areas of tree planting, shrubs, or other landscape features serving a public purpose and maintained by the County. (See also Buffer Landscaping and Screening).

**Specimen Tree:** A particularly impressive or unusual example of a species due to its size, shape, age, or any other trait that epitomizes the character of the species.

**Spillway:** A waterway in or about a hydraulic structure, used for the release of excess water.

**Spring:** An outflow of subterranean water.

**Spring Cave:** A cave with a flow of water from the entrance.

**Spite Strip:** An unbuildable, usually narrow, strip of land situated between a property line and a proposed road or street right-of-way, the primary purpose of which is to prohibit access to the street or right-of-way from the adjacent property.

**Sporting Goods:** Establishments primarily engaged in selling sporting goods, sporting equipment and accessories.

**Stable:** A structure and/or land use in or on which horses are kept primarily for breeding, boarding, training and/or giving lessons.

**Stacked Unit Structure:** A group of two (2) or more dwelling units attached through the ceiling or floor with one physically located above the other.

**State Acts:** Such legislative Acts of the State of Indiana as they affect these regulations.

**State Plane Coordinates System:** A system of plane coordinates, based on the Transverse Mercator Projection for the Western Zone of Indiana, established by the United States Coast and Geodetic Survey for the State of Indiana.

**Steady State Vibration:** A vibration which is continuous, as from a fan, compressor, or motor.

**Stealth Design:** Stealth Design shall include those design and construction techniques used to disguise WCF and Support Structures and/or conceal an Antenna Array. Examples include, but are not limited to, rooftops, flagpoles, light poles, bell and clock towers, signs, water towers, silos, steeples, and chimneys.

**Stilling Basin:** A basin used to slow water down or to dissipate its energy.

**Stockyard:** A place where livestock is assembled and at which place facilities are maintained for the handling of such livestock either for purchase or sale at competitive bidding, or purchase by the owners operating the stockyards and such places shall be deemed to include concentration points where livestock is assembled for the purpose of redistribution or resale by means other than competitive bidding, but such places shall not be deemed to include sale barns.

**Storage Duration:** The length of time that water may be stored in a storm water control facility, computed from the time water first begins to be stored.

**Storm Sewer:** A closed conduit for conveying collected storm water.

**Storm Water Drainage System:** All methods, natural or man-made, used for conveying storm water to, through or from a drainage area to any of the following: conduits and appurtenant features; canals; channels; ditches; streams; culverts; streets; or pumping stations.

**Storm Water Pollution Prevention Plan:** A plan developed to minimize the impact of storm water pollutants resulting from construction activities.

**Storm Water Quality Measure:** A practice or a combination of practices, to control or minimize pollutants associated with storm water run-off.

**Storm Water Runoff:** The water derived from rains falling within a tributary basin, flowing over the surface of the ground or collected in channels or conduits.

**Straight Truck:** A straight truck is any single vehicle with a gross vehicle weight rating (GVWR) of 26,001 pounds or more.

**Stream/vegetation Interface Line:** The line where the unvegetated streambed meets streamside vegetation. Where plants are widely dispersed, this line shall begin where vegetation covers 75 percent of the ground plane.

**Street, Public:** A land right-of-way that provides the principal means of access to abutting property. Rights-of-way for utility, pedestrian, or bicycle easements are not considered streets. An improved land right-of-way that provides the principal means of access to abutting property.

**Street, Dead-end:** A street or a portion of a street with only one (1) vehicular-traffic outlet. A street or a portion of a street with only one (1) vehicular-traffic outlet and no turnaround at the terminal end.

**Street, Classification:** For the purpose of providing for the development of the streets, highways, and rights-of-way in the County, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, and right-of-way, and those located on approved and filed plats, have been designated on the Official Map of the County or Thoroughfare Plan and classified therein. The classification of each street, highway, and right-of-way, is based upon its location in the respective zoning Districts of the County and its present and estimated future traffic volume and its relative importance and function as specified in the County Comprehensive Plan and/or its Thoroughfare Plan component. The required improvements shall be measured as set forth for each street classification on the Official Map.

**Street Frontage:** The distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

**Street, Non-dedicated:** Any street that is intended for private uses, that is not a maintenance responsibility of the County and that meets the minimum design and construction standards set forth or incorporated in these regulations.

**Street Right-of-Way Width:** The distance between property lines measured at right angles to the center line of the street.

**Strip Development:** A multi-lot project where building Lots front an existing road.

**Stripping:** Any activity which significantly disturbs vegetated or likewise stabilized soil surface, including clearing and grubbing operations.

**Structural Alteration:** Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

**Structural Clay Products:** Establishments primarily engaged in manufacturing brick and structural clay tile, ceramic wall and floor tile, clay firebrick and other heat-resisting clay products, and so forth.

**Structure:** Any construction or any production or piece of work that is artificially made or built up or that is composed of parts joined together for occupancy, use, or ornamentation, whether installed on, above, or below the surface of a parcel of land (e.g., without limitation, buildings, roads, culverts, fences, etc.). An object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks and overhead transmission lines. Anything constructed or erected that requires location on or in the ground or is attached to something having a location on or in the ground.

**Structure, Commercial.** Structures categorized as commercial under Chapter 815 based on construction applicability and use.

**Structure, Residential.** Structures categorized as residential under Chapter 815 based on construction applicability and use.

**Structure, Residential Accessory.** Structures categorized as accessory to residential uses under Chapter 815 based on construction applicability and use.

**Subdivider:** Any person who, having a proprietary interest in land, causes it, directly or indirectly, to be divided into a subdivision.



**Subdivision:** The division of a lot of record into two (2) or more Lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, allocation, distribution, transfer, hold for investment or development, either on the installment plan or upon any and all other plans, terms, and conditions, including re-subdivision. Subdivision includes the division or development of land zoned for residential and nonresidential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

**Subdivision, Administrative:** A subdivision of land that is specifically exempted from the preliminary and final plat approval procedures and requirements of the Subdivision Control Ordinance. An administrative subdivision must be one of the following types of division:

- A. A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;
- B. A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property;
- C. A division of land for federal, state, or local government to acquire street right-of-way;
- D. A division of land for the transfer of a tract or tracts between adjoining Lots provided that no additional principal use building sites are created by the division. The Lots created shall have only one principal use building on each site (See Principal Building); and
- E. A division of land into cemetery plots for the purpose of burial of corpses.

**Subdivision Agent:** Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services, and who is not involved in developing, marketing, or selling real property in the subdivision.

**Subdivision Improvement Agreement:** A document which establishes the contractual relationship between the Developer of a subdivision and the County for the completion and maintenance of the required improvements in accordance with these regulations.

**Subdivision, Major:** Any division of land including but not limited to subdivisions of five (5) or more Lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.

**Subdivision, Minor:** Any subdivision containing not more than four (4) Lots in which all Lots have at least 50 feet of frontage on an existing street that is an improved right-of-way maintained by the County (or other local government) or by a 50' wide access easement, and not involving:

- A. Any new street,
- B. The extension of municipal facilities for non-residential use,
- C. The creation of any public improvements other than sidewalk or street trees, and
- D. Conflict with the Comprehensive Plan, Official Zone Map, Zoning Ordinance, or this ordinance.

**Subdivision, Nonresidential:** A subdivision intended for nonresidential use.

**Subdivision Review Committee:** A committee established by the Commission to provide technical services to the Commission in the administration of these regulations.

**Subdivision, Sliding Scale Option:** In the AG2.5, CR and FR zoning Districts, an optional method of subdivision which establishes a parent parcel remainder and up to three (3) sliding scale small Lots.

**Subdivision, Traditional:** A subdivision utilizing the major, minor, or administrative subdivision methods established by these regulations rather than utilizing the Sliding Scale Option subdivision provisions.

**Subject Property:** The land, building or structure concerning which an application for a permit, certificate, review, or other determination authorized by the Zoning Ordinance or the Subdivision Control Ordinance, has been filed.

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

**Substantial modification of a wireless support structure:** The replacement of a wireless support structure and/or the mounting of a wireless facility on a wireless support structure in a manner that: (1) increases the height of the wireless support structure by the greater of: (A) ten percent (10%) of the original height of the wireless support structure; or, (B) twenty (20) feet; (2) adds an appurtenance to the wireless support structure that protrudes horizontally from the wireless support structure more than the greater of: (A) twenty (20) feet; or, (B) the width of the wireless support structure at the location of the appurtenance; (3) increases the square footage of the equipment compound in which the wireless facility is located by more than two thousand five hundred (2,500) square feet; or, (4) any improvement that results in a structure which fails to meet the General Standards and Design Requirements for Wireless Communication Facilities set forth in Chapter 834 of this Ordinance. The term does not include the following: (1) Increasing the height of a wireless support structure to avoid interfering with an existing antenna; (2) Increasing the diameter or area of a wireless support structure to: (A) shelter an antenna from inclement weather; or (B) connect antenna to the wireless support structure by cable.

**Subsurface Drainage:** A system of pipes, tiles, conduits, or tubing installed beneath the ground surface used to collect groundwater from individual parcels, Lots or building footings.

**Support Structure:** Any structure designed and constructed specifically to support an Antenna Array, and may include a monopole, self-supporting (lattice) tower, guy-wire support tower and other similar structures. Any device used to attach an Attached WCF to an existing building or structure shall be excluded from this definition.

**Long Term Shelter**<sup>262</sup>: A dwelling where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of persons requiring medical, correctional, or other mandated supervision; or a protective environment to avoid past or likely future violence, whose right to

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<sup>262</sup> Definition from Bloomington UDO for consistency purposes

live together is not protected by the federal Fair Housing Act Amendments, and as amended and interpreted by the courts, and that does not meet the definition of another use in the CDO. This use includes:

- A. An owner-occupied or nonprofit residential dwelling for the exclusive use of at least two, but not more than eight persons, who together with staff, live as a single housekeeping unit and who do not require 24-hour medical or nursing care.
- B. A shelter for persons experiencing temporary homelessness.
- C. A domestic violence shelter, which is a public or private building or structure housing residents for the purpose of the rehabilitation or special care for victims of domestic violence or emotional or mental abuse.

**Surface Drainage:** A system by which the stormwater runoff is conducted to an outlet. The term encompasses the proper grading of parking Lots, streets, driveways, yards, etc., so that stormwater runoff is removed without ponding and flows to a drainage swale, open ditch or storm sewer.

**Swallow Hole:** The terminus of a sinking stream; the throat where the stream is diverted into subterranean routes or passages.

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**Tailoring:** An establishment primarily engaged in making and selling men's and women's clothing to individual order.

**Taxicab Stand:** An establishment primarily engaged in furnishing passenger transportation by automobiles not operated on regular schedules.

**Taxidermist:** One who prepares, stuffs, and mounts the skins of animals, especially vertebrates.

**Tavern:** A place of business where alcoholic beverages are sold to be drunk on the premises. The establishment may also sell some food items for consumption on the premises.

**Temporary Care Facility:** A facility designed to allow persons needing temporary special supervision or care to live together in a homelike, non-institutional setting in order to conduct their lives in the least restrictive environment possible in a manner most like that of persons not needing special supervision or care.

**Temporary Improvement:** Improvements built and maintained by a subdivider during construction of the subdivision and intended to be replaced by a permanent improvement prior to release of the letter of credit<sup>263</sup>, or turnaround improvements at the ends of stub streets intended to be replaced when the adjoining area is developed and the through street connection made.

**Temporary Use/ Seasonal Activity:** Any sale made by a person, firm or corporation engaging in the temporary business of selling seasonal products or engaging in events either retail or outdoor in nature, on property owned or leased by the person, firm, or corporation. The following list identifies the kinds of temporary / seasonal activity:

- A. Outdoor art or craft show or exhibit;
- B. Christmas tree sales;

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<sup>263</sup> Removed bond language

- C. Fireworks sales;
- D. Car Tent sales;
- E. Events including food trucks; Outdoor public, religious, patriotic, or historic Assembly or exhibit, including a festival, benefit, fund raising event, or similar use that typically attracts a mass audience;

For temporary uses that are not listed above, the Director shall determine whether an unlisted temporary seasonal activity use should be classified as a temporary seasonal activity. This determination shall be based upon the similarities and differences with the above listed uses and an Assessment of the proposed temporary seasonal activity's compatibility with the zoning district and surrounding land uses.

**Temporary Stabilization:** The covering of soil to ensure its resistance to erosion, sliding, or other movement. The term includes vegetative cover, 4 anchored mulch, or other non-erosive material applied at a uniform density of 70 percent across the disturbed area.

**Temporary Use:** A use established for a fixed period of time, not to exceed 2 consolidated months out of the calendar year, with the intent to discontinue such use upon the expiration of such time that does not involve the construction or alteration of any permanent structure(s). Temporary uses include, but are not limited to, model home sales offices, construction trailers, temporary dwellings, seasonal activities, rodeos, etc. Temporary uses are granted ILPs under temporary seasonal activity permits.

**Temporary WCF:** Any portable Antenna Array or Attached WCF that is designed for temporary placement and does not require the construction of a Support Structure.

**Terminal Sinkhole:** The lowest sinkhole in a sinkhole cluster to which any surface water overflowing from other sinkholes in the cluster will flow.

**Terra Cotta:** An establishment involved in manufacturing glazed or unglazed fired clay use specifically for statuettes and vases and architectural purposes, such as for roofing, facing and relief ornamentation.

**Textiles:** Establishments engaged in preparing fiber and the subsequent manufacturing of yarn, thread, braids, twine, and cordage; manufacturing broad woven fabric, narrow woven fabric, knit fabric and carpets and rugs from yarn; dyeing and finishing fiber, yarn, fabric and knit apparel; coating, waterproofing or otherwise treating fabric; integrated manufacturing of knit apparel and other finished articles from yarn; and manufacturing felt goods, nonwoven fabrics and miscellaneous textiles.

**Textile Machinery:** Establishments primarily engaged in manufacturing machinery for the textile industries, including parts, attachments, and accessories.

**Theater, Indoor:** A building for showing motion pictures or for live dramatic, dance, musical, or other productions, which is usually commercially operated.

**Theater, Outdoor:** An open-air lot devoted primarily to the showing of motion pictures for patrons in automobiles. These uses frequently include refreshment stands.

**Tile:** An establishment primarily engaged in manufacturing tile.

**Thoroughfare Plan:** See Official Zone Map.

**Tiled Drain:** A tiled channel that carries surplus water and that was established under or made subject to any drainage statute or ordinance.

**Tiny Home:** Temporary structure on wheels.

**Topographic Plat:** A plat drawing with contour lines (delineating elevation) superimposed over the subdivision lot and street layout that indicates existing and proposed contours and other site features, such as structures, drainage ways, proposed changes in drainage features, etc.

**Tourist Home or Cabin:** A residential structure leased under a short term lodging agreement to accommodate eight (8) or fewer guests that are furnished to the public. Only one tourist home or cabin is permitted per legal lot of record. This use is non-owner occupied.

**Tower:** A lattice-type structure, guyed or freestanding, that supports one or more Antennas.

**Toxic Substance:** Any gas, liquid, solid, semisolid substance or mixture of substances, which if discharged into the environment could, alone or in combination with other substances likely to be present in the environment, cause or threaten to cause bodily injury, illness, or death to members of the general public through ingestion, inhalation, or absorption through any body surface. In addition, substances which are corrosives, irritants, strong sensitizers, or radioactive substances shall be considered toxic substances for the purpose of this regulation.

**Tracking:** The deposition of soil that is transported from one location to another by tires, tracks of vehicles, or other equipment.

**Tractor (semi-tractor):** A tractor is a motor vehicle designed and used primarily for drawing or propelling trailers, semitrailers, or vehicles of any kind and are registered with a semi-tractor license plate.

**Traffic Impact Analysis:** A study and analysis of how a given use, plan or development will affect traffic in the surrounding area (circulation patterns, amount of vehicle trips generated, amount of vehicles, etc.).

**Trained Individual:** An individual who is trained and experienced in the principles of storm water quality, including erosion and sediment control as may be demonstrated by state registration, professional certification, experience, or completion of coursework that enable the individual to make judgements regarding storm water control or treatment and monitoring.

**Transfer or Storage Terminal:** An establishment primarily engaged in furnishing local and long distance trucking and storage services, including parking and storage areas for vehicles used in the operation of the terminal.

**Transient Amusement Enterprises:** Carnivals, circuses or other similar transient amusement enterprises.

**Transitional Lot:** A specified lot or Lots, adjoining a specified lot, or Lots, in another district. The "transitional" identification is used when special transitional regulations are applied to deal with possible conflicts of uses at district boundaries. Transitional buffer yards may be imposed at these locations to act as a buffer between uses.

**Travel Agency:** An agency engaged in selling and arranging personal transportation and accommodations for travelers.

**Tree:** A large, woody plant having one or several self-supporting stems or trunks and numerous branches; may be classified as deciduous or evergreen. Any object of natural growth.

**Tree Protection:** Measures taken, such as temporary fencing and the use of tree wells, to protect existing trees from damage or loss during and after project construction.

**Tributary:** Contributing storm water from upstream land areas.

**Truck Stop/Travel Plaza:** A development oriented to the service of trucks, including the sale of fuel to truck drivers, and provision for support facilities for truck drivers. They may also be utilized by non-truck traffic and the interstate traveler. Business activities which are customarily accessory and clearly incidental and subordinate to the truck stop or travel plaza, may include but not be limited to: scales, truck wash, tire repair and sales, barber shop, restaurant with or without alcohol service, shower facility, convenience store, truckers lounge (for services such as television/exercise/internet access etc.), motel/hotel, laundry, chain rental, vehicle fuel and consumer propane bottle dispensing. The facility may allow for the temporary, daily, or overnight parking (excluding for the loading and unloading of cargo) of commercial motor vehicles which are en-route to or from a destination along an interstate freeway system, for free or for a fee that may be independent of any other use on the premises. The term "truck" shall mean a commercial vehicle driven by a 'truck driver' who is required to have a Class "A" CDL (Commercial Driver's License) license or equivalent.

**Trucking Terminal:** A terminal facility used by highway-type, property-carrying vehicles, which may include truck maintenance facilities.

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## U

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**Understory:** Assemblages of natural low-level woody, herbaceous, and ground cover species that exist in the area below the canopy of the trees.

**Understory Tree:** A tree that would occupy the understory of a forest in a natural ecological situation and that is typically referred to as an ornamental tree (e.g., without limitation, red bud, hazel, holly, and dogwood).

**Unnecessary Hardship:** See Hardship.

**Unregulated Safety Relief Valve:** A safety relief valve used and designed to be actuated by high pressure in the pipe or vessel to which it is connected, and which is used and designed to prevent explosion or other hazardous reaction from pressure buildup, rather than being used and designed as a process pressure blowdown.

**Upholstery Service:** An establishment offering reupholstery and repair services and specific upholstery materials for sale.

**Urban Area:** An area subject to utility services as shown on the Urban Services Boundary Map or an area within 660 feet of utility service facilities as shown on the Urban Services Boundary Map.

**Urban Area:** As defined by IC 36-7-4-1103 as amended. All lands or Lots used for residential purposes where there are at least eight (8) residences within any quarter mile square area, and other lands or Lots that have been or are planned for residential areas contiguous to the municipality.

**Urban Services Boundary:** The boundary of a region within which public sewer services are generally available.

**Urbanization:** The development, alteration, or improvement of any parcel of land for residential, commercial, industrial, institutional, recreational, or public utility purposes.

**Use:** Any purpose for which a structure or a tract of land may be designated, arranged, intended, maintained, or occupied; also, any activity, occupation, business, or operation carried on, or intended to be carried on, in a structure or on a tract of land.

**Use, Nonconforming:** Any use of land, building or structure which use is not permitted in the zoning district in which the use is located.

**Use, Permitted:** Any use of land, building or structure which use is permitted in the zoning district in which the use is located.

**Use, Principal:** The main use of land, building or structure as distinguished for a subordinate or accessory use.

**Used Merchandise (Antiques):** A place of business where works of art, pieces of furniture, or decorative objects, made during an earlier period, are the main items offered for sale.

**Used Merchandise (Flea Market):** An open-air market for secondhand articles and antiques.

**Used Merchandise (General):** A store primarily engaged in the retail sale of used merchandise, antiques and secondhand goods, such as clothing, furniture, musical instruments, cameras, phonographs, and so forth.

**Utility, Major:** Public or private infrastructure serving the general community and possibly having on-site personnel. Major utilities include the following uses: Electric or gas generation plant.

**Utility, Minor:** Public or private infrastructure serving a limited area with no on-site personnel. Minor utilities include, but are not limited to, the following uses as examples: On-site stormwater retention or detention facility; Neighborhood-serving cable, telephone, gas or electric facility; Water and wastewater pump station or lift station; Electrical substation; Utility service.

**Utility pole:** A structure that is owned or operated by public utility, communications service provider, municipality, electric membership corporation, or rural electric cooperative and that is designed and used to carry lines, cables, or wires for telephony, cable television, or electrical transmission, or to provide lighting. The term does not include a wireless support structure or an electrical transmission tower.

**Utility Service Facility:** Electrical switching facilities and primary substations, and other services which are necessary to support principal development and involve minor structures such as lines and poles. This definition excludes generating plants.

**Utility Structure:** Any structure owned and/or operated by a public utility regulated by the Utilities Regulatory Commission (URC), excepting all WCF and/or Support Structures.

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**V**

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**Variance:** A deviation from any term or standard contained in the Zoning Ordinance authorized by the Board of Zoning Appeals. A deviation from any term or standard contained in the Zoning Ordinance, Subdivision Control Ordinance, or RCZO which is authorized by the Board or the Commission, as appropriate. A variance is the parent term for two categories: a warrant, and an exception, which are different kinds of variances. A variance is granted at a public hearing by the Board of Zoning Appeals. An important distinction is made when considering a variance determined to be allowed as a practical difficulty or hardship and denied as a privilege.

**Vegetation, Native:** Any plant species with a geographic distribution indigenous to all or part of Monroe County. Plant species that have been introduced by man are not native vegetation.

**Veterinary Service, Small Animal:** Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases or injuries to small animals; includes household pets, such as dogs, cats, and birds that are admitted for examination and medical treatment. The use does not include medical care for large animals or livestock.



**Veterinary Service, Large Animal:** Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases or injuries to all size animals. Such an establishment may include accessory boarding facilities provided they are located inside the building. Larger animals and livestock such as, but not limited to, horses, cows, sheep and pigs are permitted in this classification as well as small animals, including household pets.

**Viable:** When referring to a tree, shrub, or other type of plant, is a plant that, in the judgement of the zoning inspector, can sustain its own life processes, unaided by man, for a reasonable period of time.

**Vibration:** A reciprocating motion transferred through the earth, both in horizontal and vertical planes.

**Voluntary Abandonment of Nonconforming Use:** Any cessation or interruption of a pre-existing nonconforming use that is not necessitated by litigation or a dispute over the right to possession of property. However, any such interruption shall be considered voluntary unless the parties make a good faith effort to promptly resolve the dispute or terminate the litigation.

**Volunteer:** One who enters into any service of his own free will or offers himself for any service or undertaking without remunerative compensation.

**Vulnerable Land:** Natural features where human activities degrade characteristics of the feature resulting in harm to the feature whether it is fauna, flora, or human life. Vulnerable Land includes floodplains, karst, steep slopes, riparian areas, wetlands, poor soils, threatened species habitat, critical water supply watersheds as well as potential and existing reservoirs. Vulnerable Land also includes land for which there is a public expectation of a long-term sustainable use for a specific purpose. This category of Vulnerable Land includes historic sites, public open spaces, potential reservoirs to assure our potable water supply, our best agricultural and forest land, drainage ways, mineral resources, and transportation corridors.

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## W

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**Warehousing and Distribution Activities:** Establishments involved in storing, stocking, or distributing of merchandise or commodities. Includes “Cold Storage Plant” use.

**Warrant:** A type of variance decision permitting a practice that is not consistent with a specific provision of this overlay but is justified by hardship. This is generally a minor deviation from the standards and is granted by the Hearing Officer or BZA.

**Wastewater Treatment Facility:** Facility designed for the treatment and discharge of wastewater.

**Watches and Clocks:** Establishments primarily engaged in manufacturing watches, watch cases, clocks, mechanisms for clockwork operated devices and clock and watch parts, including those engaged in assembling watched and clocks from purchased movements and cases.

**Watercourse:** A lake, river, creek, stream, wash, channel, or other topographic feature, on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**Watershed:** See Drainage Area.

**Water surface elevation:** For purposes of Chapter 808, means the height, in relation to the North American Vertical Datum of 1988 (NAVD 88) or National Geodetic Vertical Datum of 1929 (NGVD) (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

**Water System, Private:** A plumbing system for providing potable water to a lot or parcel of property that is not constructed, installed, maintained, operated, and owned by a municipality, a taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose. A private water system is typically a well drilled to serve a single lot.

**Water System, Public:** A conduit for water that is constructed, installed, maintained, operated, owned, or defined as a public water system by a municipality, taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose.

**Water Treatment Facility:** Facilities designed for the collection, treatment, and transport of potable water.

**Wireless Communications Overlay (WCF) District:** The character of the Wireless Communications Overlay (WCF) District is defined as that which is intended for wireless communications uses, including but not limited to: placement of wireless communications facilities, antenna arrays, support structures, and equipment facilities as needed to provide wireless communications services. ITS purpose is to identify those areas that are designated for wireless communications facilities as permitted uses, encourage collocation of facilities, discourage the proliferation of towers, and accommodate the needs of wireless communications services providers. Conditions placed on permitted and conditional uses are designed to promote the purpose of the district and promote public health, safety and welfare. The geographical extent of the WCF overlay is defined on the Monroe County Zoning Maps.

**Welding:** Establishments primarily engaged in manufacturing welding equipment, electric welding apparatus and accessories.

**Wet Bottom Detention Basin (retention basin):** A detention basin that is designated to retain a permanent pool of water after it has performed its planned detention function during or immediately following a storm event.

**Wet Weather Spring or Rise:** An intermittent spring that discharges storm waters.

**Wetlands:** Those areas inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation specifically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. This term does not include lands having the following general diagnostic environmental characteristics:

- A. Vegetation: the prevalent vegetation consists of plant species that are typically adapted for life only in aerobic soils. These mesophytic and/or xerophytic macrophytes cannot persist in predominantly anaerobic soil conditions.
- B. Soils: soils, when present, are not classified as hydric, and possess characteristics associated with aerobic conditions.
- C. Hydrology: although the soil may be inundated or saturated by surface water or ground water periodically during the growing season of the prevalent vegetation, the average annual duration of inundation or soil saturation does not preclude the occurrence of plant species typically adapted for life in aerobic soil conditions.

**Winery:** An agricultural processing facility, accessory to a vineyard, orchard, or apiary, used for the commercial purpose of processing grapes, other fruit products, or vegetables to produce wine or similar spirits. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery and warehousing. Retail sales and tasting facilities of wine and related promotional

items may be permitted as part of the winery operations. A winery shall provide at least two of the following four activities on site: crushing, fermentation, bulk aging/storing, and bottling. Includes facilities processing cider and mead.

**Wired Communication Services (formerly Telephone and Telegraph Services):** A facility for the transmission of writing, signs, signals, pictures, and sounds of all kinds by aid of wire, cable, or other like connection between the points of origin and reception of the transmission, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to the transmission. Examples include telephone networks, cable television or internet access, and fiber-optic communication.

**Wireless Communications:** Any wireless services as defined in the Federal Telecommunications Act which includes FCC licensed commercial wireless telecommunications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and other similar services that currently exist or that may in the future be developed.

**Wireless Communications Facilities (WCF):** Any unstaffed facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, transmission cables, equipment facilities, and a Support Structure.

**Wireless communication facility or wireless facility:** The set of equipment and network components necessary to provide wireless communications service. The term does not include a wireless support structure.

**Wireless support structure:** A freestanding structure designed to support wireless facilities. The term does not include a utility pole or an electrical transmission tower.

**Wood Products:** Establishments primarily engaged in manufacturing products from wood.

**Woodlands, Existing:** Existing trees and shrubs of a number, size, and species that accomplish the same general function as new plantings.

**Woodlot:** A tree-covered area to be kept in an undeveloped state in the Planned Residential Overlay Districts, having a minimum area of 0.50 acres, and having predominantly complete tree crown coverage resulting from trees having a caliper of five (5) inches or greater, and having a dimension at its narrowest point of at least one-fourth (1/4) of its largest dimension. This term does not include a tree line of trees in a narrow row.

**Wrecker Service:** A service for towing wrecked or disabled automobiles or freeing automobiles stalled in snow or mud.

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## Y

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**Yard:** A space on the same lot with a principal building, such space being open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachment\* and accessory buildings are expressly permitted.

**Yard Factor:** The length in feet of a given yard (measured at the yard's mid-point, for a yard with varying width and depth) divided by 100, for the purpose of determining landscaping requirements.

**Yard, Front:** A yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to the right-of-way line and that right-of-way line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the right-of-way line.

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**Z**

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**Zone Lot:** A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

**Zoning Map:** See Official Zone Map.

**Zoning Ordinance:** The County ordinance setting forth the regulations controlling the use of land in the County Jurisdictional Area, also referred to as the "Monroe County Zoning Ordinance," or any other relevant zoning ordinance.

- Grading/erosion definitions from section 816-3
- Subdivision definitions chapter 852
- Sliding scale definitions 862-2