

MONROE COUNTY ORDINANCE REVIEW COMMITTEE



**April 10, 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: April 10, 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. ZOA-23-1 Amendment to Chapter 802 – definition of Group Home Class I and II changing to Residential Care Facility for the Developmentally Disabled and Mentally Ill; changes to the permitted use table.

Amendment to Chapter 813 – added a new conditional use for Residential Care Facility for the Mentally Ill.

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, 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.

CHAPTER 802

ZONING ORDINANCE: ZONES AND PERMITTED USES

802-1. Establishment of Zones

- (A) The County Jurisdictional Area is hereby classified and divided into the following eighteen (18) zones (also referred to as "districts"):

AG/RR	Agriculture/Rural Reserve;
FR	Forest Reserve;
CR	Conservation Residential;
ER	Estate Residential;
LR	Low Density Residential;
SR	Suburban Residential;
MR	Medium Density Residential;
HR	High Density Residential;
UR	Urban Residential;
LB	Limited Business;
GB	General Business;
PB	Pre-Existing Business;
IP	Institutional/Public;
LI	Light Industrial;
HI	Heavy Industrial;
ME	Mineral Extraction;
PUD	Planned Unit Development and
REC	Recreation.

- (B) In addition to the zones listed above, portions of the County Jurisdictional Area may be classified according to one or more of the following overlay zones (also referred to as "overlay districts"):

SFHA	Special Flood Hazard Area;
HP	Historic Preservation (Primary or Secondary);
ECO	Environmental Constraints Overlay;
BI	Business and Industrial Overlay; and
WCF	Wireless Communications Facilities Overlay.

- (C) In addition to the zones and overlay districts listed above, Chapter 833 of the Monroe County Zoning Ordinance incorporates those sections of the City of Bloomington Zoning Ordinance which would apply to the zoning effective for those areas of the County formerly under the City of Bloomington's planning and zoning jurisdictional control, as amended. Refer to Chapter 833 of the zoning ordinance for regulations pertaining to these areas.

- (D) The foregoing zones and overlay zones are defined as follows:

Agriculture/Rural Reserve (AG/RR) District. The character of the Agriculture/Rural Reserve (AG/RR) District is defined as that which is primarily intended for agriculture uses including, but not limited to, row crop or livestock production, forages, pasture, forestry, single family residential uses associated with agriculture uses and limited, very low density, rural non-farm related single family uses and not in (major) subdivisions. Its purposes are to encourage the continuation of agriculture uses, along with the associated single family residential uses, to discourage the development of residential subdivisions and non-farm-related nonresidential uses, to protect the environmentally sensitive areas, such as floodplain and steep slopes, and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the AG/RR District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure 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.

Forest Reserve (FR) District. The character of the Forest Reserve (FR) District is defined as that which is primarily intended for the preservation of forests, recreational areas, parks and greenways, limited agricultural uses and very, very low density single family residential uses. Its purposes are to permit limited single family residential development on very large lots, to discourage the development of residential subdivisions and nonresidential uses, to protect environmentally sensitive areas, such as floodplain and steep slopes and to maintain the character of the surrounding neighborhood. Development in the FR District is hindered by extreme topography, poor access and the availability of few or no public services. Therefore, the number of uses permitted in the FR District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the low-density residential and public open space uses.

Conservation Residential (CR) District. The character of the Conservation Residential (CR) District is defined as that which is primarily intended to provide a residential option (planned unit or cluster development) at environmentally sound locations while protecting the environmentally sensitive watersheds of Lake Griffey and Monroe Reservoir. Its purposes are to protect the environmentally sensitive watershed, especially the floodplain and steep slopes, to permit limited single family 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 CR 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 CR District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their 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 distance.

Estate Residential (ER) District. The character of the Estate Residential (ER) District is defined as that which is primarily intended for low density, single family residential development on relatively flat land in areas that have some, but not full, public services, generally along or near major County roads or state highways. Its purposes are to permit limited single family 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 floodplain, karst, and steep slopes and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the ER District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure 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.

Suburban Residential (SR) District. The character of the Suburban Residential (SR) District is defined as that which is primarily intended for existing, possibly nonconforming, recorded single family residential subdivisions and lots of record. Its purposes are to accommodate existing, substandard subdivision developments and lots, to permit the build-out of single family residential uses in those developments and lots, to encourage the development of sanitary sewer systems for the existing development in the Lake Lemon area, to discourage the development of nonresidential uses, to protect environmentally sensitive areas, such as floodplain, karst, and steep slopes, and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the SR District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the 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.

Low Density Residential (LR) District. The character of the Low Density Residential (LR) District is defined as that which is primarily intended for residential development in areas in and surrounding urban service areas, where public sewer service is available or planned in the near future. Its purposes 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 LR District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the residential uses. The development of new residential activities proximate to known mineral resource deposits or extraction operations may be buffered by distance.

Medium Density Residential (MR) District. The character of the Medium Density Residential (MR) District is defined as that which is primarily intended for residential development in areas in urban service areas, where public sewer service is available. Its purposes 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 MR District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the residential uses. The development of new residential activities proximate to known mineral resource deposits or extraction operations may be buffered by distance.

High Density Residential (HR) District. The character of the High Density Residential (HR) District is defined as that which is primarily intended for residential development in areas in urban service areas, where public sewer service is currently available. Its purposes 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 floodplain, watersheds, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the HR District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the residential uses. The development of new activities proximate to known mineral resource deposits or extraction operations may be buffered by distance.

Urban (Multifamily) Residential (UR) District. The character of the Urban (Multifamily) Residential (UR) 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. Its purposes 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 UR District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the residential uses. The development of new activities proximate to known mineral resource deposits or extraction operations may be buffered by distance.

Limited Business (LB) District. The character of the Limited Business (LB) 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. Its purposes 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 have access to another without having to enter the highway traffic; to discourage single family residential uses; to protect environmentally sensitive areas, such as 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. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the adjacent residential uses.

General Business (GB) District. The character of the General Business (GB) 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. The purposes of the GB 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 have access to another without having to enter the highway; to discourage single family residential uses; to protect environmentally sensitive areas, such as floodplain, karst and steep slopes; and to maintain the character of the surrounding neighborhood. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the adjacent residential uses.

Institutional/Public (IP) District. The Institutional/Public (IP) 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.

Light Industrial (LI) District. The character of the Light Industrial (LI) District is defined as that which is primarily intended for industrial uses that have minimal exterior movement of vehicles and goods. Its purposes are: to establish areas for the exclusive development of light industries; to discourage residential and commercial uses; to protect environmentally sensitive areas, such as 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. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with adjacent non-industrial uses. The LI District shall provide open space, landscaping and buffering in order to achieve desirable site development.

Heavy Industrial (HI) District. The character of the Heavy Industrial (HI) District is defined as that which is primarily intended for industrial uses that have extensive exterior movement of vehicles and goods. Its purposes are: to establish areas for industrial development; to discourage residential and commercial uses; to protect environmentally sensitive areas, such as floodplain, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with adjacent uses. The intensity of uses associated with the HI District required imposing strict measures, such as extensive setbacks, buffers, and landscaping, to control adverse environmental and visual impacts.

Mineral Extraction (ME) District. The character of the Mineral Extraction (ME) 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, limited agriculture uses. Its purposes are: to protect areas of known limestone reserves from encroachment by incompatible residential and business development; to discourage residential, commercial and industrial uses; to protect environmentally sensitive areas, such as floodplain, karst, and steep slopes; and to maintain compatibility with the character of the surrounding neighborhood to the greatest extent possible. The list of possible uses is severely limited due to the intensive nature of the extractive operations.

Planned Unit Development (PUD) District. The character of the Planned Unit Development (PUD) District is defined as an area where the placement of large scale, unified land developments, typically involving a configuration and/or mix of uses not otherwise permitted "as of right" under the Zoning Ordinance, may nevertheless promote the purposes of the Zoning Ordinance and may be considered by the County and the Commission. Additional clarification of the process for approval of Planned Unit Developments is detailed in Chapter 811 of this Ordinance.

Pre-Existing Business (PB) District. The Pre-Existing Business (PB) District is defined as that which is primarily intended to accommodate commercial and business service uses that were in operation prior to the adoption of this zoning ordinance. The intent of the PB District is to identify locations of commercial activity that are not supported by the Comprehensive Land Use Plan, but where commercial and service operations continue to exist. This District is identified for the purposes of maintaining commercial activities with business zoning, while at the same time not allowing for the expansion of new business activity proximate to the location of the PB District. Expansion of the business is permitted within the lot of record. The type of business may change to one of equal or lower intensity as identified on Table 2-1 *Permitted Land Uses*.

Recreation (REC) District. The character of the Recreation District is defined as that which is primarily intended to meet the essential recreation needs and convenience of county residents. Its purposes are: to discourage single family residential uses; to protect environmentally sensitive areas, such as floodplain, karst, and steep slopes; and to maintain the character of the surrounding neighborhood while meeting the essential recreation needs and convenience of County residents. Therefore, the number of uses permitted in the REC District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to insure their compatibility with the adjacent residential uses.

Special Flood Hazard Area (SFHA) Overlay District. The character of the Special Flood Hazard Area (SFHA) Overlay District is defined as those lands within the County Jurisdictional Area which are subject to inundation by the regulatory flood. The SFHAs are generally identified as such on the Monroe County and Incorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, dated December 17, 2010, as amended. The SFHAs are shown on a FHBM or FIRM as Zone A, AE, A1-A30, AH, AR, A99, or AO."

Historic Preservation (HP) Overlay District. The character of the Historic Preservation (HP) Overlay District is defined as areas which contain (Primary) or which surround (Secondary) areas which contain 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, have been designated as an Historic Districts by the Monroe County Commissioners pursuant to the provisions of the Zoning Ordinance.

Environmental Constraints Overlay (ECO) District. The character of the Environmental Constraints Overlay (ECO) District is defined as those areas of Monroe County, Indiana, that are within both the Monroe Reservoir and Lake Griffey watershed boundaries, as located by the Environmental Systems Applications Center, Indiana University, Bloomington, and the County Jurisdictional Area. The ECO District is divided into four areas based on topography and proximity to Monroe Reservoir and Lake Griffey and to stream beds that convey water to Monroe Reservoir and Lake Griffey.

Business and Industrial Overlay (BI) District. The character of the Business and Industrial Overlay (BI) District is defined as those areas of Monroe County, Indiana, that are identified on the Comprehensive Land Use Plan as well suited for business and industrial uses. Limited residential development is permitted, but only in cluster subdivisions to allow for future business and industrial development.

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 co-location 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.

- (E) The zone and overlay zone boundaries are shown on the Zone Maps.

802-2. Establishment of Zone Maps

- (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 follows:
- Zoning Map of Bean Blossom Township;
Zoning Map of Benton (North) Township;
Zoning Map of Benton (South) Township;
Zoning Map of Bloomington Township;
Zoning Map of Clear Creek Township;
Zoning Map of Indian Creek Township;
Zoning Map of Perry Township;
Zoning Map of Polk Township;
Zoning Map of Richland Township;
Zoning Map of Salt Creek Township;
Zoning Map of Van Buren Township;
Zoning Map of Washington Township; and
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."

802-3. Determination and Interpretation of Zone Boundaries

- (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 provisions of this ordinance covering the less restricted portion of such lot shall extend to the entire lot;
 - (3) Where zone boundary lines divide a lot having frontage on a street in the less restrictive zone, the provisions of this ordinance covering the less restricted portion of such lot may extend to the lot, but in no case for a distance of more than thirty (30) feet;
 - (4) 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.

802-4. 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 and existing conflict) with these standards.

- (A) **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.
- (B) **Electrical Disturbance.** No use shall cause electrical disturbance adversely affecting radio, television or other equipment in the vicinity of the use.
- (C) **Noise.** No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, heat, shrillness, or vibration. Such noise shall be muffled or otherwise controlled so as not to become detrimental, provided however, that public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.
- (D) **Vibration.** No use shall cause vibrations or concussions detectable beyond lot lines without the aid of instruments.
- (E) **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.
- (F) **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 (1) 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 (1) foot candle.
- (G) **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.
- (H) **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.

802-5. Permitted Land Uses

- (A) The chart and conditions of Table 2-1 are incorporated in this section and are adopted as the basic land use regulations for 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 is noted after each particular use.
- (B) 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 2-1 and read across the use row to find the zone column designations.
- (C) Legend:
- | | |
|--------------------------------|--------------|
| Use allowed in particular zone | P |
| Use not allowed | [blank] |
| Standard Conditions of use | 1 through 57 |
- (D) The uses listed in Table 2-1 are defined as follows:

(1) **AGRICULTURAL USES**

Accessory Use. A use which is customarily accessory, and clearly incidental and subordinate, to the principal agricultural use on the same lot.

Agriculture. Farming, including plowing, tillage, cropping, livestock, and installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products (except commercial logging and timber harvesting).

Agricultural-related industry.

(1) *Packaging plants:* May include but are not limited to the following activities: washing, sorting, crating, and other functional operations such as drying, field crushing, or other preparation in which the chemical and physical composition of the agricultural product remains essentially unaltered. Does not include processing activities, slaughterhouses, animal reduction yards, or tallow works.

(2) *Processing plants:* May include but are not limited to those activities which involve the fermentation or other substantial chemical and physical alteration of the agricultural product. Does not include slaughterhouses or rendering plants.

(3) *Storage facilities:* Includes controlled atmosphere and cold storage warehouses and warehouses for the storage of processed and/or packaged agricultural products.

Agricultural Uses, Land Animal Related. Commercial 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.

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.

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

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

Christmas Tree Farm. An agricultural use involving the raising or harvesting of Christmas trees for sale on-site or transport to market.

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 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.

Composting Operation. An establishment for the composting of waste materials accumulated as the result of the care of lawns, shrubbery, vines, and trees. However, property on which the principal use is residential and on which composting of such materials, accumulated exclusively on-site, is conducted, shall not be considered a composting operation.

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.

Equestrian center. Commercial horse, donkey, and mule facilities including: horse ranches, boarding stables, riding schools and academies, horse exhibition facilities, pack stations. This land use includes barns, stables, corrals, and paddocks accessory and incidental to the above uses.

Equine Services. 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.

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.

Horse farm. A building or structure and/or land whose operator keeps equines primarily for breeding.

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.

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.

Orchard. A group of fruit or nut trees grown and cultivated for the sale of harvested produce.

Pick-your-own operation. An establishment where commercially grown fruit or vegetables are picked by the customer for purchase at the place of production.

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.

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.

Winery. An agricultural processing plant 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.

(2) RESIDENTIAL USES

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

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.

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 Use. A use which is customarily accessory, and clearly incidental and subordinate, to the principal residential use on the same lot.

Boarding House. A dwelling or part thereof in which, for compensation, temporary lodging and meals are provided.

Elderly Housing. For purposes of this provision, 'Elderly Housing' 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 (1) person or couple.

Guest House. An accessory building containing a lodging unit with or without kitchen facilities, used to house occasional visitors or nonpaying guests of the occupants of a dwelling unit on the same site.

Home Based Business. An accessory occupational use 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 based business is conducted in the primary residential structure or one accessory structure, that 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 given in Chapter 807. **Exception:** Activities that create no external visual changes and produce no odors, noise, vibration, dust, light, or other discernible impacts outside the dwelling, including but not limited to drafting, drawing, typing, writing, and operating telephones, sewing machines or computers, shall not require an Improvement Location Permit or conditional use approval, provided that the following regulations are met:

1. No employees who live-off-site or customers visit or park vehicles on the premises;
2. No signs are displayed; and
3. No deliveries other than those normally associated with residential uses are made to the site.

Home Occupation. An accessory occupational use 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, limited to not more than twenty-five (25) percent of the total square footage of the residential structure, with not more than two (2) employees living off-site, incidental sales of goods permitted, but no external signs identifying the business are permitted. **Exception:** Activities that create no external visual changes and produce no odors, noise, vibration, dust, light, or other discernible impacts outside the dwelling, including but not limited to drafting, drawing, typing, writing, and operating telephones, sewing machines or computers, shall not require an Improvement Location Permit or conditional use approval, provided that the following regulations are met:

1. No employees who live off-site or customers visit or park vehicles on the premises;
2. No signs are displayed; and
3. No deliveries other than those normally associated with residential uses are made to the site.

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.

Multifamily Dwelling. The use of a lot for three (3) or more dwelling units, within one (1) or more buildings, other than a manufactured home.

Residential Storage Structure. A structure to be used for private noncommercial storage by the property owner. Does not require the presence of a principle use on the same lot. Structure shall not exceed 1750 square feet in the AG/RR, FR or CR zoning districts and 875 feet in all other permitted zoning districts.

Single Family Dwelling. 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.

Temporary Dwelling. 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.

Two Family Dwelling. The use of a lot for two (2) dwelling units, within a single building, including duplex manufactured housing.

(3) PUBLIC AND SEMIPUBLIC FACILITIES

Accessory Use. A use which is customarily accessory, and clearly incidental and subordinate, to the principal public, semipublic, or office use on the same lot.

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

Cemetery. 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.

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.

Charitable, Fraternal, or Social Organization. A facility for administrative, meeting, or social purposes for a private or nonprofit organization, primarily for use by administrative personnel, members and guests.

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.

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.

Day Care Facility. A facility, or use of a building or portion thereof, for daytime care of individuals. 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 child care homes as defined by the State of Indiana Code.

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

Governmental Facility. A government owned or operated building, structure, or land used for public purpose.

~~**Group Home.** A housing unit classified further as one of the following:~~

Residential Facility for Developmentally Disabled(a) Group Home, Class I. A facility providing 24-hour care in a protected living arrangement for not more than ~~fifteen-eight (158)~~ residents in the residential zones, and sixteen (16) residents in the business zones, plus staff. "Developmental Disability" (as amended by IC 12-7-2-61) This classification means a severe, chronic disability of an individual that

meets all of the following conditions:~~includes~~

(1) is attributable to:

(A) intellectual disability, cerebral palsy, epilepsy, or autism; or

(B) any other condition (other than a sole diagnosis of mental illness) found to be closely related to intellectual disability, because this condition results in similar impairment of general intellectual functioning or adaptive behavior or requires treatment or services similar to those required for a person with an intellectual disability.

(2) Is manifested before the individual is twenty-two (22) years of age.

(3) Is likely to continue indefinitely.

(4) Results in substantial functional limitations in at least three (3) of the following areas of major life activities:

(A) Self-care.

(B) Understanding and use of language.

(C) Learning.

(D) Mobility.

(E) Self-direction.

(F) Capacity for independent living.

(G) Economic self-sufficiency. ~~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 Home, Class II~~ Residential Facility for Mentally Ill Individuals. A facility providing 24-hour care in a protected living arrangement for not more than ~~fifteen-eight (158)~~ residents, and sixteen (16)

residents in the business zones, plus staff plus staff.

(2) For purposes of IC 12-28-4 and IC 12-28-5, a psychiatric disorder that:

(A) substantially disturbs an individual's thinking, feeling, or behavior; and

(B) impairs the individual's ability to function.

The term does not include developmental disability, and may include those with addiction to narcotics, alcohol, or dangerous drugs. ~~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 fifteen (15) victims of crime, abuse, or neglect, and residential rehabilitation for alcohol and chemical dependence for 15 or fewer individuals.~~

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, training, research and administration, and services to patients, employees, and visitors.

Medical Clinic. An establishment providing medical, psychiatric or surgical services exclusively on an outpatient basis, including emergency treatment and diagnostic services.

Nursing Home. A privately operated establishment providing long-term personal and nursing care for the elderly, or for other individuals incapacitated in some manner for medical reasons.

Postsecondary Educational Institution. A school offering educational instruction beyond the secondary level, having regular sessions with regularly employed instructors, which is licensed by the State of Indiana.

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.

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.

Retirement Center. A facility designed for educational, recreational, social, and other similar types of activities for retired persons.

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.

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.

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.

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.

Wastewater Treatment Facility. Facility designed for the treatment and discharge of wastewater.

Water Treatment Facility. Facilities designed for the collection, treatment, and transport of potable water.

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 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.

(4) BUSINESS AND PERSONAL SERVICES

Accessory Use. A use which is customarily accessory, and clearly incidental and subordinate, to the principal business or personal service use on the same lot.

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

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.

Artisan Crafts. Individuals or businesses which primarily produce art- or craft-related items on site. Such uses include (but are not limited to) stone carving, wood crafts, specialty paper products, an artist's studio, glassblowing, and metal sculpting.

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

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.

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.

Caterer. A place of business whose employees provide food and service for various functions, such as banquets, private parties, weddings, and so forth.

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

Composting Operation. An establishment engaged in the controlled process of degrading organic matter for retail of processed material.

Convenience 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, and may include an on-site apartment for a resident manager.

Copy Service. A place of business providing duplication services.

Dry Cleaning and Laundry Pickup. An establishment providing dry cleaning and laundry pickup services, but where no dry cleaning and laundering are done on the premises.

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

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

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

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.

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

Exterminating Service. A service related to the eradication and control of rodents, insects, and other pests.

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.

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.

Gunsmith. An individual or establishment that designs, makes or repairs small firearms. The retail or wholesale sale and trading of firearms is prohibited.

Hotel. A building, or portion thereof, in which five (5) or more guest rooms (typically accessible from an interior hallway) are furnished to the public under a short-term lodging agreement

Industrial Equipment Repair. An establishment primarily engaged in repairing industrial equipment, including repairing heavy-construction and earth-moving equipment.

Insurance Agency. An agency whose business is to insure persons or property.

Interior Decorating. An establishment involved in the art or practice of planning and supervising the design and implementation of architectural interiors and their furnishings.

kennel, including Commercial Animal Breeding Operations. 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).

Legal Service. An establishment engaged in offering legal advice or legal services, the head or heads of which are members of the bar.

Locksmith. An individual who makes or repairs locks.

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.

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

Office. An establishment primarily engaged in providing professional, financial, administrative, clerical and other similar services.

Office Equipment Repair. An establishment involved in repairing office equipment, such as typewriters, copying machines, computers, calculators, and so forth.

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.

Pet Services. Establishments engaged in grooming and boarding, 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.

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 is provided.

Real Estate Agency. An agency primarily engaged in renting, buying, selling, managing and appraising real estate for others.

Real Estate Sales Office 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.

Rehabilitation Therapy Facility. A place used to assist humans to achieve or to restore good health or useful life through therapy, treatment and education.

Shoe Repair. A place of business primarily engaged in repairing footwear.

Small Engine and Motor Repair. An establishment involved in repairing lawn mowers, garden equipment, model airplane engines, and so forth.

Tailoring. An establishment primarily engaged in making and selling men's and women's clothing to individual order.

Taxidermist. One who prepares, stuffs, and mounts the skins of animals, especially vertebrates.

Temporary / 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:

- Outdoor art or craft show or exhibit;
- Christmas tree sales;
- Fireworks sales;

- Car Tent sales;
- 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.

Tourist Home or Cabin. A building, or portion thereof, in which four (4) or fewer guest rooms are furnished to the public under the terms of a short-term lodging agreement.

Travel Agency. An agency engaged in selling and arranging personal transportation and accommodations for travelers.

Upholstery Service. An establishment offering reupholstery and repair services and specific upholstery materials for sale.

Veterinary Service (Indoor). An establishment of licensed practitioners primarily engaged in practicing veterinary medicine, dentistry or surgery where all services are performed or provided indoors.

Veterinary Service (Outdoor). An establishment of licensed practitioners primarily engaged in practicing veterinary medicine, dentistry or surgery where some services may be performed or provided outdoors, including kennels for small animals.

(5) RETAIL AND WHOLESALE TRADE

Accessory Use. A use which is customarily accessory, and clearly incidental and subordinate, to the principal retail or wholesale trade use on the same lot.

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

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

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.

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.

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.

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.

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.

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

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

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.

Convenience Store. Any retail establishment offering for sale prepackaged food products, household items, gasoline sales, 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.

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.

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

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.

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.

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.

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

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.

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.

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

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.

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.

Gunshop. Any establishment primarily engaged in the sale, trade, or purchase of firearms or ammunition, wholesale or retail.

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

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.

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.

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

Industrial Supplies. Establishments primarily engaged in marketing industrial supplies, such as bearings, boxes, gaskets, bottles, rubber goods, welding supplies, metal containers, and so forth.

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.

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.

Marine Supply. An establishment primarily engaged in the retail sale of motorboats and other watercraft, marine supplies, and outboard motors, including incidental storage.

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.

Meat Market. A place of business where fresh, frozen or cured meats are sold and where no animals are butchered on the premises.

Music Store. An establishment primarily engaged in selling musical instruments,

phonograph records, compact discs, tapes, sheet music and similar musical supplies.

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.

Optical Goods. Establishments involved in selling visual devices or products.

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.

Restaurant. An establishment engaged in the retail sale of prepared food and drinks for consumption on the premises or for carry-out.

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.

Sporting Goods. Establishments primarily engaged in selling sporting goods, sporting equipment and accessories.

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.

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.

(6) AUTOMOTIVE AND TRANSPORTATION SERVICES

Accessory Use. A use which is customarily accessory, and clearly incidental and subordinate, to the principal automotive or transportation service use on the same lot.

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.

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 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.

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.

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

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

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

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

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.

Taxicab Stand. An establishment primarily engaged in furnishing passenger transportation by automobiles not operated on regular schedules.

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.

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.

Wrecker Service. A service for towing wrecked or disabled automobiles or freeing automobiles stalled in snow or mud.

(7) AMUSEMENT AND RECREATIONAL SERVICES

Accessory Use. A use which is customarily accessory, and clearly incidental and subordinate, to the principal amusement or recreational use on the same lot.

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.

Camping Facility. A plot of ground upon which two (2) or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

Club or Lodge. A use providing meeting, recreational or social facilities for a private or nonprofit association, primarily for use by members and guests.

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.

Indoor Theater. A building for showing motion pictures or for live dramatic, dance, musical, or other productions, which is usually commercially operated.

Outdoor Drive-in Theater. An open-air lot devoted primarily to the showing of motion pictures for patrons in automobiles. These uses frequently include refreshment stands.

Park and Recreational Services. Publicly- and privately-owned and operated parks, playgrounds, recreational facilities, golf courses and open spaces.

Private Recreational Facility. A recreational facility for use by residents and guests of a particular residential development, church, private primary or secondary educational facility or limited residential neighborhood, including both indoor and outdoor facilities.

Race Track. 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.

Recreational Vehicle (RV) Park. An area designed for transient occupancy by any number of recreational vehicles.

Resorts. A facility for temporary guests where the primary attraction is generally recreational features or activities.

Rodeo. A facility designed for the entertainment and competition between owners of equine and other farm-related animals.

Transient Amusement Enterprises. Carnivals, circuses or other similar transient amusement enterprises.

(8) MANUFACTURING, MINING, CONSTRUCTION, AND INDUSTRIAL USES

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.

Accessory Use. A use which is customarily accessory, and clearly incidental and subordinate, to the principal manufacturing, mining, construction, or industrial use on the same 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.

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

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.

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

Commercial Printing. 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.

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.

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

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.

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

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

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.

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

Furniture. An establishment involved in manufacturing furniture.

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, etc.

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.

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

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

Insulation Products. Establishments involved in manufacturing insulation products.

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.

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.

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.

Machine Assembly. An establishment involved in manufacturing and assembling machinery.

Machine Shop. A workshop in which material are machined to size and assembled.

Metal Fabrication. An establishment involved in fabricating any of the various opaque, fusible, ductile and typically lustrous substances that are good conductors of electricity and heat.

Metalworking Machinery. An establishment involved in manufacturing machinery to be used for shaping objects out of metal.

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.

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.

Musical Instruments. Establishments primarily engaged in manufacturing pianos, with or without player attachments; organs; other musical instruments; and parts and accessories for musical instruments.

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.

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.

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.

Paving Materials Central Mixing. Establishments primarily engaged in mixing paving materials to be transported and used at another location.

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.

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.

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.

Plating and Polishing. Establishments primarily engaged in all types of electroplating, plating, anodizing, coloring and finishing of metals and formed products for the trade.

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.

Rock Crushing Establishments. Establishments primarily engaged in the use of rock crushing machinery in relation to the construction and mining industries.

Sawmill. An establishment in which timber is sawed into planks, boards, etc., by machinery.

Ship and Boat Building. Establishments primarily engaged in building all types of ships and boats, including converting and altering ships and boats.

Signs and Advertising Displays. Establishments primarily engaged in manufacturing electrical, mechanical, cutout or plate signs and advertising displays, including neon signs and advertising novelties.

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.

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.

Tile. An establishment primarily engaged in manufacturing tile.

Warehousing and Distribution Activities. Establishments involved in storing, stocking or distributing of merchandise or commodities.

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 watches and clocks from purchased movements and cases.

Welding. Establishments primarily engaged in manufacturing welding equipment, electric welding apparatus and accessories.

Wood Products. Establishments primarily engaged in manufacturing products from wood.

(9) ADULT ORIENTED BUSINESS

Adult Oriented Business: An adult arcade, adult media store, adult retail store, adult cabaret, adult motel, adult motion picture theater, adult theater, lingerie modeling studio,

massage parlor, sexual encounter establishment, escort agency, or, semi-nude model studio as defined by Chapter 837 of this ordinance.

(10) MULTI-USE

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.

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.

Shopping Center. A site developed and operated under single or common ownership to include a mix of commercial uses where the majority of 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.

AGRICULTURAL USES	i	AG	FR	CR	ER	LR	SR	MR	HR	UR	LB	GB	LI	HI	IP	ME	REC	Condition
Accessory Use		P	P	P									P	P		P		53
Accessory Structures for Agricultural Use	L	P	P	P														
Agriculture	H	P	P	P														53
Agricultural Event Center, Small	H	C																
Agricultural Event Center, Intermediate	H	C																
Agricultural Event Center, Large	H	C																
Agricultural-Related Industry	H	P	C	P														53
Agricultural Uses-Land Animal	H	P	P	P									P	P		P		22; 53
Agricultural Uses-Non Animal	H	P	P	P									P	P		P		22; 53
Agritourism / Agritainment (i.e. corn mazes, petting zoos, hay tunnels)	H	P	P	P														53
Aquaculture	M	P	P	P														22; 53
Christmas Tree Farm	H	P	C	P														53
Commercial facilities for the sale, repair, and service of agricultural equipment, vehicles, feed, or supplies	H	C	C	C														53
Commercial Non-Farm Animals	M	P	P	P														53
Confined Feeding Operations	H	C																24;44
Equestrian Center	H	C	C	C														53
Equine Services	L	P																
Feed Lot	H	P																24
Feed Mill	L	P											P					6;25
Historic Adaptive Reuse		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	15; 44
Horse Farm	L	P	P	P														53
Nursery/greenhouse	H	P	P	P														53
Orchard	H	P	P	P														53
Pick-your-own operation	H	P	C	P														53
Roadside farm stand, Permanent	M	P	P	P														52
Roadside farm stand, Temporary	L	P	P	P														51
Stockyard	H	P											P					24
Winery	H	P	P	P														53
RESIDENTIAL USES																		
Accessory Apartments	L	P	P	P	P	P	P	P	P									26
Accessory Dwelling Units	L	P	P	P														53; 55
Accessory Livestock	L	P	P	P	P	P	P	P	P									43
Accessory Use		P	P	P	P	P	P	P	P	P								5
RESIDENTIAL USES (Cont'd)																		
Boarding House	L										P	P						

Elderly Housing	L								P	P								57
Guest House	L	P	P	P	P	P												
Historic Adaptive Reuse		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	15; 44
Home Based Business	L	P	P	P	P	P												
Home Occupation	L	P	P	P	P	P	P	P	P	P								
Manufactured Home Park	M					P		P	P	P								22.39
Multifamily Dwelling	n/a																	
Residential Storage Structure	L	P	P	P	P		P											15
Single Family Dwelling	n/a	P	P	P	P	P	P	P	P	P								1
Temporary Dwelling	L	P	P	P	P	P	P	P	P	P								3; 53
Two Family Dwelling	n/a	P	P	P	P	P	P	P	P	P								2

PUBLIC AND SEMIPUBLIC	i	AG	FR	CR	ER	LR	SR	MR	HR	UR	LB	GB	LI	HI	IP	ME	REC	Condition
Accessory Use		P	P	P	P	P	P	P	P	P	P	P	P	P				13
Airport	H													P				15
Cemetery	H	P	P	P	P	P		P	P									
Central Garbage/Rubbish	H													C	C	C		33
Charitable, Fraternal, or Social	L											P						
Community Center	L										P	P						28
Cultural Facility	L																P	
Daycare Facility	M									P	P	P	P					22;30;42
Funeral Home	M											P						
Governmental Facility	H	P	P	P	P	P		P	P	P	P			P	P			7;40
Group Home Class I Residential Facility for Developmentally Disabled Individuals	L	P	P	P	P	P	P	P	P	P	P	P						58
Group Home Class II Residential Facility for Mentally Ill Individuals	L	C	C	C	C	C	C	C	C	C	P	P						58
Historic Adaptive Reuse		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	15; 44
Hospital	H											P						
Medical Clinic	L										P	P						
Nursing Home	L											P						
Postsecondary Education	H														P			29
Religious Facilities	H	P	P	P	P	P		P	P	P	P	P						22
Remote Garbage/Rubbish Removal	H	C	C	C							C	C	C	C	C	C		34
Retirement Center	L										P	P						
School (K-12)	H														P			29
Solar Farm	L	C											C	C	C			
Telephone and Telegraph Services	L	P	P	P	P	P		P	P	P	P	P	P	P	P			32
Temporary Care Facility	L											P						
Utility Service Facility	M	P	P	P	P	P		P	P	P	P	P	P	P	P			31
Wastewater Treatment Facility	H	C	C	C									P	P	P			15
Water Treatment Facility	H	C	C	C	P	P		P	P	P	P	P	P	P	P			
Wired Communication Services	M	P	P	P														32
Wireless Communications Facilities		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	32

Business and Personal Services	i	AG	FR	CR	ER	LR	SR	MR	HR	UR	LB	GB	LI	HI	IP	ME	REC	Condition
Accessory Use		P	P	P	P	P					P	P	P	P				13
Air Cargo and Package Service	H											P	P	P				6
Air Craft Charter Service	L											P	P					
Airport Transportation Service	M											P						
Appliance Repair	L										P	P	P					6
Artisan Crafts	M	C	C	C	C		C				P	P	P	P				15, 22, 44
Barber Service	L										P	P						
Beauty Service	L										P	P						
Bed and Breakfast	L	P	P	P	P	P		P	P		P							8
Boat Storage	M										P						CU	41
Caterer	L										P	P						
Coin Operated Cleaning/Laundry	L										P	P						
Composting Operation	H	P												P		P		31; 53
Convenience Storage	M										P	P	P					4;6;21
Copy Service	L										P	P						
Dry Cleaning and Laundry Pickup	L										P	P						
Dry Cleaning and Laundry Service	L											P						
Electrical Repair	L										P	P	P					6
Employment Agency	M										P	P						
Equipment Rental	M										P	P						7;21
Estate Services	L										P	P						
Event Center	H											P						
Exterminating Service	L											P	P					
Financial Service	M										P	P						
Greenfill	M	P														P		7;15;22;47
Gunsmith	L											P	P					
Historic Adaptive Reuse		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	15; 44
Hotel	M											P						
Industrial Equipment Repair	L												P	P				7;16
Insurance Agency	L										P	P						
Interior Decorating	L										P	P						
Kennel, including commercial animal breeding operations	H	C	C										P	P				10;15; 53
Legal Service	L										P	P						
Locksmith	L										P	P	P					

Business and Personal Services cont.	i	AG	FR	CR	ER	LR	SR	MR	HR	UR	LB	GB	LI	HI	IP	ME	REC	Condition
Massage Studio	M										P	P						
Motel	M											P						
Office	L										P	P	P					
Office Equipment Repair	L											P	P					6
Parking Facility	H										P	P	P	P				31
Pet Services	L											P						
Photographic Services	L										P	P						
Physical Therapy Facility	M										P	P	P					
Real Estate Agency	L										P	P						
Real Estate Sales office Or Model	L	P	P	P	P	P	P	P	P	P	P	P						9
Rehabilitation Therapy Facility	M										P	P	P					
Shoe Repair	L										P	P						
Small Engine and Motor Repair	L										P	P	P	P				6;21
Tailoring	L										P	P						
Taxidermist	L	P	P	P								P	P	P				6
Temporary Seasonal Activity	M	P	P	P							P	P						46; 54
Tourist Home or Cabin	L	P	P	P	C	C		C	C	C								48
Travel Agency	L										P	P						
Upholstery Service	L											P	P					
Veterinary Service (Indoor)	H	C	C	C							P	P	P					15
Veterinary Service (Outdoor)	M	C	C	C									P					10; 15

Retail and Wholesale Trade	i	AG	FR	CR	ER	LR	SR	MR	HR	UR	LB	GB	LI	HI	IP	ME	REC	Condition
Accessory Use		P									P	P	P	P				13
Agricultural Sale Barn	H	P												P				35
Agricultural Supply	H											P						7
Apparel Shop	L										P	P						
Appliance Sales	L											P						
Auction House	H											P	P					
Bakery (Retail)	L										P	P						
Bakery (Wholesale)	L												P	P				7;15
Bookstore	L										P	P						
Bottled Gas Storage/Distribution	L													P				
Building Materials	H											P	P	P				7;31
Cabinet Sales	L											P						
Camera and Photographic Supply	L										P	P						
Confectionery	L										P	P						
Convenience Store	H										P	P						
Department Store	M											P						
Drapery Sales	L											P						
Drugstore	M										P	P						
Fertilizer Sales (Bulk)	M													P				6
Fertilizer Sales (Packaged)	M											P	P					7;21
Florist (Retail)	L										P	P						
Florist (Wholesale)	N											P	P					
Fruit Market	L	P									P	P						
Furniture Sales	L											P						6
Garden Center	H	C	C	C								P	P					53
General Flooring Sales	L											P						
Gift Shop	L										P	P						
Grocery Store	M											P						21
Gunshop	M										CU	CU	CU					
Handicrafts	L										P	P						

Retail and Wholesale Trade cont.	i	AG	FR	CR	ER	LR	SR	MR	HR	UR	LB	GB	LI	HI	IP	ME	REC	Condition
Hardware	M										P	P						6
Heavy Machinery Sales	M												P	P				7
Historic Adaptive Reuse		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	15; 44
Home Improvement Center	H											P						7;31
Industrial Supplies	L												P	P				
Jewelry	L											P						
Liquor Store	M										P	P						
Marine Supply	L											P						31
Manufactured Housing Sales	M											P		P				
Meat Market	L										P	P						
Music Store	L											P						
Office Showroom	M											P	P					
Office Supplies	M											P						
Optical Goods	L											P						
Pet shop	L											P						6;11
Petroleum Bulk Sales and Storage	M													P				
Restaurant	M										P	P						
Restaurant (Drive-in)	H											P						23
Sporting Goods	L										P	P						
Tavern	L											P						
Used Merchandise (Antiques)	L											P						
Used Merchandise (Flea Market)	H											P						19;21
Used Merchandise (General)	L											P						21

Automotive and Transportation	i	AG	FR	CR	ER	LR	SR	MR	HR	UR	LB	GB	LI	HI	IP	ME	REC	Condition
Accessory Use											P	P	P	P				13
Automobile Repair Services, Minor	H	C	C	C														50; 53
Automotive Paint Shop	L												P	P				
Automotive Rentals	M											P						21
Automotive/Boat Repair Shop	H											P	P	P				6
Automotive Sales	H											P						31
Automotive Supply	M											P						7;21
Automotive Tire Repair	M											P	P	P				7;21
Bus Terminal	H											P						21
Car Wash	L											P						21
Cold Storage Plant	L												P	P				
Gasoline Services Station	H											P	P					7
Grain Elevator	L													P				
Historic Adaptive Reuse		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	15; 44
Motorcycle Sales	L											P						6;21
Taxicab Stand	M											P						
Transfer or Storage Terminal	H												P	P				7
Truck Stop/Travel Plaza	H													C				
Trucking Terminal	H												C	P				31
Wrecker Service	M											P	P	P				7
Amusement and Recreational																		
Accessory Use		P	P	P	P	P					P	P	P	P			P	13
Amphitheater	H																CU	
Camping Facility	H	P	C	P													P	27; 53
Club or Lodge	L											P					P	37
Historic Adaptive Reuse		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	15; 44
Indoor Shooting Range	M																P	45
Indoor Theater	M											P						
Outdoor Drive-In Theater	H											P						38
Park and Recreational Services	H	C	C	C	P	P					P	P	P	P			P	14;20
Private Recreational Facility	H	C	C	C	P	P						P					P	20
Race Tracks	H																CU	
Recreational Vehicle (RV) Park	H	C	C	C														53
Resorts	L																CU	
Rodeo	H											P					CU	
Transient Amusement Enterprises	H																CU	

Manufacturing, Mining Construction and Industrial	i	AG	FR	CR	ER	LR	SR	MR	HR	UR	LB	GB	LI	HI	IP	ME	REC	Condition
Abrasive Products	L													P				15
Accessory Use		P	P								P	P	P	P		P		13
Apparel	H												P	P				7;16
Appliance Assembly	H												P	P				7;16
Beverage Products	H												P	P				7;16
Bottling Machinery	L												P	P				7;16
Cement Products	M													CU		CU		
Commercial Printing	H											P	P	P				6
Construction Trailer	L				P	P	P	P	P	P	P	P	P	P				17
Cut Stone and Stone Products	H													P		P		15
Dairy Products	M													P				15
Electronic Devises and	L												P	P				7;16
Engineering and Scientific	L												P	P				7;16
Farm Machinery and Equipment	H													P				15
Food Products	M												P	P				15
Furniture	H												P	P				15
General Contractor	M	C	C	C								P	P	P				15
Glass and Glassware	L													P				15
Grain Mill Products	L													P				15
Hard Surface Floor Covering	L													P				15
Historic Adaptive Reuse		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	15; 44
Insulation Products	L													P				15
Jewelry Products	L												P	P				7;16
Laboratories	M												P	P				17;16
Leather Goods	L												P	P				7;16
Machine Assembly	M												P	P				15
Machine Shop	H												P	P				15
Metal Fabrication	H												P	P				15
Metalworking Machinery	M												P	P				15
Mineral Extraction	H															P		15;18
Motor Vehicle and Equipment	H													P				15
Musical Instruments	L												P	P				7;16

Manufacturing, Mining Construction and Industrial cont.	i	AG	FR	CR	ER	LR	SR	MR	HR	UR	LB	GB	LI	HI	IP	ME	REC	Condition
Office and Computer Equipment	H												P	P				7;16
Optical Instruments and Lenses	L												P	P				7;16
Paper Products	M												P	P				15
Paving Materials and Central Mixing	H													CU		CU		
Perfumes, Cosmetics and Toiletries	H													P				7;16
Pharmaceuticals	H													P				7;16
Plaster Central Mixing	L													P				15
Plastic Products Assembly	H												P	P				7;16
Plating and Polishing	L												P	P				15
Pottery Products	L													P				15
Rock Crushing	H													CU		CU		
Sawmill	H	C	C	C														15;22
Ship and Boat Building	H													P				15
Sign and Advertising Displays	L												P	P				7;15
Structural Clay Products	L													P				15
Terra Cotta	L													P				15
Textiles	H													P				15
Textiles Machinery	M													P				15
Tile	L													P				15
Warehousing and Distribution	H												P	P				7;16
Watches and Clocks	L												P	P				7;16
Welding	L												P	P				7;15
Wood Products	M	C	C	C									P	P				7;15
Adult Oriented Business	i																	
Adult Oriented Businesses	L/M										P	P		P				49
Multi-Use	i																	
Business or Industrial Center	H											P	P	P				22
Commercial / Industrial Adaptive Reuse	H											P	P	P				22;56
Shopping Center	H											P						22

Conditions Pertaining to Permitted Uses in Zoning Districts

1. Permitted on existing lots of record after the issuance of a building permit by the Building Department.
2. For zoning districts that permit two family dwellings, the following conditions shall apply:
 - A. The location of lots designated as two family dwelling lots shall be approved by the Plan Commission as part of its approval of the subdivision plat.
 - B. Exterior building materials of dwelling units to be placed on two family lots shall be of the same type and quality of the existing dwelling unit or, in the case of new two family dwellings, of the same type and quality of dwelling units on adjoining lots.
 - C. Each two-family dwelling shall have a lot area equal to twice that required for a single family residence or greater.
 - D. A two family dwelling proposed on a lot or parcel of record created via the Sliding Scale Subdivision Option may only 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. The Building Commissioner may issue a temporary certificate of occupancy permit for the use and occupancy of a mobile home as a single family dwelling unit on a lot previously occupied by a permanent dwelling that is destroyed so as to be unlivable. The Building Commissioner may impose reasonable conditions upon the issuance of the permit in order to provide for the least impact on surrounding property. A permit issued for a temporary dwelling shall be for a period not to exceed six (6) months. After the expiration of the permit, an additional three (3) months may be granted after the approval by the Plan Commission. No site plan is required.
4. On-site apartment shall not exceed one thousand five hundred (1,500) square feet and shall be attached to, and incorporated into, the convenience storage facility.
5. The following conditions shall apply to residential accessory buildings or structures:
 - A. No more than four (4) accessory buildings or structures shall be erected on a lot. This provision shall not apply in the AG/RR, CR, and FR zoning districts which allow a maximum lot coverage of 15,000 square feet without limitation to the number of structures.
 - B. An accessory building or structure equal to or less than 15 feet in height shall be permitted within five (5) feet of rear property line(s).
 - C. Accessory buildings or structures greater than 15 feet in height are subject to all applicable setbacks.
6. All storage of materials shall be indoors. This condition does not apply to automotive repair when the use is located in a Heavy Industrial (HI) district.
7. 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.
8. A site plan and notification of adjoining property owners are required. At least one (1) rented room shall be located in the principal dwelling unit. The proposed bed and breakfast shall retain the architectural orientation and form characteristic of the surrounding neighborhood.
9. One (1) real estate sales office or model home office may be situated in a section of a subdivision or on a multifamily site.
10. Outdoor kennels and storage areas shall not be visible from streets and/or adjacent properties.

11. Animals shall be kept indoors.
12. No more than five hundred (500) gallons of a product shall be stored above ground.
13. The following conditions shall apply to a nonresidential accessory use:
 - A. No more than one (1) accessory building per establishment shall be erected on a lot.
 - B. An accessory building shall be at least five (5) feet from all lot lines and from any other building on the same lot.
 - C. No accessory building shall be erected in a required front or side yard.
14. Uses not involving permanent development shall be permitted in the Floodway and Floodway Fringe districts after approval by the Plan Commission, subject to conditions necessary to protect the public interest. A site plan is required.
15. The Plan Commission 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.
16. Use shall be conducted within the buildings or structures on the site. Non-agricultural tools, vehicles, and equipment shall be stored so as to not be visible from the street or adjoining property. In addition, storage areas must be screened from view by an appropriate fence or similar enclosure.
17. One (1) construction trailer may be situated in a subdivision or on a nonresidential construction site with the prior approval of the Building Commissioner, who may grant approval subject to conditions that he deems necessary. Construction trailers shall be permitted on specific nonresidential construction sites for as long as a valid building permit continues in existence.
18. Mineral extraction activities are permitted subject to the following provisions:
 - A. Mining operations shall not be conducted on parcels located within residential districts or residential neighborhoods.
 - B. 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.
 - C. The mining site shall be sprinkled, or other measures shall be taken as deemed appropriate by the Planning Director, in order to prevent dust and other particles, from polluting the atmosphere as a result of the mining operations and as a result of transporting minerals.
 - D. Vehicles transporting minerals shall be loaded so that the minerals shall not spill from the vehicles to road surfaces.
 - E. Mining operations shall cease when mud would be collected on the wheels of the vehicles transporting minerals, in order to keep mud off county roads.
19. No site plan is required.
20. Commercial uses, such as miniature golf, go-cart tracks, swimming pools, and so forth, shall not be permitted in residential districts.
21. This use is prohibited in the area within 500 feet, measured perpendicularly from the nearest lane of traffic along State Road 37.

22. Permitted after site plan approval by the Plan Commission or Administrator.
23. The minimum number of off-street parking spaces required may be 1 space per 2 seats, provided that drive-through facilities have a minimum of 120 feet (6 off-street stacking spaces) from the ordering station and are designed so as not to conflict with pedestrian or vehicular circulation on the site or on abutting streets. Exit doors from the restaurant shall be parallel to drive-through lanes to prevent customers from walking out doors directly into traffic lanes.
24. Operations involving feeding of cattle, livestock, or other concentrated animal populations shall be set back from all property lines abutting non-agricultural uses by 1,320 feet.
25. Site should be located on County-maintained and paved roads of classification collector or arterial.
26. Accessory apartments are permitted subject to the following conditions:
 - A. Use may be created only through internal conversion of the existing dwelling unit. Detached garage space shall not be converted.
 - B. At least one (1) parking space shall be provided for the use by residents of the accessory apartment.
 - C. No new entrance visible from the street shall be added to the structure.
27. Camping facilities shall be permitted provided applicant submits a site plan pursuant to Chapter 815 and 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.
28. Community centers are permitted subject to the following conditions:
 - A. Food and beverage services provided on-site shall be limited to service incidental to the primary activity.
 - B. Lighted outdoor athletic facilities at community centers shall not be located within 50 feet of a residential neighborhood.
29. Schools (K-12) and Postsecondary Educations Institutions shall be permitted subject to the following conditions:
 - A. Dwellings used for residential purposes on-site, in excess of one (1) unit, are subject to residential use classification zoning.
 - B. Schools (K-12) must provide off-street loading facilities, located wholly on the premises, for students.
30. Day care facilities 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.
31. Site shall be screened with landscaping, or an opaque fence or wall to a height of at least six (6) feet.
32. Subject to the requirements of Chapter 834 - Wireless Communications Facilities.
33. Central garbage and rubbish collection facilities, including recycling centers, shall be permitted subject to the following conditions:
 - A. Unloading areas for materials must be not less than fifty (50) feet from any adjoining property, unless unloading is conducted entirely within a building.

- B. 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 (8) feet in height.
 - C. Loading and unloading areas must be paved.
 - D. The site must be kept clear of litter, scrap paper, or other refuse matter.
 - E. Chemical or heating processes shall not be used on materials.
 - F. 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.
 - G. 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.
34. Remote garbage and rubbish collection facilities, including drop-off recycling facilities, shall be permitted subject to the following conditions:
- A. Facilities must be located in an enclosed structure or be screened on three sides by a six (6) foot high opaque fence or wall.
 - B. Facilities shall not be located within 100 feet of adjoining property.
 - C. Storage and unloading areas shall be paved.
 - D. The site must be kept clear of litter, scrap paper, or other refuse matter.
 - E. No power driven processing equipment shall be used at any unenclosed facility.
 - F. Facilities attended by any on-site employees shall provide one (1) parking space per employee.
 - G. 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.
 - H. 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.
35. Agricultural sale barns shall be permitted provided that 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, but such sales areas shall be enclosed and screened from view to a height of at least six (6) feet. All such facilities shall have access onto roadways classified as arterial.
36. Amphitheaters are permitted subject to the following conditions:
- A. The site shall be located on a street with a roadway classification of arterial.
 - B. Parking shall be provided to handle the demand of the facility to capacity, but such facilities can be applied subject to shared parking standards as given in Chapter 806 of this ordinance.
37. Clubs or lodges are permitted subject to the following conditions:
- A. Such uses shall be located on a street with a roadway classification of collector or arterial.
 - B. 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.

- C. Parking reductions, in some cases, may be granted subject to submittal of traffic studies or by permission of the Plan Commission or designee.

38. Outdoor drive-in theaters shall be permitted provided they meet the following criteria:

- A. The site shall have direct access to a street classified arterial.
- B. All activities on-site shall be screened with landscaping or opaque fencing to a height of not less than eight (8) feet.
- C. The theater viewing screen shall not be visible from any public street within 1,500 feet of the screen.
- D. Loading space for patrons waiting for admission shall be equal to twenty (20) percent of the capacity of the theater.
- E. Sales of refreshments shall be limited to the operational hours of the theater.
- F. No central loudspeakers shall be permitted.

39. A manufactured home park shall be constructed in accordance to the provisions of Chapter 805 (Manufactured Home Parks) or Chapter 811 (Planned Unit Developments) of this ordinance.

40. Site plan review and notification of interested parties is required.

41. Boat Storage facilities shall be permitted subject to the following conditions:

- A. the required building setbacks shall be applied to all boats stored outside
- B. all boats stored outside of enclosed buildings shall be screened from adjoining properties by a double staggered row of evergreen trees, installed in conformance with Chapter 830, or a 6 ft. high opaque fence or wall.
- C. boat repair services and accompanying sales of repair merchandise is allowed only as an accessory use
- D. compliance with all applicable local, State and Federal regulations for the disposal of hazardous materials.

42. In the Urban (Multifamily) Residential District, this use is limited to serve up to twenty (20) individuals. There is not a limitation on the number of individuals within the other permitted zoning districts.

43. Accessory livestock and non-farm animals shall be permitted only in a pasturage context subject to the following:

- A. Pasture use shall be limited to one unit per acre of land actually used as pasture and accessible to the livestock or non-farm animals. Acreage shall be rounded to the nearest whole number. Animals per acre shall be determined as follows:

Large

Cattle, horses, llamas, swine, ponies, etc. 2 animals/first acre
1 animal per acre thereafter

Medium

Goats, sheep, miniature horses, etc. 4 animals/ first acre
2 animals per acre thereafter

Small

Smaller animals, including fowl 10 animals/first acre
5 animals per acre thereafter

Beehives (bee density based on hive) 8 hives/first acre
4 hives per acre thereafter

All animals (except bees) less than one year of age shall be calculated at one-half the unit of their respective category, as set forth above.

- B. Accessory animals in CR, ER, SR, LR districts may be kept for the owner's personal use and may not be kept for commercial purposes.
 - C. Domestic animals (see 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 on Monroe County Code 441, as amended or reenacted.
 - D. Accessory Livestock and non-farm animals in excess of the above densities require the approval of a variance.
44. Subject to the procedure described in Chapter 813 of the Monroe County Zoning Ordinance for zones that require conditional use approval.
45. For an Indoor Shooting Range use the following conditions apply:
- A. All aspects of the use shall be conducted indoors.
 - B. The operator shall have and submit all applicable Federal and State licenses.
 - C. The sale of guns and/or repair or smithing of guns is permitted as an accessory use.
 - D. Lead shall be disposed of in a manner which complies with all Federal, State and Local regulations.
 - E. Noise shall not be audible at the property line.
46. Temporary Seasonal Activity uses shall be permitted upon demonstrated compliance with the following conditions:
- A. Use must be short in duration (generally less than 1 month.)
 - B. Signage for use limited to 10 square feet and comply with all other aspects of the signage chapter of this ordinance.
 - C. Each use requires submittal of a site plan - including but not limited to location, signage, parking, driveways, etc.
 - D. Prior to the beginning date of the activity, an Improvement Location Permit and payment of applicable fee shall be required.
 - E. Operational conditions such as hours of operation, expiration dates, etc. may be considered as part of the Improvement Location Permit approval.
 - F. Subject to the performance standards of Chapter 802 of this ordinance.
 - G. 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).

H. Application must be submitted at least ten days before the requested date for beginning the Temporary Seasonal Activity use.

I. The application must include the signature of the property owner, or a letter of authorization from the property owner.

47. All applicable State and Federal permits must be secured prior to the issuance of an Improvement Location Permit.

48. Criteria for Tourist Home or Cabin uses in AG/RR, FR, and CR zoning districts:

- (a) The lot must meet or exceed the minimum lot size and infrastructure facilities (i.e. septic system, driveway) requirement for the zoning district prior to the commencement of the Tourist Home or Cabin use;
- (b) The Tourist Home or Cabin shall be located no closer than two-hundred (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 principle use structure exists.
- (c) 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.
- (d) Parking:
 - (1) Parking only on paved or graveled driveways;
 - (2) No parking is allowed on the street or road;
 - (3) One (1) parking space per guest room; and,
 - (4) No parking of any vehicles in any yard or setback area as defined by Chapter 804 of the Zoning Ordinance.
- (e) Rules, in a readable size and format, shall be posted outside near the main entrance to the Tourist Home or Cabin and shall include the following:
 - (1) 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.);
 - (2) Diagram of property boundary lines; and,
 - (3) Diagram of designated parking.
- (f) Smoke detectors and a fire extinguisher shall be installed and maintained in working order in all Tourist Homes or Cabins.
- (g) All solid waste and refuse shall be removed from the property and properly disposed of prior to a change of occupancy.
- (h) No more than two (2) guests per guest room.

49. Subject to the requirements and definitions of Chapter 837 – Adult Oriented Businesses. Note: Not all Adult Oriented Business uses are permitted in the zone districts designated in Table 2-1. See Table 837-4 for clarification.

50. It is unlawful for any person to engage in minor vehicle repair or maintenance unless conducted in accordance with the following conditions:

1. Conducted inside a fully enclosed garage located on a parcel 5 acres in size or greater.
2. Applies to passenger automobiles and trucks not in excess of 7,000 pounds gross weight.
3. No more than (5) five vehicles shall be stored outside on the premises.
4. No vehicle may be stored beyond sixty days.
5. Vehicles stored outdoors must be screened from view in all directions by an appropriate fence or similar enclosure.
6. Vehicles intended for parts, engines, transmissions and all similar items to be used in future repairs shall be stored indoors.
7. The uses shall follow all home based business design standards.

51. Any Roadside Stand (Temporary) must submit a site plan and shall only be conducted in accordance with the following conditions, in addition to any conditions imposed as part of site plan approval:

1. The Roadside Stand (Temporary) 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.

52. Any Roadside Stand (Permanent) must submit a site plan and shall only be conducted in accordance with the following conditions, in addition to any conditions imposed as part of site plan approval:

1. The Roadside Stand (Permanent) 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.

53. Only permitted on lots 5 acres or greater in the AG/RR, CR, and FR zoning districts.

54. The temporary / seasonal activity must be subordinate to or incidental to the principal permitted use or structure existing on the property, and compatible with the intent of the district.

55. The principal dwelling unit or accessory dwelling unit (ADU) or Detached Accessory Dwelling Unit (DADU) must be occupied by the owner of the lot, the minimum lot size must be 5 acres, and must utilize a shared driveway with principal dwelling unit. Before final occupancy of the ADU or DADU, the property owner must record an affidavit and commitment stating that the property owner will reside on the property in either the principal dwelling unit or ADU or DADU. Once recorded, the affidavit and commitment (requiring owner occupancy) may not be removed or modified without Plan Commission approval. Only one accessory dwelling unit per lot of record is permitted.

The following design criteria also apply to accessory dwelling units:

Accessory dwelling unit (ADU) requirements:

1. An ADU is limited to 1,000 square feet of residential space in a single-family structure.
2. The ADU must meet current standards of the residential, building, mechanical, electrical and energy codes of the State of Indiana and the Monroe County Building Department.
3. One off-street parking space is required for the ADU.
4. A manufactured home may not be used as an accessory dwelling unit if it was constructed prior to January 1, 1981.
5. The requirements of Condition 2 under Conditions Pertaining to Permitted Uses in Zoning Districts shall also apply for ADU permitting.

Detached accessory dwelling unit (DADU) requirements:

1. A DADU is limited to 1,000 square feet of residential space.
2. The DADU must meet current standards of the residential, building, mechanical, electrical, energy, and environmentally critical areas codes.
3. One off-street parking space is required for the DADU.
4. A manufactured home may not be used as an accessory dwelling unit if it was constructed prior to January 1, 1981.
5. A DADU must have a permanent connection to either an approved septic system or sewer system.
6. A Recreational Vehicle (RV) is not permitted as a DADU.
7. Each DADU lot shall have a separate buildable area for each dwelling.
8. A DADU lot or parcel of record created via the Sliding Scale subdivision option may only be constructed on the Parent Parcel Remainder.

56. Commercial / Industrial Adaptive Reuse sites may be further developed and used as follows and subject to the following conditions:

- a) Additional buildings and structures may be constructed or placed on the site;
- b) Multiple uses may be established in the existing and new buildings and structures;
- c) All uses established must be permitted uses in the zone district;
- d) Sewer service must be present and available to serve the site;
- e) Building Department review and approval for change of use and occupancy;
- f) 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;
- g) At least two of the following design upgrades are required. No more than one existing feature may be counted to fulfill these design upgrade requirements:

1. Installation of parking lot landscape islands including trees and/or stormwater best management practice treatments;
2. Landscape enhancement and/or expansion along the street edge and/or site perimeter.
3. Implementation of stormwater best management practice treatments, under direction of the county stormwater utility;
4. Installation of a low masonry street wall or decorative fence treatment along the street edge;
5. Conversion of pole signs to monument signs;
6. Façade enhancements such as roofline variations, decorative wall signs, canopy treatments, additional window transparency, exterior materials, additional or enhanced entrances;
7. Provision of outdoor public use areas, such as plazas, patios, benches, etc.;
8. Creation of a designated pedestrian way through a front parking lot from the public sidewalk to the main entrance;
9. Aesthetic upgrades to parking lot or exterior building light fixtures (new fixtures must be hooded, shielded, downcast design);
10. 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.

57. If there are multiple elderly 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.

58. A 3,000 foot buffer is required between all other Residential Facilities for the Developmentally Disabled or Mentally Ill, as measured between lot lines. Staffing is permitted in addition to the eight (8) residents permitted full-time on-site. A Site Plan must be filed showing compliance with parking, landscaping, etc.

[end of chapter]

CHAPTER 813

ZONING ORDINANCE: CONDITIONAL USES

813-1. Regulations for Conditional Uses

The regulations set forth or identified in this chapter are provided to establish procedures, criteria and conditions which shall be met before the Board of Zoning Appeals may approve a conditional use to the terms of this ordinance.

813-2. Application for Conditional Use Approval

A person desiring conditional use approval shall submit a written application for such approval with the Administrator. An application for approval shall:

- (A) be made on the forms available at the office of the Board and be signed by the owner of the property subject to the conditional use request ("subject property") or by a person who has been authorized to sign the form by the owner. If the form is signed by a person other than the owner, the person must submit written documentation of his/her authority to sign the form (e.g., a letter from the owner which states that the person has been authorized to sign the form);
- (B) identify the specific conditional use requested;
- (C) be presented to the Administrator in duplicate;
- (D) be accompanied by two (2) copies of an area map which shows the location of the subject property, the locations of related public and utility facilities (e.g., schools, sewer, etc.), and the relationship of the subject property to the thoroughfare plans for the area;
- (E) be accompanied by two (2) copies of a site plan, drawn to an appropriate scale, which shows:
 - (1) the subject property;
 - (2) the location of all existing and proposed buildings, structures and improvements to be made to the subject property, including drainage and erosion control facilities and features;
 - (3) accurate dimensions of the parcel, buildings, parking areas and ingress/egress driveways;
 - (4) location, owner of record, zoning and use of adjacent properties, including the location, size and use of all structures within fifty (50) feet of the subject property;
 - (5) location, right-of-way and pavement width of all streets adjacent to the subject property; and
 - (6) proposed connections to public utilities; and
 - (7) landscaping improvements, as required by Chapter 830.

- (F) be accompanied by any other information reasonably required by the Administrator; and,
- (G) be accompanied by the fee established by the Plan Commission.

813-3. Conditional Use Approval Procedure

Applications for conditional use approval shall be considered in accordance with the following procedures.

- (A) Within thirty (30) days after receiving a complete application, the Administrator shall schedule and announce the date and time of the Board's hearing on the application. At the time the hearing is scheduled, the Administrator shall provide the applicant with written notice of the hearing date and time.
- (B) Prior to the Board's hearing on the application, the Administrator shall review the application for compliance with the Zoning Ordinance. Following such review and prior to the hearing, the Administrator shall prepare and provide the Board and the applicant with the Administrator's written comments and recommendation on the application, including the Administrator's opinion as to any effect which the proposed conditional use might have upon the Comprehensive Plan;
- (C) The Board, and its representatives, at its discretion, may visit the subject property at any reasonable time during the review process;
- (D) Notice of the Board's hearing on the application for conditional use approval shall be published in two (2) local newspapers of general circulation at least ten (10) days prior to the hearing, in accordance with IC 5-3-1;
- (E) At least ten (10) days prior to the Board's hearing on the application for conditional use approval, the applicant, in the manner prescribed in the Board's Rules of Procedure, shall notify all interested parties of the public hearing by certified mail. Prior to the hearing, the applicant shall provide the Administrator with certified mail receipts demonstrating that the required notices were delivered or returned as undeliverable;
- (F) At least ten (10) days prior to the Board's hearing on the application for conditional use approval, the applicant shall post and maintain a sign on the subject property notifying those passing the property that a request for conditional use approval for the property has been made. The sign shall be provided to the applicant by the Administrator. The cost of the sign shall be borne by the applicant.
- (G) The Board shall conduct a public hearing on the application for conditional use approval in accordance with the Board's Rules of Procedure;
- (H) Following the Board's hearing on the application for conditional use approval, the Board shall take action on the applicant's application. The Board may approve the application, approve the application with conditions, or deny the application.
- (I) The Board shall make written findings of fact in support of its decision. The Administrator shall promptly provide the applicant with a copy of the Board's written findings.
- (J) If the Board approves the application for conditional use approval, the Administrator may issue the applicant an improvement location permit and/or land

use certificate subject to the conditions of conditional use approval and the provisions of the ordinance.

- (K) If the Board denies the application for conditional use approval, the applicant may file an amended application. If the amended application is filed within six (6) months of the Board's denial of the original application, the applicant shall not be charged an application fee.

813-4. Environmental Impact Statement

The Board shall have the authority to require an applicant to perform an environmental impact study of the area in which the use is proposed and to submit the results of the study to the Board.

813-5. Standards for Approval

In order for a conditional use to be approved, the Board must find that:

- (A) the requested conditional use is one of the conditional uses listed in Chapter 813-8 (for the traditional County planning jurisdiction) or Table 33-3 (for the former Fringe) for the zoning district in which the subject property is located. In addition to the other relevant standards imposed by or pursuant to this chapter, the standards, uses and conditions set forth in Section 813-8 are hereby incorporated as standards, uses and conditions of this chapter;
- (B) all conditions, regulations and development standards required in the Zoning Ordinance shall be satisfied;
- (C) granting the conditional use shall not conflict with the general purposes of the Zoning Ordinance or with the goals and objectives the Comprehensive Plan;
- (D) the conditional use property can be served with adequate utilities, access streets, drainage and other necessary facilities;
- (E) the conditional use shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons, and shall comply with performance standards delineated in this ordinance;
- (F) the conditional use shall be situated, oriented and landscaped (including buffering) to produce a harmonious relationship of buildings and grounds with adjacent structures, property and uses;
- (G) the conditional use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood;
- (H) the conditional use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood; and,
- (I) all permits required by other Federal, State and local agencies have been obtained.

813-6. Conditional Approval

All conditional use approvals shall be considered to be conditional approvals. The Board shall have the authority to impose specific conditions as part of its approval in order to protect the public health, and for reasons of safety, comfort and convenience (e.g., to ensure compatibility with surroundings). A conditional use approval may be denied or revoked where the applicant fails to comply with specific conditions made a part of the approval by the Board, or fails to comply with a reasonable request of the Board or the Administrator for furnishing specific information related to the proposed use. Failure to comply with the conditions of approval shall constitute a violation of the Zoning Ordinance.

813-7. Miscellaneous Guidelines

- (A) If there are other valid reasons for denying a conditional use application, the denial may be sustained even if the proposed conditional use constitutes the highest and best use which can be made of the subject property.
- (B) The Board may not deny a permit solely for the purpose of limiting the number of similar uses in an area. However, the Board may require that reasonable minimum distances be maintained between similar uses as a condition of approval.

813-8. Additional Criteria for Certain Categories of Conditional Use

All conditional uses are subject to the criteria established in Section 813-5. Additional criteria as specified in this section must be met by the following categories of conditional use.

- (A) Wireless Communications Facilities
 - (1) The proposed facility must comply with Chapter 834 of this Zoning Ordinance.
 - (2) The Board shall consider whether a proposed facility minimizes land use impacts by being designed to accommodate future co-location by other users.
 - (3) The Board shall consider the extent to which the WCF has been designed to blend with surroundings and reduce visual impact.

813-9. Conditional Use Approval for Pre-Existing Nonconforming Uses

The Board may grant conditional use status to a pre-existing nonconforming use in accordance with the following procedures and standards.

- (A) An applicant for conditional use approval shall file an application for site plan review, in accordance with Subsections 815-3(A) and (B) of these regulations. The application shall be considered in accordance with the procedures set forth above, in Section 813-3. The Board's final decision on the application must comply with Subsection 815-3(C) (substituting the Board for the Administrator).
- (B) To be eligible for conditional use approval, the applicant must demonstrate and agree to continued compliance with the following standards:
 - (1) the proposed conditional use is a pre-existing, nonconforming use (or building or structure);
 - (2) the general performance standards set forth in Chapter 802-4 of these regulations; and,
 - (3) the use (or building or structure) will not be expanded, enlarged or changed.

813-10.

Specific Criteria for Conditional Use Approvals

- (A) Standards for Conditional Use Permits. No conditional use permit shall be granted pursuant to this Chapter unless the applicant shall establish that the specific standards of Chapter 813-5 for the conditional use have been or shall be met. The proposed use and development shall also comply with any additional standards imposed upon the particular use by Section 813-10(B).
- (B) **Additional Criteria for Certain Categories of Conditional Use in the Former Two-mile Fringe.** All conditional uses are subject to the criteria established in Chapter 813-5 and referenced in 813-10(A). Additional criteria as specified in this section must be met by the following categories of conditional use:
 - (1) **Bed and Breakfast Establishments**
 - (a) The operator shall reside on the property;
 - (b) The establishment shall maintain a maximum of three (3) guestrooms;
 - (c) The establishment shall provide one (1) parking space per guest room in addition to the spaces required for the dwelling unit; and
 - (d) The building and its parking facilities shall be designed for compatibility with the surrounding properties.
 - (2) **Day Care Centers**

- (a) Proof of licensing or exemption from the State shall be presented with the application;
- (b) Operator shall be responsible for compliance with all applicable city ordinances and state and federal statutes and regulations;
- (c) The center shall be screened from adjacent properties with a fence or vegetative buffer, and an adequate fenced play area shall be provided;
- (d) The minimum lot size shall be 15,000 square feet or the minimum lot size for the district, whichever is greater;
- (e) Site design and supervision characteristics shall insure that the peace and safety of the surrounding area shall not be impaired; and
- (f) No center shall be approved within 500 ft. of another center.

(3) Drive-Through Uses

- (a) Structures shall be located so as to minimize impacts on adjacent property and the character of the streetscape;
- (b) Design of maneuvering and stacking aisles shall not interfere with circulation or visibility for traffic either on or off site and shall be designed to minimize headlight glare to adjacent property and streets. Applicant shall provide reasonable estimates of peak stack needs and accommodate those needs on the site plan; and
- (c) The radius and width of maneuvering areas shall be as required by County Engineer.

(4) Historic Adaptive Reuse

- (a) 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;
- (b) 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;
- (c) Proposed use shall enhance the ability to restore and/or preserve the property; and
- (d) The granting of the conditional use permit shall be contingent upon any required Certificate of Appropriateness and upon the granting of Historic designation.

(5) Places of Worship

- (a) Design of the structure and site shall be compatible with the surrounding area;
- (b) Outdoor group activities shall not be allowed after 10 pm; and
- (c) Facilities shall have adequate access to collector or arterial streets and traffic shall not travel through a residential neighborhood on local streets.

(6) Rehabilitative Facilities

- (a) The design of the site and structure, and the intensity of use and population density shall be compatible with the surrounding area;
- (b) Adequate access is provided to a street classified as a collector or arterial; and
- (c) Peace and safety of the surrounding area shall not be impaired.

(7) Commercial Uses in Industrial Districts

- (a) Applicant shall demonstrate to the Board's satisfaction that the proposed use is a retail, restaurant, tavern, gasoline service station or business or consumer-oriented office/service use, and the proposed use will serve primarily the industries of the district in which they are located, and/or their employees;
- (b) A maximum of 10% of the total area of an industrial property may be occupied by such uses; and
- (c) Individual retail enterprises shall be limited to a maximum floor area of 3,000 square feet.

(8) Industrial Uses with Potentially Adverse Effects

- (a) The following uses may be approved as a conditional use:
 - (1) Petrochemical facilities
 - (2) Manufacture of chemicals and chemical products
 - (3) Processing of meat, poultry, or seafood and other agricultural products, solid waste disposal, or transfer facilities
 - (4) Manufacture of paper products
 - (5) Manufacture of paving material and concrete block
 - (6) Motor or bus terminal
 - (7) Pharmaceuticals other than light manufacturing
 - (8) Metal fabrication other than light manufacturing

- (b) Compliance with the Comprehensive Plan and its impact upon development objectives of the plan, including review by the Plan Commission and recommendation to the Board of Zoning Appeals;
- (c) Proposed use shall not present undue risk of fire, explosion or release of harmful materials;
- (d) Applicant shall submit data which details the environmental and other effects of proposed use and which quantifies the potential risks in term of noise, dust, odor, traffic, and discharges to the air, ground water, or surface water. Statement shall be certified by a Professional Engineer (PE) and presented to the Board at time of application;
- (e) The Board may required mitigation measures such as careful arrangement of buildings and uses on the site, a means of reducing noise and emissions, and may require screening or setbacks greater than normally required in the IG or HI Districts; and
- (f) Board may required post-construction testing or inspection at appropriate times and intervals to insure ongoing compliance with the applicant's representations of impact and any required mitigation measures.

(9) Outdoor Storage Yards which are Accessory to Permitted Principal Uses

- (a) Yards may be set back from side and rear lot lines not less than $\frac{1}{2}$ the setback required for buildings on the lot if such lot lines do not abut residential use or zoning. If adjacent to residential use or zoning, such yards must meet the required building setback; and
- (b) Shall be screened so as to mitigate the appearance and impact of the proposed storage use and its level of activity, in a manner consistent with the purposes of the district.

(10) Fire and Police Stations

- (a) Shall have adequate access to collector or arterial streets; and
- (b) Design of the structure and the site shall be compatible with the surrounding area.

(11) Golf, Swim and Tennis Clubs

- (a) Facilities shall have adequate access to collector or arterial streets and traffic shall not travel through residential neighborhood on local streets; and
- (b) Design and location of any structure and the design of the site shall be such that adjacent properties shall not be subjected to

offensive noise, lights, odors, or flying objects.

(12) Convalescent, Nursing or Rest Homes; Auditoriums, and Community and Recreation Centers

- (a)** Proposed facility shall be located on a site of minimum 15,000 square feet, or minimum lot size of the district, whichever is greater;
- (b)** Adequate access shall be provided to collector or arterial streets and traffic shall not travel through residential neighborhoods on local streets; and
- (c)** The design of structure and site, hours of operation, and intensity of use, shall be compatible with the surrounding area.

(13) Cemeteries and Mausoleums

- (a)** Shall be located on a site not less than two (2) acres in size;
- (b)** Access to site shall be such that traffic and funeral processions to site will create a minimum of interference with normal traffic operations in the area;
- (c)** The design of the site and any structures shall be compatible with the surrounding area; and
- (d)** All structures shall be set back from any property line a minimum of thirty-five (35) feet and all graves and burial plots shall be set back a minimum of 25 feet from any property line.

(14) Mortuaries and Crematoriums

- (a)** Site of the proposed facility shall be a minimum of 50,000 square feet;
- (b)** Adequate access shall be provided to a street classified collector or arterial and traffic shall not travel through residential neighborhoods on local streets;
- (c)** Design of site and structure shall be compatible with surrounding uses; and
- (d)** Access to proposed site shall be such that traffic and funeral processions will create a minimum of interference with normal traffic operations in the area.

(15) Accessory Gasoline Sales

- (a)** The use shall be accessory to a grocery store having at least 1,500 square feet devoted to food sales. The use shall be limited to one dispensing nozzle for each grade of gasoline offered;
- (b)** Adequate access shall be provided from a collector or arterial street;

- (c) Pump island shall not eliminate or interfere with required off-street parking spaces or access thereto;
- (d) Adequate stacking space shall be available at the pump island and shall not interfere with traffic safety on the site or adjacent roadway;
- (e) Design of site and structure shall be compatible with surrounding area; and
- (f) Site shall conform to Karst regulations found in Chapter 829.

(16) Correctional Facilities

- (a) Adequate access is provided to a collector or arterial street;
- (b) Design of site and structure, and the intensity of use and population density shall be compatible with surrounding area; and
- (c) Site design and supervision characteristics shall insure that the peace and safety of the surrounding area shall not be impaired.

(17) Junk, Wrecking, and Automobile Storage Yards

- (a) Processing of metal salvage shall be permitted only in the IG 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;
- (b) 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;
- (c) 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 required in the zoning district; and
- (d) A maximum of one (1) access driveway shall be permitted on any single street frontage.

(18) Shared Parking

- (a)** No more than fifty (50) percent of the parking spaces required for a building or 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. The Board may require such evidence as it deems necessary to establish parking demands;
- (c)** The Board shall require the owners of the properties included in the conditional use request to make a written commitment guaranteeing that the parking spaces shall be maintained as stipulated in the approval so long as parking is required for either of the properties or until the required parking is provided elsewhere in accordance with the provisions of this Chapter. Such instrument shall be recorded by the property owners with the County Recorder, and a copy filed with the planning department; and
- (d)** The commitment required above may be modified or terminated only by order of the Board.

(19) Off-Site Parking

- (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 or conditional use;
- (c)** The Board shall required the owners of the properties included in the conditional use request to make a written commitment guaranteeing that the parking spaces shall be maintained as stipulated in the approval so long as parking is required for the property, or until the required parking is provided elsewhere in accordance with the provisions of this chapter, and prohibiting any other use of the lot which is used for off-site parking. Such instrument shall be recorded by the property owners with the County Recorder, and a copy filed with the planning department; and
- (d)** The commitment required above may be modified or terminated only by order of the Board.

(20) Drive-In Theaters

- (a)** 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;
- (b)** The theater viewing screen shall not be visible from any public

street within 1,500 feet of the screen. In addition, 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 (6) feet in height;

- (c) Loading space for patrons waiting for admission to the theater shall be equal to twenty (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; and
- (d) Sale of refreshments shall be limited to patrons of the theater. Amusement parks or kiddylands shall be accessible only to patrons of the theater;
- (e) 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; and
- (f) No central loudspeakers shall be permitted.

(21) Light Manufacturing and Distribution Facilities

- (a) Architecture and site design shall be compatible with the surroundings and with the purpose of the BP District;
- (b) Truck parking, loading areas, and outdoor mechanicals of any kind shall be adequately screened in a manner compatible with the surroundings;
- (c) The design of the access route to the facility must be suitable for truck traffic; and
- (d) Outdoor processes and/or storage are prohibited.

(22) Commercial use as principal use in Airport District

- (a) Applicant shall demonstrate that the proposed retail, restaurant, or business or consumer-oriented uses serve primarily the medical or airport uses in the zoning district and/or their employees;
- (b) Individual retail enterprises shall be limited to a maximum floor area of 3,000 square feet.

(23) Home Occupations in the Two-Mile Fringe

- (a) The operator of the home occupation must reside in the dwelling unit. Only one (1) employee who does not reside in the dwelling unit may be permitted, regardless of the number of home occupations in the dwelling unit;
- (b) The use must be conducted entirely within the principal residence or attached garage. Outdoor display of materials, good, supplies, or equipment shall be prohibited;

- (c) Direct sales and/or rentals of products is prohibited, except for the incidental sale of arts and crafts created on the premises in connection with the home occupation;
- (d) Not more than fifteen (15) percent of the total interior floor area of the dwelling unit may be used in connection with the home occupation. However, no home occupation shall be limited to less than 200 square feet nor shall the area of a home occupation exceed 500 square feet;
- (e) There shall be no advertising, signs, display, or other indications of a home occupation in the yard, on the exterior of the dwelling unit, or visible from anywhere outside the dwelling unit, except for one (1) sign, attached to the wall of the building, of a maximum size of two (2) square feet;
- (f) More than one (1) home occupation may be permitted within an individual dwelling unit, provided all other standards and criteria applicable to home occupations are complied with. All home occupations within the same dwelling unit may cumulatively use no more than fifteen (15) percent or 500 square feet of the dwelling unit; and
- (g) An approved home occupation shall be treated as a single family dwelling unit for purposes of site plan review.

(24) Hotel/Motel in Business Park District

- (a) Design of the structure and site shall be compatible with the purposes of the BP District.

(25) Off-Premise Sign Relocation

- (a) The new location is within a CA, IL, or IG District if the new location is on a different zoning lot. No sign shall be relocated so that a sign face is directed toward, or intended to be legible to, a motorist traveling along SR 37;
- (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 thirty-five (35) feet, measured from the base of the sign or from the crown of the road directly in front of the sign, whichever is greater, to the top of the sign;
- (c) The off-premise sign as relocated shall be at least 300 feet from the nearest off-premise sign, except on limited-access highways, where the distance to the nearest sign shall be 500 feet. Such spacing 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. Spacing provisions shall not apply when signs are separated by obstructions in such manner that the only one sign within the spacing distances is visible from the street at any one time;

- (d) The relocated off-premise sign shall be subject to a street setback of ½ of the required building setback from the front property line. The relocated off-premise sign shall be subject to the side and rear building setback requirement of the district in which it is being relocated;
- (e) The relocation promoted the public welfare and tends on balance to preserve and enhance the scenic beauty and aesthetics of the planning jurisdiction, taking into account the location from which the sign is being moved as well as the character of the new location, including but not limited to any landscaping or other amenities proposed for the new location; and
- (f) An application for conditional use to relocate a sign shall be accompanied by a commitment to the removal of the sign from its existing location by both the owner of the property and of the sign. Each such conditional use approval shall include, as a condition of approval, a stipulation that the previous lawful nonconforming use at the previous location shall be deemed abandoned immediately upon relocation.

(C) Additional Criteria for Certain Categories of Conditional Use in the Standard County Jurisdiction. All conditional uses are subject to the criteria established in Chapter 813-5 and referenced in 813-10(A). Additional criteria as specified in this section must be met by the following categories of conditional use:

(1) Amphitheater

- (a) 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;
- (b) 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 (6) feet in height;
- (c) Loading space for patrons waiting for admission to the theater shall be equal to twenty (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; and
- (d) Sale of refreshments shall be limited to patrons of the theater. Amusement parks or kiddylands shall be accessible only to patrons of the theater;
- (e) 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; and
- (f) No central loudspeakers shall be permitted.

(2) Boat Storage

- (a)** the required building setbacks shall be applied to all boats stored outside;
- (b)** all boats stored outside of enclosed buildings shall be screened from adjoining properties by a double staggered row of evergreen trees, installed in conformance with Chapter 830, or a 6 ft. high opaque fence or wall; and
- (c)** the retail sales of merchandise, and/or boat repair services shall be prohibited.

(3) Resorts

- (a)** Design of the structure and site shall be compatible with the surrounding area;
- (b)** Outdoor group activities shall not be allowed after 10 pm; and
- (c)** Facilities shall have adequate access to collector or arterial streets and traffic shall not travel through a residential neighborhood on local streets.

(4) Rodeo, Race Track, and Transient Amusement Enterprises

- (a)** 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;
- (b)** 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 (6) feet in height;
- (c)** Loading space for patrons waiting for admission to the theater shall be equal to twenty (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;
- (d)** Sale of refreshments shall be limited to patrons of the theater. Amusement parks or kiddylands shall be accessible only to patrons of the theater;
- (e)** 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; and
- (f)** No central loudspeakers shall be permitted.

(5) Indoor and Outdoor Shooting ranges are not permitted as accessory uses in this category.

(6) Rock Crushing Establishments, Cement Products, and Paving Materials Central Mixing

(a) 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.

(b) 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, etc., as means of reducing anticipated impacts of the proposed use.

(c) 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.

(7) Artisan Crafts

(a) 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 not exceed either: a) the gross floor area of the residential structure or, b) 1750 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) For operations in AG/RR, FR, and CR zones, a maximum of eight employees are permitted; in the ER and SR zones, a maximum of four (4) 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.

(8) Tourist Home or Cabin

(a) The Tourist Home or Cabin must have a kitchen, a bathroom, a living/dining room area and must meet or exceed all infrastructure requirements (e.g., septic system, driveway);

(b) Use must have legal access via an existing public improvement to one or some of the following tourist and guest attractions:

(1) *Lake Monroe, Lake Lemon and Lake Griffy:*
By adjoining the public property surrounding the lake, having public access within 200 feet of the property line or by right of access through other parcels under the same ownership, excluding easements, as the Tourist Home or Cabin or some combination thereof.

(2) *Morgan-Monroe State Forest or Hoosier National Forest:* By having public or private access for equestrian or bicycle use or a public access trailhead with parking improvements within 200 feet of the property line or by right of access through other parcels under the same ownership, excluding easements, as the Tourist Home or Cabin or some combination thereof.

(3) *Other public recreational or cultural facilities (e.g. Monroe County Parks and Recreation, City of Bloomington Parks and Recreation, Indiana University, Tibetan Cultural Center, etc.) maintained for the benefit of local, state, national, and international visitors:*
By having public access within 200 feet of the property line or by right of access through other parcels under the same ownership, excluding easements, as the Tourist Home or Cabin or some combination thereof.

(c) 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 20-4-7 – Safety Features; 675 IAC 20-3-9 – Enclosure) standards for a Class C, Semi-Public Pool.

(d) Parking:

- (1)** Parking only on paved or graveled driveways;
- (2)** No parking is allowed on the street or road;
- (3)** One (1) parking space per guest room; and,
- (4)** No parking of any vehicles in any yard or setback area as defined by Chapter 804 of the Zoning Ordinance.

(e) Rules, in a readable size and format, shall be posted outside near the main entrance to the Tourist Home or Cabin and shall include the following:

- (1)** 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.);

- (2) Diagram of property boundary lines; and
- (3) Diagram of designated parking.
- (f) Smoke detectors and a fire extinguisher shall be installed and maintained in working order in all Tourist Homes or Cabins.
- (g) All solid waste and refuse shall be removed from the property and properly disposed of prior to a change of occupancy.
- (h) No more than two (2) guests per guest room.

(9) Historic Adaptive Reuse

- (a) 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;
- (b) 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;
- (c) Proposed use shall enhance the ability to restore and/or preserve the property; and
- (d) The granting of the conditional use permit shall be contingent upon any required Certificate of Appropriateness and upon the granting of Historic designation.

(10) Wastewater Treatment Facility

- (a) In addition to all state and federal regulations, wastewater treatment facilities may only occur under the following circumstances:
 - (1) It is necessary to remedy 1 or more existing failing wastewater systems;
 - (2) It is necessary to replace a wastewater system serving an existing campground or similar facility; or,
 - (3) It will not provide additional capacity beyond the scope of the proposed remedy or replacement.

(11) Truck Stop/Travel Plaza

- (a) **Applicability**

The standards of this section apply to all truck stops and travel plazas.

(b) Minimum Parcel Area and Road Frontage

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.

(c) Location

1. 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.
2. 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.
3. No more than one truck stop shall have primary access from any interstate highway interchange.
4. The minimum distance between truck stops shall be 7,000 feet measured from property line to property line.

(d) Parking and Fueling Stations

Fueling areas for automobiles and fueling areas for trucks must be separated. Pump island canopies may not exceed 22 feet in height.

(e) Indoor Operation

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. All activities and operations shall be conducted entirely within an enclosed structure, except as follows:

1. The dispensing of petroleum products, water and air from pump islands.
2. The provision of emergency service of a minor nature.

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.

(f) Noise

If the parcel on which the truck stop/travel plaza is located is within 1,320 feet of an R 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 R 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.

(g) Overnight Parking

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.

(h) Fuel Spill Containment/Hazardous Substances

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:

- Greater than 100 lbs. or the CERCLA Reportable Quantity (RQ) of a hazardous material;
- Petroleum spills of greater than 55-gallons; or
- 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.

(i) Karst

Development of a truck stop or travel plaza in areas that encompass or affect sinkholes or other karst features (i.e., in “sinkhole areas”) is prohibited unless it is demonstrated that the development would have no significant detrimental impact on storm water management or ground water quality.

(j) Parking

All parking areas must be paved and fully comply with current Monroe County landscaping and storm water management requirements. A parking lot separated from the truck fueling/parking area must be provided for employees and passenger vehicles utilizing the facility.

(k) Landscaping

1. At least 25% of the lot area shall be devoted to green area.
2. All screening shall include a fence and a dense planting of trees and shrubs, for the full length of the lot line.

(l) Signs and Lighting Standards

Any signs or lighting permitted in conjunction with the use shall be appropriate to the location and in harmony with the general character of the properties in the area. All on-site lighting at a truck stop or travel plaza shall be sized and directed to provide for minimal light spillage onto adjacent properties.

Lighting standards shall be as follows:

1. All outdoor lighting shall be fully shielded. Fully shielded requires a lighting fixture to be constructed so that all the light emitted by the fixture is projected below the horizontal plan of the lowest plane of the lowest point of the fixture.
2. Lighting fixtures used to illuminate a sign shall be mounted on the top of the sign structure, lighting the sign downward.
3. Low-pressure Sodium (LPS) lamps or other dark sky friendly lighting alternatives are required throughout the site.
4. Search lights, laser source lights, or any similar high-intensity light shall not be permitted.

(m) Adult Oriented Business

No Adult Oriented Business activities as defined by the Monroe County Zoning Ordinance.

(n) Security

The truck stop/travel plaza must be designed with adequate lighting, fencing, security cameras, access control, signs, etc. to mitigate the potential for crime.

(o) Additional Requirements

All performance standards of the Monroe County Zoning Ordinance must be met. The Board of Appeals may require design changes or additional landscaping, screening, and berms as necessary to minimize the visual and noise impact of the truck stop or travel plaza on adjacent properties.

(12) Solar Farm

(a) Applicability.

The standards of this section apply to all Solar Farms.

(b)

Use.

A Solar Farm may be permitted as an accessory use or a principal use.

(c)

Minimum Lot Size.

Five (5) acres.

(d)

Setbacks.

Solar farms shall meet the minimum zoning setbacks for the zoning district in which located.

(e)

Height.

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.

(f)

Visibility.

1. Solar farms with panels located at least one hundred fifty (150) feet from a residentially zoned property, or residential use shall not require screening.

2. Solar farms with panels located less than one hundred fifty (150) feet from a residentially zoned property, or residential use must meet the requirements for Bufferyard Landscape Requirements set forth in Chapter 830.

(g)

Minimum Open Space Area.

A minimum of twenty (20) percent of the lot area must remain open space.

(h)

Public Signage.

Signage is permitted as provided by Chapter 807.

(i)

Security Fencing.

A solar farm shall be enclosed by a chain-link security fence a minimum of six feet in height. Barb wire or razor wire is prohibited on all fences.

(j)

Stormwater and Erosion Control.

Solar farms are subject to the County's stormwater management and erosion and sediment control provisions and NPDES permit requirements.

(k)

Power and Communication Lines.

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.

(l) Site Plan Required.

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.

(m) Aviation Protection.

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.

(n) Other standards and codes.

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.

(o) Decommissioning.

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.

(p) Additional Permitted Districts.

A conditional use may be granted for a Solar Farm in the Business Industrial Overlay.

(13) Event Center (Accessory Use in an AG/RR Zone)

Development and Operational Standards.

The following development and operational standards shall apply to an event center in the AG/RR Zone:

(a) Parking.

An event center in the AG/RR 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).

(b) Access Standards.

1. Access roads to an event center in the AG/RR Zone shall comply with county, state and local fire safe standards as determined by the county and the serving fire agency.
2. Direct access to a publicly-maintained roadway is required.
3. 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 Parcel Size.

1. A small agricultural event center shall have a minimum parcel size of ten (10) acres.
2. An intermediate agricultural event center shall have a minimum parcel size of twenty (20) acres.
3. A large agricultural event center shall have a minimum parcel size of forty (40) acres.

(d) Setbacks.

An event center in the AG/RR 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 two hundred (200) feet from the exterior property lines. Parking shall be allowed with fifty (50) feet from the exterior property lines unless the Board of Zoning Appeals increases the parking setback provision to meet neighborhood conditions.

(e) Event Size.

1. Small agricultural event center: shall be allowed a maximum event size of one hundred (100) guests or as specified by the conditional use permit.
2. Intermediate agricultural event center: shall be allowed a maximum event size of two hundred (200) guests or as specified by the conditional use permit.
3. Large agricultural event center: shall be allowed a maximum event size of three hundred (300) guests or as specified by the conditional use permit.

(f) Number of Events.

An agricultural event center may hold events on a maximum of maximum of forty

(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.

(g) Agricultural Requirement.

1. An event center in the AG/RR 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.
2. An event center in the AG/RR 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.

(h) Hours of Operation.

An event center in the AG/RR 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.

(i) Noise Regulations.

An event center in the AG/RR 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 fifty (50) decibels or less at the event center's exterior property lines.

(j) Food Regulations.

An event center in the AG/RR 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 AG/RR Zone.

(k) Neighbor Notification.

An event center in the AG/RR 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.

(14) Trucking Terminal

(a) Applicability

The standards of this section apply to all trucking terminals in the Light Industrial

(LI) District.

(b) Usage

Trucking terminals in the Light Industrial (LI) District may only be used for straight trucks, dump trucks, charter buses, and emergency vehicles. Tractors and semi-trailers are not permitted.

(c) Minimum Parcel Area and Road Frontage

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.

(d) Location

The public road serving the trucking terminal shall handle any expected traffic and load increase as determined by the County Highway Department.

(e) Indoor Operation

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:

1. The dispensing of petroleum products, water and air.
2. The provision of emergency service of a minor nature.

(f) Fuel Spill Containment/Hazardous Substances

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.

(g) Screening

Site shall be screened with landscaping, or an opaque fence or wall to a height of at least six (6) feet.

(h) Additional Requirements

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.

(15) Remote Garbage/Rubbish Removal

Development and Operational Standards. The following development and operational standards shall apply to a Remote Garbage/Rubbish Removal facility:

- A. Facilities must be located in an enclosed structure or be screened on three sides by a six (6) foot high opaque fence or wall.
- B. Facilities shall not be located within 100 feet of adjoining property.

- C. Storage and unloading areas shall be paved.
- D. The site must be kept clear of litter, scrap paper, or other refuse matter.
- E. No power driven processing equipment shall be used at any unenclosed facility.
- F. Facilities attended by any on-site employees shall provide one (1) parking space per employee.
- G. 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.
- H. 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.

(16) Central Garbage/Rubbish Removal

Development and Operational Standards. The following development and operational standards shall apply to a Central Garbage/Rubbish Removal facility:

- A. Unloading areas for materials must be not less than fifty (50) feet from any adjoining property, unless unloading is conducted entirely within a building.
- B. 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 (8) feet in height.
- C. Loading and unloading areas must be paved.
- D. The site must be kept clear of litter, scrap paper, or other refuse matter.
- E. Chemical or heating processes shall not be used on materials.
- F. 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.
- G. 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.

(17) General Contractor (Rural)

Development and Operational Standards. The following development and operational standards shall apply to a general contractor in the AG/RR, FR, or CR Zones:

- A. Site must have a minimum lot size of 5 acres.
- B. 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.

- C. 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 5 total;
- D. No retail is permitted at the residential site;
- E. Any building used in connection with the general contractor use shall be located at least 35' from rear and side property lines.
- F. No permanent advertising signs are permitted at the residential property;
- G. Hours of operation shall be between 7 AM and 7 PM.
- H. 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:
 - 1. A minimum of 6 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.
 - 2. Outdoor storage of vehicles must be limited to 5 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.'
 - 3. No outdoor storage area may exceed 100' x 100' and must be located within buildable area per Chapter 804.
 - 4. Outdoor storage may not include greenfill waste

(18) Residential Facility for Mentally Ill Individuals.

Development and Operational Standards. The following development and operational standards shall apply to Residential Facility for Mentally Ill Individuals:

- A. Must not be located within 3,000 feet of another Residential Facility for Mentally Ill Individuals;
- B. Staff attending the Residential Facility should be limited to no more than three (3) people at a time. The total limit of staff visiting the site would be no more than nine (9) people in a 24 hour period.
- C. Must be located 75 feet from the nearest adjoining Single Family residence;
- D. Only permitted on lots 1 acre or greater;
- E. The residential home to be utilized as the Residential Facility must be built as a Single Family Residence;
- F. The screening process for residents to live in the Residential Facility must be documented in the BZA application to ensure that individuals entering the Facility meet the definition of "Mentally Ill" per IC 12-28-4, as amended.
- G. There must be a Commercial Site Plan filing, following approval of the Conditional Use, requiring compliance with all ordinance requirements, including but not limited to, Landscaping and Parking under the "Group Home Class II" use.

- (D) Effect of Issuance of a Conditional Use Permit. The grant of a conditional use authorizes the use and establishes the terms of use. Conditional uses are also

subject to site plan requirements, all necessary permits and approvals, and other applicable requirements. All required permits must be obtained before any grading, construction, or use commences.

(E) Expiration of Conditional Use Permit. Any conditional use permit granted by the Board of Zoning Appeals shall expire:

(1) In the case of new construction or modifications to an existing structure:

- (a)** Two (2) years after the date granted by the Board of Zoning Appeals, unless a building permit has been obtained and construction of the structure or structures has commenced; or
- (b)** At the date of termination established by the Board of Zoning Appeals as a condition or commitment if different from (1) above.

(2) In the case of occupancy of land which does not involve new construction:

- (a)** Two (2) years after the date granted by the Board of Zoning Appeals, unless an occupancy permit has been obtained and the use has commenced; or
- (b)** At the date of termination established by the Board of Zoning Appeals as a condition or commitment if different from (1) above.

(3) If an appeal by writ of certiorari is taken from an order granting a conditional use, the time during which such appeal is pending shall not be counted in determining whether a conditional use or order has expired under Subsections (a) or (b) of this Section.

(4) The Board of Zoning Appeals may provide by rule for the granting of extensions of conditional uses.

(F) Amendments to Conditional Use Permits. Any modification or intensification of a conditional use that alters the essential character or operation of the use in a way not intended by the Board of Zoning Appeals at the time the conditional use was granted shall require a new conditional use permit. The property owner, use operator, or his authorized representative shall apply for such conditional use permit prior to any modification of the use or property.

The Administrator shall determine in writing whether the proposed modification or intensification represents an alteration in the essential character of the original conditional use as approved. The operator of the conditional use shall provide the Administrator with all the necessary information to render this determination.

The Hearing Officer may hear requests for amendments to a conditional use, if authorized by the Plan Commission.

No use classified as conditional may be conducted without first obtaining a conditional use permit under this chapter, and no such use shall be conducted

except in compliance with all applicable provisions of this Zoning Ordinance and with any conditions upon such permit.

[end of chapter]

IC 12-28-4

Chapter 4. Residential Facilities for Developmentally Disabled Individuals and Mentally Ill Individuals

IC 12-28-4-1

Application of chapter

Sec. 1. This chapter applies to residential facilities for both individuals with a developmental disability and individuals with a mental illness.

As added by P.L.2-1992, SEC.22. Amended by P.L.99-2007, SEC.137.

IC 12-28-4-2

Planning authority defined

Sec. 2. As used in this chapter, "planning authority" means the agency of county, city, or town government that performs the planning function under IC 36-7 for the land on which a residential facility may be placed.

As added by P.L.2-1992, SEC.22.

IC 12-28-4-3

Staffing; daily living, self-help, and social skills needs of recipients; Medicaid; federal financial participation

Sec. 3. Residential facilities for individuals with a developmental disability must have sufficient qualified training and habilitation support staff so that the residential facility, regardless of organization or design, has appropriately qualified and adequately trained staff (not necessarily qualified intellectual disability professionals (as defined in 42 CFR 483.430)) to conduct the activities of daily living, self-help, and social skills that are minimally required based on each recipient's needs and, if appropriate, for federal financial participation under the Medicaid program.

As added by P.L.2-1992, SEC.22. Amended by P.L.99-2007, SEC.138; P.L.7-2015, SEC.39; P.L.117-2015, SEC.24.

IC 12-28-4-4

Staffing limitations for facilities certified for financial participation under Medicaid program

Sec. 4. For residential facilities for individuals with a developmental disability that are certified for financial participation under the Medicaid program, the division of disability and rehabilitative services shall recommend staffing limitations consistent with the program needs of the residents as a part of the office of Medicaid policy and planning's rate setting procedures.

As added by P.L.2-1992, SEC.22. Amended by P.L.4-1993, SEC.208; P.L.5-1993, SEC.221; P.L.141-2006, SEC.69; P.L.99-2007, SEC.139.

IC 12-28-4-5

Staffing limitations for facilities not certified for financial participation under Medicaid program

Sec. 5. For residential facilities for individuals with a developmental disability that are not certified for financial participation under the Medicaid program, the division of disability and rehabilitative services shall approve appropriate staffing limitations consistent with the program needs of the residents as a part of the division's rate setting procedures.

As added by P.L.2-1992, SEC.22. Amended by P.L.4-1993, SEC.209; P.L.5-1993, SEC.222; P.L.141-2006, SEC.70; P.L.99-2007, SEC.140.

IC 12-28-4-6

Staffing limitations; memorandum of agreement

Sec. 6. The office of Medicaid policy and planning and the division of disability and rehabilitative services shall enter into a memorandum of agreement that defines the staffing limitations to be used by the office of Medicaid policy and planning in establishing reimbursement rates. The staffing limitations under section 5 of this chapter may not exceed the staffing limitations defined by the memorandum of agreement between the office of Medicaid policy and planning and the division of disability and rehabilitative services under section 4 of this chapter.

As added by P.L.2-1992, SEC.22. Amended by P.L.4-1993, SEC.210; P.L.5-1993, SEC.223; P.L.141-2006, SEC.71.

IC 12-28-4-7

Zoning ordinances; residential facilities for individuals with a mental illness

Sec. 7. (a) A zoning ordinance (as defined in IC 36-7-1-22) may not exclude a residential facility for individuals with a mental illness from a residential area solely because the residential facility is a business or because the individuals residing in the residential facility are not related. The residential facility may be required to meet all other zoning requirements, ordinances, and laws.

(b) A zoning ordinance may exclude a residential facility for individuals with a mental illness from a residential area if the residential facility will be located within three thousand (3,000) feet of another residential facility for individuals with a mental illness, as measured between lot lines.

As added by P.L.2-1992, SEC.22. Amended by P.L.99-2007, SEC.141.

IC 12-28-4-8

Zoning ordinances; residential facilities for individuals with a developmental disability

Sec. 8. (a) A residential facility for individuals with a developmental disability:

(1) for not more than eight (8) individuals with a developmental

disability; and
(2) established under a program authorized by IC 12-11-1.1-1(e)(1) or IC 12-11-1.1-1(e)(2);
is a permitted residential use that may not be disallowed by any zoning ordinance (as defined in IC 36-7-1-22) in a zoning district or classification that permits residential use.

(b) A zoning ordinance may only require a residential facility described in subsection (a) to meet the same:

- (1) zoning requirements;
- (2) developmental standards; and
- (3) building codes;

as other residential structures or improvements in the same residential zoning district or classification.

As added by P.L.2-1992, SEC.22. Amended by P.L.272-1999, SEC.48; P.L.99-2007, SEC.142.

IC 12-28-4-9

Covenants created before April 1, 1988, restricting residential facilities for persons with a developmental disability or mental illness

Sec. 9. (a) This section applies to each restriction, reservation, condition, exception, or covenant that is created before April 1, 1988, in any subdivision plat, deed, or other instrument of, or pertaining to, the transfer, sale, lease, or use of property.

(b) A restriction, a reservation, a condition, an exception, or a covenant in a subdivision plat, deed, or other instrument of, or pertaining to, the transfer, sale, lease, or use of property that would permit the residential use of property but prohibit the use of that property as a residential facility for individuals with a developmental disability or individuals with a mental illness:

- (1) on the ground that the residential facility is a business;
- (2) on the ground that the individuals residing in the residential facility are not related; or
- (3) for any other reason;

is, to the extent of the prohibition, void as against the public policy of the state.

As added by P.L.2-1992, SEC.22. Amended by P.L.99-2007, SEC.143.

IC 12-28-4-10

Covenants created on or after April 1, 1988, restricting residential facilities for persons with a developmental disability or mental illness

Sec. 10. (a) This section applies to each restriction, reservation, condition, exception, or covenant that is created on or after April 1, 1988, in any subdivision plat, deed, or other instrument of, or pertaining to, the transfer, sale, lease, or use of property.

(b) A restriction, a reservation, a condition, an exception, or a covenant in a subdivision plat, deed, or other instrument of, or

pertaining to, the transfer, sale, lease, or use of property that would permit the residential use of property but prohibit the use of that property as a residential facility for individuals with a developmental disability or individuals with a mental illness:

- (1) on the ground that the residential facility is a business;
- (2) on the ground that the individuals residing in the residential facility are not related; or
- (3) for any other reason;

is, to the extent of the prohibition, void as against the public policy of the state.

As added by P.L.2-1992, SEC.22. Amended by P.L.99-2007, SEC.144.

IC 12-28-4-11

Repealed

(Repealed by P.L.6-1995, SEC.39.)

IC 12-28-4-12

Establishment of facilities by division; priority given counties with low ratios of resident facility beds; recruiting private operators

Sec. 12. (a) Subject to the availability of money and consistent with needs assessment, the division of disability and rehabilitative services shall give priority to the establishment of residential facilities, other than the facilities described in section 3 of this chapter, in counties in which the ratio of the number of residential facility beds to county population is in the lowest twenty-five percent (25%) when compared to all other Indiana counties. The division of disability and rehabilitative services may operate residential facilities established under this section.

(b) Before the division of disability and rehabilitative services takes any steps to establish a residential facility under this section, the division shall place at least two (2) legal advertisements in a newspaper having a general circulation in the county. These advertisements must be aimed at recruiting private parties to serve as operators of residential facilities in the county. The advertisements must be published at intervals at least one (1) month apart.

As added by P.L.2-1992, SEC.22. Amended by P.L.4-1993, SEC.212; P.L.5-1993, SEC.225; P.L.141-2006, SEC.72.

IC 12-28-4-13

Development and lease effort

Sec. 13. (a) The division of disability and rehabilitative services may operate a program known as the development and lease effort. Under the program, the division of disability and rehabilitative services may develop contracts under which the state agrees to lease buildings from private parties for use as residential facilities for individuals with a mental illness or individuals with autism or other individuals with a developmental disability. Notwithstanding any other law, each contract may include provisions that ensure the

following:

(1) That the state will lease a building for not more than ten (10) years for use as a residential facility for individuals with autism.

(2) That the state will retain the right to extend the term of the lease for not more than ten (10) years at the conclusion of the first ten (10) years.

(3) That the state will retain the right to sublease the building to a person who agrees to operate the building as a residential facility for individuals with autism under this chapter.

(b) Leases entered into under this section are subject to the approval of the Indiana department of administration, the attorney general, the governor, and the budget agency, as provided by law.

As added by P.L.2-1992, SEC.22. Amended by P.L.4-1993, SEC.213; P.L.5-1993, SEC.226; P.L.141-2006, SEC.73; P.L.99-2007, SEC.145.

IC 12-28-4-14

Rules

Sec. 14. The community residential facilities council may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.2-1992, SEC.22.

ORDINANCE Z-658-20
**AN ORDINANCE OF THE COMMON COUNCIL OF THE
CITY OF CARMEL, INDIANA**

*An Ordinance establishing standards and approval process for Group Homes
in the Unified Development Ordinance.*

Synopsis:

This ordinance amends the Unified Development Ordinance in order to amend definitions and to establish standards and approval requirements for Group Homes.

WHEREAS, the term “group home” includes residential facilities designed to house or accommodate the needs of various groups of individuals, particularly persons who are considered disabled or otherwise in need of specialized services.

WHEREAS, state and federal statutes, primarily the Fair Housing Amendments Act (FHAA), which was enacted by Congress in 1988, have made it unlawful for local governments to “make unavailable or deny, a dwelling to any buyer or renter because of a handicap.”

WHEREAS, according to federal court decisions, plaintiffs may prove that a city violated the FHAA by showing either (1) disparate treatment, (2) disparate impact, or (3) a refusal to make a reasonable accommodation for disabled persons.

WHEREAS, pursuant to Indiana Code 36-7-4-602 the Common Council is authorized to amend the text of the unified development ordinance; and

WHEREAS, pursuant to Indiana Code 36-7-4-610 and City of Carmel Ordinance D-2391-17, the Carmel Unified Development Ordinance is incorporated by reference into the Carmel City Code;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Carmel, Indiana, that, pursuant to IC 36-7-4-600 et seq. and after Docket No. 19090013a OA having received a favorable recommendation from the Carmel Advisory Plan Commission on Tuesday, September 15, 2020, it hereby adopts this Ordinance to amend the Carmel Unified Development Ordinance (Ordinance Z-625-17, as amended), to read as follows:

Section I: Amend *Article 1: Administration* by adding BZA Hearing Officer filing fees for Group Home review.

1.29	Filing Fees BZA Hearing Officer	UDO Page 1-11
	• Residential	\$184 plus \$107 for each additional
	• Commercial petition	\$749.00 plus \$371.00 for each additional
	• Special Exception, Group Home	\$104 plus \$104 per bedroom
	• Special Exception, Short Term Rental	\$104.00
	• Renewal of Special Exception	\$52.00

Section II: Amend *Article 2* by adding Group Home either as a **Residential Special Exception** or **Permitted Use** for the following Districts:

2.03	S1 District Intent, Permitted Uses, Special Uses and Special Exceptions Residential Special Exception – Group Home	UDO Page 2-4
2.05	S2 District Intent, Permitted Uses, Special Uses and Special Exceptions Residential Special Exception – Group Home	UDO Page 2-6
2.07	R1 District Intent, Permitted Uses, Special Uses and Special Exceptions Residential Special Exception – Group Home	UDO Page 2-8
2.09	R2 District Intent, Permitted Uses, Special Uses and Special Exceptions Residential Special Exception – Group Home	UDO Page 2-10
2.11	R3 District Intent, Permitted Uses, Special Uses and Special Exceptions Residential Special Exception – Group Home	UDO Page 2-12
2.13	R4 District Intent, Permitted Uses, Special Uses and Special Exceptions Residential Special Exception – Group Home	UDO Page 2-14
2.15	R5 District Intent, Permitted Uses, Special Uses and Special Exceptions Residential Special Exception – Group Home	UDO Page 2-16
2.17	UR District Intent, Permitted Uses, Special Uses and Special Exceptions Residential Special Exception – Group Home	UDO Page 2-18
2.23	B3 District Intent, Permitted Uses, Special Uses Residential Permitted Use – Group Home	UDO Page 2-24
2.25	B5 District Intent, Permitted Uses, Special Uses Residential Permitted Use – Group Home	UDO Page 2-26
2.27	B6 District Intent, Permitted Uses, Special Uses Residential Permitted Use – Group Home	UDO Page 2-28
2.29	B7 District Intent, Permitted Uses, Special Uses Residential Permitted Use – Group Home	UDO Page 2-30

Section III: Amend *Article 5: Development Standards* to add standards for Group Homes as follows:

5.72 US-26: Group Home Use-Specific Standards

These Use-Specific Standards for Group Homes apply to the following districts:

[INSERT ICONS FOR S1, S2, R1, R2, R3, R4, R5, UR]

- A. Purpose: It is the purpose of this Section to benefit the general public by minimizing adverse impacts on established residential neighborhoods in the City and the owners and residents of properties in these neighborhoods which may result from the conversion of residential properties to business or institutional uses. However, it is also the purpose of this Section to provide that the City may not refuse to make a reasonable accommodation for a Group Home whenever such an accommodation would not impose undue financial or administrative burdens on the City or require a fundamental alteration in the Comprehensive Plan.
- B. Special Exception Eligibility: A Dwelling located in a Residential District may be used as a Group Home only if the owner or occupant applies for and is granted a Special Exception, pursuant to Section 9.08 hereof.
- C. Required Information for Application: Both the initial application and any renewal application for a Special Exception or Improvement Location Permit for a Group Home shall contain primary and secondary emergency contact information, including mailing address, phone number or email address. Upon approval of a Special Exception, emergency contact information shall be shared with the Carmel Police Department.
- D. Limitations: The term of a Special Exception permit granted to a Group Home shall be twenty (20) years. The grant of a Special Exception permit provides an exception only to the other requirements of this Ordinance. It does not confer a right to lease, sublease, or otherwise use a Dwelling as a Group Home where such use is not otherwise allowed by law, a homeowners association agreement or requirements, any applicable covenant, condition, and restriction, a rental agreement, or any other restriction, requirement, or enforceable agreement. Nothing in this Section shall relieve any person of the obligations imposed by any and all applicable provisions of Federal and State laws and the Carmel City Code, including but not limited to those obligations imposed by Indiana tax laws and rules. Further, nothing in this Section shall be construed to limit any remedies available under any and all applicable provisions of Federal or State law and the Carmel City Code.
- E. Reasonable Accommodation: After formal acceptance of an application for a Special Exception for a Group Home, the Director of Community Services shall review the application for the purpose of determining whether it would be a reasonable accommodation for the City to grant the Special Exception in order to provide the residents who would be provided services at the Group Home with access to housing that is equal to that of residents who are not in need of such services. In addition to the items listed in Section 9.08(C) hereof, the Director of Community Services shall consider the following:
 - 1. If there are other Group Homes clustered within a block of the site;
 - 2. The number of unrelated persons who will be living in the Group Home, and whether any professional support staff will also be residing there;
 - 3. In addition to any residents' cars, if more than two (2) staff cars will be parked at the Group Home, and whether they will be marked;
 - 4. If the Dwelling, existing, modified or new, is similar in design, materials and landscaping as other adjacent and nearby Dwellings;

5. Any other exterior indication that the Dwelling will be inhabited by Group Home residents;
6. Any undue financial or administrative burdens that would be imposed on the City; and
7. If a fundamental alteration in the Comprehensive Plan would be required.

Based upon this review, the Director of Community Services may support or oppose the granting of the Special Exception.

Section IV: Amend *Article 9: Processes* to add Group Homes to the Special Exception Process as follows:

9.08 Special Exception (Applicable to Group Homes and Short Term Residential Rentals)

- A. General Information: Special Exception approval by a Hearing Officer of the Board of Zoning Appeals shall be necessary prior to the establishment of a Special Exception, so cited by the district regulations herein, or the issuance of an Improvement Location Permit for said Special Exception. A Special Exception shall be considered as an exception to the uses allowed under the Unified Development Ordinance, and thus the original application for a Special Exception shall not generally be entitled to favorable consideration, except as follows:

1. A proposed Group Home where not more than eight (8) unrelated persons will be residents shall generally be entitled to favorable consideration;
2. A proposed Group Home where not less than nine (9) nor more than twelve (12) unrelated persons will be residents shall generally be entitled to favorable consideration, so long as the application is not opposed by the Director of Community Services; and
3. A proposed Group Home where thirteen (13) or more unrelated persons will be residents shall be entitled to favorable consideration only if the application is supported by the Director of Community Services.

Any application for the renewal of a Special Exception shall generally be entitled to favorable consideration, so long as it is not opposed by the Director of Community Services. A Hearing Officer shall have discretion whether to approve or deny each Special Exception application, with his or her decision to be based on the special and unique conditions pertinent to the site, determined as a result of the review procedure established herein.

B. Procedure:

1. *Procedure Generally:* Whenever an application for a Special Exception within the planning jurisdiction is made, it shall follow the procedure set forth herein and shall conform to the regulations and requirements of the Unified Development Ordinance.
2. *Consultation with the Director of Community Services and Application:* Applicants shall meet with the Director of Community Services to review the zoning classification of their site, review copies of the regulatory ordinances and materials, review the Special Exception procedures, and examine the proposed exception and development of the property. The Director of Community Services shall aid and advise the applicant in preparing the application and supporting documents as necessary. The applicant shall then submit two (2) copies of the written application form and all necessary supporting documents and materials.
3. *Initial Review by the Director of Community Services:* Docketing on Hearing Officer Agenda: Following the receipt of the written application and necessary supporting

documents and materials by the Director of Community Services, the Director shall then review the materials solely for the purpose of determining whether the application is complete and in technical compliance with all applicable ordinances, laws, and regulations, and therefore entitled to be forwarded to the Board of Zoning Appeals. If the materials submitted by the applicant are not complete or do not comply with the necessary legal requirements, the Director of Community Services shall inform the applicant of the deficiencies in said materials. Unless and until the Director of Community Services formally accepts the Special Exception application as complete and in legal compliance, it shall not be considered as formally filed for the purpose of proceeding to succeeding steps toward Special Exception approval as hereinafter set forth. Within thirty (30) days of the formal acceptance of the application by the Director of Community Services, the Director shall formally file the application by placing it upon the agenda of a Board of Zoning Appeals Hearing Officer, according to the Rules of Procedure of the Board of Zoning Appeals.

4. *Public Hearing:* Once the Director of Community Services has accepted and filed the application with a Hearing Officer, a docket number shall be assigned and a date and time set for a public hearing by the Hearing Officer, according to the Rules of Procedure of the Board of Zoning Appeals. The applicant shall be responsible for the cost and publication of any required published legal notification of the public hearing. The applicant shall also notify all interested parties and property owners as required by the Rules of Procedure of the Board of Zoning Appeals; however, notice by publication shall not be required for the renewal of a Special Exception. The conduct of the public hearing shall be in accordance with the Board of Zoning Appeals Rules of Procedure.
5. *Approval or Denial of the Special Exception Application:* Upon approval of a Special Exception, the Hearing Officer shall inform the applicant that the applicant may apply to the Director of Community Services for Improvement Location Permits (if necessary) or may commence the Special Exception if no permits are required. Failure of the Hearing Officer to inform the applicant of the time limits set forth in Section 5.72(D) shall not relieve the applicant of complying with said Section.
6. *Appeal of Hearing Officer Decision:* A decision of a Hearing Officer shall not be a basis for judicial review, but it may be appealed to the Board of Zoning Appeals. The Board of Zoning Appeals shall conduct a new hearing on the matter and shall not be bound by any Findings of Fact made by the Hearing Officer. A person who wishes to appeal a decision of the Hearing Officer must file the appeal with the Board of Zoning Appeals within five (5) days after the decision is made, as provided in I.C. 36-7-4-924.
7. *Time Limit for Re-Application:* A Special Exception application that is denied by a Hearing Officer or the Board of Zoning Appeals is ineligible to be placed again on an agenda for consideration until the legality of the decision is finally determined by a court, pursuant to judicial review according to the Advisory Planning Law, or for a period of twelve (12) months following the date of the denial, whichever is later. In addition, whenever a Special Exception application is denied, the property involved in the application shall not be the subject of a different Special Exception application, or any use variance or rezone proposal, for a period of six (6) months following the date of the denial.

C. **Basis of Review:** A Hearing Officer, in reviewing a Special Exception application, shall give consideration to the particular needs and circumstances of each application and shall examine the following items as they relate to the proposed Special Exception:

1. Surrounding zoning and land use;
2. Access to public streets;

3. Driveway and curb cut locations in relation to other sites;
4. Parking location and arrangement;
5. Trash and material storage;
6. Necessary exterior lighting; and
7. Protective restrictions and/or covenants.

D. Basis of Approval or Rejection: A Hearing Officer, in approving or rejecting a Special Exception application, shall base his or her decision upon the following factors as they relate to the above listed items (Section 9.08 (C) concerning the proposed Special Exception:

1. The economic factors related to the proposed Special Exception, such as cost/benefit to the community and its anticipated effect on surrounding property values;
2. The social/neighborhood factors related to the proposed Special Exception, such as compatibility with existing uses in the vicinity of the premises under consideration and how the proposed Special Exception will affect neighborhood integrity; and
3. The effects of the proposed Special Exception on vehicular and pedestrian traffic in and around the premises upon which the Special Exception is proposed.

E. Special Exception Group Home Decisions; Commitment: Pursuant to IC 36-7-4-1015, a Hearing Officer may, as a condition to any approval of an application for a Special Exception, require or allow the owner to make any or all of the following commitments concerning the use of the property:

1. That the Special Exception will fully comply with Section 5.72 Group Home Use Standards.
2. That the Special Exception will be limited to five (5), ten (10), or fifteen (15) years, at the discretion of the Hearing Officer.
3. If the Hearing Officer determines that a homeowners association or similar entity has established limitations or prohibitions that apply to the property, that the owner's implementation of the Special Exception will not result in the violation of any such limitations or prohibitions.

F. Special Exception Short Term Residential Rental Decisions; Commitment: Pursuant to IC 36-7-4-1015, a Hearing Officer may, as a condition to any approval of an application for a Special Exception, require or allow the owner to make any or all of the following commitments concerning the use of the property:

1. That the Special Exception will fully comply with Section 5.73 Short Term Residential Rental Standards.
2. That the Special Exception will be limited to thirty (30), sixty (60), or ninety (90) days during a calendar year, at the discretion of the Hearing Officer.
3. If the Hearing Officer determines that a homeowners association or similar entity has established limitations or prohibitions that apply to the property, that the owner's implementation of the Special Exception will not result in the violation of any such limitations or prohibitions.

Section V: Amend *Article 11: Definitions* as follows:

11.02 Definitions

UDO Pages 11-4 through 11-22

Dwelling, Single-Family: A residential Building containing only one (1) Dwelling Unit and not occupied by more than one (1) Family. .

Family: One or more persons living as a single housekeeping unit, including up to five (5) unrelated persons, as distinguished from a group occupying a hotel, club, nursing home, fraternity or sorority house.

Home, Group: A residential Structure or facility where six (6) or more unrelated persons who are in need of care, support or supervision can live together, such as children or those who are elderly, disabled or mentally ill.

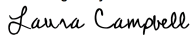
Section VI: All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

Section VII: This Ordinance shall be in full force and effect beginning January 1, 2021 after its passage and signing by the Mayor.

PASSED by the Common Council of the City of Carmel, Indiana, this 7th day of December 2020, by a vote of 9 ayes and 0 nays.

COMMON COUNCIL FOR THE CITY OF CARMEL

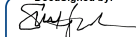
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Laura D. Campbell, President

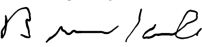
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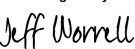
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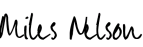
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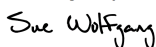


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ATTEST:

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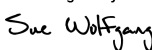


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Sue Wolfgang, Clerk

Presented by me to the Mayor of the City of Carmel, Indiana this 8th day of December 2020, at 5:30 P.M.

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Sue Wolfgang, Clerk

Approved by me, Mayor of the City of Carmel, Indiana, this 8th day of December 2020, at 6:30 P.M.

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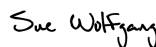


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James Brainard, Mayor

ATTEST:

DocuSigned by:



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Sue Wolfgang, Clerk

Prepared by:

Adrienne Keeling, Planning Administrator, One Civic Square, Carmel, IN 46032