

MONROE COUNTY PLAN COMMISSION ADMINISTRATIVE MEETING



Tuesday, August 1, 2023

5:30 pm

PART I

Hybrid Meeting

In-person

Monroe County Government Center
501 N Morton Street, Room 100B
Bloomington, Indiana

Virtual

Zoom Link: <https://monroecounty-in.zoom.us/j/84585419468?pwd=TkRjdIRKOGRVcWM4VGh1YlhrUmVvUT09>

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

Meeting ID: 845 8541 9468

Password: 418555

Agenda
Plan Commission Administrative Meeting
5:30 p.m. – 7:00 p.m.
Tuesday, August 1, 2023
VIRTUAL MEETING

Please take notice that the Monroe County Plan Commission will hold a **hybrid** Administrative (Work Session) meeting on Tuesday, **August 1, 2023 at 5:30 PM** in the Monroe County Government Center 501 N Morton Street, Bloomington, Indiana Room 100B or via Zoom (<https://www.co.monroe.in.us/egov/apps/document/center.egov?view=item;id=10208>). The public may attend via Zoom (<https://www.co.monroe.in.us/egov/apps/document/center.egov?view=item;id=10208>) or in-person. For information about the Zoom meeting, you may call (812) 349-2560 or email (PlanningOffice@co.monroe.in.us) or call (812)349-2560 our office. The work session agenda includes the following agenda items for the regularly scheduled Tuesday, August 15, 2023 Plan Commission meeting:

ADMINISTRATIVE BUSINESS:

- 1. Fee Schedule for Reconstruction due to Damage**
- 2. CDO Work Session**

PAGE 3-4

UNFINISHED BUSINESS: None.

NEW BUSINESS:

- 1. SMN-23-3 Stinesville School & Fire Department Minor Subdivision See PART II**
Right-of-Way Width Waiver Requested. Buried Utility Waiver Requested.
Sidewalk Waiver Requested. Street Tree Waiver Requested.
Preliminary Hearing. Waiver of Final Hearing Requested.
Two (2) parcels on 4.14 +/- acres in Section 16 of Bean Blossom Township at
7951 W Main ST, Parcel #s: 53-03-16-300-001.000-001; 53-03-16-300-003.000-001; 53-
03-16-300-006.000-001; 53-03-16-300-017.000-001; 53-03-16-300-021.000-001.
Owner: Town of Stinesville, c/o Darla Brown
Zoned IP. Contact: dmyers@co.monroe.in.us

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.

Monroe County Plan Commission and Monroe County Board of Zoning Appeals

FEE SCHEDULE	
ZONING PETITIONS	Fees
Conditional Use	\$400
Use Variance	\$400
Development Standards Variance- Residential	\$200 + \$50 for each additional development standard variance
Development Standards Variance- Non-Residential	\$400 + \$50 for each additional development standard variance
Administrative Appeal	\$400
Floodplain Variance	\$400
Rezone	\$500 + \$25 per acre or any portion thereof
Rezone to Wireless Communication Facility (WCF) Overlay	\$500
Rezone to Historic Preservation (HP) Overlay	\$0
Certificate of Appropriateness (HP)	\$0
PUD Outline Plan	\$1000 + \$25 per acre or any portion thereof
PUD Development Plan	\$750 + \$25 per acre or any portion thereof
PUD Outline Plan Amendment	\$750 + \$25 per acre or any portion thereof
PUD Development Plan Amendment	\$500 + \$25 per acre or any portion thereof
SUBDIVISION PETITIONS	Fees
Preliminary Plat - Major Subdivision - 5 or more Lots	\$750 + \$25 per lot
Preliminary Plat - Major Subdivision - 4 Lots or less	\$250 + \$25 per lot
Final Plat - Major Subdivision - 5 or more Lots	\$500 + \$10 per lot
Final Plat - Major Subdivision - 4 Lots or less	\$250 + \$10 per lot
Preliminary Plat - Minor Subdivision	\$250 + \$25 per lot
Final Plat - Minor Subdivision	\$250 + \$10 per lot
Plat Vacation	\$250
Plat Amendment - Preliminary	\$500 + \$25 per lot
Plat Amendment - Final	\$250 + \$10 per lot
Preliminary Plat Extension	\$250 (1 time only)
Subdivision Waiver	\$250 + \$50 for each additional waiver
Administrative Subdivisions - Type A	\$250 + \$25 per lot
Administrative Subdivisions - Type B, C, D, E, F	\$100 + \$10 per lot
AMENDMENT PETITIONS	Fees
Changes to Road or Project Names	\$250
PERMITS / ILP	Fees
Single Family Residential	\$200
Reconstruction from damage due to fire, flood, wind, earthquake, explosion, etc.	\$50
Two Family Residential	\$400
Multi Family Residential	\$200 per d.u.
Mobile Home Permits	\$200
Residential Additions	\$100
Residential Accessory Bldgs	\$50
Agricultural Building	\$200
Residential Accessory Structure (pools, decks)	\$50
Home Occupation / Home Based Business Permit	\$100
Temporary Seasonal Activity	\$50
Commercial / Industrial Structure, including Site Plan Review	\$750 base fee + (\$.10 sq. ft. >3000 sq. ft.)
Commercial / Industrial Additions, including Site Plan Review	\$500 base fee + (\$.10 sq. ft. >3000 sq. ft., addition sq. ft. only)
Change of Use / Site Plan / Site Plan Amendment	\$500 base fee + (\$.10 sq. ft. >3000 sq. ft.)
Structures for Govt Agencies, Schools	\$0
Other Principal Structures	\$200
Other Accessory Structures	\$100
Signs	\$100 + \$1.00 / sq. ft
Wireless Communications New Facility	\$250
Wireless Communications Co-location	\$50
New/Replacement Antennas or Equipment Cabinet	\$50
Grading & Erosion Control (parcel < 1 acre)	\$100
Grading & Erosion Control (parcel > 1 acre)	\$200
Logging:	\$200 outside of the Environmental Constraints Overlay
	\$400 within the Environmental Constraints Overlay
Permit Extension	\$50
Floodplain Development Permit	\$100
Non-categorized	\$100
Construction without Permit	\$250 Fine *
Demolition	\$100
ADMINISTRATIVE	Fees
Information Provided on Disk	\$2 **
GIS Maps- 8.5 x 11	\$11**
GIS Maps- 24 x 36	\$30 **
GIS Maps- 36 x 48	\$31 **
Hearing Signs	\$8.50
Copies	\$0.10 **
Photo Copies 8 1/2 x 11 (per side)	\$0.10 **
Photo Copies 8 1/2 x 11 Color (per side)	\$0.10 **
Photo Copies 8 1/2 x 14 (per side)	\$0.10 **
Photo Copies 8 1/2 x 14 Color (per side)	\$0.10 **
Photo Copies 11 x 17 or larger (per side)	\$0.10 **
Photo Copies 11 x 17 Color or larger (per side)	\$0.10 **
Returned check fee	\$40 **
Address Assignment	\$50
Zoning Verification Letter	\$25
Pre-Existing Nonconforming Use Determination Letter	\$25
Note: Filing/review planning fees are reduced to fifty percent (50%) of the ordinary fee in the Rural Community Zoning Overlay.	
* Established by Ordinance in the Monroe County Code, Chapter 115	
** Established by Ordinance in the Monroe County Code, Chapter 270-6	

Monroe County Plan Commission and Monroe County Board of Zoning Appeals

FEE SCHEDULE	
ZONING PETITIONS	Fees
Conditional Use	\$400
Use Variance	\$400
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Changes to Road or Project Names	\$250
PERMITS / ILP	Fees
Single Family Residential	\$200
Reconstruction from damage due to natural disaster such as wildfire, flood, wind, earthquake, explosion, etc.	\$50
Two Family Residential	\$400
Multi Family Residential	\$200 per d.u.
Mobile Home Permits	\$200
Residential Additions	\$100
Residential Accessory Bldgs	\$50
Agricultural Building	\$200
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MONROE COUNTY, INDIANA

COUNTY DEVELOPMENT ORDINANCE

MODULE 2 Draft | May 31, 2023



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

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

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List of Revisions

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

Basic Provisions

800. TITLE AND PURPOSE

800.1 Title

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

800.2 Purpose

These regulations are hereby adopted in order to:

- A. Promote the orderly, responsible, and beneficial development and use of land and business enterprises within the County Jurisdictional Area.
- B. Promote the public health, safety, morals, comfort, convenience, and general welfare of the County.
- C. Protect the character and stability of residential, institutional, commercial, industrial, and natural areas.
- D. Promote efficient, safe, and convenient traffic circulation in the public streets.¹
- E. Secure adequate light, air, convenience to access, and safety from fire, flood, and other danger, which may include providing adequate open spaces for light, air, and outdoor uses.
- F. Conserve and enhance the scenic beauty, aesthetics, and environmental integrity of the County Jurisdictional Area.²
- G. Encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses.
- H. Regulate the locations and intensities of the use of buildings, structures, and land for trade, residence, and other purposes³.
- I. Define the powers and duties of administrative officers and bodies as provided herein, and to establish procedures for the implementation and enforcement of these regulations.
- J. Further such other purposes as area stated hereinafter within specific provisions of these regulations.

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

¹ Re-worded this purpose statement to be more affirmative

² Change "preserve to conserve"

³ Removed "restrict" from the statement and slight edits to the text.

801. GENERAL REGULATIONS AND APPLICABILITY

801.1 Applicability

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

801.2 Authority and Jurisdiction

These regulations, enacted pursuant to the Indiana home rule and planning enabling legislation (Indiana Code §36-1-3-4, §36-7-4-1, §36-7-2-2, §36-7-3-2⁴, as amended), and pursuant to the Monroe County Code and all other applicable authorities and provisions of Indiana statutory and common law, shall apply to all land uses within the County Jurisdictional Area.⁵

801.3 Inclusion of and Relationship to Other Ordinances

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

801.4 Interpretation, Conflict, and Separability

- A. In their interpretation and application, these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- B. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where the conditions imposed by, or pursuant to, these regulations are different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, statute or other provision of law, the provisions which are more restrictive, and which impose the higher/greater standards shall control.
- C. Private covenants, restrictions, and/or agreements, whether by deed or other instrument, which impose any requirements or standards different than those established under this ordinance, shall not be construed to modify the provisions of this ordinance or impose any enforcement obligations thereunder upon the Commission, the Board, and the Plan Department staff unless the Commission or the Board had approved or accepted, in writing, and had specifically accepted the responsibility for enforcement of, the terms and conditions of any such private covenant, restriction, or agreement. This section does not apply to PUD District Ordinances.⁶

⁴ Added sections

⁵ Revised language

⁶ New

- D. The provisions of this ordinance are separable. If any part or provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The County hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.
- E. With respect to the subdivision of land within the County that falls within the zoning jurisdiction of another unit of government, the zoning laws of the other jurisdiction would apply to the development of that property.

801.5 General Regulations

- A. **Prohibited Uses and Acts.** Except as provided in these regulations, no building, structure, or premises may be used for any purpose other than those permitted in the zoning district in which the building, structure or premises is located. No land or lot size may be reduced, diminished, used, or developed except in accordance with all applicable provisions of these regulations. No building or structure may be altered, erected, constructed, installed, moved, replaced, or maintained except in accordance with all applicable provisions of these regulations.
- B. **Computation of Time.** Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day of the specified period. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. When the time period prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded.
- C. **Saving Provision.** These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing planning and zoning regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the County under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the County except as shall be expressly provided for in these regulations.
- D. **Effective Date.** The Monroe County Development Ordinance shall become effective on XXXX. All references in this ordinance to the “effective date of this ordinance” or to the “effective date” shall refer to that date unless otherwise stated.⁷
- E. **Amendment.** When necessary to further the purposes and policies of this ordinance, the county may from time to time amend these regulations. Public hearings on all proposed amendments shall be held by the Commission and/or County in the manner prescribed by law and as described herein.⁸

⁷ Deleted Repealer section and replaced with effective date section

⁸ Relocated from 850-5

- F. Conditions.** The regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision; and the attachment of reasonable conditions to the use and development of land within the County Jurisdictional Area as part of the approval of rezoning petitions, subdivisions, conditional uses, home occupations, temporary uses, variances, PUD district ordinances, development plans, plat vacations and amendments, or as otherwise authorized, is an exercise of valid police power delegated to the county by the state. The applicant has the duty of compliance with reasonable conditions laid down by the Commission for design, dedication, improvement, and the restrictive use of the land in order to conform to the physical and economic development of the county and to the safety, environmental health, and general welfare of present and future landowners and citizens of the county. The failure to comply with the applicable regulations of this ordinance, and any such conditions prescribed by the Commission, shall be considered a violation of this ordinance.⁹
- G. Form of Certificates, Notations, Applications, and Findings.** The Department shall establish the form of all certificates, notations, applications, and findings required or permitted by these regulations. All such forms must be approved by the Commission and must be consistent with these regulations.

801.6 Transition Rules

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

- A.** When a use lawfully existing on the effective date of this ordinance was classified as a permitted use prior to the effective date of this ordinance, and such use is classified as a "Conditional Use" by this ordinance, such use shall be deemed a lawful nonconforming use. Such use may be granted a conditional use permit in the manner prescribed by Section **XXXX** of these regulations or, alternatively, may continue subject to the nonconforming use provisions of Chapter **XXXX** of these regulations.
- B.** When a use lawfully existing as a permitted use on the effective date of this ordinance, or any amendment thereto, no longer classifies such use as a permitted use in the zoning district in which it is located, such use shall be deemed a lawful nonconforming use and shall be subject to the nonconforming use provisions of Chapter **XXXX** of these regulations.
- C.** Where any building, structure, or lot lawfully existing on the effective date of this ordinance does not meet all development standards set forth in this ordinance, or any amendment thereto, such building, structure, or lot shall be deemed lawfully nonconforming and shall be subject to the nonconforming use provisions of Chapter **XXXX** of these regulations.

⁹ New

- D.** When, before the effective date of this ordinance, a complete application has been filed for an improvement location permit for a building or structure which conforms to all applicable regulations in effect prior to the effective date of this ordinance, the building or structure may be completed in accordance with the plans on the basis of which the application was submitted as long as construction begins within 60 days after the date of permit issuance and on which construction is diligently prosecuted to completion within two years after the date of the permit issuance. Upon completion, said building or structure may be occupied for the use, which was specified on the improvement location permit application, provided said use at the time of application was classified as permitted, or if classified as a conditional use, had been approved by the Plan Commission and/or Board of Zoning Appeals. Provided, also, if the use originally intended no longer complies with all requirements of this ordinance such use shall be a lawful nonconforming use subject to the nonconforming use provisions of Chapter **XXXX** of these regulations or, alternatively, as a conditional use subject to the conditional use provisions of Section **0** of these regulations. However, if said application or permit expires or is suspended or revoked in accordance with Section **836.4B.7** of these regulations, any new permit application that is submitted after the effective date of this ordinance shall be subject to the regulations in this ordinance.
- E.** All variances granted prior to the effective date of this ordinance shall remain in full force and effect subject to the conditions of variance approval. However, such variance shall apply only to the specific variance of use or development standard granted.
- F.** All conditional use permits granted prior to the effective date of this ordinance shall remain in full force and effect subject to the conditions of conditional use approval. Expansion or change in use shall require compliance with this ordinance.
- G.** A PUD District Ordinance approved under the previous Zoning Ordinance and shown on the previous zoning maps shall constitute an approved PUD District Ordinance subject to the standards and conditions of the PUD District Ordinance approval. Subsequent development plans for the site shall¹⁰ comply with the development plan provisions of this ordinance, provided that the proposed development plan does not conflict with the standards and conditions applicable to the approved PUD District Ordinance. A development plan approved under the previous ordinance shall constitute an approved development plan subject to the standards and conditions of development plan approval. Where a PUD District Ordinance has been approved but has expired, prior to the effective date of this Zoning Ordinance, the PUD District Ordinance shall be void and may not provide a basis for development plan approval.
- H.** A primary and/or secondary plat approved prior to the effective date of this Zoning Ordinance, whether or not yet recorded, shall remain in full force and effect, subject to the standards and conditions of plat approval. Secondary plats may be recorded as approved in accordance with the Subdivision Control Ordinance. Primary plats shall be entitled to secondary plat approval subject to the conditions of primary plat approval and subject to the subdivision control ordinance and the Zoning Ordinance provisions that were in effect at the time of preliminary approval. Lots in such subdivisions shall be established in their platted size and configuration as lots of record. All subsequent re-subdivision, vacation and/or amendment of such plats shall be made under the provisions of the current comprehensive land use plan, the current Subdivision Control Ordinance, and this Zoning Ordinance. A full and complete application for primary plat approval conforming to all applicable regulations in effect at the time of application shall be entitled to review under the regulations in effect at the time of application with respect to lot size and configuration. Upon approval, lots in such plats shall be established in their platted size and configuration as lots of record.

¹⁰ Deleted previous Zoning Ordinance language

CHAPTER 801: GENERAL REGULATIONS AND APPLICABILITY

801.6 Transition Rules

- I. A Site Plan approved prior to the effective date of this Zoning Ordinance shall remain in full force and effect, subject to the standards and conditions of approval by the Planning Director.

Zoning Districts

802. ESTABLISHMENT OF ZONES

802.1 Standard Zoning Districts

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

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

¹¹ Updated District codes based on PC

802.2 Overlays and Special Districts

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

- A. Planned Unit Development “PUD”
- B. FEMA¹² Special Flood Hazard Area “SFHA”
- C. Indiana Department of Natural Resources Best Available Data “IDNR-BD”
- D. Historic Preservation Overlay “HP”
- E. Environmental Constraints Overlay “ECO”
- F. Lake Lemon Watershed Protection Overlay “WPO”¹³
- G. Critical Watershed “CW”¹³
- H. Airport Noise Sensitive Area “ANSA”

¹² Add FEMA to district name

¹³ Added district

802.3 General Exceptions to the Development Standards Requirements

A. Height Requirements: See Development Standards table.

1. Exceptions to Height Limitations: Silos, windmills, chimneys, rooftops, mechanicals, derricks, radio and television antennae and towers, wireless communications facilities and support structures, observation towers, power transmission towers, and water towers. Height restrictions in the Monroe County Airport are regulated by the Federal Aviation Administration.

B. Minimum Lot Size: See Development Standards table.

1. Exception in the ECO Area to Minimum Lot Size for Development (Not Subdivisions): See Chapter 825-5

2. Exception to the Minimum Lot Size: Legal, pre-existing lots of record shall be deemed to conform to the Height, Bulk, Area, and Density regulations when one of the following situations is present:

- a. The lot is in a platted subdivision for which the plat specifies the particular measurement and the lot demonstrates compliance with that measurement. This excludes Administrative Subdivisions.
- b. The Director determines that the lot or parcel configuration measurements are consistent with the prevailing measurements for lots and parcels in the neighborhood. In making the determination, the Director shall not approve a deviation of greater than 10% of the standards set forth in the Development Standard table for each Zoning District.

C. Setbacks: See Development Standards table. In addition,

1. Front Setback from Water Bodies:

- a. Lake Monroe: The minimum setback in regard to any land disturbance, measured horizontally, from the normal pool elevation (538 feet) shall be 125 feet.
 - i. **Exceptions:**
 - The clearing of brush less than three (3) inches in diameter to create pedestrian access to the Fee Take Line, to be no more than six (6) feet in width, and to be surfaced with permeable material to prevent erosion.
 - The removal of tree branches or tree trunks provided said trees present a clear and immediate danger to property or persons. Tree stumps shall remain in place.
- b. Lake Griffy: The minimum setback, measured horizontally, from the normal pool elevation (630 feet) shall be 125 feet.
 - i. **Exceptions:**
 - The clearing of brush less than three (3) inches in diameter to create pedestrian access to the Fee Take Line, to be no more than six (6) feet in width, and to be surfaced with permeable material to prevent erosion.
 - The removal of tree branches or tree trunks provided said trees present a clear and immediate danger to property or persons. Tree stumps shall remain in place.
- c. Lake Lemon: The minimum setback, measured horizontally, from the normal pool elevation (630 feet) shall be 50 feet.
 - i. **Exceptions:**

- The clearing of brush less than three (3) inches in diameter to create pedestrian access to the Fee Take Line, to be no more than six (6) feet in width, and to be surfaced with permeable material to prevent erosion.
 - The removal of tree branches or tree trunks provided said trees present a clear and immediate danger to property or persons. Tree stumps shall remain in place.
2. **Riparian Areas:** The minimum setback in regards to any land disturbance, measured horizontally, shall be 100 feet. See Chapter XX for exceptions.
 3. **Developed Blocks.** If seventy-five percent (75%) or more of the lots in a block are occupied by buildings, the minimum setback for each undeveloped lot on the block shall be the average of the setbacks of the existing buildings nearest to each side of the lot.
 4. **Fences.** Fences may be constructed in any yard if they are a maximum of eight (8) feet in height. Fences constructed at the building setback line or within the buildable area of the lot are subject to the height limitations of the zoning district. The following structures or facilities may be constructed in any yard: sidewalks, arbors and trellises, retaining walls, landscape features, planting boxes, driveways, curbs, fences, walls, hedges (subject to the regulations of this section), flagpoles non-permanent landscape features, recreational equipment, parking spaces and, only if adequately screened, composting or garbage disposal equipment.
 5. **Railroads.** No side yard or rear yard setback required if adjacent to a rail siding, regardless of adjacent zoning.
 6. **Projecting into Setbacks.** The following structures shall be allowed to project into the required yard or beyond the building setback line, subject to conditions in the particular zoning setback table:
 - a. Projecting Use - Horizontal Projection Allowed
 - b. Architectural Features - 3 feet
 - c. Awnings and Canopies - (9 ft. clearance above street or walks) 3 feet
 - d. Bay Windows and Chimneys - 2 feet
 - e. Fire Escapes 6 feet Steps and Porches: (non-enclosed) 6 feet

Rules/Exceptions to Buildable Area:

Administrative Waiver of 15% slope provision

Rule: Any building or structure constructed after October 2, 2015 must be located within a buildable area. The following shall not be included in the buildable area:

- **Special Flood Hazard Area as specified in Chapter 808;**
- **Wetlands as specified in Chapter 801;**
- **Slopes 15% or greater as specified in Chapter 825 Area 2 Regulations;**
- **Sinkhole Conservancy Areas as specified in Chapter 829;**
- **Drainage Easements as specified in Chapter 856;**
- **Riparian Conservancy Areas as specified in Chapter 801;**
- **Rights-of-way as specified in Chapter 801;**
- **Easements for access;**
- **Pole of a flag lot as specified in Chapter 801; and,**
- **Setbacks as specified by Ordinance.**

- f. For legal, pre-existing lots of record which cannot be reasonably utilized for its zoned use as a result of the buildable area requirement regarding slopes of fifteen (15%) percent or greater, an administrative waiver may be granted for the construction of a single family residential unit. The waiver shall be only granted to the extent necessary to construct the same.
- g. An administrative waiver may be granted to allow for the expansion of structures which existed prior to October 2, 2015 into areas with slopes of fifteen (15%) percent or greater where further expansion is limited by: existing configuration of development including infrastructure; irregular lot configuration; or restrictions of existing topography. The waiver may not authorize an expansion greater than 1000 square feet.

Special Requirements.

- 7. Special requirements are established to clarify certain conditions pertaining to the use of lots and access points:
 - a. Structures on a Lot. Only one principal building and its accessory structures may be located on a legal lot of record unless the development is approved as a shopping center, business or industrial center, commercial / industrial adaptive reuse, or planned unit development.
 - b. Lot of Record. Any lot recorded or in single ownership at the time of adoption of these regulations shall be permitted to exist in its present dimensions.
 - c. Permanent Outdoor Display of Goods. For nonresidential uses in nonresidential zones, a permanent outdoor display of goods shall conform to the required building setback as set out in the height, bulk, area and density table included in this chapter, unless otherwise prohibited (see Section 804-4 above).
 - d. Temporary Outdoor Display of Goods. Temporary outdoor display of merchandise may encroach ten (10) feet on the required building setback as set out in the height, bulk, area and density chart included in this chapter.

803.RURAL ZONING DISTRICTS¹⁴

1. Agricultural Residential 2.5 “AG2.5” Zoning District¹⁵

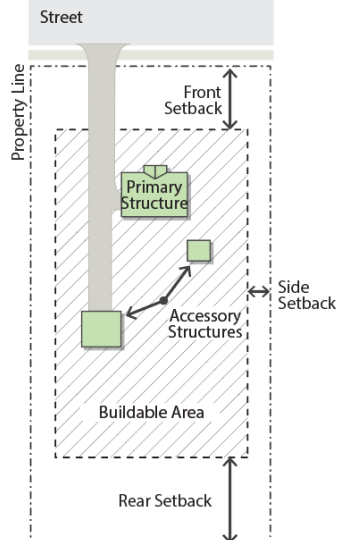
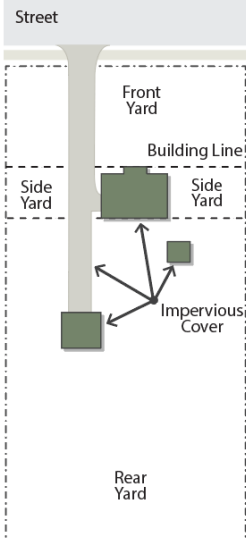

Table 801.1-1: AG2.5 District Purpose and Uses

District Character		
The character of the Agricultural Residential 2.5 District (AG2.5) is in an area that is primarily intended for agriculture uses including, but not limited to, row crop or livestock production, forages, pasture, forestry, single dwelling residential uses associated with agriculture uses and limited, very low density, rural non-farm related single dwelling uses and not in major subdivisions.		
Purpose		
The purpose of the AG2.5 Zoning District is to encourage the continuation of agriculture uses, along with the associated single dwelling residential uses; to discourage the development of small lot residential subdivisions and non-farm-related nonresidential uses; to protect the environmentally sensitive areas, the floodplain, and steep slopes; and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the AG2.5 District is limited. Some uses are conditionally permitted. The conditions placed on these uses are to ensure their compatibility with the agriculture-related uses. The development of new non-farm residential activities proximate to known mineral resource deposits or extraction operations may be buffered by increased setback distance.		
Primary Uses		
Agricultural Uses <ul style="list-style-type: none"> • Agriculture-Related Commerce* • Agriculture, Traditional • Aquaculture* • Community/Institutional Garden • Equine Services/Stables* • Farm Store* • Logging* • Nursery/Greenhouse* Residential Uses <ul style="list-style-type: none"> • Artificial Pond or Lake* • Emergency Housing/Short Term Shelter 	<ul style="list-style-type: none"> • Home Occupation • Manufactured Home Park* • Residential Facility for Developmentally Disabled* • Residential Storage Structure* • Single-Family Detached Dwelling • Single-Family Paired Dwelling (2-units) Public and Semi-Public Uses <ul style="list-style-type: none"> • Cemetery/Mausoleum* • Child Care Home* • Farmers Market* • Parks and Playground • Police, Fire, or Rescue Station* 	<ul style="list-style-type: none"> • Religious Assembly • Relocation of Pole Signs* • School* • Utility, Minor* Personal Uses <ul style="list-style-type: none"> • Bed and Breakfast* • Short Term Rental – Owner Occupied* • Tourist Home/Cabin* Business Uses <ul style="list-style-type: none"> • Taxidermist* Amusement and Recreational Uses <ul style="list-style-type: none"> • Campground, Primitive* • Resort*
Conditional Uses		
Agricultural Uses <ul style="list-style-type: none"> • Agricultural Event Center* • Agritainment/Agritourism* • Equestrian Center* • Farm Supply & Equipment Sales and/or Repair* • Feed Mill* • Intensive Agriculture* • Veterinary Service, Large Animal* • Winery* Residential Uses <ul style="list-style-type: none"> • Residential Facility for Mentally Ill Individuals* • Home Based Business* Public and Semi-Public Uses <ul style="list-style-type: none"> • Child Care Center* 	<ul style="list-style-type: none"> • Home Based Business* • Recreation Center, Public* • Composting Facility* • Greenfill* • Central Garbage/Rubbish Collection Facility* • Solar Farm* • Wastewater Treatment Facility* • Water Treatment Facility* • Wireless Communications Facilities* Personal Uses <ul style="list-style-type: none"> • Artisan Crafts, Food, or Beverage Production* • Kennels* Business Uses <ul style="list-style-type: none"> • Repair Services, Off-Site* 	Retail Uses <ul style="list-style-type: none"> • Auction House* • Garden Center Automotive and Transportation Uses <ul style="list-style-type: none"> • Automotive/Boat Service and Repair, Minor* Amusement and Recreational Uses <ul style="list-style-type: none"> • Amphitheater* • Campground, Commercial* • Golf Course* • Recreation Center, Private* • Recreational Vehicle (RV) Park* • Theater, Outdoor* Industrial Uses <ul style="list-style-type: none"> • Sawmill*
Accessory Uses		Temporary Uses
Residential Uses <ul style="list-style-type: none"> • Accessory Apartments* • Accessory Dwelling Units, Attached and Detached* 	<ul style="list-style-type: none"> • Accessory Livestock* Manufacturing and Industrial Uses <ul style="list-style-type: none"> • Accessory Rural General Contractor* 	Agricultural Uses <ul style="list-style-type: none"> • Roadside Stand*
(*) Indicates uses that have additional use-specific standards. See Section XXX or the link following the use.		

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

¹⁵ Changed name from AG/RR (Agriculture/Rural Reserve) to Agricultural Residential2.5 (AG2.5)

Table 801.1-2: AG2.5 Summary of Dimensional Standards

Development Standards ¹⁶		Minimum Setbacks - Measured from Road Centerline	
Minimum Lot Width at Building Line	125 feet	Front Yard – Local	40 feet ^{3, 4, 5, 7}
Minimum Lot Size ^{17, 18}	2.5 acres ¹	Front Yard - Minor Collector	60 feet ^{4, 5, 7}
Maximum Height (Principal Structure)	40 feet	Front Yard - Major Collector	70 feet ^{4, 5, 7}
Maximum Height (Accessory Structure)	30 feet ⁶	Front Yard - Minor/Major Arterial	90 feet ^{4, 5, 7}
Maximum Impervious Cover	15% of Lot Size or 15,000 sq ft, whichever is less ²	Front Yard - Interstate	150 feet ^{4, 5, 7}
Maximum Impervious Cover for Development within a Critical Watershed	10% of Lot Size or 10,000 sq ft, whichever is less ²	Front Yard - Water Body, Riparian Area	See XX
Subdivision Standards (See Chapter XX)		Minimum Setbacks from Property Line	
Minimum Lot Size	2.5 acres ^{8, 9}	Side Yard - Residential Use	15 feet ^{6, 7}
Contiguous Minimum Buildable Area for Lots on Septic	1 acre ¹	Side Yard - Non-Residential Use	50 feet ^{6, 7}
Contiguous Minimum Buildable Area for Lots on Sewer ¹⁹	15,000 sq ft ¹	Rear Yard - Residential Use	35 feet ^{6, 7}
Minimum Lot Width at Building Line ¹⁹	200 feet	Rear Yard - Non-Residential Use	50 feet ^{6, 7}
<p>1. If the lot is in the ECO Area, 1 acre contiguous minimum buildable area is required.</p> <p>2. Excluding agricultural buildings.</p> <p>3. Front yard setback applies to any yard fronting on any street. Front yard setback is measured from the right-of-way line of a public road. If there is no direct frontage, the setback is 25 feet from the property line.</p> <p>4. If seventy-five percent (75%) or more of the lots in a block are occupied by buildings, the minimum setback for each undeveloped lot on the block shall be the average of the setbacks of the existing buildings nearest to each side of the lot.</p> <p>5. Not applicable for properties abutting or adjoining overpasses.</p> <p>6. Additional regulations for accessory structures are in Section 811.2(A).</p> <p>7. For lots within a platted subdivision, or where right-of-way is dedicated/has been granted, the more restrictive setback shall apply (either the platted setbacks or the zoning setbacks).</p> <p>8. In the ECO1 Area, the minimum lot size must be 5 acres.</p> <p>9. If the property only has access to a septic system, the minimum lot size to subdivide property is at least 10 acres by survey. See Chapter XX.</p>			
Dimensional Standards Illustration		Example Development Pattern	
			
			

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

¹⁷ Planning Commission to review BZA data on the minimum lot size variances being granted.

¹⁸ AG2.5 is comprised of ~9,000 parcels – 96% of AG/RR (2.5 acres); 1% of ER; 1% of RE1 (1 acre); and 1% of SR (1 acre).

¹⁹ New – needs Planning Commission review

2. Forest Residential 5 “FR5” Zoning District²⁰

Table 801.2-1: FR5 District Purpose and Uses

District Character		
The character of the Forest Residential 5 “FR5” Zoning District is defined as that which is primarily intended for the preservation of forests, recreational areas, parks, greenways, limited agricultural uses, and very low density single dwelling residential uses.		
Purpose		
The purpose of the FR5 Zoning District is to permit limited single dwelling residential development on very large Lots, to discourage the development of residential subdivisions and non-residential uses, to protect environmentally sensitive areas, floodplains, and steep slopes and to maintain the character of the surrounding neighborhood. Development in the FR5 District can be hindered by extreme topography, poor vehicular and utility access, and the availability of few or no public services. Therefore, the number of uses permitted in the FR5 District is limited and many of the permitted and conditional uses have additional standards that apply to them to ensure their compatibility with the low-density residential and public open space uses.		
Primary Uses		
Agricultural Uses <ul style="list-style-type: none"> • Agriculture-Related Commerce* • Agricultural, Traditional • Community/Institutional Garden* • Farm Store* • Logging* • Nursery/Greenhouse* Residential Uses <ul style="list-style-type: none"> • Artificial Pond or Lake* • Emergency Housing/Short Term Shelter • Home Occupation • Manufactured Home Park* 	<ul style="list-style-type: none"> • Residential Facility for the Developmentally Disabled* • Residential Storage Structure • Single-Family Detached Dwelling • Single-Family Paired Dwelling (2 units)* Public and Semi-Public Uses <ul style="list-style-type: none"> • Cemetery/Mausoleum* • Child Care Home* • Farmers Market* • Parks and Playgrounds • Police, Fire, or Rescue Station* • Religious Assembly 	<ul style="list-style-type: none"> • Relocation of Pole Signs* • School* • Utility, Minor* Personal Uses <ul style="list-style-type: none"> • Bed and Breakfast* • Short Term Rental – Owner Occupied* • Tourist Home/Cabin* Business Uses <ul style="list-style-type: none"> • Taxidermist* Amusement and Recreational Uses <ul style="list-style-type: none"> • Campground, Primitive* • Resort*
Conditional Uses		
Agricultural Uses <ul style="list-style-type: none"> • Agriculture-Related Commerce* • Agritainment/Agritourism* • Equestrian Center* • Winery* Residential Uses <ul style="list-style-type: none"> • Residential Facility for Mentally Ill Individuals* • Home Based Businesses* Personal Uses <ul style="list-style-type: none"> • Artisan Crafts, Food, or Beverage Production* • Kennels* Business Uses <ul style="list-style-type: none"> • Repair Services, Off-Site* 	Public and Semi-Public Uses <ul style="list-style-type: none"> • Child Care Center* • Recreation Center, Public* • Central Garbage/Rubbish Collection Facility* • Wastewater Treatment Facility* • Water Treatment Facility* • Wireless Communications Facilities*Personal Services Automotive and Transportation Uses <ul style="list-style-type: none"> • Automotive/Boat Service and Repair, Minor* Amusement and Recreational Uses <ul style="list-style-type: none"> • Amphitheater* • Campground, Commercial* 	<ul style="list-style-type: none"> • Recreational Vehicle (RV) Park* Amusement and Recreational Uses <ul style="list-style-type: none"> • Amphitheater* • Campground, Commercial* • Recreational Vehicle (RV) Park* • Theater, Outdoor* Manufacturing and Industrial Uses <ul style="list-style-type: none"> • Sawmill* Mixed Uses and Adaptive Reuse <ul style="list-style-type: none"> • Adaptive Reuse* • Dwelling, Live/Work* • Historic Adaptive Reuse*
Accessory Uses		Temporary Uses
Residential Uses <ul style="list-style-type: none"> • Accessory Apartments* • Accessory Dwelling Units, Attached and Detached* • Accessory Livestock* Manufacturing and Industrial Uses <ul style="list-style-type: none"> • Accessory Rural General Contractor* 		Agricultural Uses <ul style="list-style-type: none"> • Roadside Stand*
(*) Indicates uses that have additional use-specific standards. See Section XXX or the link following the use.		

Table 801.2-2: FR5 Summary of Dimensional Standards

²⁰ Name change from Forest Reserve to Forest Estate

Development Standards		Minimum Setbacks - Measured from Road Centerline	
Minimum Lot Width at Building Line	125 feet	Front Yard – Local	40 feet ^{3, 4, 5, 7}
Minimum Lot Size ²¹	5 acres ²²	Front Yard - Minor Collector	60 feet ^{3, 4, 5, 7}
Maximum Height (Principal Structure)	40 feet	Front Yard - Major Collector	70 feet ^{3, 4, 5, 7}
Maximum Height (Accessory Structure)	30 feet ⁶	Front Yard - Minor/Major Arterial	90 feet ^{3, 4, 5, 7}
Maximum Impervious Cover ²³	15% of Lot Size or 15,000 sq ft, whichever is less ²	Front Yard - Interstate	150 feet ^{3, 4, 5, 7}
Maximum Impervious Cover for Development within a Critical Watershed ²³	10% of Lot Size or 10,000 sq ft, whichever is less ²	Front Yard - Water Body, Riparian Area	See XX
Subdivision Standards (See Chapter XX)		Minimum Setbacks from Property Line	
Minimum Lot Size	2.5 acres ^{8, 9, 24}	Side Yard - Residential Use	15 feet ^{6, 7}
Contiguous Minimum Buildable Area for Lots on Septic	1 acre ¹	Side Yard - Non-Residential Use	50 feet ^{6, 7}
Contiguous Minimum Buildable Area for Lots on Sewer	15,000 sq ft ¹	Rear Yard - Residential Use	35 feet ^{6, 7}
Minimum Lot Width at Building Line ¹⁹	200 feet	Rear Yard - Non-Residential Use	50 feet ^{6, 7}
<p>1. If the lot is in the ECO Area, 1 acre contiguous minimum buildable area is required.</p> <p>2. Excluding agricultural buildings.</p> <p>3. Front yard setback applies to any yard fronting on any street. Front yard setback is measured from the right-of-way line of a public road. If there is no direct frontage, the setback is 25 feet from the property line.</p> <p>4. If seventy-five percent (75%) or more of the lots in a block are occupied by buildings, the minimum setback for each undeveloped lot on the block shall be the average of the setbacks of the existing buildings nearest to each side of the lot.</p> <p>5. Not applicable for properties abutting or adjoining overpasses.</p> <p>6. Additional regulations for accessory structures are in Section 811.2(A).</p> <p>7. For lots within a platted subdivision, or where right-of-way is dedicated/has been granted, the more restrictive setback shall apply (either the platted setbacks or the zoning setbacks).</p> <p>8. In the ECO1 Area, the minimum lot size must be 5 acres.</p> <p>9. If the property only has access to a septic system, the minimum lot size to subdivide property is at least 10 acres by survey. See Chapter XX.</p>			
Dimensional Standards Illustration		Example Development Pattern	

²¹ PC to review BZA data on the minimum lot size variances being granted.

²² FR5 is comprised of ~4000 parcels - 93% of FR (5 ac); 5% of AG/RR (2.5 ac); 1% SR (1 ac); 1% ER (1 ac)

²³ New – Needs PC Review

²⁴ Current subdivision ordinance allows a lot size of 2.5 acres for FR zoning districts under the Sliding Scale Subdivision option, where 55% of the lot is preserved for 25 years. Is this lot size okay, or do you find it confusing with the renaming to “FR-5”?

3. Conservation Residential 2.5 “CR2.5” Zoning District²⁵

Table 801.3-1: CR2.5 District Purpose and Uses

District Character		
The character of the Conservation Residential 2.5 “CR2.5” Zoning District is defined as that which is primarily intended to provide a residential option at environmentally sound locations, while protecting the environmentally sensitive reservoirs, Griffy and Monroe.		
Purpose		
The purpose of the CR2.5 Zoning District is to protect the environmentally sensitive watersheds, the floodplain, and steep slopes; to permit limited single dwelling residential development on very large Lots or in subdivisions (planned unit or cluster development) at environmentally sound locations; to discourage the development of nonresidential uses; to discourage the development of sanitary sewer systems, except for existing development; and to maintain the character of the surrounding neighborhood. Development in the CR2.5 District is hindered by concern over the watershed environment, and, in some cases, extreme topography, poor access and the availability of few or no public services. Therefore, the number of uses permitted in the CR2.5 District is limited and many of the permitted and conditional uses have additional standards that apply to them to ensure compatibility with the watershed environment and low-density residential uses. The development of new residential activities proximate to known mineral resource deposits or extraction operations may be buffered by increased setback distances.		
Primary Uses		
Agricultural Uses <ul style="list-style-type: none"> • Agriculture-Related Commerce* • Agriculture, Traditional • Community/Institutional Garden* • Farm Store* • Logging* • Nursery/Greenhouse* Residential Uses <ul style="list-style-type: none"> • Artificial Pond or Lake* • Emergency Housing/Short Term Shelter • Home Occupation • Manufactured Home Park* 	<ul style="list-style-type: none"> • Residential Facility for the Developmentally Disabled* • Residential Storage Structure* • Single-Family Detached Dwelling • Single-Family Paired Dwelling (2 units)* Public and Semi-Public Uses <ul style="list-style-type: none"> • Child Care Home* • Farmers Market* • Parks or Playgrounds • Religious Assembly • Relocation of Pole Signs* • School* • Utility, Minor* 	Personal Uses <ul style="list-style-type: none"> • Bed and Breakfast* • Short Term Rental – Owner Occupied* • Tourist Home/Cabin* Business Uses <ul style="list-style-type: none"> • Taxidermist* Amusement and Recreational Uses <ul style="list-style-type: none"> • Resort*
Conditional Uses		
Agricultural Uses <ul style="list-style-type: none"> • Agritainment/Agritourism* • Equestrian Center* • Winery* Residential Uses <ul style="list-style-type: none"> • Home Based Business* • Residential Facility for Mentally Ill Individuals* Public and Semi-Public Uses <ul style="list-style-type: none"> • Central Garbage/Rubbish Collection Facility* 	<ul style="list-style-type: none"> • Child Care Center* • Recreation Center, Public* • Wastewater Treatment Facility* • Water Treatment Facility* • Wireless Communication Facilities* Personal Uses <ul style="list-style-type: none"> • Artisan Crafts, Food, or Beverage Production* Business Uses <ul style="list-style-type: none"> • Repair Services, Off-Site* 	Amusement and Recreational Uses <ul style="list-style-type: none"> • Campground, Commercial* • Campground, Primitive* • Recreational Vehicle (RV) Park* Mixed Uses and Adaptive Reuse <ul style="list-style-type: none"> • Adaptive Reuse* • Dwelling, Live/Work* • Historic Adaptive Reuse*
Accessory Uses		Temporary Uses
Residential Uses <ul style="list-style-type: none"> • Accessory Apartments* • Accessory Dwelling Units, Attached and Detached* • Accessory Livestock* Manufacturing and Industrial Uses <ul style="list-style-type: none"> • Accessory Rural General Contractor* 		Agricultural Uses <ul style="list-style-type: none"> • Roadside Stand*
(*) Indicates uses that have additional use-specific standards. See Section XXX or the link following the use.		

²⁵ Name change from Conservation Residential to Conservation Estate

Table 801.3-2: CR2.5 Summary of Dimensional Standards

Development Standards		Minimum Setbacks - Measured from Road Centerline	
Minimum Lot Width at Building Line	125 feet	Front Yard – Local	40 feet ^{3, 4, 5, 7}
Minimum Lot Size ²⁶	2.5 acres ²⁷	Front Yard - Minor Collector	60 feet ^{3, 4, 5, 7}
Maximum Height (Principal Structure)	40 feet	Front Yard - Major Collector	70 feet ^{3, 4, 5, 7}
Maximum Height (Accessory Structure)	30 feet ⁶	Front Yard - Minor/Major Arterial	90 feet ^{3, 4, 5, 7}
Maximum Impervious Cover ²⁸	15% of Lot Size or 15,000 sq ft, whichever is less ²	Front Yard - Interstate	150 feet ^{3, 4, 5, 7}
Maximum Impervious Cover for Development within a Critical Watershed ²⁸	10% of Lot Size or 10,000 sq ft, whichever is less ²	Front Yard - Water Body, Riparian Area	See XX
Subdivision Standards (See Chapter XX)		Minimum Setbacks from Property Line	
Minimum Lot Size	2.5 acres ^{8, 9}	Side Yard - Residential Use	15 feet ^{6, 7}
Contiguous Minimum Buildable Area for Lots on Septic	1 acre ¹	Rear Yard - Residential Use	35 feet ⁷
Contiguous Minimum Buildable Area for Lots on Sewer	15,000 sq ft ^{1, 29}		
Minimum Lot Width at Building Line ¹⁹	200 feet		

1. If the lot is in the ECO Area, 1 acre contiguous minimum buildable area is required.
 2. Excluding agricultural buildings.
 3. Front yard setback applies to any yard fronting on any street. Front yard setback is measured from the right-of-way line of a public road. If there is no direct frontage, the setback is 25 feet from the property line.
 4. If seventy-five percent (75%) or more of the lots in a block are occupied by buildings, the minimum setback for each undeveloped lot on the block shall be the average of the setbacks of the existing buildings nearest to each side of the lot.
 5. Not applicable for properties abutting or adjoining overpasses.
 6. Additional regulations for accessory structures are in [Section 811.2\(A\)](#).
 7. For lots within a platted subdivision, or where right-of-way is dedicated/has been granted, the more restrictive setback shall apply (either the platted setbacks or the zoning setbacks).
 8. In the ECO1 Area, the minimum lot size must be 5 acres.
 9. If the property only has access to a septic system, the minimum lot size to subdivide property is at least 10 acres by survey. [See Chapter XX](#).

Dimensional Standards Illustration	Example Development Pattern

²⁶ PC to review BZA data on the minimum lot size variances being granted.

²⁷ CR2.5 is comprised of ~2900 parcels - 38% is zoned CR (2.5 ac); 31% is RE2.5 (2.5 ac); 25% is zoned AG/RR (2.5 ac); 4% is ER (1 ac)

²⁸ New – Needs PC Review

²⁹ PC to review – square footage matches max impervious cover.

4. Rural Community 1 “RC1” Zoning District³⁰

Table 801.4-1: RC1 District Purpose and Uses

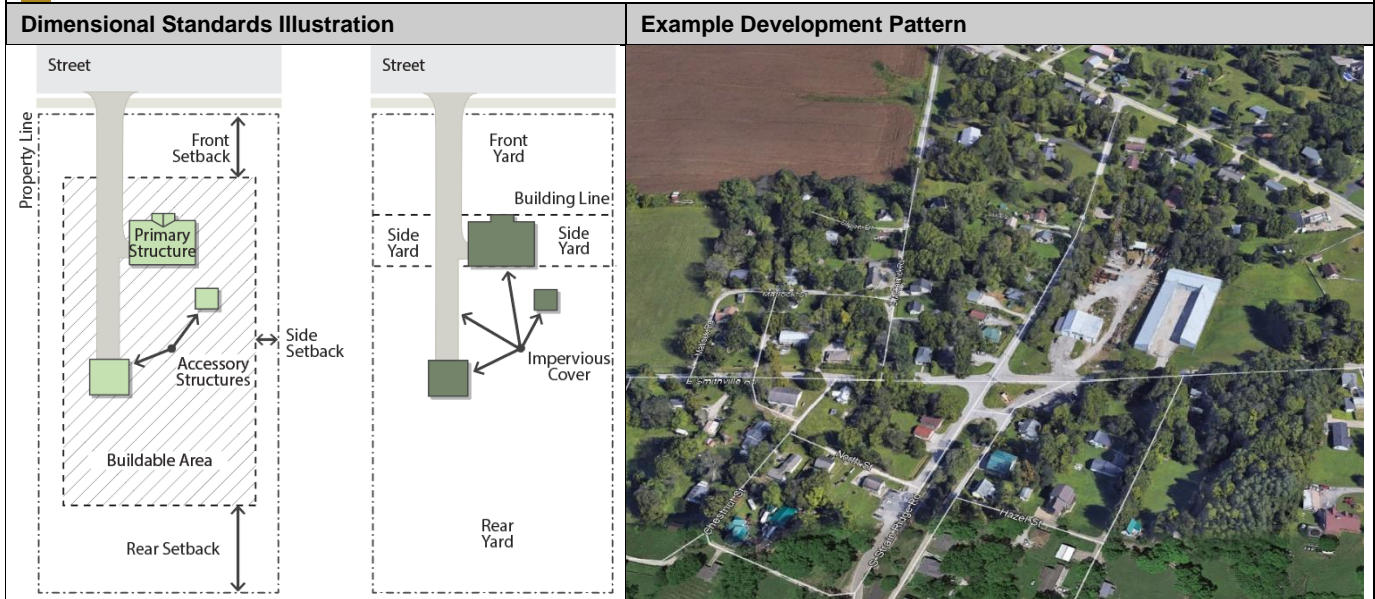
District Character		
The character of the Rural Community 1 “RC1” Zoning District is defined as that which is primarily intended for low density, single dwelling residential developments, on relatively flat land in areas that have some, but not full, public services, generally along or near major County roads or state highways.		
Purpose		
The purposes of the RC1 Zoning District are to permit limited single dwelling residential development on large Lots; to discourage the development of sanitary sewer systems, except for existing development; to discourage the development of residential subdivisions and non-farm nonresidential uses; to protect environmentally sensitive areas, such as the floodplain, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the RC1 District is limited and many of the permitted and conditional uses have additional standards that apply to them to ensure their compatibility with the low-density residential uses. The development of new residential activities proximate to known mineral resource deposits or extraction operations may be buffered by increased setback distance.		
Primary Uses		
Agricultural Uses <ul style="list-style-type: none"> • Agriculture, Traditional • Community/Institutional Garden* • Farm Store* • Logging* Residential Uses <ul style="list-style-type: none"> • Artificial Pond or Lake* • Emergency Housing/Short Term Shelter • Home Occupation • Manufactured Home Park* • Residential Facility for the Developmentally Disabled* • Residential Storage Structure* • Single-Family Detached Dwelling 	<ul style="list-style-type: none"> • Single-Family Paired Dwelling (2 units)* • Two-Family Dwelling* Public and Semi-Public Uses <ul style="list-style-type: none"> • Cemetery/Mausoleum* • Child Care Home* • Cultural Facility • Farmers Market* • Parks and Playgrounds • Police, Fire, or Rescue Station* • Religious Assembly • Relocation of Pole Signs* • School* • Utility, Minor* 	Personal Uses <ul style="list-style-type: none"> • Bed and Breakfast* • Short Term Rental – Owner Occupied* Amusement and Recreational Uses <ul style="list-style-type: none"> • Resort* Mixed Uses and Adaptive Reuse <ul style="list-style-type: none"> • Dwelling, Live/Work*
Conditional Uses		
Residential Uses <ul style="list-style-type: none"> • Home Based Business* • Multi-Family Dwelling (3-4 units)* • Residential Facility for Mentally Ill Individuals* Public and Semi-Public Uses <ul style="list-style-type: none"> • Central Garbage/Rubbish Collection Facility* • Child Care Center* • Social Service Use* • Wastewater Treatment Facility* • Water Treatment Facility* • Wireless Communication Facilities* 	Personal Uses <ul style="list-style-type: none"> • Artisan Crafts, Food, or Beverage Production* • Personal Services* • Tourist Home/Cabin* • Veterinary Service, Small Animal* Business Uses <ul style="list-style-type: none"> • Repair Services, Off-Site* Retail Uses <ul style="list-style-type: none"> • Firearm Sales* • Grocery Store* • Restaurant, Café/Coffee Shop* • Restaurant, Sit-Down* • Retail Sales, Small Scale* 	Amusement and Recreational Uses <ul style="list-style-type: none"> • Campground, Primitive* Mixed Uses and Adaptive Reuse <ul style="list-style-type: none"> • Adaptive Reuse* • Historic Adaptive Reuse*
Accessory Uses		Temporary Uses
Residential Uses <ul style="list-style-type: none"> • Accessory Apartments* • Accessory Dwelling Units, Attached and Detached* • Accessory Livestock* 		Agricultural Uses <ul style="list-style-type: none"> • Roadside Stand*
(*) Indicates uses that have additional use-specific standards. See Section XXX or the link following the use.		

³⁰ Name change from Estate Residential to Rural Community

Table 801.4-2: RC1 Summary of Dimensional Standards

Development Standards		Minimum Setbacks - Measured from Road Centerline	
Minimum Lot Width at Building Line	75 feet	Front Yard – Local	30 feet ^{3, 4, 5, 7}
Minimum Lot Size ³¹	0.14 acres ³²	Front Yard - Minor Collector	50 feet ^{3, 4, 5, 7}
Maximum Height (Principal Structure)	40 feet	Front Yard - Major Collector	60 feet ^{3, 4, 5, 7}
Maximum Height (Accessory Structure)	30 feet ⁶	Front Yard - Minor/Major Arterial	90 feet ^{3, 4, 5, 7}
Maximum Impervious Cover ³³	50% of Lot Size or 7,000 sq ft, whichever is less ²	Front Yard - Interstate	150 feet ^{3, 4, 5, 7}
Maximum Impervious Cover for Development within a Critical Watershed ³³	30% of Lot Size or 5,000 sq ft, whichever is less ²	Front Yard - Water Body, Riparian Area	See XX
Subdivision Standards (See Chapter XX)		Minimum Setbacks from Property Line	
Minimum Lot Size on Septic	1.25 acres ^{8, 9}	Side Yard - Residential Use	5 feet ^{6, 7}
Minimum Lot Size on Sewer	0.5 acres	Side Yard - Non-Residential Use	15 feet ⁹
Contiguous Minimum Buildable Area for Lots on Septic	1 acre ¹	Rear Yard - Residential Use	10 feet ⁷
Contiguous Minimum Buildable Area for Lots on Sewer	50% of Lot Size ^{1, 34}	Rear Yard - Non-Residential Use	15 feet ⁹
Minimum Lot Width at Building Line ¹⁹	200 feet		

1. Only applicable for newly created lots or lots in the ECO Area. If properties are on sewer, buildable area requirements can be reduced to 7,000 sq ft per newly created lot.
2. Excluding agricultural buildings.
3. Front yard setback applies to any yard fronting on any street. Front yard setback is measured from the right-of-way line of a public road. If there is no direct frontage, the setback is 25 feet from the property line.
4. If seventy-five percent (75%) or more of the lots in a block are occupied by buildings, the minimum setback for each undeveloped lot on the block shall be the average of the setbacks of the existing buildings nearest to each side of the lot.
5. Not applicable for properties abutting or adjoining overpasses.
6. Additional regulations for accessory structures are in [Section 811.2\(A\)](#).
7. For lots within a platted subdivision, or where right-of-way is dedicated/has been granted, the more restrictive setback shall apply (either the platted setbacks or the zoning setbacks).
8. In the ECO1 Area, the minimum lot size must be 5 acres.
9. If the property only has access to a septic system, the minimum lot size to subdivide property is at least 10 acres by survey. [See Chapter XX](#).



³¹ PC to review BZA data on the minimum lot size variances being granted.

³² median of all 648 parcels zoned RC1 is 0.18 acres. The conversion of this zoning district is 61% SR Zone (flexible lot size), 25% HR Zone (0.14 ac), 6% MR (0.21 ac), 3% ER (1 ac)

³³ New – Needs PC Review

³⁴ PC to review – would anyone like a small minimum lot size if on sewer and not in the ECO? The 1.25 acre minimum lot size is to accommodate the potential need for 1 acre of buildable area.

804.RESIDENTIAL ZONING DISTRICTS

1. Low Density Residential “LD” Zoning District

Table 802.1-1: LD District Purpose and Uses

District Character		
The character of the Low Density Residential “LD” Zoning 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.		
Purpose		
The purposes of the LD Zoning District are to encourage the development of moderately sized residential Lots in areas where public services exist to service them efficiently, to discourage the development of nonresidential uses, to protect the environmentally sensitive areas, including floodplain, watersheds, karst, and steep slopes, and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the LD District is limited and many of the permitted and conditional uses have additional standards that apply to them to ensure their compatibility with residential uses. The development of new residential activities proximate to known mineral resource deposits or extraction operations may be buffered by distance.		
Primary Uses		
Agricultural Uses <ul style="list-style-type: none"> Community/Institutional Garden* Logging* Residential Uses <ul style="list-style-type: none"> Artificial Pond or Lake* Emergency Housing/Short Term Shelter Home Occupation Manufactured Home Park* Residential Facility for Developmentally Disabled* Residential Storage Structure* Single-Family Detached Dwelling 	<ul style="list-style-type: none"> Single-Family Paired Dwelling (2 units)* Two-Family Dwelling* Public and Semi-Public Uses <ul style="list-style-type: none"> Cemetery/Mausoleum* Child Care Home* Farmers Market* Parks and Playgrounds Police, Fire, or Rescue Station* Religious Assembly Relocation of Pole Signs* School* Utility, Minor* 	Personal Uses <ul style="list-style-type: none"> Bed and Breakfast* Real Estate Sales/Model Home Office Short Term Rental – Owner Occupied* Amusement and Recreational Uses <ul style="list-style-type: none"> Resort*
Conditional Uses		
Residential Uses <ul style="list-style-type: none"> Home Based Business* Multi-Family Dwelling (3-4 units)* Residential Facility for Mentally Ill Individuals* Public and Semi-Public Uses <ul style="list-style-type: none"> Child Care Center* Wastewater Treatment Facility* Wireless Communication Facilities* 	Personal Uses <ul style="list-style-type: none"> Artisan Crafts, Food, or Beverage Production* Tourist Home/Cabin* Business Uses <ul style="list-style-type: none"> Repair Services, Off-Site* 	Mixed Uses and Adaptive Reuse <ul style="list-style-type: none"> Adaptive Reuse* Historic Adaptive Reuse*
Accessory Uses		Temporary Uses
Residential Uses <ul style="list-style-type: none"> Accessory Apartments* Accessory Livestock* 		
(*) Indicates uses that have additional use-specific standards. See Section XXX or the link following the use.		

Table 802.1-2: LD Summary of Dimensional Standards

Development Standards		Minimum Setbacks - Measured from Road Centerline	
Minimum Lot Width at Building Line	50 feet	Front Yard – Local	30 feet ^{3, 4, 5, 7}
Minimum Lot Size	0.34 acres ³⁵	Front Yard - Minor Collector	50 feet ^{3, 4, 5, 7}
Maximum Height (Principal Structure)	35 feet	Front Yard - Major Collector	60 feet ^{3, 4, 5, 7}
Maximum Height (Accessory Structure)	20 feet ¹	Front Yard - Minor/Major Arterial	90 feet ^{3, 4, 5, 7}
Maximum Impervious Cover	50% of Lot Size or 7,000 sq ft, whichever is less ²	Front Yard - Interstate	150 feet ^{3, 4, 5, 7}
Maximum Impervious Cover for Development within a Critical Watershed ³⁶	30% of Lot Size or 4,500 sq ft, whichever is less ²	Front Yard - Water Body, Riparian Area	See XX
Subdivision Standards (See Chapter XX)		Minimum Setbacks from Property Line	
Minimum Lot Size	0.34 acres	Side Yard	10 feet ⁵
Minimum Lot Width at Building Line	75 feet	Rear Yard	10 feet ^{5, 37}
Contiguous Minimum Buildable Area for Lots on Septic	1 acre ⁶		
Contiguous Minimum Buildable Area for Lots on Sewer	50% of Lot Size ¹		

1. No more than four accessory buildings or structures shall be erected on a lot. Additional regulations for accessory structure are in [Section 811.2\(A\)](#).
2. Front yard setback applies to any yard fronting on any street. Front yard setback is measured from the right-of-way line of a public road. If there is no direct frontage, the setback is 25 feet from the property line.
3. Not applicable for properties abutting or adjoining overpasses.
4. If seventy-five percent (75%) or more of the lots in a block are occupied by buildings, the minimum setback for each undeveloped lot on the block shall be the average of the setbacks of the existing buildings nearest to each side of the lot.
5. For lots within a platted subdivision, or where right-of-way is dedicated/has been granted, the more restrictive setback shall apply (either the platted setbacks or the zoning setbacks).
6. 1 acre minimum buildable area applicable for newly created lots in the ECO Area.

Dimensional Standards Illustration	Example Development Pattern

³⁵ Made up of 495 parcels comprised of 83% LR (0.34 ac min lot size); 4% RE1 (1 ac); 4% RS2 (0.41 ac); 2% ER (1 ac); 2% Ag/RR (2.5 ac).

³⁶ Added accessory structure max height in this zone.

³⁷ Needs PC review – reducing rear yard from 25 feet to 10 feet to align with standards for SR & MR. Only two variances in 25 years. One variance for rear yard setback when it was approved. Current exception exists for accessory structures less than 15 feet in height can be 5 feet from rear property line.

2. Suburban Density Residential “SD” Zoning District

Table 802.2-1: SD District Purpose and Uses

District Character		
The character of the Suburban Residential “SD” Zoning District is defined as that which is primarily intended for existing, possibly nonconforming, recorded single dwelling residential subdivisions and Lots of record.		
Purpose		
The purposes of the SD Zoning District are to accommodate existing, substandard subdivision developments and Lots; to permit the build-out of single dwelling residential uses in those developments and Lots; to discourage the development of nonresidential uses; to protect environmentally sensitive areas, such as the floodplain, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the SD District is limited and many of the permitted and conditional uses have additional standards that apply to them to ensure their compatibility with residential uses. The need for expanding this district beyond the areas designated on the Official Zone Maps on the date of the adoption of the zoning regulations is not anticipated or encouraged.		
Primary Uses		
Agricultural Uses <ul style="list-style-type: none"> Community/Institutional Garden* Logging* Residential Uses <ul style="list-style-type: none"> Artificial Pond or Lake* Emergency Housing/Short Term Shelter Home Occupation Manufactured Home Park* Residential Facility for Developmentally Disabled* Residential Storage Structure* Single-Family Detached Dwelling 	<ul style="list-style-type: none"> Single-Family Paired Dwelling (2 units)* Two-Family Dwelling* Public and Semi-Public Uses <ul style="list-style-type: none"> Cemetery/Mausoleum* Child Care Home* Farmers Market* Parks and Playgrounds Police, Fire, or Rescue Station* Religious Assembly Relocation of Pole Signs* School* Utility, Minor* 	Personal Uses <ul style="list-style-type: none"> Bed and Breakfast* Real Estate Sales/Model Home Office Short Term Rental – Owner Occupied* Amusement and Recreational Uses <ul style="list-style-type: none"> Resort*
Conditional Uses		
Residential Uses <ul style="list-style-type: none"> Home Based Business* Multi-Family Dwelling (3-4 units)* Residential Facility for Mentally Ill Individuals* Public and Semi-Public Uses <ul style="list-style-type: none"> Child Care Center* Wastewater Treatment Facility* Wireless Communication Facilities* 	Personal Uses <ul style="list-style-type: none"> Artisan Crafts, Food, or Beverage Production* Tourist Home/Cabin* Business Uses <ul style="list-style-type: none"> Repair Services, Off-Site* 	Mixed Uses and Adaptive Reuse <ul style="list-style-type: none"> Adaptive Reuse* Historic Adaptive Reuse*
Accessory Uses		Temporary Uses
Residential Uses <ul style="list-style-type: none"> Accessory Apartments* Accessory Livestock* 		Agricultural Uses <ul style="list-style-type: none"> Roadside Stand*
(*) Indicates uses that have additional use-specific standards. See Section XXX or the link following the use.		

Table 802.2-2: SD Summary of Dimensional Standards³⁸

Development Standards		Minimum Setbacks - Measured from Road Centerline	
Minimum Lot Width at Building Line	50 feet	Front Yard – Local ²	40 feet
Minimum Lot Size	1 acre ^{4, 39}	Front Yard - Minor Collector	60 feet
Maximum Height (Principal Structure)	35 feet	Front Yard - Major Collector	70 feet
Maximum Height (Accessory Structure)	20 feet ¹	Front Yard - Minor/Major Arterial	90 feet
Maximum Impervious Cover	50% of Lot Size or 7,000 sq ft, whichever is less	Front Yard - Interstate	150 feet ³
Maximum Impervious Cover for Development within a Critical Watershed ⁴⁰	10% of Lot Size or 4,500 sq ft, whichever is less	Front Yard - Water Body, Riparian Area	See XX
Subdivision Standards (See Chapter XX)		Minimum Setbacks from Property Line	
Minimum Lot Size	1 acre	Side Yard ⁴¹	10 feet
Minimum Lot Width at Building Line	75 feet ⁴²	Rear Yard	20 feet
Contiguous Minimum Buildable Area for Lots on Septic	1 acre		
Contiguous Minimum Buildable Area for Lots on Sewer	7,000 sq ft		

1. No more than four accessory buildings or structures shall be erected on a lot. Additional regulations for accessory structure are in [Section 811.2\(A\)](#).
2. Front yard setback applies to any yard fronting on any street. Front yard setback is measured from the right-of-way line of a public road. If there is no direct frontage, the setback is 25 feet from the property line.
3. Not applicable for properties abutting or adjoining overpasses.
4. If all other development standards are met, no variance is required for a lot of record with an area less than one (1) acre.⁴³

Dimensional Standards Illustration	Example Development Pattern

³⁸ For the setbacks, staff took the least restrictive of the existing SR and ER dimensional requirements.

³⁹ SD comprised of ~7568 parcels - 49% SR (1 ac); 28% ER (1 ac); and 17% RE1 (1 ac).

⁴⁰ Added accessory structure max height in this zone.

⁴¹ Due to combining the existing ER and SR districts, the proposed side and rear yard setbacks is a compromise between the existing regulations of those two districts (ER = 15 ft. side and 35' rear; SR = 5 ft. side and 10' rear; RE1 = 20 ft. side and 50 ft rear). This will create nonconforming SR lots but can address that in the nonconforming section regarding existing lots where the setback has been changed.

⁴² RE1 and ER require 100 foot minimum lot width. Staff is proposing 75 feet for newly created lots.

⁴³ This Chapter 804 standard is not proposed to be changed and currently applies only to the SR zoned lots.

3. Medium Density Residential “MD” Zoning District

Table 802.3-1: MD District Purpose and Uses

District Character		
The character of the Medium Density Residential “MD” Zoning District is defined as that which is primarily intended for residential development in urban service areas, where public sewer service is available.		
Purpose		
The purposes of the MD Zoning District are to encourage the development of moderately-sized residential Lots, in areas where public services exist to service them efficiently; to discourage the development of nonresidential uses; to protect the environmentally sensitive areas, including the floodplain, watersheds, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the MD District is limited and many of the permitted and conditional uses have additional standards that apply to them to ensure their compatibility with residential uses. The development of new residential activities proximate to known mineral resource deposits or extraction operations may be buffered by distance.		
Primary Uses		
Agricultural Uses <ul style="list-style-type: none"> Community/Institutional Garden* Logging* Residential Uses <ul style="list-style-type: none"> Artificial Pond or Lake* Emergency Housing/Short Term Shelter Home Occupation Manufactured Home Park* Residential Facility for Developmentally Disabled* Residential Storage Structure* Senior Housing* 	<ul style="list-style-type: none"> Single-Family Detached Dwelling Single-Family Paired Dwelling (2 units)* Two-Family Dwelling* Public and Semi-Public Uses <ul style="list-style-type: none"> Cemetery/Mausoleum* Child Care Home* Farmers Market* Parks and Playgrounds Police, Fire, or Rescue Station* Religious Assembly Relocation of Pole Signs* School* Utility, Minor* 	Personal Uses <ul style="list-style-type: none"> Bed and Breakfast* Real Estate Sales/Model Home Office Short Term Rental – Owner Occupied* Amusement and Recreational Uses <ul style="list-style-type: none"> Resort*
Conditional Uses		
Residential Uses <ul style="list-style-type: none"> Home Based Business* Multi-Family Dwelling (3-4 units)* Residential Facility for Mentally Ill Individuals* Public and Semi-Public Uses <ul style="list-style-type: none"> Child Care Center* Wastewater Treatment Facility* Wireless Communication Facilities* 	Personal Uses <ul style="list-style-type: none"> Tourist Home/Cabin* Business Uses <ul style="list-style-type: none"> Repair Services, Off-Site* 	Mixed Uses and Adaptive Reuse <ul style="list-style-type: none"> Adaptive Reuse* Historic Adaptive Reuse*
Accessory Uses		Temporary Uses
Residential Uses <ul style="list-style-type: none"> Accessory Apartments* Accessory Livestock* 		
(*) Indicates uses that have additional use-specific standards. See Section XXX or the link following the use.		

Table 802.3-2: MD Summary of Dimensional Standards

Development Standards		Minimum Setbacks - Measured from Road Centerline	
Minimum Lot Width at Building Line	60 feet	Front Yard – Local	40 feet ^{2,4,6}
Minimum Lot Size	0.21 acre ⁴⁴	Front Yard - Minor Collector	60 feet ^{2,4,6}
Maximum Height (Principal Structure)	35 feet	Front Yard - Major Collector	70 feet ^{2,4,6}
Maximum Height (Accessory Structure) ⁴⁵	20 feet ¹	Front Yard - Minor/Major Arterial	90 feet ^{2,4,6}
Maximum Impervious Cover	60% of Lot Size or 5,500 sq ft, whichever is less	Front Yard - Interstate	150 feet ^{2,4,6}
Maximum Impervious Cover for Development within a Critical Watershed	50% of Lot Size or 4,500 sq ft, whichever is less	Front Yard - Water Body, Riparian Area	See XX
Subdivision Standards (See Chapter XX)		Minimum Setbacks from Property Line	
Minimum Lot Size	0.21 acre ⁵	Side Yard	10 feet ^{3,6}
Minimum Lot Width at Building Line	60 feet	Rear Yard	10 feet ⁶
Contiguous Minimum Buildable Area for Lots on Septic	1 acre		
Contiguous Minimum Buildable Area for Lots on Sewer	5,500 sq ft		

¹ No more than four accessory buildings or structures shall be erected on a lot. Additional regulations for accessory structure are in [Section 811.2\(A\)](#).

² Front yard setback applies to any yard fronting on any street. Front yard setback is measured from the right-of-way line of a public road. If there is no direct frontage, the setback is 25 feet from the property line.

³ Zero-foot side setback on one lot line is permitted if designated on a subdivision plat.

⁴ Not applicable for properties abutting or adjoining overpasses.

⁵ If the property has access to a septic system, the minimum lot size to subdivide shall be 10 acres by survey. See Chapter XX.

⁶ For lots within a platted subdivision, or where right-of-way is dedicated/has been granted, the more restrictive setback shall apply (either the platted setbacks or the zoning setbacks).

Dimensional Standards Illustration	Example Development Pattern

⁴⁴ MD comprised of ~ 4,000 parcels – 38% R3.5 (0.22 acres); 32% MR (0.21 acres); 13% R3.5/PRO6 (range of 0.22 – 0.16 acres); 5% ER (1 acre); 5% LR (0.34 acres); 3% RE1 (1 acre); 3% RS2 (0.41 acres).

⁴⁵ Added accessory structure max height in this zone.

4. High Density Residential “HD” Zoning District

Table 802.4-1: HD District Purpose and Uses

District Character		
The character of the High Density Residential “HD” Zoning District is defined as that which is primarily intended for residential development in urban service areas, where public sewer service is available, and near amenities such as grocery stores, schools, recreation areas, etc.		
Purpose		
The purposes of the HD Zoning District are to encourage the development of smaller-sized residential Lots in areas where public services exist to service them efficiently; to discourage the development of nonresidential uses; to protect the environmentally sensitive areas, including the floodplain, watersheds, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the HD District is limited and many of the permitted and conditional uses have additional standards that apply to them to ensure their compatibility with ensure compatibility with adjacent residential uses. The development of new residential activities proximate to known mineral resource deposits or extraction operations may be buffered by distance.		
Primary Uses		
Agricultural Uses <ul style="list-style-type: none"> Community/Institutional Garden* Logging* Residential Uses <ul style="list-style-type: none"> Emergency Housing/Short Term Shelter Home Occupation Manufactured Home Park* Residential Facility for Developmentally Disabled* Residential Storage Structure* 	<ul style="list-style-type: none"> Senior Housing* Single-Family Detached Dwelling Single-Family Paired Dwelling (2 units)* Two-Family Dwelling* Public and Semi-Public Uses <ul style="list-style-type: none"> Cemetery/Mausoleum* Child Care Home* Farmers Market* Parks and Playgrounds Police, Fire, or Rescue Station* Religious Assembly 	<ul style="list-style-type: none"> Relocation of Pole Signs* School* Utility, Minor* Personal Uses <ul style="list-style-type: none"> Bed and Breakfast* Real Estate Sales/Model Home Office Short Term Rental – Owner Occupied* Amusement and Recreational Uses <ul style="list-style-type: none"> Resort*
Conditional Uses		
Residential Uses <ul style="list-style-type: none"> Group Home Home Based Business* Multi-Family Dwelling (3-4 units)* Residential Facility for Mentally Ill Individuals* Single-Family Attached Dwelling (3+ units)* 	Public and Semi-Public Uses <ul style="list-style-type: none"> Child Care Center* Wastewater Treatment Facility* Wireless Communication Facilities* Personal Uses <ul style="list-style-type: none"> Tourist Home/Cabin* Business Uses <ul style="list-style-type: none"> Repair Services, Off-Site* 	Mixed Uses and Adaptive Reuse <ul style="list-style-type: none"> Adaptive Reuse* Historic Adaptive Reuse*
Accessory Uses		Temporary Uses
Residential Uses <ul style="list-style-type: none"> Accessory Apartments* Accessory Livestock* 		
(*) Indicates uses that have additional use-specific standards. See Section XXX or the link following the use.		

Table 802.4-2: HD Summary of Dimensional Standards

Development Standards		Minimum Setbacks - Measured from Road Centerline	
Minimum Lot Width at Building Line	50 feet	Front Yard – Local	40 feet ^{2,4,6}
Minimum Lot Size	0.14 acre ⁴⁶	Front Yard - Minor Collector	60 feet ^{2,4,6}
Maximum Height (Principal Structure)	35 feet	Front Yard - Major Collector	70 feet ^{2,4,6}
Maximum Height (Accessory Structure) ⁴⁷	20 feet ¹	Front Yard - Minor/Major Arterial	90 feet ^{2,4,6}
Maximum Impervious Cover	60% of Lot Size	Front Yard - Interstate	150 feet ^{2,4,6}
Maximum Impervious Cover for Development within a Critical Watershed	50% of Lot Size	Front Yard - Water Body, Riparian Area	See XX
Subdivision Standards (See Chapter XX)		Minimum Setbacks from Property Line	
Minimum Lot Size	0.14 acre ⁵	Side Yard	5 feet ^{3,6}
Minimum Lot Width at Building Line	50 feet	Rear Yard	10 feet ⁶
Contiguous Minimum Buildable Area for Lots on Septic	1 acre		
Contiguous Minimum Buildable Area for Lots on Sewer	5,000 sq ft		

¹ No more than four accessory buildings or structures shall be erected on a lot. Additional regulations for accessory structure are in [Section 811.2\(A\)](#).

² Front yard setback applies to any yard fronting on any street. Front yard setback is measured from the right-of-way line of a public road. If there is no direct frontage, the setback is 25 feet from the property line.

³ Zero-foot side setback on one lot line is permitted if designated on a subdivision plat.

⁴ Not applicable for properties abutting or adjoining overpasses.

⁵ If the property has access to a septic system, the minimum lot size to subdivide shall be 10 acres by survey. See Chapter XX.

⁶ For lots within a platted subdivision, or where right-of-way is dedicated/has been granted, the more restrictive setback shall apply (either the platted setbacks or the zoning setbacks).

[illegible]

⁴⁶ HD is comprised of ~725 parcels – 96% are zoned RS3.5/PRO6 or RS (AIFA) (0.16 acres); 2% are RM15 (.07 acres).

⁴⁷ Added accessory structure max height in this zone.

5. Urban Density Residential “UD” Zoning District

Table 802.5-1: UD District Purpose and Uses

District Character		
The character of the Urban Density Residential “UD” Zoning District is defined as that which is primarily intended for multifamily and high density residential development in areas within urban service areas, near business nodes and concentrations where public sewer service is currently available.		
Purpose		
The purposes of the UD Zoning District are to encourage the development of multifamily and two-family residential Lots and developments in areas where public services exist to service them efficiently; to encourage the integration and mixing of high-density residential development with local nonresidential uses in an appropriate and comprehensive manner; to protect the environmentally sensitive areas, including floodplain, watersheds, karst, and steep slopes; and to maintain the character of the surrounding neighborhood . Therefore, the number of uses permitted in the UD District is limited and many of the permitted and conditional uses have additional standards that apply to them to ensure their compatibility with ensure compatibility with adjacent residential uses. The development of new residential activities proximate to known mineral resource deposits or extraction operations may be buffered by distance.		
Primary Uses		
Agricultural Uses <ul style="list-style-type: none"> Community/Institutional Garden* Logging* Residential Uses <ul style="list-style-type: none"> Emergency Housing/Short Term Shelter Home Occupation Manufactured Home Park* Multi-Family Dwelling (3-4 units)* Residential Facility for Developmentally Disabled* Residential Storage Structure* Senior Housing* 	<ul style="list-style-type: none"> Single-Family Attached Dwelling (3+ units)* Single-Family Detached Dwelling Single-Family Paired Dwelling (2 units)* Two-Family Dwelling* Public and Semi-Public Uses <ul style="list-style-type: none"> Cemetery/Mausoleum* Child Care Center* Child Care Home* Farmers Market* Parks and Playgrounds Police, Fire, or Rescue Station* Religious Assembly Relocation of Pole Signs* 	<ul style="list-style-type: none"> School* Utility, Minor* Personal Uses <ul style="list-style-type: none"> Bed and Breakfast* Real Estate Sales/Model Home Office* Short Term Rental – Owner Occupied* Amusement and Recreational Uses <ul style="list-style-type: none"> Resort*
Conditional Uses		
Residential Uses <ul style="list-style-type: none"> Group Home Home Based Business* Multi-Family Dwelling (5+ units)* Residential Facility for Mentally Ill Individuals* 	Public and Semi-Public Uses <ul style="list-style-type: none"> Wastewater Treatment Facility* Wireless Communication Facilities* Personal Uses <ul style="list-style-type: none"> Tourist Home/Cabin* Business Uses <ul style="list-style-type: none"> Repair Services, Off-Site* 	Retail Uses <ul style="list-style-type: none"> Firearm Sales* Retail Sales, Small Scale* Mixed Uses and Adaptive Reuse <ul style="list-style-type: none"> Adaptive Reuse* Historic Adaptive Reuse*
Accessory Uses		Temporary Uses
(*) Indicates uses that have additional use-specific standards. See Section XXX or the link following the use.		

Table 802.5-2: UD Summary of Dimensional Standards

Development Standards		Minimum Setbacks - Measured from Road Centerline	
Minimum Lot Width at Building Line	50 feet	Front Yard – Local	40 feet ^{2,4,6}
Minimum Lot Size	0.07 acre ⁴⁸	Front Yard - Minor Collector	60 feet ^{2,4,6}
Maximum Height (Principal Structure)	35 feet	Front Yard - Major Collector	70 feet ^{2,4,6}
Maximum Height (Accessory Structure) ⁴⁹	20 feet ¹	Front Yard - Minor/Major Arterial	90 feet ^{2,4,6}
Maximum Impervious Cover	60% of Lot Size	Front Yard - Interstate	150 feet ^{2,4,6}
Maximum Impervious Cover for Development within a Critical Watershed	50% of Lot Size	Front Yard - Water Body, Riparian Area	See XX
Subdivision Standards (See Chapter XX)		Minimum Setbacks from Property Line	
Minimum Lot Size	0.07 acres	Side Yard	5 feet ^{3,6}
Minimum Lot Width at Building Line	50 feet	Rear Yard	10 feet ⁶
Contiguous Minimum Buildable Area for Lots on Septic	1 acre		
Contiguous Minimum Buildable Area for Lots on Sewer	2,000 sq ft		

¹ No more than four accessory buildings or structures shall be erected on a lot. Additional regulations for accessory structure are in [Section 811.2\(A\)](#).

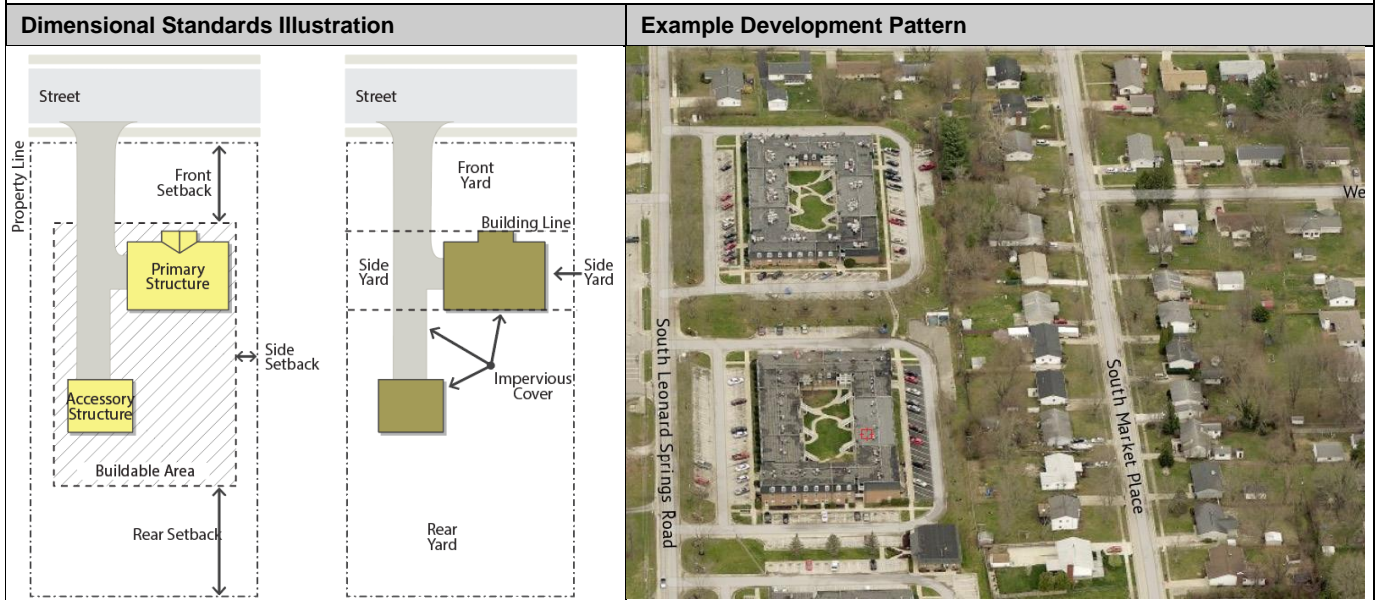
² Front yard setback applies to any yard fronting on any street. Front yard setback is measured from the right-of-way line of a public road. If there is no direct frontage, the setback is 25 feet from the property line.

³ Zero-foot side setback on one lot line is permitted if designated on a subdivision plat.

⁴ Not applicable for properties abutting or adjoining overpasses.

⁵ If the property has access to a septic system, the minimum lot size to subdivide shall be 10 acres by survey. See Chapter XX.

⁶ For lots within a platted subdivision, or where right-of-way is dedicated/has been granted, the more restrictive setback shall apply (either the platted setbacks or the zoning setbacks).



⁴⁸ UD is comprised of ~263 parcels – 48% RM15 (0.07 acres); 18% RM7 (0.16 acres); 16% RE1 (1 acre); 11% R3.5 (0.21 acres); 3% RS3.5/PRO6 (0.16 acres).

⁴⁹ Added accessory structure max height in this zone.

805.INSTITUTIONAL AND PUBLIC ZONING DISTRICTS

1. Institutional/Public “IP” Zoning District

Table 803.1-1: IP District Purpose and Uses

District Character and Purpose		
The character of the Institutional/Public “IP” Zoning District is defined as that which is primarily intended to accommodate uses of a governmental, civic, public service, or public institutional nature, including major public facilities, public utilities, and local government-owned property.		
Primary Uses		
Agricultural Uses <ul style="list-style-type: none"> • Agricultural, Traditional • Community/Institutional Garden* • Logging* Residential Uses <ul style="list-style-type: none"> • Emergency Housing/Short Term Shelter • Manufactured Home Park* Public and Semi-Public Uses <ul style="list-style-type: none"> • Cemetery/Mausoleum* • Child Care Center* 	<ul style="list-style-type: none"> • Cultural Facility • Educational Facilities and Trade Schools* • Farmers Market* • Governmental Facility* • Parks and Playgrounds • Police, Fire, or Rescue Station* • Radio/TV Stations • Recreation Center, Public • Relocation of Pole Signs* • School* • Social Service Use 	<ul style="list-style-type: none"> • Utility, Minor* Automotive and Transportation Uses <ul style="list-style-type: none"> • Electric Vehicle Charging Station • RV/Boat Storage* Amusement and Recreational Uses <ul style="list-style-type: none"> • Resort* Mixed Uses and Adaptive Reuse <ul style="list-style-type: none"> • Fairgrounds, Public
Conditional Uses		
Public and Semi-Public Uses <ul style="list-style-type: none"> • Central Garbage/Rubbish Collection Facility* • Correction/Detention Facilities* • Solar Farm* • Solid Waste Transfer Station* • Recycling Center* • Utility, Major* • Wastewater Treatment Facility* • Water Treatment Facility* 	<ul style="list-style-type: none"> • Wireless Communication Facilities* Amusement and Recreational Uses <ul style="list-style-type: none"> • Golf Course* • Indoor Shooting Range* • Racetrack* • Rodeo and other Transient Amusement Enterprises* 	Mixed Uses and Adaptive Reuse <ul style="list-style-type: none"> • Adaptive Reuse* • Historic Adaptive Reuse*
Accessory Uses		Temporary Uses
		General Uses <ul style="list-style-type: none"> • Commercial Use*
(*) Indicates uses that have additional use-specific standards. See Section XXX or the link following the use.		

Table 803.1-2: IP Summary of Dimensional Standards

Development Standards		Minimum Setbacks - Measured from Road Centerline	
Minimum Lot Width at Building Line	None	Front Yard – Local	35 feet ^{1,3,5}
Minimum Lot Size ⁵⁰	None	Front Yard - Minor Collector	55 feet ^{1,3,5}
Maximum Height (Principal Structure)	35 feet	Front Yard - Major Collector	65 feet ^{1,3,5}
Maximum Height (Accessory Structure) ⁵¹	20 feet ⁴	Front Yard - Minor/Major Arterial	85 feet ^{1,3,5}
Maximum Impervious Cover	80% of Lot Size	Front Yard - Interstate	100 feet ^{1,3,5}
Maximum Impervious Cover for Development within a Critical Watershed	60% of Lot Size	Front Yard - Water Body, Riparian Area	See XX
Subdivision Standards (See Chapter XX)		Minimum Setbacks from Property Line	
Minimum Lot Size	1 acre ⁶	Side Yard	5 feet ^{2,5}
Minimum Lot Width at Building Line	50 feet	Rear Yard	10 feet ^{2,5}
Contiguous Minimum Buildable Area	0.5 acre		

¹ Front yard setback applies to any yard fronting on any street. Front yard setback is measured from the right-of-way line of a public road. If there is no direct frontage, the setback is 25 feet from the property line.

² No setback required when adjoining a rail spur.

³ Not applicable for properties abutting or adjoining overpasses.

⁴ Additional regulations for accessory structures are in [Section 811.2\(A\)](#).

⁵ For lots within a platted subdivision, or where right-of-way is dedicated/has been granted, the more restrictive setback shall apply (either the platted setbacks or the zoning setbacks).

⁶ If the property has access to a septic system, the minimum lot size to subdivide shall be 10 acres by survey. See Chapter XX.

Dimensional Standards Illustration	Example Development Pattern

⁵⁰ Comprised of ~200 parcels – 69% zoning IP (no minimum lot size); 12% zoned SR (1 acre); 6% zoned AG/RR (2.5 acres); 4% zoned REC (no minimum lot size); 2% zoned RE1 (1 acre).

⁵¹ Added accessory structure max height in this zone.

806.BUSINESS ZONING DISTRICTS

1. Limited Business “LB” Zoning District

Table 804.1-1: LB District Purpose and Uses

District Character		
The character of the Limited Business “LB” Zoning District is defined as that which is primarily intended to meet the essential business needs and convenience of neighboring residents. Limited business uses should be placed into cohesive groupings rather than on individual properties along the highways, and access control should be emphasized.		
Purpose		
The purposes of the LB Zoning District are to encourage the development of groups of nonresidential uses that share common highway access and/or provide interior cross-access in order to allow traffic from one business to another without having to enter the highway traffic; to discourage single dwelling residential uses; to protect environmentally sensitive areas, such as the floodplain, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the LB district is limited and many of the permitted and conditional uses have additional standards that apply to them to ensure compatibility with adjacent residential uses.		
Primary Uses		
Agricultural Uses <ul style="list-style-type: none"> • Agricultural, Traditional • Community/Institutional Garden* • Logging* Residential Uses <ul style="list-style-type: none"> • Boarding House • Continuing Care Retirement Community* • Emergency Housing/Short Term Shelter • Manufactured Home Park* • Residential Facility for the Developmentally Disabled* • Residential Facility for Mentally Ill Individuals* Public and Semi-Public Uses <ul style="list-style-type: none"> • Child Care Center* • Farmers Market* • Governmental Facility* • Medical Clinic • Parks and Playgrounds • Police, Fire, or Rescue Station* 	<ul style="list-style-type: none"> • Religious Assembly • Relocation of Pole Signs* • School* • Social Service Use • Utility, Minor* Personal Uses <ul style="list-style-type: none"> • Artisan Crafts, Food, or Beverage Production • Bed and Breakfast • Caterer/Commercial Kitchen* • Dry Cleaning and Laundry* • Financial Institution • Financial Institution, Drive-Through* • Personal Services • Real Estate Sales/Model Home Office • Rehabilitative Therapy Facility* Business Uses <ul style="list-style-type: none"> • Office • Parking Facility* • Repair Services, Off-Site 	Retail Uses <ul style="list-style-type: none"> • Firearm Sales* • Microbrewery/Brewpub* • Pharmacy • Restaurant, Café/Coffee Shop* • Restaurant, Sit-Down* • Retail Sales, Small Scale* Automotive and Transportation Uses <ul style="list-style-type: none"> • Automotive/Boat Service and Repair, Minor* • Electric Vehicle Charging Station Amusement and Recreational Uses <ul style="list-style-type: none"> • Resort* Industrial Uses <ul style="list-style-type: none"> • General Contractor • Industrial Manufacturing, Light* Mixed Uses and Adaptive Reuse <ul style="list-style-type: none"> • Dwelling, Live/Work* • Mixed Use, Commercial*
Conditional Uses		
Residential Uses <ul style="list-style-type: none"> • Long Term Shelter* Public and Semi-Public Uses <ul style="list-style-type: none"> • Birthing Center* • Central Garbage/Rubbish Collection Facility* • Recycling Center* • Wastewater Treatment Facility* • Wireless Communication Facilities* 	Personal Uses <ul style="list-style-type: none"> • Financial Institution, Drive-Through* • Veterinary Service, Small Animal* Retail Uses <ul style="list-style-type: none"> • Grocery Store* • Pharmacy, Drive-Through* • Retail Sales, Medium Scale* 	Automotive and Transportation Uses <ul style="list-style-type: none"> • RV/Boat Storage* Amusement and Recreational Uses <ul style="list-style-type: none"> • Campground, Commercial* • Fitness Center* Mixed Uses and Adaptive Reuse <ul style="list-style-type: none"> • Adaptive Reuse* • Historic Adaptive Reuse*
Accessory Uses		Temporary Uses
Retail Uses <ul style="list-style-type: none"> • Outdoor Retail and Display* 		General Uses <ul style="list-style-type: none"> • Commercial Use*
(*) Indicates uses that have additional use-specific standards. See Section XXX or the link following the use.		

Table 804.1-2: LB Summary of Dimensional Standards

Development Standards		Minimum Setbacks - Measured from Road Centerline	
Minimum Lot Width at Building Line	50 feet	Front Yard – Parking	10 feet behind principal structure ^{1,2,52}
Minimum Lot Size ⁵³	None	Front Yard – Local	40 feet ^{1,3,6}
Maximum Height (Principal Structure)	35 feet	Front Yard - Minor Collector	60 feet ^{1,3,6}
Maximum Height (Accessory Structure) ⁵⁴	20 feet ⁴	Front Yard - Major Collector	70 feet ^{1,3,6}
Maximum Impervious Cover	65% of Lot Size ⁵⁵	Front Yard - Minor/Major Arterial	90 feet ^{1,3,6}
Maximum Impervious Cover for Development within a Critical Watershed	45% of Lot Size	Front Yard - Interstate	150 feet ^{1,3,6}
Subdivision Standards (See Chapter XX)		Minimum Setbacks from Property Line	
Minimum Lot Size	1 acre ⁷	Side Yard (Parking and Building)	20 feet ^{4,5}
Minimum Lot Width at Building Line	50 feet	Rear Yard (Parking and Building)	20 feet ^{4,5}
Contiguous Minimum Buildable Area	0.5 acre		

¹ Front yard setback applies to any yard fronting on any street. Front yard setback is measured from the right-of-way line of a public road. If there is no direct frontage, the setback is 25 feet from the property line.

² For corner lots, the parking shall not be located in the front yard along both rights-of-way.⁵⁶

³ Not applicable for properties abutting or adjoining overpasses.

⁴ Additional regulations for accessory structures are in [Section 811.2\(A\)](#).

⁵ Not applicable for properties adjoining a rail spur.

⁶ For lots within a platted subdivision, or where right-of-way is dedicated/has been granted, the more restrictive setback shall apply (either the platted setbacks or the zoning setbacks).

⁷ If the property has access to a septic system, the minimum lot size to subdivide shall be 10 acres by survey. See Chapter XX.

Dimensional Standards Illustration	Example Development Pattern

⁵² New – PC to review.

⁵³ LB is comprised of ~287 parcels – 34% are zoned LB (no minimum lot size); 34% are zoned PB (no minimum lot size); 9% CL (0.16 acres); 5% RS3.5 (0.22 acres); 2% SR (1 acre); and 7% CA (0.12 acres).

⁵⁴ Added accessory structure max height in this zone.

⁵⁵ Currently allows 85% building coverage under LI and PB. This would be a reduction.

⁵⁶ New – to require parking behind buildings, with a specific accommodation for corner lots.

2. General Business “GB” Zoning District

Table 804.2-1: GB District Purpose and Uses

District Character		
The character of the General Business “GB” Zoning District is defined as that which is primarily intended to meet the needs for heavy retail business uses. General business uses should be placed into cohesive groupings rather than on individual properties along highways in order to take advantage of major thoroughfares for traffic dissemination. Access control should be emphasized.		
Purpose		
The purposes of the GB Zoning District are to encourage the development of groups of nonresidential uses that share common highway access and/or provide interior cross-access in order to allow traffic to flow from one business to another without having to enter the highway; to discourage single dwelling residential uses; to protect environmentally sensitive areas, such as the floodplain, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the GB district is limited and many of the permitted and conditional uses have additional standards that apply to them to ensure compatibility with adjacent residential uses.		
Primary Uses		
Agricultural Uses <ul style="list-style-type: none"> • Agricultural, Traditional • Community/Institutional Garden* • Farm Supply & Equipment Sales and/or Repair • Logging* Residential Uses <ul style="list-style-type: none"> • Boarding House • Continuing Care Retirement Community* • Emergency Housing/Short Term Shelter • Manufactured Home Park* • Residential Facility for the Developmentally Disabled* • Residential Facility for Mentally Ill Individuals* Public and Semi-Public Uses <ul style="list-style-type: none"> • Birthing Center • Child Care Center* • Clubs/Lodges* • Crematory/Funeral Home • Farmers Market* • Governmental Facility* • Hospital* • Medical Clinic • Parks and Playgrounds • Police, Fire, or Rescue Station* • Radio/TV Stations • Religious Assembly • Relocation of Pole Signs* • School* • Social Service Use • Utility, Minor* 	<ul style="list-style-type: none"> • Religious Assembly* • Relocation of Pole Signs* • School* • Social Service Use* • Utility, Minor* Personal Uses <ul style="list-style-type: none"> • Artisan Crafts, Food, or Beverage Production • Bed and Breakfast • Caterer/Commercial Kitchen* • Dry Cleaning and Laundry* • Financial Institution • Personal Services • Real Estate Sales/Model Home Office • Rehabilitative Therapy Facility* • Veterinary Service, Small Animal* Business Uses <ul style="list-style-type: none"> • Business Services • Event Center* • Hotel/Motel* • Office • Parking Facility* • Repair Services, Drop-Off • Repair Services, Off-Site • Taxidermist* Retail Uses <ul style="list-style-type: none"> • Artisan Distillery • Auction House • Firearm Sales • Garden Center • Grocery Store • Liquor Store 	<ul style="list-style-type: none"> • Manufactured Housing Sales • Microbrewery/Brewpub • Pharmacy* • Restaurant, Café/Coffee Shop* • Restaurant, Fast Casual* • Restaurant, Sit-Down* • Retail Sales, Large Scale* • Retail Sales, Medium Scale* • Retail Sales, Small Scale Automotive and Transportation Uses <ul style="list-style-type: none"> • Automotive/Boat Service and Repair, Major* • Automotive Sales and Rental* • Car Wash* • Electric Vehicle Charging Station • Fueling Station* Amusement and Recreational Uses <ul style="list-style-type: none"> • Fitness Center • Recreation Center, Private* • Resort* • Theater, Indoor Industrial Uses <ul style="list-style-type: none"> • Commercial Print Shop • Construction Trailer and Equipment Rental • General Contractor • Industrial Equipment Sales and Rental* • Industrial Manufacturing, Light Mixed Uses and Adaptive Reuse <ul style="list-style-type: none"> • Dwelling, Live/Work* • Commercial/Industrial Adaptive Reuse* • Mixed Use, Commercial*
Conditional Uses		
Residential Uses <ul style="list-style-type: none"> • Long Term Shelter* Public and Semi-Public Uses <ul style="list-style-type: none"> • Central Garbage/Rubbish Collection Facility* • Recycling Center* • Wastewater Treatment Facility* • Wireless Communication Facilities* 	Personal Uses <ul style="list-style-type: none"> • Financial Institution, Drive-Through* Retail Uses <ul style="list-style-type: none"> • Pharmacy, Drive-Through* • Restaurant Drive-Through* • Retail Sales, Includes Drive-Through* • Retail Sales, Big Box* 	<ul style="list-style-type: none"> • Smoke Shop* Amusement and Recreational Uses <ul style="list-style-type: none"> • Rodeo and other Transient Amusement Enterprises* Mixed Uses and Adaptive Reuse <ul style="list-style-type: none"> • Adaptive Reuse* • Historic Adaptive Reuse*
Accessory Uses		Temporary Uses
Retail Uses <ul style="list-style-type: none"> • Outdoor Retail and Display* 		General Uses <ul style="list-style-type: none"> • Commercial Use*
(*) Indicates uses that have additional use-specific standards. See Section XXX or the link following the use.		

Table 804.2-2: GB Summary of Dimensional Standards

Development Standards		Minimum Setbacks - Measured from Road Centerline	
Minimum Lot Width at Building Line	50 feet	Front Yard – Local	50 feet ^{1,2,5}
Minimum Lot Size ⁵⁷	None	Front Yard - Minor Collector	70 feet ^{1,2,5}
Maximum Height (Principal Structure)	45 feet	Front Yard - Major Collector	90 feet ^{1,2,5}
Maximum Height (Accessory Structure) ⁵⁸	20 feet	Front Yard - Minor/Major Arterial	110 feet ^{1,2,5}
Maximum Impervious Cover	65% of Lot Size	Front Yard - Interstate	150 feet ^{1,2,5}
Maximum Impervious Cover for Development within a Critical Watershed	45% of Lot Size	Front Yard - Water Body, Riparian Area	See XX
Subdivision Standards (See Chapter XX)		Minimum Setbacks from Property Line	
Minimum Lot Size	1 acre ⁶	Side Yard (Parking and Building)	20 feet ^{4,5}
Minimum Lot Width at Building Line	50 feet	Rear Yard (Parking and Building)	20 feet ^{4,5}
Contiguous Minimum Buildable Area	0.5 acre		

¹ Front yard setback applies to any yard fronting on any street. Front yard setback is measured from the right-of-way line of a public road. If there is no direct frontage, the setback is 25 feet from the property line.

² Not applicable for properties abutting or adjoining overpasses.

³ Additional regulations for accessory structures are in [Section 811.2\(A\)](#).

⁴ Not applicable for properties adjoining a rail spur.

⁵ For lots within a platted subdivision, or where right-of-way is dedicated/has been granted, the more restrictive setback shall apply (either the platted setbacks or the zoning setbacks).

⁶ If the property has access to a septic system, the minimum lot size to subdivide shall be 10 acres by survey. See Chapter XX.

Dimensional Standards Illustration	Example Development Pattern

⁵⁷ GB is comprised of 111 parcels – 83% zoned GB (no minimum lot size); 4% LI (no minimum lot size); 3% zoned LR (0.34 acres); 3% zoned AG/RR (2.5 acres); 2% zoned HI (no minimum lot size).

⁵⁸ Added accessory structure max height in this zone.

807.INDUSTRIAL ZONING DISTRICTS

1. Light Industrial “LI” Zoning District

Table 805.1-1: LI District Purpose and Uses

District Character		
The character of the Light Industrial “LI” Zoning District is defined as that which is primarily intended for industrial uses that have minimal exterior movement of vehicles and goods.		
Purpose		
The purposes of the LI Zoning District are to establish areas for the exclusive development of light industries; to discourage residential and commercial uses; to protect environmentally sensitive areas, such as the floodplain, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Uses shall be restricted to activities that are not a nuisance because of dust, fumes, noise, odor, refuse matter, smoke, vibration, water-carried waste, or other adverse effects on surrounding uses. Therefore, the number of uses permitted in the GB district is limited and many of the permitted and conditional uses have additional standards that apply to them to ensure compatibility with adjacent non-industrial uses. The LI District shall provide open space, landscaping, and buffering in order to achieve desirable site development.		
Primary Uses		
Agricultural Uses <ul style="list-style-type: none"> • Agriculture-Related Commerce • Agriculture, Traditional • Community/Institutional Garden* • Farm Supply & Equipment Sales and/or Repair • Logging* Residential Uses <ul style="list-style-type: none"> • Emergency Housing/Short Term Shelter • Manufactured Home Park* Public and Semi-Public Uses <ul style="list-style-type: none"> • Child Care Center* • Farmers Market* • Parks and Playgrounds • Police, Fire, or Rescue Station* • Radio/TV Stations • Recreation Center, Public • Relocation of Pole Signs* • Social Service Use • Utility, Minor* 	Personal Uses <ul style="list-style-type: none"> • Artisan Crafts, Food, or Beverage Production • Kennels* • Rehabilitative Therapy Facility* • Self-Storage* • Veterinary Service, Small Animal* Business Uses <ul style="list-style-type: none"> • Business Services • Food Wholesale • Office • Parking Facility* • Repair Services, Drop-Off • Repair Services, Off-Site • Taxidermist* Retail Uses <ul style="list-style-type: none"> • Auction House • Garden Center 	Automotive and Transportation Uses <ul style="list-style-type: none"> • Automotive/Boat Service and Repair, Major* • Electric Vehicle Charging Station • Fueling Station* • RV/Boat Storage* • Transfer or Storage Terminal* Industrial Uses <ul style="list-style-type: none"> • Commercial Print Shop • Construction Trailer and Equipment Rental • Food Processing and Packaging • General Contractor • Industrial Equipment Sales and Rental • Industrial Manufacturing, Light • Research Laboratories • Small Engine and Motor Repair • Warehouse and Distribution* Mixed Uses and Adaptive Reuse <ul style="list-style-type: none"> • Commercial/Industrial Adaptive Reuse*
Conditional Uses		
Agricultural Uses <ul style="list-style-type: none"> • Intensive Agriculture* Public and Semi-Public Uses <ul style="list-style-type: none"> • Central Garbage/Rubbish Collection Facility* • Crematory/Funeral Home* • Recycling Center* • Solar Farm* • Wastewater Treatment Facility* 	<ul style="list-style-type: none"> • Water Treatment Facility* • Wireless Communications Facilities* Personal Uses <ul style="list-style-type: none"> • Financial Institution, Drive-Through* Retail Uses <ul style="list-style-type: none"> • Retail Sales, Includes Drive-Through* • Retail Sales, Big Box* • Retail Sales, Large Scale* 	Automotive and Transportation Uses <ul style="list-style-type: none"> • Automobile Storage Facility (Impound Lot)* • Trucking Terminal* Mixed Uses and Adaptive Reuse <ul style="list-style-type: none"> • Adaptive Reuse* • Historic Adaptive Reuse*
Accessory Uses		Temporary Uses
		General Uses <ul style="list-style-type: none"> • Commercial Use*
(*) Indicates uses that have additional use-specific standards. See Section XXX or the link following the use.		

Table 805.2-2: LI Summary of Dimensional Standards

Development Standards		Minimum Setbacks - Measured from Road Centerline	
Minimum Lot Width at Building Line	60 feet	Front Yard – Local	50 feet ^{1,3,5}
Minimum Lot Size ⁵⁹	None	Front Yard - Minor Collector	70 feet ^{1,3,5}
Maximum Height (Principal Structure)	50 feet	Front Yard - Major Collector	90 feet ^{1,3,5}
Maximum Height (Accessory Structure) ⁶⁰	35 feet ⁴	Front Yard - Minor/Major Arterial	110 feet ^{1,3,5}
Maximum Impervious Cover	65% of Lot Size	Front Yard - Interstate	150 feet ^{1,3,5}
Maximum Impervious Cover for Development within a Critical Watershed	45% of Lot Size	Front Yard - Water Body, Riparian Area	See XX
Subdivision Standards (See Chapter XX)		Minimum Setbacks from Property Line	
Minimum Lot Size	1 acre ⁶	Side Yard (Parking and Building)	20 feet ^{2,5}
Minimum Lot Width at Building Line	50 feet	Rear Yard (Parking and Building)	20 feet ^{2,5}
Contiguous Minimum Buildable Area	0.5 acre		

¹ Front yard setback applies to any yard fronting on any street. Front yard setback is measured from the right-of-way line of a public road. If there is no direct frontage, the setback is 25 feet from the property line.

² No setbacks required for properties adjoining a rail spur.

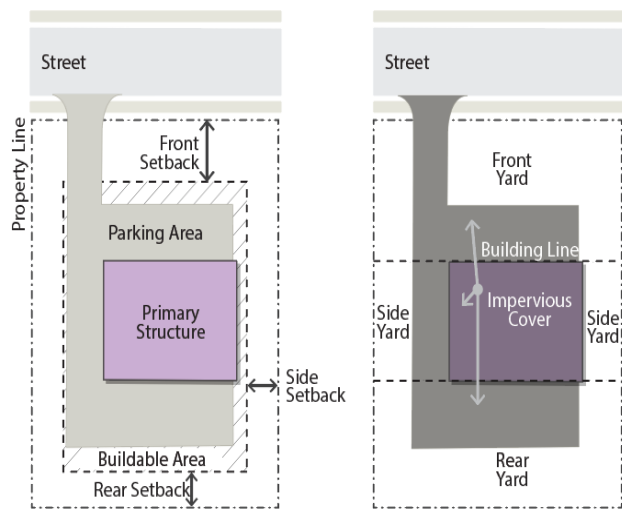

³ Not applicable for properties abutting or adjoining overpasses.

⁴ Additional regulations for accessory structures are in [Section 811.2\(A\)](#).

⁵ For lots within a platted subdivision, or where right-of-way is dedicated/has been granted, the more restrictive setback shall apply (either the platted setbacks or the zoning setbacks).

⁶ If the property has access to a septic system, the minimum lot size to subdivide shall be 10 acres by survey. See Chapter XX.

Dimensional Standards Illustration	Example Development Pattern
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⁵⁹ LI is comprised of ~300 parcels – 59% are zoned IL (no minimum lot size); 34% are zoned LI (no minimum lot size); 2% are zoned HI (no minimum lot size); and 2% are zoned GB (no minimum lot size).

⁶⁰ Added accessory structure max height in this zone.

2. Heavy Industrial “HI” Zoning District

Table 805.2-1: HI District Purpose and Uses

District Character		
The character of the Heavy Industrial “HI” Zoning District is defined as that which is primarily intended for industrial uses that have extensive exterior movement of vehicles and goods.		
Purpose		
The purposes of the HI Zoning District are to establish areas industrial uses; to discourage residential and commercial uses; to protect environmentally sensitive areas, such as the floodplain, karst, and steep slopes; and to maintain the character of the surrounding neighborhood. Therefore, the number of uses permitted in the HI district is limited and many of the permitted and conditional uses have additional standards that apply to them to ensure compatibility with adjacent uses. The intensity of uses associated with the HI District requires imposing strict measures, such as extensive setbacks, buffers, and landscaping, to control adverse environmental and visual impacts.		
Primary Uses		
Agricultural Uses <ul style="list-style-type: none"> • Agriculture, Traditional • Community/Institutional Garden* • Farm Supply & Equipment Sales and/or Repair • Logging* Residential Uses <ul style="list-style-type: none"> • Emergency Housing/Short Term Shelter • Manufactured Home Park* Public and Semi-Public Uses <ul style="list-style-type: none"> • Farmers Market* • Governmental Facility* • Parks and Playgrounds* • Police, Fire, or Rescue Station* • Recreation Center, Public • Relocation of Pole Signs* • Social Service Use • Utility, Minor* 	Personal Uses <ul style="list-style-type: none"> • Artisan Crafts, Food, or Beverage Production • Veterinary Service, Small Animal* Business Uses <ul style="list-style-type: none"> • Business Services • Food Wholesale • Parking Facility* • Repair Services, Off-Site • Taxidermist* Retail Uses <ul style="list-style-type: none"> • Manufactured Housing Sales Automotive and Transportation Uses <ul style="list-style-type: none"> • Automotive/Boat Service and Repair, Major • Automobile Storage Facility (Impound Lot)* • Electric Vehicle Charging Station • Transfer or Storage Terminal* • Trucking Terminal* 	Amusement and Recreational Uses <ul style="list-style-type: none"> • Resort* Industrial Uses <ul style="list-style-type: none"> • Cut Stone and Stone Products • Food Processing and Packaging • Industrial Equipment Sales and Rental • Industrial Manufacturing, Heavy* • Industrial Manufacturing, Light • Research Laboratories • Warehouse and Distribution Mixed Uses and Adaptive Reuse <ul style="list-style-type: none"> • Airport/Related Business*
Conditional Uses		
Agricultural Uses <ul style="list-style-type: none"> • Intensive Agriculture* Public and Semi-Public Uses <ul style="list-style-type: none"> • Central Garbage/Rubbish Collection Facility* • Composting Facility* • Correction/Detention Facilities* • Crematory/Funeral Home* • Recycling Center* • Solar Farm* • Solid Waste Transfer Station* • Utility, Major* 	<ul style="list-style-type: none"> • Wastewater Treatment Facility* • Water Treatment Facility* • Wireless Communications Facilities* Retail Uses <ul style="list-style-type: none"> • Retail Sales, Includes Drive-Through* Automotive and Transportation Uses <ul style="list-style-type: none"> • Automotive Salvage* • Truck Stop/Travel Plaza* 	Industrial Uses <ul style="list-style-type: none"> • Cement, Paving, Central Mixing, Rock Crushing* Mixed Uses and Adaptive Reuse <ul style="list-style-type: none"> • Adaptive Reuse* • Historic Adaptive Reuse*
Accessory Uses		Temporary Uses
		General Uses <ul style="list-style-type: none"> • Commercial Use*
(*) Indicates uses that have additional use-specific standards. See Section XXX or the link following the use.		

Table 805.2-2: HI Summary of Dimensional Standards

Development Standards		Minimum Setbacks - Measured from Road Centerline	
Minimum Lot Width at Building Line	100 feet	Front Yard – Local	50 feet ^{1,5}
Minimum Lot Size ⁶¹	None	Front Yard - Minor Collector	70 feet ^{1,5}
Maximum Height (Principal Structure)	60 feet	Front Yard - Major Collector	90 feet ^{1,5}
Maximum Height (Accessory Structure) ⁶²	35 feet ⁴	Front Yard - Minor/Major Arterial	110 feet ^{1,5}
Maximum Impervious Cover	70% of Lot Size	Front Yard - Interstate	150 feet ^{1,5}
Maximum Impervious Cover for Development within a Critical Watershed	50% of Lot Size ⁶³	Front Yard - Water Body, Riparian Area	See XX
Subdivision Standards (See Chapter XX)		Minimum Setbacks from Property Line	
Minimum Lot Size	1 acre ⁶	Side Yard (Parking and Building)	20 feet ^{2,5,64}
Minimum Lot Width at Building Line	100 feet	Rear Yard (Parking and Building)	20 feet ^{2,5}
Contiguous Minimum Buildable Area	0.5 acre		

¹ Front yard setback applies to any yard fronting on any street. Front yard setback is measured from the right-of-way line of a public road. If there is no direct frontage, the setback is 25 feet from the property line.

² No setbacks required for properties adjoining a rail spur.

³ Not applicable for properties abutting or adjoining overpasses.

⁴ Additional regulations for accessory structures are in [Section 811.2\(A\)](#).

⁵ For lots within a platted subdivision, or where right-of-way is dedicated/has been granted, the more restrictive setback shall apply (either the platted setbacks or the zoning setbacks).

⁶ If the property has access to a septic system, the minimum lot size to subdivide shall be 10 acres by survey. See Chapter XX.

Dimensional Standards Illustration	Example Development Pattern

⁶¹ HI is comprised of ~114 parcels. 58% are zoned HI (no minimum lot size); 8% are zoned LI (no minimum lot size).

⁶² Added accessory structure max height in this zone.

⁶³ Needs Drainage Board Review. Changing from Building Coverage to Impervious Cover.

⁶⁴ Needs Planning Commission review. Increasing the setbacks to better account for possible bufferyard width requirements (20 feet is the most restrictive).

3. Mineral Extraction “ME” Zoning District

Table 805.3-1: ME District Purpose and Uses

District Character		
The character of the Mineral Extraction “ME” Zoning District is defined as that which is primarily intended for limestone extraction and stone processing activities, and where known limestone reserves exist but have not been tapped and limited agricultural uses.		
Purpose		
The purposes of the ME Zoning District are to establish areas industrial uses; to protect areas of known limestone reserves from encroachment by incompatible residential and commercial development; to discourage residential, commercial, and industrial uses; to protect environmentally sensitive areas, such as the floodplain, karst, and steep slopes; and to maintain the character of the surrounding neighborhood to the greatest extent possible. Therefore, the number of uses permitted in the ME district is severely limited due to the intensive nature of the extractive operations.		
Primary Uses		
Agricultural Uses <ul style="list-style-type: none"> • Agriculture, Traditional • Community/Institutional Garden* • Logging* Residential Uses <ul style="list-style-type: none"> • Emergency Housing/Short Term Shelter • Manufactured Home Park* 	Public and Semi-Public Uses <ul style="list-style-type: none"> • Farmers Market* • Greenfill* • Parks and Playgrounds • Police, Fire, or Rescue Station* Relocation of Pole Signs* Automotive and Transportation Uses <ul style="list-style-type: none"> • Electric Vehicle Charging Station 	Amusement and Recreational Uses <ul style="list-style-type: none"> • Resort* Industrial Uses <ul style="list-style-type: none"> • Cut Stone and Stone Products • Mineral Resource Extraction*
Conditional Uses		
Public and Semi-Public Uses <ul style="list-style-type: none"> • Central Garbage/Rubbish Collection Facility* • Composting Facility* • Recycling Center* • Solar Farm* • Solid Waste Transfer Station* 	<ul style="list-style-type: none"> • Wastewater Treatment Facility* • Wireless Communications Facilities* 	Industrial Uses <ul style="list-style-type: none"> • Cement, Paving, Central Mixing, Rock Crushing* Mixed Uses and Adaptive Reuse <ul style="list-style-type: none"> • Adaptive Reuse* • Historic Adaptive Reuse*
Accessory Uses		Temporary Uses
(*) Indicates uses that have additional use-specific standards. See Section XXX or the link following the use.		

Table 805.3-2: ME Summary of Dimensional Standards

Development Standards		Minimum Setbacks - Measured from Road Centerline	
Minimum Lot Width at Building Line	None	Front Yard – Local	40 feet ^{1,2,5}
Minimum Lot Size ⁶⁵	None	Front Yard - Minor Collector	60 feet ^{1,2,5}
Maximum Height (Principal Structure)	45 feet	Front Yard - Major Collector	70 feet ^{1,2,5}
Maximum Height (Accessory Structure) ⁶⁶	35 feet ⁴	Front Yard - Minor/Major Arterial	90 feet ^{1,2,5}
Maximum Impervious Cover	80% of Lot Size ⁶⁷	Front Yard - Interstate	150 feet ^{1,2,5}
Maximum Impervious Cover for Development within a Critical Watershed	70% of Lot Size	Front Yard - Water Body, Riparian Area	See XX
Subdivision Standards (See Chapter XX)		Minimum Setbacks from Property Line	
Minimum Lot Size	1 acre ⁶	Side Yard (Parking and Building)	50 feet ^{4,5}
Minimum Lot Width at Building Line	200 feet	Rear Yard (Parking and Building)	50 feet ^{4,5}
Contiguous Minimum Buildable Area	None		

¹ Front yard setback applies to any yard fronting on any street. Front yard setback is measured from the right-of-way line of a public road. If there is no direct frontage, the setback is 25 feet from the property line.

² No setbacks required for properties adjoining a rail spur.

³ Not applicable for properties abutting or adjoining overpasses.

⁴ Additional regulations for accessory structures are in [Section 811.2\(A\)](#).

⁵ For lots within a platted subdivision, or where right-of-way is dedicated/has been granted, the more restrictive setback shall apply (either the platted setbacks or the zoning setbacks).

⁶ If the property has access to a septic system, the minimum lot size to subdivide shall be 10 acres by survey. See Chapter XX.

Dimensional Standards Illustration	Example Development Pattern

⁶⁵ Comprised of ~340 parcels, 99% of land zoned ME (no minimum lot size); 1% of land zoned AG/RR (2.5 acres).

⁶⁶ Added accessory structure max height in this zone.

⁶⁷ New – need to check with Legal.

808.AIRPORT ZONING DISTRICT

1. Airport “AP” Zoning District

Table 806.1-1: AP District Purpose and Uses

District Character and Purpose		
The Airport District is intended to protect the airport from encroaching land uses which would hamper its operation and to protect those land uses from negative impacts associated with safety and noise. Additionally, the Airport District allows for uses appropriate associated with an airport.		
Primary Uses		
Agricultural Uses <ul style="list-style-type: none"> • Agriculture-Related Commerce* • Agriculture, Traditional • Community/Institutional Garden* • Equestrian Services/Stables* • Farm Store* • Logging* • Nursery/Greenhouse* Residential Uses <ul style="list-style-type: none"> • Emergency Housing/Short Term Shelter • Manufactured Home Park* Public and Semi-Public Uses <ul style="list-style-type: none"> • Birthing Center* • Cemetery/Mausoleum* • Clubs/Lodges* • Cultural Facility* • Educational Facilities and Trade Schools* • Farmers Market* • Governmental Facility* • Medical Clinic* • Police, Fire, or Rescue Station* • Radio/TV Station* • Recreation Center, Public* • Religious Assembly* • Relocation of Pole Signs* • Social Service Use* • Utility, Minor* Personal Uses <ul style="list-style-type: none"> • Artisan Crafts, Food, or Beverage Production* • Bed and Breakfast* 	<ul style="list-style-type: none"> • Caterer/Commercial Kitchen* • Dry Cleaning and Laundry* • Financial Institution* • Personal Services* • Real Estate Sale/Model Home Office* • Rehabilitative Therapy Facility* • Self-Storage* • Short Term Rental – Owner Occupied* • Tourist Home/Cabin* Business Uses <ul style="list-style-type: none"> • Business Services* • Event Center* • Food Wholesale* • Hotel/Motel* • Office* • Parking Facility* • Repair Services, Drop-Off* • Repair Services, Off-Site* • Taxidermist* Retail Uses <ul style="list-style-type: none"> • Artisan Distillery* • Auction House* • Firearm Sales* • Liquor Store* • Manufactured Housing Sales* • Microbrewery/Brewpub* • Pharmacy* • Restaurant, Café/Coffee Shop* • Restaurant, Sit-Down 	Automotive and Transportation Uses <ul style="list-style-type: none"> • Automotive/Boat Service and Repair, Major* • Automotive/Boat Service and Repair, Minor* • Automotive Sales and Rental* • Automotive Sales and Rental* • Automobile Storage Facility (Impound Lot)* • Car Wash* • Electric Vehicle Charging Station* • Fueling Station* • RV/Boat Storage* • Transfer or Storage Terminal* Amusement and Recreational Uses <ul style="list-style-type: none"> • Recreation Center, Private* • Resort* • Theater, Indoor* Industrial Uses <ul style="list-style-type: none"> • Commercial Print Shop* • Construction Trailer and Equipment Rental* • Cut Stone and Stone Products* • Food Processing and Packaging* • General Contractor* • Industrial Sales and Rental* • Industrial Manufacturing, Light* • Research Laboratories* • Small Engine and Motor Repair* • Warehouse and Distribution* Mixed Uses and Adaptive Reuse <ul style="list-style-type: none"> • Airport/Related Business* • Commercial/Industrial Adaptive Reuse* • Mixed Use, Commercial*
Conditional Uses		
Agricultural Uses <ul style="list-style-type: none"> • Agritainment/Agritourism* • Equestrian Center* • Farm Supply & Equipment Sales and/or Repair* • Veterinary Service, Large Animal* • Winery* • Utility, Major* • Wastewater Treatment Facility* • Water Treatment Facility* • Wireless Communications Facilities* Public and Semi-Public Uses <ul style="list-style-type: none"> • Correction/Detention Facilities* • Crematory/Funeral Home* • Solid Waste Transfer Station* • Recycling Center* • Solar Farm* 	Personal Uses <ul style="list-style-type: none"> • Financial Institution, Drive-Through* • Kennels* • Veterinary Service, Small Animal* Retail Uses <ul style="list-style-type: none"> • Grocery Store* • Pharmacy, Drive-Through* • Restaurant, Drive-Through* • Restaurant, Fast Casual* • Retail Sales, Includes Drive-Through* • Retail Sales, Big Box* • Retail Sales, Large Scale* • Retail Sales, Medium Scale* • Retail Sales, Small Scale* Automotive and Transportation Uses <ul style="list-style-type: none"> • Automotive Salvage* • Truck Stop/Travel Plaza* • Trucking Terminal* 	Amusement and Recreational Uses <ul style="list-style-type: none"> • Campground, Commercial* • Campground, Primitive* • Fitness Center* • Golf Course* • Indoor Shooting Range* • Racetrack* • Recreational Vehicle (RV) Park* • Rodeo and other Transient Amusement Enterprises* Industrial Uses <ul style="list-style-type: none"> • Sawmill* Mixed Uses and Adaptive Reuse <ul style="list-style-type: none"> • Adaptive Reuse* • Fairgrounds, Public* • Historic Adaptive Reuse*
Accessory Uses		Temporary Uses

Retail Uses <ul style="list-style-type: none"> Outdoor Retail and Display 	General Uses <ul style="list-style-type: none"> Commercial Use* Agricultural Uses <ul style="list-style-type: none"> Roadside Stand*
(*) Indicates uses that have additional use-specific standards. See Section XXX or the link following the use.	

Table 806.1-2: AP Summary of Dimensional Standards

Development Standards		Minimum Setbacks - Measured from Road Centerline	
Minimum Lot Width at Building Line	None	Front Yard – Local	40 feet ^{1,3,6}
Minimum Lot Size ⁶⁸	None	Front Yard - Minor Collector	60 feet ^{1,3,6}
Maximum Height (Principal Structure)	45 feet	Front Yard - Major Collector	70 feet ^{1,3,6}
Maximum Height (Accessory Structure) ⁶⁹	35 feet ⁴	Front Yard - Minor/Major Arterial	90 feet ^{1,3,6}
Maximum Impervious Cover	60% of Lot Size	Front Yard - Interstate	150 feet ^{1,3,6}
Maximum Impervious Cover for Development within a Critical Watershed	50% of Lot Size	Front Yard - Water Body, Riparian Area	See XX
Subdivision Standards (See Chapter XX)		Minimum Setbacks from Property Line	
Minimum Lot Size	1.25 acre ⁷	Side Yard	25 feet ^{2,5,6}
Minimum Lot Width at Building Line	100 feet	Rear Yard	25 feet ^{2,5,6}
Contiguous Minimum Buildable Area	1 acre		

¹ Front yard setback applies to any yard fronting on any street. Front yard setback is measured from the right-of-way line of a public road. If there is no direct frontage, the setback is 25 feet from the property line.

² Side and rear yard setbacks shall be increased to 50 feet if adjacent to a residential zoning district.

³ Not applicable for properties abutting or adjoining overpasses.

⁴ Additional regulations for accessory structures are in [Section 811.2\(A\)](#).

⁵ No setback required when adjoining a rail spur.

⁶ For lots within a platted subdivision, or where right-of-way is dedicated/has been granted, the more restrictive setback shall apply (either the platted setbacks or the zoning setbacks).

⁷ If the property has access to a septic system, the minimum lot size to subdivide shall be 10 acres by survey. See Chapter XX.

Dimensional Standards Illustration	Example Development Pattern

⁶⁸ AP is comprised of 52 parcels – 94% of which are currently zoned AP (no minimum lot size); 4% are zoned RE2.5 (2.5 acres); and 2% is zoned LI (no minimum lot size).

⁶⁹ Added accessory structure max height in this zone.

809. ESTABLISHMENT OF ZONE MAPS

1. Monroe County 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 as follows:
 - i. Zoning Map of Bean Blossom Township
 - ii. Zoning Map of Benton (North) Township
 - iii. Zoning Map of Benton (South) Township
 - iv. Zoning Map of Bloomington Township
 - v. Zoning Map of Clear Creek Township
 - vi. Zoning Map of Indian Creek Township
 - vii. Zoning Map of Perry Township
 - viii. Zoning Map of Polk Township
 - ix. Zoning Map of Richland Township
 - x. Zoning Map of Salt Creek Township
 - xi. Zoning Map of Van Buren Township
 - xii. Zoning Map of Washington Township
 - xiii. 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”.

2. 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:
 - i. Unless otherwise indicated, the zone boundary lines are the section, half and quarter section lines, the center lines of streets or such lines extended;
 - ii. Where zone boundary lines divide a lot, the zoning that is shown where the development is proposed shall apply⁷⁰; and

⁷⁰ Changed.

- iii. In the case of further certainty, the Commission shall interpret the intent of the Zone Map as to the location of the boundary in question.

Zoning Use Regulations

810.USE REGULATIONS

1. Permitted Land Use Table

- A. **Use Table Identified.** The chart and conditions of Table XXX are incorporated in this section and are adopted as the Basic land use regulations of the County Jurisdictional Area. The chart and conditions, which may be generally referred to as the “County Land Use Schedule”, identify the types of land uses that are permitted within the County Jurisdictional Area.
- B. **How to Use the Table**
- i. To determine the zone(s) in which a particular use is allowed, find the use in the list of uses along the left-hand side of Table XXX and read across the use row to find the zone column designations.
 - ii. The uses listed in Table XXX are laid out in the following categories:
 - a. Agricultural
 - b. Residential
 - c. Public and Semi-Public Facilities
 - d. Business and Personal Services
 - e. Retail and Wholesale Trade
 - f. Automotive and Transportation Services
 - g. Amusement and Recreational Services
 - h. Manufacturing, Mining, Construction, and Industrial Uses
 - i. Adult Oriented Uses
 - j. Mixed Uses and Adaptive Reuse⁷¹
 - k. General Uses

C. **Permitted Land Use Table Legend**

- i. A “**P**” in the table means the use is allowed in that zoning district. A “**PS**” in the table means that the use is allowed subject to certain development standards in that zoning district immediately following the table.⁷²
- ii. A blank space signifies that a use is **not** permitted in the zoning district.
- iii. A “**C**” in the table means the use is conditionally allowed in that zoning district and is subject to the requirements for conditional uses in Section XXXX and any use-specific standards that may apply.

⁷¹ Removed Accessory Uses

⁷² Added “PS” language

D. Similar Use Determination⁷³

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

⁷³ New similar use language – from Fishers, IN

- E. **Number of Principal Buildings.** Only one principal building and its accessory structures may be located on a legal lot of record unless the development is approved under the category of Mixed Uses and Adaptive Reuse, planned unit development, or the use includes an agricultural use paired with a residential use on the same lot. In the case of an agricultural use and residential use on the same property, the agricultural use shall be considered primary and any agricultural uses involving the general public shall conform to all site plan standards applicable.⁷⁴
- F. **Performance Standards for Permitted Uses.** All permitted uses established or placed into operation after the effective date of this ordinance shall comply with the following performance standards in the interest of protecting public health, safety, and welfare, and lessening injury to property. No use in existence on the effective date of this ordinance shall be so altered as to conflict (or increase an existing conflict) with these standards. The Plan Commission may attach additional conditions to its approval of a use to prevent injurious or obnoxious dust, fumes, gases, noises, odors, refuse matter, smoke, vibrations, water-carried waste, or other objectional conditions in order to preserve the character of the surrounding neighborhood.
- i. **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.
 - ii. **Electrical Disturbance.** No use shall cause electrical disturbance adversely affecting radio, television, telecommunication, or other equipment in the vicinity of the use.
 - iii. **Noise.** No use shall produce noise in such a manner as to be objectional because of volume, frequency, intermittence, heat, shrillness, or vibration. Such noise shall be muffled or otherwise controlled so as not be detrimental, provided however, that public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard. Noise produced by machinery or equipment shall be restricted to 7:00 am to 7:00 pm⁷⁵.
 - iv. **Vibration.** No use shall cause vibrations or concussions detectable beyond lot lines without the aid of instruments.
 - v. **Air Pollution.** No use shall discharge across lot lines fly-ash, dust, smoke, vapors, noxious, toxic, or corrosive matter, or other air pollutants in such concentration as to be detrimental to health, animals, vegetation, or property and/or in conflict with relevant air quality standards established by state and/or federal agencies. Dust and other types of air pollution borne by the wind from such sources as storage areas and roads shall be minimized by landscaping, paving, or other acceptable means⁷⁶.

⁷⁴ New

⁷⁵ New

⁷⁶ New

- vi. **Heat and Glare.** No use shall produce heat or glare in such manner as to create a nuisance perceptible from any point beyond the lot lines of the property on which the use is conducted. In nonresidential areas, any lighting used to illuminate an off-street parking area, loading area, driveway, or service drive shall be shielded with appropriate light fixtures directing the light down and away from adjacent properties in order that the illumination at any property line shall not exceed one foot candle. All exterior lighting shall be hooded and shielded so that the light source (i.e., bulb, filament, etc.) is not directly visible from the residential property lines. In residential areas, exterior lighting at any property line shall not exceed one foot candle. All exterior lighting shall comply with the International Dark-Sky association standards⁷⁷.
- vii. **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.
- viii. **Waste Matter.** No use shall accumulate within the lot, or discharge beyond the boundary lines of the lot on which the use is located, any waste matter, whether liquid or solid, in violation of applicable public health, safety and welfare standards and regulations. No organic or inorganic waste materials shall be disposed of or permanently stored or placed on the site with the exception of compost bins or piles and approved septic systems⁷⁸.
- ix. **Outdoor Storage.** Uses that have outdoor storage of fuel, raw materials, and flammable products, as well as any all HVAC, air conditioners, and dumpsters associated with a site shall be adequately screened as required by the Landscaping Chapter XX to conceal such storage from adjacent properties and public rights-of-way⁷⁹.
- x. **Dust.** Uses or construction activity that produces dust that leaves the property boundary and enters other properties shall take immediate actions to reduce any and all dust leaving the site.

G. Table of Permitted Land Uses

- i. The following uses are permitted in all districts
- ii. All uses require a site plan review and Improvement Location Permit unless stated otherwise.
- iii. Conditional uses must follow conditional use standards in Chapter X. Some conditional uses have additional use standards contained within the following chapters. Such conditions shall apply in addition to the conditional use standards⁸⁰.

⁷⁷ New

⁷⁸ New

⁷⁹ New

⁸⁰ New – to clarify for conditional uses that do not have use specific standards

CHAPTER 810: USE REGULATIONS

1 Permitted Land Use Table

Table 810.1: Table of Permitted Land Uses

	RURAL				RESIDENTIAL						BUSINESS		INDUSTRIAL				
Uses	AG 2.5	FR 5	CR 2.5	RC 1	LD	SD	MD	HD	UD	IP	LB	GB	LI	HI	ME	AP	Ref ⁸¹
GENERAL USES																	
Accessory Buildings or Structures	Permitted upon issuance of an Improvement Location Permit.																Y
Accessory Solar Panel																	Y
Accessory Use																	Y
Accessory Wind Turbine																	Y
Temporary Use, Commercial Use										PS	PS	PS	PS	PS		PS	Y
AGRICULTURAL USES																	
Agricultural Event Center ⁸²	C																Y
Agriculture-Related Commerce	PS	C	PS										P			PS	Y
Agriculture, Traditional	P	P	P	P						P	P	P	P	P	P	P	
Agritainment/ Agritourism	C	C	C													C	Y
Aquaculture	PS																Y
Community/ Institutional Garden	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Y
Equestrian Center	C	C	C													C	Y
Equine Services / Stables	PS															PS	Y
Farm Supply & Equipment Sales and/or Repair	C											P	P	P		C	Y
Farm Store	PS	PS	PS	PS												PS	Y
Feed Mill	C																Y
Intensive Agriculture	C												C	C			Y
Logging	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Y
Nursery/ Greenhouse	PS	PS	PS													PS	Y
Roadside Stand, Temporary	PS	PS	PS	PS		PS										PS	Y
Veterinary Service, Large Animal	C															C	Y
Winery	C	C	C													C	Y
RESIDENTIAL USES																	
Accessory Apartments	PS	PS	PS	PS	PS	PS	PS	PS									Y
Accessory Dwelling Units, Attached and Detached	C	PS	C	C													Y
Accessory Livestock	PS	PS	PS	PS	PS	PS	PS	PS									Y
Artificial Pond or Lake	PS	PS	PS	PS	PS	PS	PS										Y
Boarding house											P	P					
Continuing Care Retirement Community											PS ⁸³	PS					Y

⁸¹ Will replace with section numbers once those are finalized

⁸² Consolidating large, medium, and small agricultural event centers into one use – conditional use will specify applicable size allowed

⁸³ Added this a permitted use in the LB Zoning District

Table 810.1: Table of Permitted Land Uses

Uses	RURAL				RESIDENTIAL					IP	BUSINESS		INDUSTRIAL			AP	Ref ⁸¹
	AG 2.5	FR 5	CR 2.5	RC 1	LD	SD	MD	HD	UD		LB	GB	LI	HI	ME		
Emergency Housing / Short Term Shelter	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Group Home								C	C								
Residential Facility for Developmentally Disabled	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	PS					Y
Residential Facility for Mentally Ill Individuals	C	C	C	C	C	C	C	C	C		PS	PS					Y
Home Based Business	C	C	C	C	C	C	C	C	C								Y
Home Occupation	Permitted , no ILP required.																
Long Term Shelter											C	C					Y
Manufactured Home Park	Permitted as a PUD. See Chapter XX																Y
Multi-Family Dwelling (3-4 units)				C				C	PS								Y
Multi-Family Dwelling (5+ units)									C								Y
Residential Storage Structure ⁸⁴	PS	PS	PS	PS	PS	PS	PS	PS	PS								Y
Senior Housing							PS	PS	PS								Y
Single-Family Attached Dwelling (3+ units)								C	PS								Y
Single-Family Detached Dwelling	P	P	P	P	P	P	P	P	P								
Single-Family Paired Dwelling (2 units)	PS	PS	PS	PS	PS	PS	PS	PS	PS								
Two-Family Dwelling				PS	PS	PS	PS	PS	PS								Y
PUBLIC AND SEMI-PUBLIC FACILITIES																	
Birthing Center											C	P				PS	Y
Cemetery /Mausoleum	PS	PS		PS	PS	PS	PS	PS	PS	PS						PS	Y
Child Care Center	C	C	C	C	C	C	C	C	PS	PS	PS	PS	PS				Y
Child Care Home	PS	PS	PS	PS	PS	PS	PS	PS	PS								Y
Clubs/Lodges												PS				PS	Y
Correction/ Detention Facilities										C				C		C	Y
Crematory/Funeral Home												P	C	C		C	Y
Cultural Facility				P						P						PS	Y
Educational Facilities and Trade Schools										PS						PS	Y
Farmers Market	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Y
Governmental Facility										PS	PS	PS		PS		PS	Y
Hospital												PS					Y
Medical Clinic											P	P				PS	Y
Parks and Playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Police, Fire, or Rescue Station	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Y
Radio/TV stations										P		P	P			PS	Y

⁸⁴ Newly permitted in RC1, LD, MD, HD, and UD districts

CHAPTER 810: USE REGULATIONS

1 Permitted Land Use Table

Table 810.1: Table of Permitted Land Uses

Uses	RURAL				RESIDENTIAL						BUSINESS		INDUSTRIAL				Ref ⁸¹
	AG 2.5	FR 5	CR 2.5	RC 1	LD	SD	MD	HD	UD	IP	LB	GB	LI	HI	ME	AP	
Recreation Center, Public	C	C	C							P			P	P		PS	Y
Religious Assembly	P	P	P	P	P	P	P	P	P		P	P				PS	Y
Relocation of Pole Signs	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	Y
School	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS					Y
Social Service Use				C						P	P	P	P	P		PS	Y
Composting Facility	C													C	C		Y
Greenfill	C														PS		Y
Solid Waste Transfer Station										C				C	C	C	Y
Recycling Center ⁸⁵										C	C	C	C	C	C	C	Y
Central Garbage/Rubbish Collection Facility	C	C	C							C	C	C	C	C	C		Y
Solar Farm	C									C			C	C	C	C	Y
Utility, Major										C				C		C	Y
Utility, Minor	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	Y
Wastewater Treatment Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Water Treatment Facility	C	C	C	C						C			C	C		C	Y
Wireless Communications Facilities	This use is conditional in all zones and must comply with Chapter X																Y
PERSONAL SERVICES																	
Artisan Crafts, Food, or Beverage Production	C	C	C	C	C	C					P	P	P	P		PS	Y
Bed and Breakfast	PS	PS	PS	PS	PS	PS	PS	PS	PS		P	P				PS	Y
Caterer/ Commercial Kitchen											PS	PS				PS	Y
Dry Cleaning and Laundry											PS	PS				PS	Y
Financial Institution											P	P				PS	Y
Financial Institution, Drive-through											C	C				C	Y
Kennels, Boarding Operation	C	C											PS			C	Y
Kennels, Commercial Breeding Operations	C	C															Y
Personal Services				C							P	P				PS	Y
Real Estate Sales / Model Home Office					P	P	P	P	P		P	P				PS	Y
Rehabilitative Therapy Facility											PS	PS	PS			PS	Y
Self-Storage													PS			PS	Y
Short Term Rental – Owner Occupied	PS	PS	PS	PS	PS	PS	PS	PS	PS							PS	Y
Tourist Home/Cabin	PS	PS	PS	C	C	C	C	C	C							PS	Y
Veterinary Service, Small Animal				C							C	PS	PS	PS		C	Y
BUSINESS SERVICES																	

⁸⁵ Requires Planning Commission Review.

Table 810.1: Table of Permitted Land Uses

Uses	RURAL				RESIDENTIAL					IP	BUSINESS		INDUSTRIAL			AP	Ref ⁸¹
	AG 2.5	FR 5	CR 2.5	RC 1	LD	SD	MD	HD	UD		LB	GB	LI	HI	ME		
Business Services												P	P	P		PS	Y
Event Center												PS				PS	Y
Food Wholesale													P	P		PS	Y
Hotel/Motel												PS				PS	Y
Office											P	P	P			PS	Y
Parking Facility											PS	PS	PS	PS		PS	Y
Repair Services, Drop-off												P	P			PS	Y
Repair Services, Off- site	C	C	C	C	C	C	C	C	C		P	P	P	P		PS	Y
Taxidermist	PS	PS	PS									PS	PS	PS		PS	Y
RETAIL																	
Artisan Distillery												P				PS	Y
Auction House	C											P	P			PS	Y
Firearm Sales				C					C		PS	P				PS	Y
Garden Center ⁸⁶	C											P	P				
Grocery Store				C							C	P				C	Y
Liquor Store												P				PS	Y
Manufactured Housing Sales												P		P		PS	Y
Microbrewery/ Brewpub											PS	P				PS	Y
Outdoor Retail and Display, Accessory											PS	PS				PS	Y
Pharmacy											P	P				PS	
Pharmacy, Drive- through											C	C				C	Y
Restaurant, Café/Coffee Shop				C							PS	PS				PS	Y
Restaurant, Drive- through												C				C	Y
Restaurant, Fast Casual												PS				C	Y
Restaurant, Sit-Down				C							PS	PS				PS	Y
Retail Sales, includes drive-through												C	C	C		C	Y
Retail Sales, Big Box												C	C			C	Y
Retail Sales, Large Scale												PS	C			C	Y
Retail Sales, Medium Scale											C	PS				C	Y
Retail Sales, Small Scale				C					C		PS	P				C	Y
Smoke Shop												C					Y
AUTOMOTIVE AND TRANSPORTATION SERVICES																	
Automotive/Boat service and repair, major												PS	PS	P		PS	Y
Automotive/Boat service and repair, minor	C	C									PS					PS	Y
Automotive Sales and Rental												PS				PS	Y

⁸⁶ Proposing removing the conditional use allowance in CR2.5 and FR5 due to proximity to Lake Monroe

CHAPTER 810: USE REGULATIONS

1 Permitted Land Use Table

Table 810.1: Table of Permitted Land Uses

Uses	RURAL				RESIDENTIAL					IP	BUSINESS		INDUSTRIAL			AP	Ref ⁸¹
	AG 2.5	FR 5	CR 2.5	RC 1	LD	SD	MD	HD	UD		LB	GB	LI	HI	ME		
Automotive Salvage														C		C	Y
Automobile Storage Facility (Impound Lot)													C	PS		PS	Y
Car Wash												PS				PS	Y
Electric Vehicle Charging Station										P	P	P	P	P	P	PS	Y
Fueling Station												PS	PS			PS	Y
RV/Boat Storage										PS	C		PS			PS	Y
Transfer or Storage Terminal													PS	PS		PS	Y
Truck Stop/Travel Plaza														C		C	Y
Trucking Terminal													C	PS		C	Y
AMUSEMENT AND RECREATIONAL SERVICES																	
Amphitheater	C	C															Y
Campground, Commercial	C	C	C								C					C	Y
Campground, Primitive	PS	PS	C	C												C	Y
Fitness Center											C	P				C	Y
Golf Course	C									C						C	Y
Indoor Shooting Range										C						C	Y
Racetrack										C						C	Y
Recreation Center, Private	C											PS				PS	Y
Recreational Vehicle (RV) Park	C	C	C													C	Y
Resort	Permitted only as a part of a PUD																
Rodeo and other Transient Amusement Enterprises										C		C				C	Y
Theater, Indoor												P				PS	Y
Theater, Outdoor	C	C															Y
MANUFACTURING, MINING, CONSTRUCTION, AND INDUSTRIAL USES																	
Accessory Rural General Contractor	C	C	C														Y
Cement, Paving, Central Mixing, Rock Crushing														C	C		Y
Commercial Print Shop												P	P			PS	Y
Construction Trailer and Equipment Rental												P	P			PS	Y
Cut Stone and Stone Products														P	P	PS	Y
Food Processing and Packaging													P	P		PS	Y
General Contractor											P	P	P			PS	Y
Industrial Equipment Sales and Rental												PS	P	P		PS	Y
Industrial Manufacturing, Heavy														PS			Y
Industrial Manufacturing, Light											PS	P	P	P		PS	Y

Table 810.1: Table of Permitted Land Uses																	
Uses	RURAL				RESIDENTIAL					IP	BUSINESS		INDUSTRIAL			AP	Ref ⁸¹
	AG 2.5	FR 5	CR 2.5	RC 1	LD	SD	MD	HD	UD		LB	GB	LI	HI	ME		
Mineral Resource Extraction															PS		Y
Research Laboratories													P	P		PS	Y
Sawmill	C	C														C	Y
Small Engine and Motor Repair													P			PS	
Warehouse and Distribution													PS	P		PS	Y
MIXED USES AND ADAPTIVE REUSE																	
Adaptive Reuse	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Airport/Related Business														PS		PS	Y
Commercial/Industrial Adaptive Reuse												PS	PS			PS	Y
Dwelling, Live/Work	C	C	C	PS							PS	PS					Y
Fairgrounds, Public										P						C	Y
Historic Adaptive Reuse	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Mixed Use, Commercial											PS	PS				PS	Y
ADULT ORIENTED BUSINESSES																	
Adult Oriented Business	Must comply with Chapter X																Y

H. The following uses are not permitted in any zoning district:⁸⁷

- i. Outdoor shooting range
- ii. Confined Animal Feeding Operation as defined by I.C. XX
- iii. Solid Waste Landfill
- iv. Hazardous waste Landfill
- v. Injection wells for hazardous waste disposal
- vi. Hydraulic fracturing
- vii. Solid Waste Incinerator

⁸⁷ New

2. General Use Regulations

A. Accessory Buildings or Structures

i. General Standards

- a. Accessory structures are not permitted on a parcel prior to any primary structure being constructed, except where the accessory structure is being used in conjunction with the act of constructing a primary structure, for agricultural purposes, or if the property qualifies for a Residential Storage Structure.
- b. A mobile home, manufactured home, recreational vehicle, semi-tractor trailer, boat, or motor vehicle shall not be used as an accessory structure in any zoning district.

ii. Residential Uses⁸⁸

- a. No more than four accessory buildings or structures requiring an Improvement Location Permit shall be erected on a lot. This provision shall not apply to AG2.5, FR5, or the CR2.5 zoning district, which will follow Ch XX design standards. This also excludes all agricultural buildings used exclusively for agricultural production.
- b. An accessory building or structure equal to or less than 15 feet in building height shall be permitted within five feet of rear property lines.
- c. An accessory building or structure that is greater than 15 feet in height are subject to all applicable setbacks.

B. Accessory Use

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

C. Accessory Solar Panel

- i. If the solar panel is a standalone structure (not affixed to a roof or other existing structure), an ILP is required.
- ii. Accessory solar panels are subject to the following setbacks:
 - a. 10 foot front yard setback.
 - b. 5 feet side and rear yard setback.
- iii. If affixed to an existing structure and meeting the requirements under an ILP waiver, no ILP shall be required (See Ch XX).
- ~~iv. Must comply with the definition for Accessory Solar Panel.~~

D. Accessory Wind Turbine

- i. An accessory wind turbine shall be located in the rear yard.
- ii. The minimum lot size for one wind turbine is two acres; the minimum lot size for two wind turbines is 5 acres; and the minimum lot size for three or more wind turbines is 10 acres.
- iii. The maximum height of a wind turbine is 140 feet.

⁸⁸ Removed language about no accessory in the front or side yard

- iv. Accessory wind turbines shall be setback a minimum of 1.1 times the height of the tower from all property lines.
- v. Accessory wind turbines shall not exceed 60 decibels, as measured at the closest at the closest property line.
- vi. Accessory wind turbines shall be rated by the manufacturer as having a minimum survival wind speed of 100 miles per hour.
- vii. An accessory wind turbine that is out of service for a continuous 24-month period will be deemed to have been abandoned and shall be removed.
- viii. If, after construction, the owner or operator receives a written complaint related to interference with local broadcast residential television, telecommunication, communication on microwave transmissions, the owner or operator shall promptly resolve the complaint.

E. Temporary Use, Commercial

i. Permit Approval

- a. All temporary uses shall require approval of Temporary Improvement Location Permit (ILP) prior to the beginning of the temporary use.
- b. Submittals/permits required include:
 - i. Driveway permit as applicable per Chapter 755
 - ii. Stormwater permit as applicable per Chapter 761
 - iii. Current Deed
 - iv. Consent letter, if applicable
 - v. Detailed Plot Plan
 - vi. Any proposed signage
 - vii. Vehicular/Equipment parking
 - viii. Driveway locations
 - ix. Property boundaries and applicable setbacks⁸⁹
 - x. Location of proposed on-site sales, if applicable
- c. The application must include the signature of the property owner, or a letter of authorization from the property owner.
- ii. **Duration.** The duration of any temporary use shall be established on the approved ILP. Generally, temporary uses shall be short in duration – typically less than 3 months. A timeframe shall be stated in the application and reviewed by the Administrator for final determination.
- iii. **Parking.** Parking for temporary uses shall not result in parking for any other existing use on the property falling below the minimum off-street parking required in Chapter XXX and shall not block any driveways or drive aisles required for access to any other existing use on the property. In addition, temporary parking may allow for an exemption to the surfacing requirement under Chapter X.
- iv. **Location**

⁸⁹ New

- a. Temporary uses shall be arranged so that vehicles do not block a public right-of-way.
- b. Temporary use approvals may only be granted for individual parcels; they may not be authorized within any public right-of-way (e.g., streets or sidewalks).
- v. **Signs.** Temporary uses shall be permitted to display one sign with an area of up to 10 square feet. Such signs shall comply with all other aspects of the signage chapter of this ordinance.
- vi. **Hours of Operation.** The hours of operation of the temporary use may be considered as part of the ILP approval.

3. Agricultural Use Regulations

- A. Applicability.** The following use regulations are for agricultural uses that are permitted per specific use standards (PS) and Conditional Uses (C) in the Permitted Use Table. These use regulations are in addition to the other use regulations that apply within this code.
- B. Agricultural Event Center – Small, Medium, Large⁹⁰** This use is conditionally permitted subject to the standards in Chapter XXX and the following:
 - i. **Development and Operational Standards.** The following development and operational standards shall apply to an event center in the AG2.5 Zone:
 - a. **Parking.** An event center in the AG2.5 Zone shall provide parking at a ratio of one parking space for each two and one-half guests allowed on-site and one parking space for each permanent employee. No off-site parking is permitted unless approved in the conditional use permit process. Parking areas shall follow the requirements of Chapter 806 of the Monroe County Zoning Ordinance (Off-Street Parking and Loading). However, the surfacing requirements for driveways and parking lots may be able to utilize gravel or crushed stone if deemed appropriate by the Board of Zoning Appeals and is directly requested by the Petitioner during the meeting. All ADA spaces must comply with the federal standards, including surfacing requirements.
 - b. **Access Standards.**
 - i. Access roads to an event center in the AG2.5 Zone shall comply with county, state and local fire safe standards as determined by the county and the serving fire agency.
 - ii. Direct access to a publicly maintained roadway is required.
 - iii. A driveway permit from the responsible public agency is required to address ingress, egress, and sight-distance requirements for the driveway connection to a county maintained road or state highway.
 - c. **Minimum Height, Bulk, and Area Standards.**

⁹⁰ New section

- i. A small agricultural event center shall have a minimum setback of 200 feet to all property lines and a minimum lot size of 5 acres.⁹¹
 - ii. A medium agricultural event center shall have a minimum setback of 500 feet to all property lines and a minimum lot size of 10 acres.
 - iii. A large agricultural event center shall have a minimum setback of 1,000 feet to all property lines and a minimum lot size of 15 acres.
- ii. **Setbacks.** An event center in the AG2.5 Zone shall be located and is required to hold all outdoor activities associated with the event center (with the exception of parking) a minimum of 200 feet from the exterior property lines. Parking shall be set back a minimum of 75⁹² feet from the exterior property lines unless the Board of Zoning Appeals increases the parking setback provision to meet neighborhood conditions.
 - a. **Event Size.**
 - i. Small agricultural event center: shall be allowed a maximum event size of 100 guests or as specified by the conditional use permit.
 - ii. Intermediate agricultural event center: shall be allowed a maximum event size of 200 guests or as specified by the conditional use permit.
 - iii. Large agricultural event center: shall be allowed a maximum event size of 300 guests or as specified by the conditional use permit.
 - b. **Number of Events.** An agricultural event center may hold events on a maximum of maximum of 40 days per year, which may be further limited by the conditional use permit. For purposes of this provision, an “event” is a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner.
 - c. **Agricultural Requirement**
 - i. An event center in the AG2.5 Zone shall be accessory to a primary agricultural use and is required to have an on-going, on-site agricultural production for the length of the term of the conditional use permit.
 - ii. An event center in the AG2.5 Zone and its associated areas such as parking, decks and patios shall not occur within current agricultural production areas on a parcel designated as prime farmland in the Web Soil Survey, Natural Resources Conservation Service, United States Department of Agriculture (Available online [at http://websoilsurvey.nrcs.usda.gov/](http://websoilsurvey.nrcs.usda.gov/)) unless otherwise specified in the conditional use permit.

⁹¹ Setback regulation added to standards

⁹² Changed from 50 to 75 feet to address headlight concerns

- iii. **Hours of Operation.** An event center in the AG2.5 Zone shall be allowed to operate from 10:00 a.m. to 11:00 p.m. on Friday and Saturday and from 10:00 a.m. to 8:00 p.m. Sunday through Thursday.
 - d. **Noise Regulations.** An event center in the AG2.5 Zone shall be subject to the Noise Control Ordinance (Chapter 380 of the Monroe County Code) and shall be required to stop all noise generating activities, such as music, at 10:00 p.m. or move such activities into an enclosed structure. After 10:00 p.m., all noise levels must be reduced to 50 decibels or less at the event center's exterior property lines.
 - e. **Food Regulations.** An event center in the AG2.5 Zone: as specified by the conditional use permit. If a commercial kitchen is approved with the event center, it shall only be used in conjunction with on-site events and for processing of on-farm products. Restaurants and off-site catering are not allowed as part of an event center in the AG2.5 Zone.
 - f. **Neighbor Notification.** An event center in the AG2.5 Zone shall post and maintain a schedule of future events on their website. An annual/seasonal schedule of future events shall be mailed to all owners of real property located within 660 feet of the subject property at least two weeks prior to the beginning of the event year or season. The schedule shall show days planned for events, hours of operation, and include a phone number for inquiries.
- C. **Agriculture-Related Commerce.** Agricultural-related commerce uses are conditionally permitted in the FR Zoning District and are permitted in the AG2.5 and CR Zoning Districts subject to the following:
 - i. 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.
 - ii. All such facilities shall have access onto roadways classified as arterial.
 - iii. Shall be located on a lot that is five acres in size or greater.
 - iv. Hours are limited to 7 AM – 8 PM. Sales and display activities shall be limited to daylight hours.
 - v. Such use must be at least 20 feet from the right-of-way line and shall not obstruct pedestrian or vehicular circulation or obstruct vehicular sign distances.
 - vi. Off-road parking at least 20 feet from the right-of-way line shall be provided.
 - vii. Must comply with Indiana State Department of Health (ISDH) Rule Title 410 IAC 7-24, Retail Food Establishment Sanitation Requirements.
- D. **Agritainment/Agritourism⁹³**
 - i. Shall be located on a lot that is five acres in size or greater.
 - ii. Permitted as an accessory use to Traditional Agriculture.

⁹³ New

- iii. Hours are limited to 7 AM – 8 PM.

E. Aquaculture

- i. Shall be located on a lot that is five acres in size or greater.
- ii. Use must comply with all Federal, State, and Local permitting requirements.

F. Community/Institutional Garden⁹⁴

- i. Contact information for all garden coordinators/overseeing organizations must be posted on-site.
- ii. Drainage shall prevent water, pesticides, or fertilizer from draining onto adjacent properties.
- iii. Composting must be shielded from neighboring properties and shall not exceed six (6) feet in height. Refuse and compost area shall be enclosed at ground level to be rodent-resistant.
- iv. No livestock permitted.
- v. Recommended that soil be tested to ensure no contaminants are in the soil.
- vi. On-site sales are subject to the Temporary Roadside Stand standards if permitted in the zoning district.
- vii. No outdoor work activity that involves power equipment or generators may occur between sunset and sunrise.

G. Equestrian Center

- i. Require any stables/stalls to be setback 75' from all property lines.
- ii. Use only permitted on lots with 5 acres or greater.

H. Equine Services/Stables⁹⁵

- i. Require any stables/stalls to be setback 75' from all property lines.
- ii. Use only permitted on lots with 5 acres or greater.
- iii. Structures containing livestock or livestock waste shall meet the following minimum setbacks:
 - a. Front 75 feet;
 - b. Side 50 feet; and
 - c. Rear 75 feet.
- iv. Building square foot of the stables or equine building shall be limited to 5,000 sf or less. If building exceeds this size, the use shall be equestrian center.⁹⁶

I. Farm Supply & Equipment Sales and/or Repair

- i. Must be located on a site at least 5 acres in size.

⁹⁴ New

⁹⁵ New

⁹⁶ New

- J. **Farm Store**.⁹⁷ Also known as “Permanent roadside stands” shall only be conducted in accordance with the following conditions, in addition to any conditions imposed as part of the site plan approval:
- i. The farm store must meet all setback requirements and shall not obstruct pedestrian or vehicular circulation, or obstruct vehicular sight distances.
 - ii. Off-road parking, meeting all setback requirements, shall be provided.
 - iii. Must comply with Indiana State Department of Health (ISDH) Rule Title 410 IAC 7-24, Retail Food Establishment Sanitation Requirements.
 - iv. Must comply with all Building Codes applicable.
- K. **Feed Mill**⁹⁸
- i. All storage of materials shall be indoors.
 - ii. Site should be located on County-maintained and paved roads of classification collector or arterial.
 - iii. Such uses shall be located a minimum of 3,000 feet from a platted subdivision.
- L. **Intensive Agriculture**. This use is conditionally permitted subject to the standards in Chapter XXX and the following:
- i. Any intensive agriculture use that includes operations involving feedings of cattle, livestock, or other concentrated animal populations shall be set back from all property lines abutting non-agricultural uses by 1,320 feet.
 - ii. Intensive agriculture use sites should be located on county-maintained and paved roads of classification of collector or arterial⁹⁹.
 - iii. All applicable state permits must be obtained prior to commencing the use.
- M. **Logging**¹⁰⁰
- i. Subject to Stormwater regulations, including a requirement to obtain a Stormwater Permit per Chapter 761.
 - ii. An Improvement Location Permit (Logging Permit) through the Planning Department is also required when logging projects are identified as being urban under I.C. 36-7-4-1103 and as defined in this Ordinance.
- N. **Nursery/Greenhouse**¹⁰¹. Such uses are permitted subject to the following:
- i. Storage of outdoor material must be screened from view and comply with setback requirements;
 - ii. Use is only permitted on lots that are five acres or greater in size.
- O. **Roadside Stand, Temporary and Permanent**. Temporary and permanent roadside stands shall only be conducted in accordance with the following conditions, in addition to any conditions imposed as part of the plot plan approval.

⁹⁷ New

⁹⁸ New

⁹⁹ This was a use-specific standard for “Feed Mill” that was integrated into the intensive agriculture use

¹⁰⁰ New

¹⁰¹ New use-specific standards

- i. The roadside stand must be at least twenty feet from the right-of-way line and shall not obstruct pedestrian or vehicular circulation or obstruct vehicular sight distances.
 - ii. Sales and display activities shall be limited to daylight hours.
 - iii. Off-road parking at least twenty feet from the right-of-way line shall be provided.
 - iv. Must comply with Indiana State Department of Health (ISDH) Rule Title 410 IAC 7-24, Retail Food Establishment Sanitation Requirements.
 - v. Must comply with all Building Codes applicable.
- P. Veterinary Service, Large Animal.** Veterinary Service, Large Animal are conditionally permitted subject to the conditional use standards in Chapter XX and the following:
- i. All outdoor kennel areas shall not be visible from all rights-of-way and adjacent properties by use of landscape buffering.
 - ii. Structures containing livestock or livestock waste shall meet the following minimum setbacks:
 - a. Front: 75 feet;¹⁰²
 - b. Side: 75 feet; and
 - c. Rear: 75 feet.
- Q. Winery. Conditional Use Standards include:**
- i. Only permitted on lots 5 acres or greater.
 - ii. Hours of operation shall be limited to 8 AM and 8 PM.
 - iii. Outdoor music shall comply with Chapter 380 of the Monroe County Code and shall cease at 8 PM.
 - iv. Development in the Airport zone must comply with Chapter X.

4. Residential Use Regulations

- A. Applicability.** The following use regulations are for residential uses that are permitted per specific use standards (PS) and Conditional Use(C) in the Permitted Use Table. These use regulations are in addition to the other use regulations that apply within this code.
- B. Accessory Apartments.** Accessory apartments are subject to the following regulations:
- i. Use may be created only through internal conversion of an existing dwelling unit. Detached garage space shall not be converted. ¹⁰³
 - ii. At least one parking space shall be provided for the use by residents of the accessory apartment.
 - iii. No new entrance visible from the street shall be added to the structure.

¹⁰² Front setback was increased from 50 to 75 for consistency purposes

¹⁰³ Need feedback on this

C. Accessory Dwelling Units, Attached and Detached. Accessory Dwelling Units (ADU) and Detached Accessory Dwelling Unit (DADU) standards apply:

i. General Regulations

- a. Either the principal dwelling unit or the ADU or DADU must be occupied by the owner of the lot. Prior to final occupancy, the property owner shall record an affidavit stating that the property owner will reside in either the principal dwelling unit or ADU/DADU. Once recorded, the affidavit (requiring owner occupancy) may not be removed or modified without Plan Commission approval. If the property is transferred, a new affidavit and commitment must be recorded by new inhabitants and shall be enforced. A template for the affidavit is provided by the Planning Department upon application for the ADU/DADU.
- b. The lot size is required to be 2.5 acres, and the size of the DADU is limited to 1,000 square feet of livable residential space.
- c. One accessory dwelling unit per lot of record is permitted.
- d. New construction of an ADU or DADU must meet current standards of the residential, building, mechanical, electrical and energy codes of the State of Indiana and the Monroe County Building Department. A petitioner may convert an existing residence or accessory structure on a site into a DADU or ADU. If the petitioner applies to convert an existing accessory structure into a DADU/ADU, the petitioner must meet all Building Department requirements. Conversion or construction of a DADU/ADU requires an Improvement Location Permit.
- e. A manufactured home may not be used as an accessory dwelling unit if it was constructed prior to January 1, 1981.
- f. The design requirements for two-family dwellings shall apply to Accessory Dwelling Units.
- g. One off-street parking space is required for the ADU or DADU.
- h. Both dwellings shall share a driveway entrance approved by the proper jurisdiction.
- i. A DADU/ADU must have a permanent connection to either an approved septic system or sewer system.
- j. A Recreational Vehicle (RV) is not permitted as a DADU.
- k. A DADU lot or parcel of record created via the Sliding Scale subdivision option may only be constructed on the Parent Parcel Remainder.
- l. Each DADU lot shall have a separate buildable area for each dwelling.
- m. The DADU/ADU may be used as a short-term or long-term rental. If short-term rental, review process must be followed according to the applicable use. Only the principal dwelling or the ADU/DADU may be used as a short term rental or long term rental. Must comply with standard (a) above.

- D. Accessory Livestock.**¹⁰⁴ Accessory livestock and non-farm animals shall be permitted only in pasturage context subject to the following. This use applies to lots primarily used for purposes other than traditional agricultural use and which contain less than 5 acres. Lots greater than 5 acres are considered another agricultural use.
- i. Livestock is permitted in a pasturage context and shall be measured by units per acre of land used as pasture and accessible to the livestock or non-farm animals. Acreage shall be rounded to the nearest whole number. All animals (except bees) less than one year of age shall be calculated at one-half the unit of their respective category unless the lot is less than one acre. Animals per acre shall be determined as follows:
 - a. **Large** (cattle, horse, llamas, swine, ponies, etc.) – two animals per the first acre and one animal per acre thereafter.
 - b. **Medium** (goats, sheep, miniature horses, etc.) – four animals per the first acre and two animals per acre thereafter.
 - c. **Small** (smaller animals, including fowl) – 10 animals per the 0.5 acre and five animals per 0.5 acre thereafter. If lot size is between 0.25 acre and 0.5 acres, the maximum number of small livestock is four and is limited to only hens¹⁰⁵.
 - d. **Beehives** (bee density based on hive) – eight hives per the first acre and four hives per acre thereafter.
 - ii. Accessory livestock and non-farm animals more than the above densities require the approval of a variance.
 - iii. Accessory animals in the CR2.5, RC1, SD, LD, MD, and HD Districts may be kept for the owner's personal use and may not be kept for commercial purposes.
 - iv. Domestic animals (per definition M.C.C. 441-1) that are kept as pets are not subject to the foregoing conditions but are subject to the regulations set forth in Monroe County Code 441, as amended or reenacted.
 - v. Covenants and restrictions for platted subdivisions may restrict accessory livestock. It is the responsibility of the owner to verify all requirements.

E. Artificial Pond or Lake¹⁰⁶

- i. Must be reviewed by the MS4 Coordinator and requires a grading permit per Chapter XX.
- ii. If karst is present on the site, a geotechnical report will be required.
- iii. Setbacks for the applicable zoning district shall apply.
- iv. Plans must be certified by an engineer.

F. Continuing Care Retirement Community

¹⁰⁴ New Section

¹⁰⁵ Complies with City of Bloomington, which permits 4 hens max in all SFR and duplex lots

¹⁰⁶ New

- i. If there are more than 10 continuing care dwelling units proposed on one legal lot of record, then the Plan Commission must review and approve the proposed site plan.¹⁰⁷
- ii. Adequate access shall be provided to collector or arterial streets and traffic shall not travel through residential neighborhoods on local streets.
- iii. The design of the structure and site, hours of operation, and intensity of use, shall be compatible with the surrounding area.
- iv. Site must have access to sewer.

G. Residential Facility for Developmentally Disabled Individuals and Residential Facility for Mentally Ill Individuals

1. A 3,000 foot buffer is required between all other Residential Facilities for the Developmentally Disabled or Mentally Ill, as measured between lot lines. A Site Plan must be filed showing compliance with parking, landscaping, etc.

H. Home Based Business¹⁰⁸

- i. Permit for a Home Based Business shall be applied for following conditional use approval. If approved, the Home Based Business permit shall be valid for five (5) years. At the time of expiration, the owner shall re-apply. If the permit lapses, a new Conditional Use must be applied for.
- ii. The operator of the home based business must reside in the dwelling unit. Only two employees who do not reside in the dwelling unit may be permitted, regardless of the number of home based businesses in the dwelling unit.
- iii. The use must be conducted entirely within the principal residence or accessory structure, with no off-site services performed as part of the home based business, including no rental of equipment. Outdoor display of materials, good, supplies, or equipment shall be prohibited.
- iv. The direct sales and/or rentals of goods is prohibited from the home, however goods may be mailed to customers from the home. Direct sales of services is permitted from the home. If services are provided, no more than 8 customers are permitted to the residence per day, and no more than one customer (and their dependents or caregivers) at the property at any given time.
- v. Not more than 50 percent of the total interior floor area of the principal residence or accessory structure, whichever is used for the home based business, may be used in connection with the home based business.
- vi. There shall be no advertising, signs, display, or other indications of a home based business in the yard, on the exterior of the dwelling unit, or visible from anywhere outside the dwelling unit, except for one sign, attached to the wall of the building, of a maximum size of two square feet. Online advertising is permitted, granted the online content complies with the rules herein.

¹⁰⁷ New – would like feedback on this

¹⁰⁸ These are the home occupation standards for the two-mile fringe area. Are they appropriate for the entire county?

- vii. More than one home business may be permitted within an individual dwelling unit, provided all other standards and criteria applicable to home based business are complied with. All proposed home based business uses must be made clear at the Conditional Use hearing. Testimony during the Conditional Use hearing will constitute additional commitments restricting the use.
- viii. A change or intensification of the home based business shall constitute a need for a new conditional use approval. However, if an operator transfers the business/property and the use remains the same, the original approvals shall run with the land so long as permits remain active on the property.

I. Long Term Shelter¹⁰⁹

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

J. Multi-Family Dwelling (3-4 Units)

- i. Site must have access to sewer.
- ii. Buildings shall be oriented to the street.
- iii. Each individual dwelling shall have its own exterior entrance to the outside.
- iv. A private yard shall be provided for each dwelling that is a minimum of 350 square feet.
- v. Each unit shall include a minimum of one enclosed parking space that is located in an enclosed garage (either attached or detached).

K. Multi-Family Dwelling (5+ units)

- i. Site must have access to sewer.
- ii. Multi-family developments may have multiple buildings on one lot. All buildings shall meet the required setbacks for the property. Accessory buildings for pool houses, clubhouses, or similar uses may be located in the front yard but must comply with the required front yard setback.
- iii. Buildings shall be oriented to the street or designed to create a neighborhood setting.
- iv. A minimum of 20 percent of the development shall be occupied by open space or green space that may include landscaping or screening areas, drainage areas, active or passive recreation areas, and similar uses.
- v. Multi-family developments with multiple buildings shall provide a minimum of two amenities that are to be utilized by the residents of the development or the public. Such amenities may include club houses, pools, wine bars, coffee shops, dog parks, playgrounds, active or passive parks, walking trails, public gathering areas, or similar uses.
- vi. All multi-family buildings shall be set back a minimum of 100 feet from and residential development or a lesser density or intensity.

L. Residential Storage Structure

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

¹⁰⁹ New

M. Senior Housing¹¹⁰

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

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

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

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

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

P. Two-Family Dwellings¹¹¹

- i. Exterior building materials of two-family dwellings 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 of quality of dwelling units on adjoining lots.
- ii. A two-family dwelling proposed on a lot or parcel of record created via the Sliding Scale Subdivision Option may be constructed on the Parent Parcel Remainder. See Section XXXX.
- iii. Two-family dwellings that are not connected to the public sewer shall have a minimum lot size of 1 acre¹¹².
- iv. If proposed as two detached structures on the same lot, use is subject to the standards under the Detached Accessory Dwelling Unit.

5. Public and Semi-Public Use Regulations

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

B. Birthing Center

- i. In the LB District, helipads are not permitted.
- ii. A covered patient drop-off area shall be incorporated into the development.
- iii. Development in the Airport zone must comply with Chapter X.

C. Cemetery/Mausoleum

- i. Shall be located on a site not less than two acres in size.

¹¹⁰ New section

¹¹¹ Removed Start Up Home Based Business and Temporary Dwelling

¹¹² Revised standard so it applies only to lots on septic. Removed standard that two-unit dwellings shall be approved by the Plan Commission as part of the approved subdivision plat.

- ii. Access to the site shall be such that traffic and funeral processions to the site will create a minimum of interference with normal traffic operations in the area.
- iii. The design of the site and any structures shall be compatible with the surrounding area.
- iv. All structures shall be set back from any property line a minimum of 35 feet and all graves and burial plots shall be set back a minimum of 25 feet from any property line.
- v. Use shall not be located in the Special Flood Hazard Area.
- vi. Development in the Airport zone must comply with Chapter X.

D. Child Care Center

- i. Centers are permitted provided that proof of licensing by the State of Indiana shall be provided with submission of site plan. If exempt from state licensing requirements, proof of exemption shall be provided. Operator shall be responsible for compliance with all applicable ordinances and state and federal statutes and regulations.
- ii. Permitted after site plan approval by the Plan Commission or Administrator.
- iii. Site design and supervision characteristics shall ensure that the peace and safety of the surrounding area shall not be impaired.
- iv. No center shall be approved within 500 feet of another center.

E. Child Care Home

- i. An application for a Home Based Business must be applied for showing adequate parking and proof of licensing through the State of Indiana
- ii. The operator must live on-site to be considered a Child Care Home; otherwise, the use is considered a Child Care Center.

F. Clubs/Lodges¹¹³

- i. Such uses shall be located on a street with a roadway classification of collector or arterial.
- ii. 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.
- iii. Development in the Airport zone must comply with Chapter X.

G. Composting Facility

- i. Organic solid waste facilities shall be screened with dense landscaping, or an opaque fence or wall to a height of at least six feet.
- ii. Proof of all applicable state and federal permits and/or registration must be secured prior to the issuance of a Land Use Certificate.
- iii. The location of composting facilities must also meet the buffering requirements laid out below and as amended per IC-13-20-10-4:
 - a. Except as provided in sections 5 and 6 of this chapter, the active area of a composting facility may not be located within:

¹¹³ Removed parking reductions

- i. Two hundred (200) feet of a well that supplies potable water; or
 - ii. Two hundred (200) feet of a residential structure that exists at the time that the composting facility initially registers under this chapter.
- b. A composting facility:
 - i. Must be located outside the ten (10) year floodplain, except for a composting facility that is either:
 - 1. Operated in conjunction with a publicly owned works permitted under IC 13-15-3; or
 - 2. Designed and operated to prevent ground or surface water contamination in the event of a ten (10) year flood.
 - ii. Must be designed and operated to prevent groundwater and surface water contamination from:
 - 1. Stormwater; and
 - 2. Leachate runoff from the composting facility.
 - iii. Must not locate compost within five (5) feet of the seasonal high water table unless the composting facility provides adequate controls to prevent groundwater or surface water contamination.
 - iv. Must provide controls for dust, odor, and noise.
 - v. If compost material that contains food waste is present in a composting facility, the composting facility must provide controls for vectors and pathogens in addition to the controls required by subsection (b)(4).

H. Correction/Detention Facilities

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

I. Crematory / Funeral Home

- i. Site of the proposed facility shall be a minimum of 1 acre.¹¹⁴

¹¹⁴ Needs Planning Commission Review.

- ii. Adequate access shall be provided to a street classified as a collector or arterial and traffic shall not travel through residential neighborhoods on local streets.
- iii. The design of the site and structure shall be compatible with surrounding uses.
- iv. Access to the proposed site shall be such that traffic and funeral processions will create a minimum of interference with normal traffic operations in the area.
- v. Development in the Airport zone must comply with Chapter X.

J. Cultural Facility

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

K. Education Facilities and Trade Schools

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

L. Farmers Market¹¹⁵

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

M. Governmental Facility

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

N. Greenfill

- i. 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.
- ii. The Planning Administrator may attach additional conditions to its approval in order to prevent injurious or obnoxious dust, fumes, gases, noises, odors, refuse matter, smoke, vibrations, water-carried waste or other objectionable conditions and to protect and preserve the character of the surrounding neighborhood.

¹¹⁵ New

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

O. Hospital¹¹⁶

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

P. Medical Clinic¹¹⁷

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

Q. Police, Fire or Rescue Station

- i. Shall have adequate access to collector or arterial streets; and
- ii. The design of the structure and the site shall be compatible with the surrounding area.

R. Solid Waste Transfer Station

- i. Unloading is conducted entirely within a building.
- ii. Portions of a site used for truck maneuvering or the storage, bailing, processing, or other handling of materials must be enclosed by an opaque fence or wall with a nonglare finish not less than eight feet in height.
- iii. Loading and unloading areas must be paved.
- iv. The site must be kept clear of litter, scrap paper, or other refuse matter.
- v. Chemical or heating processes shall not be used on materials.
- vi. Prior to application for a Conditional Use Permit, the use must be shown to have fully complied with the provisions of Monroe County Ordinance 2007-18 and Chapter 360 of the Monroe County Code.
- vii. If the Conditional Use is approved, all required permits from the Indiana Department of Environmental Management must be issued prior to filing an application for an Improved Location Permit.
- viii. Site must have access to sewer.

S. Radio/TV Stations

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

T. Recreation Center, Public

- i. Shall have adequate access to collector or arterial streets.
- ii. The design of the structure and the site shall be compatible with the surrounding area.
- iii. Development in the Airport zone must comply with Chapter X.

U. Recycling Center

¹¹⁶ New

¹¹⁷ New

- i. The center must be setback 500 feet to nearest rural or residentially zoned property lines.
- ii. All outdoor storage must be screened by an appropriate fence so as not be visible from neighboring properties or the roadways.
- iii. Portions of a site used for truck maneuvering or the storage, bailing, processing, or other handling of materials must be enclosed by an opaque fence or wall with a nonglare finish not less than eight feet in height.
- iv. Loading and unloading areas must be paved.
- v. The site must be kept clear of litter, scrap paper, or other refuse matter.
- vi. Prior to application for a Conditional Use Permit, the use must be shown to have fully complied with the provisions of Monroe County Ordinance 2007-18 and Chapter 360 of the Monroe County Code.

V. Religious Assembly

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

W. Relocation of Pole Signs¹¹⁸

- i. Pole signs are prohibited, except for relocations when the need for relocation directly results from the condemnation of property near or under the sign or if the relocation reduces the total sign face(s) area by 50% of the sign being relocated. Sign relocations are subject to the following requirements, standards, and procedures:
 - a. The new location is on the same zoning lot, or within a LB, GB, LI, HI district if the new location is on a different zoning lot;
 - b. Sign area at the new location shall not exceed the sign area at the previous location, nor shall the height of the sign at the new location exceed twenty-five (25) feet, measured from the flat grade of the nearest roadway in which the sign is directed;
 - c. The pole sign as relocated shall be at least 300 feet from the nearest pole sign, except on limited-access highways, where the distance to the nearest sign shall be 500 feet. The spacing provisions shall apply to signs on the same side of the road, measured along the roadway between points on the roadway that are nearest to each sign;
 - d. The relocated pole sign shall be subject to the front, side, and rear building setback requirement of the district in which it is being relocated;
 - e. The pole sign to be relocated must be a pre-existing, lawful, nonconforming sign.

¹¹⁸ New in the use table. Standard existed but was buried in sign ordinance.

- f. In addition to the foregoing requirements, pole sign relocations are subject to the relevant conditional use requirements, standards, and procedures set forth in Chapter XX. For the purposes of Chapter XX, sign relocations shall be processed pursuant to XX. Pursuant to Chapter XX, the relocation of a sign structure from an original zone lot to a new zone lot eliminates the pre-existing, lawful, nonconforming use/structure status of the original zone lot as a pole sign location, to the extent the removed sign structure was responsible for that status. The relocation of a sign structure on the same zone lot does not eliminate the pre-existing, lawful, nonconforming use/structure status of the zone lot as a pole sign relocation.

X. School

- i. Schools that serve food and beverages are permitted provided that on-site sales shall be limited to service incidental to the primary activity.
- ii. Any lighted outdoor athletic fields shall not be located within 50 feet of a residential zoning district or use.
- iii. Dwellings used for residential purposes on-site, in excess of one unit, are subject to residential use classification zoning¹¹⁹.

Y. Social Service Use

- i. Conditional in the RC1 Zoning District.
- ii. Development in the Airport zone must comply with Chapter X.
- iii. In the RC1 district, the use must meet the following conditions:
 - a. The property must meet the minimum parking standards per Ch X for the use.
 - b. The building used for the use must meet all setback requirements from property lines.

Z. Solar Farm

- i. Must comply with the Stormwater Ordinance Chapter X
- ii. A Solar Farm may be permitted as an accessory use or a principal use.
- iii. It must be located on a lot five (5) acres or greater.
- iv. Shall meet the minimum zoning setbacks for the zoning district in which it is located.
- v. The height of systems will be measured from the highest natural grade below each solar panel. The maximum height of a solar panel is twenty (20) feet.
- vi. **Visibility**
 - a. Solar farms with panels located at least one hundred fifty (150) feet from a rural or residentially zoned property, or residential use shall not require screening.

¹¹⁹ This was borrowed from the education facility use standard. Applicable for housing unit associated with a public assembly use.

- b.** Solar farms with panels located less than one hundred fifty (150) feet from a rural or residentially zoned property, or residential use must meet the requirements for Bufferyard Landscape Requirements set forth in Chapter 830.
- vii.** A minimum of twenty (20) percent of the lot size must remain as open space.
- viii.** Signage is permitted as provided by Chapter 807.
- ix.** A solar farm shall be enclosed by a fence a minimum of six feet in height. Barb wire or razor wire is prohibited on all fences.
- x.** Solar farms are subject to the County's stormwater Chapter 761, and erosion and sediment control provisions and NPDES permit requirements.
- xi.** 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.
- xii.** 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.
- xiii.** 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.
- xiv.** All solar farms shall follow all applicable local, state and federal regulatory codes, including the Indiana Uniform Building Code, as amended; and the National Electric Code, as amended.
- xv.** A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months.
- AA. Solid Waste Facility.** Such uses are conditionally permitted subject to the requirements of Chapter XX and the following:
 - i.** Unloading areas for materials must be at least 50 feet from any adjoining property, unless unloading is conducted entirely within a building.
 - ii.** Portions of a site used for truck maneuvering or the storage, bailing, processing, or other handling of materials must be enclosed by an opaque fence or wall with a nonglare finish not less than eight feet in height.
 - iii.** Loading and unloading areas must be paved.
 - iv.** The site must be kept clear of litter, scrap paper, or other refuse matter.
 - v.** Chemical or heating processes shall not be used on materials.

- vi. Prior to application for a Conditional Use Permit, the use must be shown to have fully complied with the provisions of Monroe County Ordinance 2007-18 and Chapter 360 of the Monroe County Code.
 - vii. If the Conditional Use is approved, all required permits from the Indiana Department of Environmental Management must be issued prior to filing an application for an Improved Location Permit.
 - viii. Site must have access to sewer.
- BB. Solid Waste Transfer Station.** Such uses are conditionally permitted subject to the requirements of Chapter XX and the following:
- i. Facilities must be located in an enclosed structure or be screened on three sides by a six foot high opaque fence or wall.
 - ii. Facilities shall not be located within 100 feet of adjoining property.
 - iii. Storage and unloading areas shall be paved.
 - iv. The site must be kept clear of litter, scrap paper, or other refuse matter.
 - v. No power driven processing equipment shall be used at any unenclosed facility.
 - vi. Facilities attended by any on-site employees shall provide one parking space per employee.
 - vii. Prior to application for a Conditional Use permit, the 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.
 - viii. 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.
 - ix. Site must have access to sewer.
- CC. Utility, Major**
- i. Utility facilities shall be screened with landscaping per Chapter XX of the highest bufferyard requirement, or an opaque fence or wall to a height of at least six feet.
 - ii. Development in the Airport zone must comply with Chapter X.
- DD. Utility, Minor**
- i. Utility facilities shall be screened with landscaping per Chapter XX of the medium bufferyard requirement, or an opaque fence or wall to a height of at least six feet.
 - ii. Development in the Airport zone must comply with Chapter X.
- EE. Wastewater Treatment Facility**
- i. In addition to all state and federal regulations, wastewater treatment facilities may only occur under the following circumstances:
 - a. It is necessary to remedy one or more existing failing wastewater systems.
 - b. It is necessary to replace a wastewater system serving an existing campground or similar facility.

- c. It will not provide additional capacity beyond the scope of the proposed remedy or replacement.
- d. Development in the Airport zone must comply with Chapter X.

FF. Water Treatment Facility

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

GG. Wireless Communications Facilities

- i. See Chapter X for standards.
- ii. Development in the Airport zone must comply with Chapter X.

6. Personal Service Use Regulations

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

B. Artisan Crafts¹²⁰

1. For residential zones in which the use is considered Conditional, the following criteria applies:
 - 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 use shall meet the following criteria:
 - i. The structure shall not exceed either the gross floor area of the residential structure or, 1,750 square feet; whichever is greater unless otherwise permitted by the Board of Zoning Appeals;
 - ii. No outdoor storage shall be permitted unless the site plan includes screening deemed sufficient by the Board of Zoning Appeals;
 - iii. A maximum of four employees are permitted;
 - iv. The owner-artisan must live on site; and
 - v. Signage shall follow the same provisions of Chapter 807 as a home based business.
 - vi. No more than 1 customer visiting the property at a time is permitted;
 - vii. Must comply with all State and Local Health requirements, including septic system capacity.
 - viii. Lot size meets or exceeds minimum lot size for the zone.
 - ix. The petitioner shall submit, with their application for a Conditional Use, a business plan which is enforceable should the use expand that includes:
 - A. Hours of operation;
 - B. Maximum number of customers per week;
 - C. A parking plan;
 - D. Number of vehicles used in the operation and type; and
 - E. Any other relevant information

¹²⁰ New

2. For all other zones:
 - a. Development in the Airport zone must comply with Chapter X.
 - b. Activity must occur inside either the primary or accessory structure.

C. Bed and Breakfast

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

D. Caterer/Commercial Kitchen

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

E. Dry Cleaning and Laundry¹²¹

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

F. Financial Institution

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

G. Financial Institution, Drive-through

1. Financial institutions shall be limited to a maximum of three drive-through lanes. All drive through lanes shall be subject to the design standards in Chapter XXX.¹²²
2. Development in the Airport zone must comply with Chapter X.

H. Kennel, Boarding Operations¹²³

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

¹²¹ New

¹²² New

¹²³ 3-6 are new

I. Kennel, Including Commercial Animal Breeding Operations¹²⁴

1. Outdoor kennels, play yards, and storage areas shall not be visible from streets and/or adjoining properties.
2. Animals shall be kept indoors.
3. Outdoor exercise areas shall only be used between the hours of 8:00 am and 8:00 pm.
4. Rooms which contain animals shall be insulated, or otherwise soundproofed and vented so that animal noises are not audible anywhere beyond the lot.
5. All outdoor runs or play areas must be set back at least 200 feet from the closest residential dwelling unit and shall not encroach into the required side or rear yard setback.
6. Animal breeding operations that have 20 or more breeding females and/or utilize over 300 gallons of water per day shall have a commercial septic tank or shall have access to sewer.
7. Development in the Airport zone must comply with Chapter X.

J. Personal Services.

1. For the zone in which this use is conditional, the following conditions apply:
 - a. Use shall be comply with the general conditional use standards set forth in Chapter X.
2. For the zone in which this use is permitted with standards, the following standard applies:
 - a. Development in the Airport zone must comply with Chapter X.

K. Real Estate Sales/Model Home Office

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

L. Rehabilitative Therapy Facility

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

M. Self-Storage¹²⁵

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

N. Short Term Rentals –Owner Occupied¹²⁶

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

¹²⁴ New

¹²⁵ Updated regulations

¹²⁶ New

O. Tourist Home or Cabin

1. Tourist homes and cabins in the AG2.5, FR5, CR2.5, and AP Districts and subject to the following:
 - a. Must show proof of innkeeper's registration with Monroe County.¹²⁷
 - b. The lot must meet or exceed the minimum lot size and infrastructure facilities (i.e., septic system, driveway) requirements for the zoning district prior to the commencement of the Tourist Home or Cabin use.
 - c. The Tourist Home or Cabin shall be located no closer than 200 feet from any adjoining principal use structure not currently being used as a tourist home or cabin or from the adjoining property setback line if no adjoining principal use structure exists. An exception exists for properties adjoining federal or state (excluding INDOT) managed lands whereas the non-residential setbacks shall be met.¹²⁸
 - d. Any outdoor pool or spa facilities must meet state and local Board of Health requirements and must be visually screened from surrounding properties and properly secured with a Power Safety Pool Cover or Enclosure as defined in Indiana Code (675 IAC 20-4-27 - Safety Features; 675 IAC 20-3-9 – Enclosure) standards for a Class C, Semi-Public Pool.
 - e. Parking
 - i. Parking is only permitted on paved or graveled driveways.
 - ii. No parking is allowed on the street or road.
 - iii. One parking space is required per guest room.
 - iv. No parking of any vehicle is permitted in any yard or setback area.
 - f. Rules, in a readable size and format, shall be posted outside near the main entrance of the tourist home or cabin and shall include the following:
 - i. Rules and regulations for ensuring safety and preservation of neighborhood values (e.g., emergency phone numbers; 24 hour contact number for property owner or manager; noise restrictions; solid waste management rules; fishing license rules; etc.
 - ii. Diagram of property boundary lines.
 - iii. Diagram of designated parking.
 - g. Smoke detectors and a fire extinguisher shall be installed and maintained in working order in all tourist homes or cabins.
 - h. All solid waste and refuse shall be removed from the property and properly disposed of prior to a change of occupancy.
 - i. No more than two guests per guest room.
 - j. No more than one tourist home per legal lot of record. Use cannot be combined with a bed and breakfast or an additional primary residence on the property.¹²⁹
 - k. Site plan approval required.¹³⁰

¹²⁷ Added regulation

¹²⁸ Needs additional discussion

¹²⁹ Added regulation

¹³⁰ Added regulation

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

P. Veterinary Service, Small Animal.

1. Veterinary services are permitted in the subject to the condition that all outdoor kennel areas shall not be visible from all rights-of-way or neighboring properties by use of landscape buffering. Designated areas for an outdoor kennel shall be on the site plan and landscaping shall be protected accordingly.¹³¹
2. Development in the Airport zone must comply with Chapter X.

7. Business Services Use Regulations¹³²

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

B. Business Services

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

C. Event Center

1. The site shall be located on a street with a roadway classification of arterial or collector.
2. Parking shall be provided to handle the demand of the facility to capacity, but such facilities can apply to utilize shared parking standards as given in Chapter XXX of this ordinance.
3. Development in the Airport zone must comply with Chapter X.

D. Food Wholesale

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

E. Hotel/Motel¹³³

1. Hotels and motels that are located in the LI District shall be compatible with the purposes of the LI District.
2. Development in the Airport zone must comply with Chapter X.

F. Office

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

G. Parking Facility.

1. Parking facilities shall be screened as required in the landscaping Chapter X.
2. Shared parking facilities are subject to the following:
 - a. No more than 50 percent of the parking spaces required for a building of use may be supplied by parking facilities required for any other building or use.
 - b. Total parking provided shall be sufficient to meet the requirements of the greatest combined peak parking demands.
 - c. A written commitment shall be agreed to and signed by all applicable property owners and shall be recorded by the owners with the County Recorder, and a copy filed with the planning department.

¹³¹ Removed regulations

¹³² Business Services separated from Personal Services

¹³³ New

3. Off-site parking facilities are subject to the following:
 - a. The off-site parking facility is within a reasonable walking distance of said structure or use, in consideration of the use.
 - b. Such parking facility is located in a zoning district where such parking facilities are allowed as a permitted use.
 - c. A written commitment shall be agreed to and signed by all applicable property owners and shall be recorded by the owners with the County Recorder, and a copy filed with the planning department.
4. Development in the Airport zone must comply with Chapter X.

H. Repair Services, Drop-off

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

I. Repair Services, Off-site.¹³⁴ The following conditions apply in all rural or residential zones where the use is conditional:

1. Vehicles and associated equipment associated with the business must be stored indoors.
2. No outside storage of materials.
3. Development in the Airport zone must comply with Chapter X.

J. Taxidermist¹³⁵

1. Must show proof of permit from the State of Indiana.
2. Burial of all organic matter must be done in accordance with State Code regulations.
3. Development in the Airport zone must comply with Chapter X.

8. Retail Use Regulations

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

B. Artisan Distillery

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

C. Auction House

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

D. Firearm Sales¹³⁶

1. In the Limited Business (LB) district, the retail store must have reduced hours of operation from 7AM-7PM. No firearms or ammunition shall be sold in any gun sales or gunsmith shops within 200 feet of any Public or parochial school for children in any grades from K through 12, or a child care center.
2. Development in the Airport zone must comply with Chapter X.

E. Garden Center

1. Only permitted on lots 5 acres or greater in the AG2.5 zoning district.

¹³⁴ New

¹³⁵ New

¹³⁶ New

F. Grocery Store

1. The following conditions apply to the RC1, LB, and AP zones:¹³⁷
 - a. Hours are limited to 8 AM to 10 PM.
 - b. Inventory must be comprised of at least 60% fresh, canned, and prepared foods.
 - c. Setback from property lines for the store and dumpster/trash compactors must be at least 75 feet from the property line. Parking must be screened as to avoid headlights shining into the public roadway or adjacent neighbors.
 - d. Development in the Airport zone must comply with Chapter X.

G. Liquor Store

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

H. Manufactured Housing Sales

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

I. Microbrewery/ Brewpub standards in the LB and AP zones:¹³⁸

1. Hours must be limited to noon - 9:00 PM Mon-Thurs, and noon-10:00 PM Fri-Sun.
2. There must be adequate parking lot access for truck deliveries as applicable, as well as customers.
3. No outdoor storage is permitted.
4. All production shall be within completely enclosed structures.
5. All structures shall be setback a minimum of 200 feet from any residential zoning district or use.
6. Exterior storage containers that hold materials or products associated with the brewing process must be located in the side or rear yard. Such facilities shall be subject to the maximum height restrictions of the zoning district where they are located. No signage or identification may be located on the storage container.

J. Outdoor Retail and Display, Accessory¹³⁹. Temporary and permanent facilities for outdoor retail and display, that are accessory to another principal use, may be permitted upon compliance with the following:

1. The merchandise is displayed on the sidewalk or walkway adjacent to the building in the front yard.
2. The merchandise is in the side or rear yard.
3. The merchandise, if not located adjacent to the principal building, shall not be located more than 20 feet away from the principal building.
4. The outdoor retail and display areas may not be more than 20 percent of the gross floor area of the building.
5. The placement of merchandise shall not interfere with pedestrian movement on any sidewalk or walkway. A minimum of four feet of the sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.

¹³⁷ New

¹³⁸ New

¹³⁹ New standards

6. Fenced or screened outdoor retail or display areas must incorporate materials, architectural features, and fencing that complements the principal building.

K. Pharmacy

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

L. Pharmacy, Drive-Through

1. Pharmacies with drive-throughs shall be limited to a maximum of two drive-through lanes. All drive through lanes shall be subject to the design standards in Chapter XXX.¹⁴⁰
2. Development in the Airport zone must comply with Chapter X.

M. Restaurant, Café/Coffee Shop.¹⁴¹ Conditions for RC1 and LB zones include:

1. The size of storefront must not exceed 5,000 sq ft.
2. Site must have access to sewer.
3. Development in the Airport zone must comply with Chapter X.

N. Restaurant, Drive-Through

1. Restaurants with drive-throughs shall be limited to a maximum of two drive-through lanes. All drive through lanes shall be subject to the design standards in Chapter XXX.¹⁴²
2. Site must have access to sewer.
3. Development in the Airport zone must comply with Chapter X.

O. Restaurant, Fast Casual

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

P. Restaurant, Sit Down¹⁴³

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

Q. Retail Sales, Including a Drive-Through

1. Retail stores with drive-throughs shall be limited to a maximum of two drive-through lanes. All drive through lanes shall be subject to the design standards in Chapter XXX.¹⁴⁴
2. Development in the Airport zone must comply with Chapter XX.

R. Retail Sales, Big Box

1. Any outdoor storage proposed shall be screened with dense evergreen landscaping, or an opaque fence or wall to a height of at least six feet.
2. Outdoor display of goods for sale must be located within 10 feet of the front building façade and shall not be located in the parking area.¹⁴⁵
3. Development in the Airport zone must comply with Chapter X.

¹⁴⁰ New

¹⁴¹ New

¹⁴² New

¹⁴³ New

¹⁴⁴ New

¹⁴⁵ New

S. Retail Sales, Large Scale

1. Any outdoor storage shall be located behind the rear of the building and shall be screened with dense evergreen landscaping, or an opaque fence or wall to a height of at least six feet.
2. Outdoor display of goods for sale must be located within 10 feet of the front building façade and shall not be located in the parking area.¹⁴⁶
3. Development in the Airport zone must comply with Chapter X.

T. Retail Sales, Medium Scale

1. No outdoor storage
2. Development in the Airport zone must comply with Chapter X.

U. Retail Sales, Small.¹⁴⁷ In the UD and RC1 Zoning district, the use is permitted if:

1. Use is designated on a Plan Commission approved subdivision plat.
2. No outdoor storage.

V. Smoke Shop¹⁴⁸

1. Smoke shops cannot operate within 500 feet of a school building, child care facility, or public assembly use.
2. Smoke shops cannot locate within 500 feet of another smoke shop.
3. Smoke shops cannot operate between 10:00 PM and 8:00 AM.

9. Automotive and Transportation Service Use Regulations

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

B. All Automotive and Transportation Service Uses. All Automotive and Transportation Service Uses are prohibited in the area within 500 feet, measured perpendicularly from the nearest lane of traffic along State Route 37 or I69. This excludes S Old State Road 37, and N State Road 37 Business.

C. Automobile/Boat Service and Repair, Major.¹⁴⁹

1. Outdoor storage areas shall not be visible from streets and/or adjacent properties. This condition does not apply when located in a Heavy Industrial (HI) District.
2. Development in the Airport zone must comply with Chapter X.

D. Automotive and Boat Service and Repair, Minor.¹⁵⁰

1. In the LB and AP zones, the following conditions apply:
 - a. Hours are limited to 8 AM to 8 PM.

¹⁴⁶ New¹⁴⁷ New¹⁴⁸ New – Also definition of “Smoke Shop” includes vape shop and cbd shop¹⁴⁹ New subsection¹⁵⁰ Combined Automotive and Boat service and repairs

- b. Conducted inside a fully enclosed garage located on a parcel 5 acres in size or greater.
 - c. Applies to passenger automobiles, boats, and trucks not in excess of 7,000 pounds gross weight.
 - d. No vehicle/boat may be stored beyond sixty days.
 - e. Vehicles/boats stored outdoors must be screened from view in all directions by an appropriate fence or similar enclosure.
 - f. Vehicles/boats intended for parts, engines, transmissions, and all similar items to be used in future repairs shall be stored indoors.
 - g. Development in the Airport zone must comply with Chapter X.
- 2. This use is conditional in AG2.5 and FR5 and is subject to the following conditions:
 - a. Must include a residential use on the property.
 - b. Conducted inside a fully enclosed garage located on a parcel that meets or exceeds the minimum lot size for the district.
 - c. Applies to passenger automobiles, boats, and trucks not in excess of 7,000 pounds gross weight.
 - d. No more than five vehicles/boats shall be stored outside on the premises.
 - e. No vehicle/boat may be stored beyond sixty days.
 - f. Vehicles/boats stored outdoors must be screened from view in all directions by an appropriate fence or similar enclosure.
 - g. Vehicles/boats intended for parts, engines, transmissions, and all similar items to be used in future repairs shall be stored indoors.
 - h. The use shall not include more than two off-site employees, shall utilize either the principal structure or one accessory structure.
 - i. Development in the Airport zone must comply with Chapter X.

E. Automotive Sales and Rental.

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

F. Automobile Storage Facility (Impound Lot)

- 1. Processing of metal salvage shall be permitted only in the HI District. All other waste processing shall take place only within an enclosed building. No processing operation shall be permitted closer than 300 feet from any residential use or district, floodways, hydrological features, or water ways.¹⁵¹

¹⁵¹ New

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

G. Automotive Salvage

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

H. Car Wash

1. Stand-alone vacuum and air filling stations shall be located in the side or rear yard.
2. All drive through lanes shall be subject to the design standards in Chapter XXX.
3. Site must have access to sewer.¹⁵²
4. Development in the Airport zone must comply with Chapter X.

I. Electric Vehicle Charging Station

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

J. Fueling Station¹⁵³

1. Fueling areas for automobiles and fueling areas for trucks must be separated.
2. Pump island canopies may not exceed 22 feet in height.
3. All outdoor display areas, gasoline pumps, canopies, and any buildings used for service, repair, work, or washing shall be located a minimum of 100 feet from any Residential Zoning District.
4. Stand-alone vacuum and air filling stations shall be located to the side or rear of the gas canopy.

¹⁵² New

¹⁵³ New 3 and 4

5. A minimum of two stacking spaces is required for each pump.
6. Development in the Airport zone must comply with Chapter X.
7. This site shall conform to the Karst regulations found in Chapter 829.

K. RV/Boat Storage¹⁵⁴

1. All outdoor storage must be screened on all sides by an opaque fence and landscaping that complies with this Ordinance.
2. The required principal building setbacks shall be applied to all boats stored outside.
3. The retail sales of merchandise, and/or boat repair services shall be prohibited.
4. Must have a 200 foot setback from adjacent rural or residential zone.
5. Development in the Airport zone must comply with Chapter X.

L. Transfer or Storage Terminal

1. Outdoor storage areas shall not be visible from streets and/or adjacent properties. This condition does not apply when located in a Heavy Industrial (HI) District.
2. Development in the Airport zone must comply with Chapter X.

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

1. The minimum parcel area for establishment of a new truck stop or travel plaza is five acres with at least two hundred (200) feet of direct road frontage on a major collector. Dedicated left-turn and/or right-turn lanes must either exist or be constructed by the Developer. All access drives shall be oriented toward the major collector.
2. **Location¹⁵⁵**
 - a. The parcel on which the truck stop/travel plaza is located must be within 0.25 miles to the nearest interstate highway exit/entry ramp.
 - b. The major collector serving the truck stop/travel plaza shall handle any expected traffic and load increase with no more than minor traffic disruptions to adjoining or nearby (within one (1) miles) properties and no significant additional wear and tear on the roadway.
 - c. The minimum distance between truck stops shall be 7,000 feet measured from property line to property line.
 - d. Fueling areas for automobiles and fueling areas for trucks must be separated. Pump island canopies may not exceed 22 feet in height.
 - e. All vehicle service and/or repair activities must be conducted within a completely enclosed building. Parts, equipment, lubricants, fuels, tires or other materials must be screened from abutting streets and property. In addition, no vehicle shall be parked on the premises for the purposes of offering the vehicle for sale and no used or discarded automotive parts or equipment or disabled, junked, or wrecked vehicles shall be located in any open area. All activities and operations shall be conducted entirely within an enclosed structure, except as follows:
 - i. The dispensing of petroleum products, water, and air from pump islands.
 - ii. The provision of emergency service of a minor nature.

¹⁵⁴ New subsection

¹⁵⁵ The standard "No more than one truck stop shall have primary access from any interstate highway interchange" was removed.

- f. If the parcel on which the truck stop/travel plaza is located is within 1,320 feet of a Rural or Residential zoning district, the applicant must provide a noise impact study prepared by a qualified acoustical consultant and must propose necessary mitigation measures to ensure that noise levels at the boundary of the nearest Rural or Residential zoning districts will not exceed 60 dB (A) between the hours of 10 p.m. and 7 a.m. The applicant must also propose idling time restrictions and means of ensuring compliance with such restrictions. The purpose of such restrictions is to reduce noise and air quality-related impacts. Noise from bells or loudspeakers shall not be audible beyond the property line at any time.
- g. 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. 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 Highway Department - Stormwater Division, Planning Department, and all applicable State and Federal Departments within 12 hours of occurrence:
 - i. Greater than 100 lbs. or the CERCLA Reportable Quantity (RQ) of a hazardous material; Petroleum spills of greater than 55-gallons; or
 - ii. 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. Development in the Airport zone must comply with Chapter X.

N. Trucking Terminal

- 1. In the LI and AP districts, the following conditions apply:
 - a. Trucking terminals may not be used for tractors or semi-trailers.
 - b. The minimum parcel area for establishment of a new trucking terminal is two (2) acres with at least one hundred (100) feet of direct public road frontage;
 - c. The public road serving the trucking terminal shall handle any expected traffic and load increase as determined by the County Highway Department.
 - d. All vehicle service and/or repair activities must be conducted within a completely enclosed building. All activities and operations shall be conducted entirely within an enclosed structure, except as follows:
 - i. The dispensing of petroleum products, water and air.
 - ii. The provision of emergency service of a minor nature.
 - e. A plan must be submitted showing how the trucking terminal is designed to prevent any spill from the facility or from vehicles utilizing the facility from contaminating soil or migrating off-site.
 - f. Site shall be screened with landscaping, or an opaque fence or wall to a height of at least six (6) feet.

- ## 10. Amusement and Recreational Service Use Regulations

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F. Golf Course¹⁵⁶

1. Requires a minimum of 65 acres
2. Development in the Airport zone must comply with Chapter X.

G. Indoor Shooting Range

1. All Aspects of the use shall be conducted indoors.
2. The operator shall have and submit all applicable state and federal licenses.
3. The sale of guns and/or repair of smithing of guns is permitted as an accessory use.
4. Lead shall be disposed of in a matter which complies with all federal, state, and local regulations.
5. Noise shall be not audible at the property line.
6. Development in the Airport zone must comply with Chapter X.

H. Racetrack

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

I. Recreation Facility, Private

1. Access to site should be located on an arterial, collector streets. If located off of a local road, access to site shall not be through a residential neighborhood; and
2. The design of structure and site, hours of operation, and intensity of use, shall be compatible with the surrounding area.
3. Development in the Airport zone must comply with Chapter X.

J. Recreational Vehicle (RV) Park¹⁵⁷

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

K. Rodeo and other Transient Amusement Enterprises

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

¹⁵⁶ New subsection

¹⁵⁷ New subsection

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

L. Theaters, Indoor

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

M. Theaters, Outdoors¹⁵⁸

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

11. Manufacturing, Mining, Construction, and Industrial Use Regulations

A. Accessory Outdoor Storage, Industrial

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

B. Accessory Rural General Contractor

1. Site must have a minimum lot size of two and a half (2.5) acres.¹⁵⁹
2. Site must have direct access to a public roadway. The use is prohibited on lots that have sole access through a shared easement¹⁶⁰.
3. Presence of a primary residence on the property is required. Business owner/operator must record an affidavit and commitment stating they will reside on the property full-time.
4. Employees of the business living off-site may park at the residential location provided there is sufficient off-street parking to fully accommodate the employees and that they meet a parking setback of 50 feet. The number of employees who live off-site is limited to five total;
5. No retail is permitted at the residential site;
6. Any building used in connection with the general contractor use shall be located at least 35' from rear and side property lines.
7. No permanent advertising signs are permitted at the residential property;
8. Hours of operation shall be between 7:00 AM - 7:00 PM.

¹⁵⁸ 7 and 8 are new

¹⁵⁹ Propose changing from 5 acres to 2.5 acres since that is the minimum lot size for AG2.5 and CR2.5

¹⁶⁰ New

9. Any storage of vehicles or materials used for the general contracting business must be stored indoors or screened on all sides by an appropriate fence or appropriate plantings. If screened, the following standards must be followed:
10. A minimum of six foot opaque fence or landscaping that meets the interior tree requirement must immediately surround around the entire storage area meeting the 'Type D' bufferyard type in Chapter 830. The screening must capture the entirety of items stored and staff has the final determination as to whether fencing or landscaping is more appropriate depending on items stored.
11. Outdoor storage of vehicles must be limited to five or less. The types of vehicles must be included on the application and not exceed the County's definition of 'heavy equipment', which is defined as 'Motorized equipment having a gross weight of more than six tons.'
12. No outdoor storage area may exceed 100' x 100' and must be located within buildable area per Chapter 804.
13. Outdoor storage may not include greenfill waste.

C. Cement, Paving, Central Mixing, Rock Crushing

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

D. Commercial Print Shop

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

E. Construction Trailer and Equipment Rental¹⁶¹

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

F. Cut Stone and Stone Products

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

G. Food Processing and Packaging

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

H. General Contractor

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

I. Industrial Equipment Sales and Rental

1. Development in the Airport zone must comply with Chapter X.
2. In the General Business (GB) zone, outdoor equipment must be stored as to be located behind buildings and screened from view on all sides.

¹⁶¹ New subsection

J. Industrial Manufacturing, Heavy ¹⁶²

1. Site must have access to sewer

K. Industrial Manufacturing, Light

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

L. Mineral Resource Extraction. Mineral resource extraction activities are permitted subject to the following provisions:

1. Mining operations shall not be conducted on parcels located within residential Districts or Urban Area.
2. The applicant shall state to the Planning Director the course of travel to be followed by vehicles transporting minerals. In the event the course of travel contemplates that the vehicles will process over county roads, then the applicant shall post bond in favor of the county in an amount established by the Plan Commission for the purpose of repairing damage and/or wear to county roads resulting from the use of the roads by the vehicles.
3. The mining site shall be sprinkled, or other measures shall be taken as deemed appropriate by the Planning Director, to prevent dust and other particles, from polluting the atmosphere because of the mining operations and as a result of transporting minerals.
4. Vehicles transporting minerals shall be loaded so that the minerals shall not spill from the vehicles to road surfaces.

M. Research Laboratories

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

N. Sawmill

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

O. Small Engine and Motor Repair

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

P. Warehouse and Distribution

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

12. Mixed Uses and Adaptive Reuse

A. Applicability. The following use regulations are for mixed uses and adaptive reuse developments that are permitted per specific use standards (PS) and Conditional Uses (C) in the Permitted Use Table. These use regulations are in addition to the other use regulations that apply within this code.

B. Adaptive Reuse. Adaptive Reuse sites may be further developed and used as follows and subject to the following conditions.

1. Additional buildings and structures may be constructed or placed on the site;
2. Multiple uses may be established in the existing and new buildings and structures;
3. All uses established must be permitted uses in the zone district;
4. Sewer service must be present and available to serve the site;
5. Building Department review and approval for change of use and occupancy;

¹⁶² New subsection

6. Sidewalks shall be included within the dedicated, unpaved portions of the rights-of-way; Additionally, the Plan Commission may approve an alternate circulation plan, outside of the right-of-way, if sidewalk and/or access easement(for sidewalks, bike paths, public access, private access, etc.) locations are available;
7. At least one design upgrade from each of the below categories in Table 809.2 (landscaping and parking, aesthetics, and site design) is required. No more than one existing feature may be counted to fulfill these design upgrade requirements¹⁶³.

C. Airport/Related Business

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

D. Commercial/Industrial Adaptive Reuse¹⁶⁴

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

¹⁶³ New table – previous code required 2 upgrades. This will require 3 upgrades – 1 from each column.

¹⁶⁴ New

- f. Façade enhancements such as roofline variations, decorative wall signs, canopy treatments, additional window transparency, exterior materials, additional or enhanced entrances;
- g. Provision of outdoor public use areas, such as plazas, patios, benches, etc.;
- h. Creation of a designated pedestrian way through a front parking lot from the public sidewalk to the main entrance;
- i. Aesthetic upgrades to parking lot or exterior building light fixtures (new fixtures must be hooded, shielded, downcast design);
- j. Surface upgrades to deteriorated parking areas where at least 50%¹⁶⁵ 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.

E. Dwelling, Live/Work¹⁶⁶

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

F. Fairgrounds, Public

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

G. Historic Adaptive Reuse

- 1. Property shall have been designated Historic or have filed a petition for Historic designation at the time of the application for a conditional use permit;
- 2. Proposed use shall not diminish the historic character of the property or, if it is located within an historic district, the historic character of said district;
- 3. Proposed use shall enhance the ability to restore and/or preserve the property; and
- 4. The granting of the conditional use permit shall be contingent upon any required Certificate of Appropriateness and upon the granting of Historic designation.
- 5. Proposed use must not lead to more than one principle use on the property.

¹⁶⁵ Changed from 25% to 50%

¹⁶⁶ New use and standards – standards inspired by Bloomington's for consistency purposes

6. Utility facilities must adequately serve the proposed use.
7. Development in the Airport zone must comply with Chapter X.

H. Mixed Use, Commercial

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

Table 810.3: Adaptive Reuse Design Upgrade Options

Landscaping and Parking Items	Aesthetic Items	Site Design Items
<ol style="list-style-type: none"> 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. 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. 	<ol style="list-style-type: none"> 1. Façade enhancements such as roofline variations, decorative wall signs, canopy treatments, additional window transparency, exterior materials, additional or enhanced entrances. 2. Conversion of pole signs to monument signs. 3. Aesthetic upgrades to parking lot or exterior building light fixtures (new fixtures must be hooded, shielded, downcast design). 	<ol style="list-style-type: none"> 1. Implementation of stormwater best management practice treatments, under direction of the county stormwater utility. 2. Installation of a low masonry street wall or decorative fence treatment along the street edge. 3. Provision of outdoor public use areas, such as plazas, patios, benches, etc. 4. Creation of a designated pedestrian way through a front parking lot from the public sidewalk to the main entrance

811.SPECIAL USES

1. Adult Oriented Businesses

A. Purpose

The regulations set forth in this Ordinance pertaining to Adult Oriented Businesses are based on evidence concerning the adverse secondary effects of adult oriented business uses on the communities presented in findings incorporated in *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986) and in studies conducted by the following communities: Detroit, Michigan; Amarillo, Texas; Los Angeles, California; Indianapolis, Indiana; Phoenix, Arizona; St. Paul, Minnesota; Beaumont, Texas; Seattle, Washington; and, Austin, Texas. Further, findings presented in *Wichita County v. LLEH, Inc.*, 289 F.3d 358, 366 (5th Cir. 2002) have been duly considered by reviewing the experiences of other communities and how the measures used to combat secondary effects were employed. Additionally, findings and studies presented or cited in the Survey of Texas Appraisers; Secondary Effects of Sexually-Oriented Businesses on Market Values (Cooper, Damian Kelly, Keuhl, Wilson, June 2008) and Crime-Related Secondary Effects; Secondary Effects of “Off-Site” Sexually-Oriented Businesses (McCleary, Alexander, Bush Vasquez, June 2008) were identified to support the determination of proximity impacts, sign regulations, and type classifications.

The foregoing findings and studies establish that Adult Oriented Businesses, due to their nature, can have negative impacts on nearby properties, particularly when these uses are concentrated together or located near residential uses, childcare centers, churches, cemeteries, schools, libraries, playgrounds, or parks. Special regulations for Adult Oriented Businesses are necessary to minimize associated adverse secondary effects on surrounding areas. Thus, the primary goal of the Adult Oriented Business regulations of this Ordinance is to prevent the concentration or location of these uses in a manner that would exacerbate their demonstrated adverse effects.

These regulations have neither the intent nor the effect of imposing a limitation or restriction on the content of any communicative materials, including adult oriented materials. Similarly, it is neither the intent nor the effect of these provisions to restrict or deny access to adult oriented materials protected by the First Amendment to the United States Constitution or the Indiana State Constitution, or to deny access by the distributors and exhibitors of lawful adult oriented media and entertainment to the local market.

B. Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted to give them the meaning they have in common usage and to give this Ordinance its most reasonable application. However, the following definitions only apply to this Chapter of the Monroe County Zoning Ordinance. Words not defined herein but defined in the Chapter XXX of the Monroe County Zoning Ordinance shall be interpreted in accordance with that Chapter.

A

Adult arcade: An establishment where, for any form of consideration, arcade booths are provided and are regularly used to show, view, play, or display adult media.

Adult cabaret: A nightclub, bar, restaurant, or similar commercial establishment, whether or not alcohol beverages are served, which regularly features persons who appear in a state of semi- nudity.

Adult media: Media that are distinguished or characterized by their emphasis on specified sexual activities or specified anatomical areas.

Adult oriented business, off-site: Any adult oriented business establishment that sells adult media or adult merchandise, exclusively for off-site use. Off-site adult oriented businesses offer no on-site entertainment of any sort.

Adult media store: An establishment that rents and/or sells adult media, and that meets any of the following three tests:

- A. Ten percent or more of the gross public floor area is devoted to adult media; or,
- B. Ten percent or more of the stock-in-trade consists of adult media; or,
- C. It advertises or holds itself out in any forum as XXX, adult, sex, or otherwise as a purveyor of adult media.

Adult motel: A motel, hotel, or similar commercial establishment which:

- A. Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction of specified sexual activities or specified anatomical areas and which advertises the availability of this adult oriented type of material by means of any off-premises advertising including, but not limited to, signs, newspaper, magazines, pamphlets, leaflets, radio, television, or the internet;
- B. Offers a sleeping room for rent for a period of time less than 10 hours; or
- C. Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than 10 hours.

Adult motion picture theater: A commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

Adult oriented business, off-site: Any adult oriented business establishment that sells adult media or adult merchandise, exclusively for off-site use. Off-site adult oriented businesses offer no on-site entertainment of any sort.

Adult oriented business, on-site: Any adult oriented business establishment that offers on-site entertainment of any sort, including but not limited to the following: adult theater, adult cabaret, adult arcade, adult motel, adult motion picture theater, or sexual encounter establishment.

Adult oriented goods, toys, or novelties (merchandise): Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts or designed or marketed primarily for use to stimulate human genital organs, or for use in specified sexual activities or sadomasochistic practices.

Adult retail store: An establishment offering goods for sale or rent and that meets any of the following tests: (1) more than 10% of its stock in trade or more than 10% of its gross public floor area are devoted to the display or storage of leather goods that are marketed or presented in a context to suggest their use for sadomasochistic practices; (2) more than 5% of its stock in or, more than 5% of its gross public floor area is devoted to the display of other adult oriented goods, toys, or novelties.

Adult theater: A theater, concert hall, auditorium, or similar commercial establishment, which, for any form of consideration, regularly features persons who appear in a state of semi-nudity or live performances which are characterized by the exhibition or exposure of specified sexual activities or specified anatomical areas.

Arcade booth: Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat five or fewer patrons and that is used to show, view, play, or display media for patrons therein. A video-viewing booth shall not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains more than 600 square feet in floor area.

D

Display publicly: The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen, and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than adult media are on display to the public.

E

Escort: A person who, for any form of consideration, agrees or offers to act as a companion or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort agency: An establishment who furnishes, offers to furnish, or advertises to furnish escorts as one of its business purposes for a fee, tip, or other consideration.

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

G

Gross public floor area: The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind- counter areas, storage areas visible from such other areas, restrooms (whether or not labeled public), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, lobbies, and entryways serving such areas.

H

Historic district: Any area in any political subdivision of the State of Indiana designated as a historic district pursuant to the zoning or historic preservation ordinances applicable within the subdivision.

L

Lingerie modeling studio: An establishment or business that provides the services of live models modeling lingerie to individuals, couples, or small groups in a room smaller than 600 square feet.

M

Massage parlor: Any establishment where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as a part of or in connection with specified sexual activities, or where any person providing such treatment, manipulation, or service related thereto exposes his or her specified anatomical areas.

Media: Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not be limited to books, newspapers, magazines, movies, videos, sound recordings, CD-ROMs, other magnetic media, and undeveloped pictures.

N

Nude: The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of covered male genitals in a discernibly turgid state.

Nude or semi-nude model studio: Any establishment where a person, who regularly appears in a state of semi-nudity, is provided for money or any form of consideration, to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons, excluding those facilities created for educational or artistic purposes.

S

Sadomasochistic practices: Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one clothed or naked.

Semi-nude: The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the male or female buttocks. Such definition includes the lower portion of the human female breast but shall not include any portion of the cleavage of the female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

Sexual encounter establishment: A business or commercial establishment that, as one of its primary business purposes, offers, for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purposes of specified sexual activities when one or more of the persons is semi-nude. The definition of Adult Oriented Business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

Specified anatomical areas:

- A. Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities: Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Stock in trade: Stock in trade shall be the number of items in stock in the sales and display area at the time of a site inspection. The number of adult oriented items shall be calculated as a percentage of total items.

A. Table of Permitted Adult Oriented Business Uses

Table 811.1: Table of Permitted Adult Oriented Business Uses				
Permitted Adult Oriented Uses	Permitted Zoning Districts	Use Intensity	On-Site Adult Oriented Business	Off-Site Adult Oriented Business
Adult Arcade	GB and HI	Medium	X	
Adult Cabaret	GB and HI	Medium	X	
Adult Media Store	LB, GB, and HI	Low		X
Adult Retail Store	LB, GB, and HI	Low		X
Adult Motion Picture Theater	GB and HI	Medium	X	
Adult Theater	GB and HI	Medium	X	
Escort Agency	LB, GB, and HI	Low		X
Lingerie Model Studio	GB and HI	Medium	X	
Nude or Semi-Nude Model Studio	GB and HI	Medium	X	
GB = General Business District HI = Heavy Industrial District LB= Limited Business District				

B. Prohibited Adult Oriented Business Uses. Adult Motels, Massage Parlors, and Sexual Encounter Establishments are prohibited in Monroe County.

C. Separation Requirements for Adult Oriented Businesses

Table 811.2: Separation Requirements for Adult Oriented Business Uses			
Protection Class	Uses	Adult Oriented Business, On-Site	Adult Oriented Businesses (Off-Site)
1	Another Adult Oriented Business, On-Site	1,500 feet	1,000 feet
	Another Adult Oriented Business, Off-Site	1,000 feet	1,000 feet
2	Residential Zoning District	500 feet	500 feet
	Private or Public Pre-School or K-12 School	1,500 feet	750 feet
	Public Park, Religious Institution, Public Library, Historic District, Daycare Home, or Daycare Center	750 feet	500 feet

- Distance Measurements.** Compliance with the separation requirements set forth in the Table of Separation Requirements for Adult Oriented Business Uses shall be determined by measuring the distance from the nearest property line of the property from which spacing is required to the nearest property line on which the Adult Oriented Business use will be located, using a straight line, without regard to intervening structures or public rights-of-way.
- Single Use Requirements.** No more than one Adult Oriented Business may be located in one building, parcel, or zoning lot.

3. **Pre-Existing Use Establishment.** Once approved and established, an Adult Oriented Business will not be made non-conforming as a result of the subsequent establishment of any Type 2 Protection Class use within the proscribed buffer distances set forth in the Table of Separation Requirements for Adult Oriented Business Uses.

B. Adult Media Store and Adult Retail Store Uses – Specific Requirements

1. All Adult Media Store and Adult Retail Store establishments shall be subject to the requirements of this section. However, if less than 40% of the gross public floor area or 40% of the stock in trade is dedicated to adult media or adult retail sales the use is not subject to the separation provisions of Section 805.XX of this section.
2. Adult media shall be kept in a separate room or section of the store, which room or section shall:
 - a. Not be open to any person under the age of 18 years;
 - b. Be physically and visually separated from the rest of the store by an opaque wall of durable material, reaching at least eight feet high, or to the ceiling, whichever is less;
 - c. Be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children;
 - d. Have access controlled by electronic or other means to provide Assurance that persons under the age of 18 years will not easily gain admission.
 - e. Provide signage at the entrance stipulating that persons under the age of 18 years are not permitted inside.
3. **Exterior Display.** No Adult Oriented Business shall be conducted in any manner that permits the public display of material depicting specified sexual activities or specified anatomical areas.
4. **Accessory Use Limitations.** No On-Site Adult Oriented Business use shall be permitted to operate as an accessory to an Off-Site Adult Oriented Business use. Furthermore, no Adult Oriented Business shall be permitted as an accessory use to any non-Adult Oriented Business use.
5. **Signage.** In addition to the applicable sign requirements and limitations of Chapter 807, signage for Adult Oriented Businesses shall not display sadomasochistic practices, adult oriented toys, or novelties, specified anatomical areas, or specified sexual activities.
6. **Parking.** In addition to the applicable parking requirements of Chapter 806, overnight parking is prohibited at Adult Oriented Business establishments.

2. Logging and Forestry Operations

- A. Applicability.** In accordance with IC 36-7-4-1103, forestry operations in Monroe County requires an Improvement Location Permit.

B. Purpose:

1. Proposed logging should not have a significant adverse impact on adjacent residential Lots.
2. Proposed logging will not have a significant adverse impact on local streets and roads.
3. Proposed logging will not have a significant adverse impact on watersheds, groundwater, fish and wildlife habitat, soil and slope stability, and air and water quality.
4. Any noise associated with the proposed logging will not have a significant adverse impact on nearby land uses.

5. Proposed logging shall not involve removing of stumps and otherwise preparing the land for future development. Any preparation for development involves further permitting and shall constitute a Zoning Violation if conducted under a logging permit.
- C. **Regulations.** In areas where the logging site is within the Watershed Protection or Environmental Constraint Overlay, and where there are eight residences in a quarter mile per IC 36-7-4-1103, regulations of logging area may be regulated.
- D. **Stormwater Requirements.** In areas where the skid trails and roadways exceed one acre of disturbance, Construction General/Rule 5 compliance with the Stormwater Ordinance will be required. In addition, any proposed stream crossings are subject to review by the MS4 Coordinator.
- E. **Floodplain Requirements.** In areas where logging is proposed with the floodplain according to the DNR Best Available Data, there may be regulations in relation to locations of log landings and other stabilization methods.
- F. **Sinkhole Conservancy Area Requirements.** In areas where logging is proposed within a sinkhole conservancy area may be regulated in accordance with Chapter XXX
- G. **Best Management Practices.** All logging sites are required to identify Best Management Practices that will be employed at the site.

3. Manufactured Home Parks

- A. **Purpose.** The purpose of this chapter is to encourage the development of safe, well-planned manufactured home parks in the County Jurisdictional Area to the end of increasing quality housing opportunities for all citizens of Monroe County, Indiana.
- B. **PUD Requirements.** Manufactured home parks may be located in Low Density, Medium Density, Suburban Density , High Density, and Urban Residential Districts as Planned Unit Developments, in accordance with the standards, requirements and procedures prescribed in this chapter and in Chapter 823 of the Zoning Ordinance.
- C. **Design Standards and Requirements.** In considering the development plans for proposed manufactured home parks, the Commission shall ensure compliance with the following design standards and requirements:
 1. **Size Requirements**
 - a. The minimum area of a manufactured home park shall be five acres.
 - b. Individual manufactured home sites shall be a minimum of 4,000 square feet in area and in no case shall a manufactured home park exceed a density of seven units per gross acre.
 2. **Setbacks**
 - a. Each manufactured home site shall have a minimum width of 40 feet.
 - b. The minimum distance between a manufactured home and another manufactured home or structure shall be 20 feet.
 - c. The front yard setbacks applicable to conventional housing in the underlying zoning district shall apply. Manufactured homes may not be located less than 40 feet from any manufactured home park boundary line, in the event that a manufactured home park shall abut a public street or highway.
 3. **Design Requirements**

- a. All entrances to manufactured home parks shall be constructed in an attractive manner. The name of the park and park streets shall be adequately designated in a pleasing manner. The Commission shall approve the name of the park as well as the names of park streets according to the criteria for approving subdivision names and streets set forth in the Monroe County Subdivision Control Ordinance. Near the entrance of each park, facilities shall be provided for the receipt of mail for the park's residents.
 - b. Each manufactured home site shall be provided with structural supports that comply with the manufacturer's installation instructions or with the Indiana One and Two Family Dwelling Code.
 - c. Foundation skirting shall be required around each manufactured home completely enclosing the undercarriage.
4. **Landscaping and Screening.** A manufactured home park shall be screened continuously along all park boundary lines in accordance with the bufferyard requirements of Chapter 830. A minimum Type A bufferyard shall be provided between a manufactured home park and an adjoining medium intensity use where such a condition occurs.
5. **Drainage Requirements.** The manufactured home park shall be located on a well-drained site that is properly graded to ensure rapid drainage and that is free from stagnant pools of water. The Commission may, as part of its approval of a development plan, impose drainage/erosion control remediations as recommended by the Drainage Board or by the County Engineer, such as curbs, gutters, catch basins or such other artificial enhancements. The surface drainage remediations that are approved or required by the Commission shall be installed and maintained by the developer or its successors in interest.
6. **Recreational Amenities.** Each manufactured home park shall provide a recreational area or areas equal in size to at least eight percent of the area of the park. Streets, parking areas, drainage facilities and park service facility areas shall not be included in the required recreational area.
7. **Commercial Convenience Establishments.** Coin-operated laundries, laundry, and dry-cleaning pickup stations and other commercial convenience establishments may be permitted in manufactured home parks provided:
 - a. They are subordinate to the residential character of the park;
 - b. They are located, designed, and intended to serve only the needs of persons living in the manufactured home park;
 - c. The establishments and parking areas related to their use shall not occupy more than 10 percent of the total park area;
 - d. The establishments shall not be visible from adjacent rights-of-ways or properties located outside of the manufactured home park¹⁶⁷.
8. **Dry Goods Storage.** Each manufactured home park shall provide either one central waterproof structure available to all manufactured home site residents or a single waterproof structure for each manufactured home site, suitable for storage of goods and the usual effects of persons occupying the park.
9. **Lighting.** All exterior park lights shall be located and shielded so as to prevent direct illumination of any areas outside of the park exceeding .01 foot candle.
10. **Circulation and Access**

¹⁶⁷ Re-worded this standard

- a. Each manufactured home site shall be provided with two parking spaces adjacent thereto, which parking spaces shall have unobstructed access to a manufactured home park street.
- b. Common walks at least four feet in width shall be provided around all recreational and service facility areas. No walk required herein shall be used as a drainage way. All manufactured home stands shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of four¹⁶⁸ feet.
- c. Street design and construction within the park shall be in accordance with the current street design and construction standards specified in the Monroe County Subdivision Control Ordinance.
- d. No individual manufactured home within a manufactured home park shall have direct vehicular access to any public street adjacent to the park. All access shall be from an improved street or driveway within the park.

D. Limitations

1. All manufactured homes located in a manufactured home park shall only be used for residential purposes, except that home occupations may be allowed.
2. No manufactured home site shall be rented in any manufactured home park except for periods of thirty (30) days or longer.

4. Wireless Communication Facilities

A. Purpose and Intent

3. The wireless communications Act of 1996 preserved, with certain limitations, local government land use and zoning authority concerning the placement, construction, and modification of wireless communications facilities. Likewise, amendments to the Indiana Code, effective beginning in 2016, preserved, with limitations, local government authority to regulate the land use Aspects of wireless communication structures and facilities. The purpose of this Wireless communications Facilities Chapter is to ensure that residents, public safety operations, and businesses in Monroe County have reliable access to wireless communications networks and state of the art wireless communications services while also ensuring that this objective is achieved in a fashion that preserves the intrinsic aesthetic character of the community and is accomplished according to Monroe County zoning, planning, and design standards.
4. To accomplish the above stated objectives and to ensure that the placement, construction or modification of wireless communications structures and facilities complies with all applicable Federal and Indiana laws and is consistent with Monroe County land use policies, Monroe County adopts the following comprehensive, wireless communications regulations. No provisions of this Chapter shall apply to the siting of Distributed Antenna Systems (DAS), or wireless facilities located within and intended to provide wireless coverage exclusively within a structure.
5. This Chapter establishes parameters for the siting of wireless communications structures and facilities. By enacting this Ordinance, it is Monroe County's intent to:
 - a. Ensure Monroe County has sufficient wireless infrastructure to support public safety wireless communications throughout Monroe County.

¹⁶⁸ Can we upgrade this standard from three to four feet to allow easier access for handicap individuals, strollers, etc.?

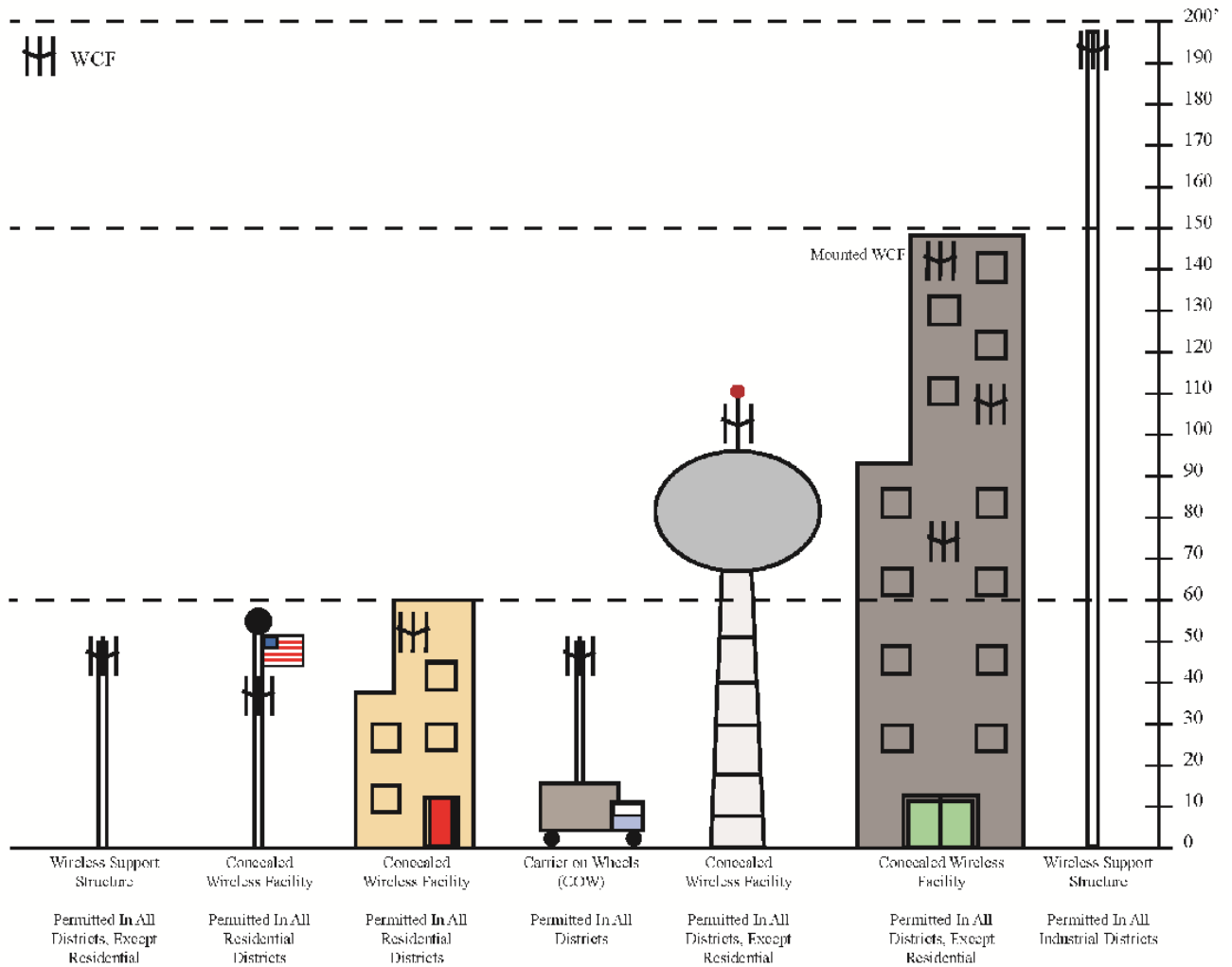
- b. Ensure access to reliable wireless communications services throughout all areas of Monroe County.
- c. Encourage the use of existing structures for the collocation of wireless communications facilities.
- d. Encourage the location of wireless support structures, to the extent possible, in areas where any potential adverse impacts on the community will be minimized.
- e. Facilitate the deployment of wireless communications structures and facilities in residential areas, as necessary to establish comprehensive wireless services across Monroe County, in a manner that preserves the character of the residential areas.
- f. Minimize the potential adverse effects associated with the construction of monopoles and replacement of towers through the implementation of reasonable design, landscaping, and construction practices.
- g. Ensure public health, safety, welfare, and convenience.
- h. To help ensure compliance with federal legislative changes to zoning authority under the 1996 Wireless communications Act and Indiana Code Sections 8-1-32.3-19 through 8-1-32.3-21.

B. Approvals Required for Wireless Communication Facilities and Wireless Support Structures

1. Administrative Review

- a. Collocations and minor modifications shall be permitted in any zoning district after administrative review and administrative approval in accordance with the standards set forth in this Ordinance.
- b. New wireless support structures that are less than 60 feet in height shall be permitted in any zoning district except residential after administrative review and administrative approval in accordance with the standards set forth in this ordinance.
- c. Concealed wireless communications facilities that are less than 60 feet in height shall be permitted in any residential zoning district after administrative review and administrative approval in accordance with the standards set forth in this ordinance.
- d. Concealed wireless communications facilities up to 150 feet shall be permitted in any zoning district other than residential after administrative review and administrative approval in accordance with the standards set forth in this Ordinance except as noted above.
- e. New wireless support structures up to 199 feet in height shall be permitted in any industrial zoning district after administrative review and administrative approval in accordance with the standards set forth in this Ordinance.
- f. Wireless communication facilities placed on utility poles shall be permitted in any zoning district after administrative review and administrative approval in accordance with the standards set forth in this ordinance.
- g. The use of COWs shall be permitted in any zoning district after administrative review and administrative approval in accordance with the standards set forth in this ordinance if the use is not otherwise exempt.

2. Administrative Review Eligible Facilities Exhibit Figure



Note: any proposed WCF not meeting Administrative Approval Requirements needs Conditional Use Approval

3. **Conditional Use Permit.** Wireless communications facilities and wireless support structures not permitted by administrative approval shall be permitted in any district upon the granting of a conditional use permit from the Board of Zoning Appeals in accordance with the standards set forth in this ordinance.
4. **Exemptions.** Ordinary maintenance of existing wireless communications facilities and support structures, as defined herein, shall be exempt from additional zoning and permitting requirements. In addition, the following facilities are not subject to the provisions of this ordinance:
 - a. Antennas used by residential households solely for broadcast radio and television reception;
 - b. Satellite antennas used solely for residential or household purposes;
 - c. COWs placed for a period of not more than 120 days at any location within Monroe County after a declaration of an emergency or a disaster; or,
 - d. Television and AM/FM radio broadcast towers and associated facilities.

C. Wireless Communication Facilities and Wireless Support Structures Permitted by Administrative Approval

1. Wireless Communication Facilities located on existing structure

- a. Wireless communications facilities are permitted in all zoning Districts when located on any existing structure subject to administrative approval in accordance with the requirements of this Part.
- b. Antennas may exceed the maximum building height limitations within a zoning district, provided they do not constitute a substantial modification.
- c. Minor modifications are permitted in all zoning Districts subject to administrative approval in accordance with the requirements of this part.
- d. Minor modifications shall not increase the fall zone to an extent that would result in a violation of the setback requirements of 810.4(E)(2).

2. New Wireless Support Structures

- a. New wireless support structure less than 60 feet in height shall be permitted in all zoning Districts except residential Districts in accordance with the requirements of this part.
- b. Concealed wireless communications facilities that are less than 60 feet in height shall be permitted in any residential district after administrative review and administrative approval provided that it meets the applicable concealed wireless communications facility standards in accordance with this ordinance.
- c. New wireless support structures up to 199 feet in height shall be permitted in all industrial Districts in accordance with the requirements of this part. The height of any proposed wireless support structure shall not exceed the minimum height necessary to meet the coverage or capacity objectives of the facility. The setback of the structure shall be governed by the setback requirements of the underlying zoning district.
- d. A monopole or replacement pole under the regulatory control of the Indiana Utility Regulatory Commission that will support utility lines as well as a wireless communications facility shall be permitted within utility easements or rights-of-way, in accordance with requirements of this part.
 - i. The utility easement or right-of-way shall be a minimum of 100 feet in width.
 - ii. The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are 80 feet or greater in height.
 - iii. The height of the monopole or replacement pole may not exceed by more than 30 feet the height of the existing utility wireless support structure.
 - iv. Monopoles and accessory equipment shall be set back a minimum of 15 feet from all boundaries of an easement or right-of-way.
 - v. Single carrier monopoles may be used within utility easement and rights-of-way due to the height restructure imposed on subsection (iii) above. Poles that use the structure of a utility tower for support are permitted under this part. Such poles may extend up to 20 feet above the height of the utility tower.

- vi. Monopoles or replacement poles located on public property or within public rights-of-way that will support public facilities or equipment in addition to wireless communications facilities shall be permitted in accordance with requirements of this part. Examples include, but are not limited to, municipal communication facilities, athletic field lights, traffic lights, streetlights, and other types of utility poles in the public right-of-way.

3. Concealed Wireless Communications Facilities

- a. Concealed wireless communications facilities shall be permitted in all zoning Districts after administrative review and administrative approval in accordance with the requirements below. Concealed facilities in residential areas must not exceed 60 feet and comply with the requirements below in order to qualify for administrative review.
- b. Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.
- c. Existing Structures utilized to support the Antennas must be allowed within the underlying zone district. Such structures may include, but are not limited to, flagpoles, bell towers, clock towers, crosses, monuments, smokestacks, parapets, and steeples.
- d. Setbacks for Concealed Wireless Facilities that utilize a new structure shall be governed by the setback requirements of the underlying zoning district.

- 4. **COW Facilities and Minor Modifications.** The use of COWs shall be permitted in any zoning district after administrative review and administrative approval in accordance with the standards set forth in this ordinance if the use of the COW is either not in response to an officially declared emergency or will last in excess of 120 days.

5. General Standards, Design Requirements, and Miscellaneous Provisions

- a. Unless otherwise specified herein, all wireless communications facilities and wireless support structures permitted by administrative approval are subject to the applicable standards in **Sections 810.4(E) and (F)**.
- b. Unless otherwise specified herein, all new wireless support structures shall be monopole construction.

6. Administrative Review Process. All administrative review applications must contain the following:

- a. Administrative review application form signed by applicant.
- b. Copy of lease or letter of authorization from property owner evidencing applicant's authority to pursue zoning application. Such submissions need not disclose financial lease terms.
- c. Site plans detailing proposed improvements which complies with **Chapters 814 (permits and certificates) and 815 (site plan review)** of this ordinance. Drawings must depict improvements related to the requirements listed in this part, including property boundaries, setbacks, topography, elevation sketch, and dimensions of improvements.
- d. In the case of a new wireless support structure the applicant shall provide:
 - i. A statement documenting why collocation cannot meet the applicant's requirements. Such statement may include justifications, including why collocation is either not reasonably available or technologically feasible as necessary to document the reasons why collocation is not a viable option.

- ii. A list of all the existing structures considered as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were either unavailable, or technologically or reasonably infeasible.

Applications for new Wireless support structures with proposed Wireless communications Facilities shall be considered together as one application requiring only a single application fee.

- e. Administrative review application fee as listed in the Monroe County Plan Commission and Board of Zoning Appeals published fee schedule.
- f. A fall zone calculation for the wireless support structure certified by a registered engineer.
- g. The applicant is responsible for identifying any confidential or proprietary information included in the application and for providing that information only on green colored paper.

7. Procedure

- a. Within 10 days of the receipt of an application for administrative review, the Administrator shall either:
 - i. Inform the applicant in writing the specific reasons why the application is incomplete and does not meet the submittal requirements. If the applicant is not so informed, the application shall be deemed complete; or
 - ii. Deem the application complete.
- b. An applicant that receives a written notice under subsection (a) above may cure the defects set forth in the notice and resubmit the corrected application to the permit authority within 15 days of receiving the notice. If an applicant is unable to cure the defects within the 15 day period, the applicant shall notify the permit authority of the additional time the applicant requires to cure the defects.
- c. The Administrator must issue a written decision granting or denying the request within 45 days of the initial determination of completeness. Failure to issue a written decision within 45 days shall constitute an approval of the application, unless:
 - i. The applicant requested additional time under subsection (b) to cure defects in the application, the 45 day period set forth in subsection (e) is extended for a corresponding amount of time; or,
 - ii. Extension of time is agreed to by the applicant in writing.
- d. Should the Administrator deny the application, the Administrator shall provide written justification for the denial. The denial must be based on substantial evidence of inconsistencies between the application and this Ordinance.

D. Wireless Communications Facilities and Wireless Support Structures Permitted by Conditional Use Permit

- 1. Any wireless communications facility or wireless support structures not meeting the requirements of Section 810.4(C) shall be permitted by conditional use permit in all zoning Districts subject to:
 - a. The submission requirements of Section 810.4(D)(2) below;
 - b. The applicable standards of Sections 810.4(E) and (F) below; and,

- ### 3. Procedure

- b. An applicant that receives a written notice that the application is incomplete may cure the defects set forth in the notice and resubmit the corrected application to the permit authority within 30 days of receiving the notice. If an applicant is unable to cure the defects within the 30 day period, the applicant shall notify the permit authority of the additional time the applicant requires to cure the defects.
- c. The Administrator must issue a written decision granting or denying the request within 90 days of the initial determination of completeness. Failure to issue a written decision within 90 days shall constitute an approval of the application, unless:
 - i. The applicant requested additional time under subsection (ii) to cure defects in the application, the 90 day period set forth in subsection (c) is extended for a corresponding amount of time;
 - ii. Extension of time is agreed to by the applicant in writing; or,
 - iii. If the application for the proposed wireless support structure requires a variance of use from the terms of an applicable zoning ordinance in accordance with IC 36-7-4-918.4, the permit authority may have not more than 30 additional days to decide.
- d. Should the Administrator deny the application, the Administrator shall provide written justification for the denial. The denial must be based on substantial evidence of inconsistencies between the application and this ordinance.

4. General Standards and Design Requirements

a. Design

- i. Applicants are encouraged to include the following elements in their wireless support structures designs in order to promote collocation:
 - A. Wireless support structures 60 to 100 feet should be designed to support at least two wireless communications providers;
 - B. Wireless support structures from 100 to 150 feet should be designed to support at least three wireless communications providers;
 - C. Wireless support structures greater than 150 feet in height should be designed to support at least four wireless communications carriers.
- ii. The compound area surrounding the monopole should be of sufficient size to accommodate accessory equipment for the appropriate number of wireless communications providers in accordance with subsection (i) above.
- iii. Concealed wireless communications facilities should be designed to accommodate the collocation of other antennas whenever economically and technically feasible.
- iv. Unless otherwise specified herein, all new wireless support structures shall be monopole construction.

b. Setbacks

- i. Unless otherwise stated herein, wireless support structures shall be set back from all property lines a distance equal to the sum of the fall zone and the applicable setback for the zoning district.

- ii. Unless otherwise stated herein, all accessory equipment shall be set back 15 feet from all property lines in accordance with the minimum setback requirements in the underlying zoning district. Accessory equipment associated with an existing or Replacement utility pole shall not be subject to setback requirements.

c. Height

- i. Wireless support structures shall not exceed a height equal to 199 feet from the base of the structure at ground level to the top of the highest point, including appurtenances.
- ii. COWs shall not exceed 60 feet in height, however, if erected in response to an officially declared emergency no specific height limit shall apply.

d. Aesthetics

- i. Wireless communications facilities or wireless support structures shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
- ii. Ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation shall be posted on site.
- iii. In all non-industrial zoning Districts, a Type B Bufferyard standard shall be installed in the areas surrounding the equipment compound and wireless support structure as set forth in Chapter 830. Landscaping shall not be required in industrial zoning Districts.

- 5. Accessory equipment, including any buildings, cabinets, or shelters, shall be used only to house equipment and other supplies in support of the operation of the wireless communication facility or wireless support structure. Any equipment not used in direct support of such operation shall not be stored on the site. The accessory equipment must conform to the development standards of the applicable zone.

E. Miscellaneous Provisions

- 1. Ground mounted accessory equipment and wireless support structures shall be secured and enclosed with a fence not less than six feet in height as deemed appropriate by the Board of Zoning Appeals or Administrator. The Board of Zoning Appeals or Administrator may waive the requirements above if it is deemed that a fence is not appropriate or needed at the proposed location.
- 2. If a Wireless support structure is abandoned, and it remains abandoned for a period in excess of 12 consecutive months, Monroe County may require that such wireless support structure be removed only after first providing written notice to the owner of the wireless support structure and giving the owner the opportunity to take such action(s) as may be necessary to reclaim the wireless support structure within 30 days of receipt of said written notice. In the event the owner of the wireless support structure fails to remove the wireless support structure within the 30 day period, the owner of the wireless support structure shall be required to remove the same within six months thereafter. Monroe County shall ensure and enforce removal by means of its existing regulatory authority.
- 3. Wireless communications facilities and wireless support structures may be located on a parcel containing another principal use on the same site or may be the principal use itself.
- 4. Unless otherwise stated herein, any modification or addition to a wireless support structure which would result in a height in excess of 199 feet shall be subject to the requirements set forth in Section 810.4(D) requiring a Conditional Use approval.

F. Wireless Communications Facilities and Wireless Support Structures in Existence on the Date of Adoption of this Ordinance

1. Wireless communications facilities and wireless support structures that were legally permitted on or before the date this ordinance was enacted shall be considered pre-existing lawful uses or structures subject to Chapter 803 (nonconforming regulations). The above notwithstanding:
 - a. Ordinary maintenance may be performed on a non-conforming support structure or wireless communications facility; and,
 - b. Collocation and/or minor modifications of wireless communications facilities on an existing non-conforming wireless support structure may be permitted through the administrative approval process defined in Section 810.4(C).
 - c. Major modifications may be made to non-conforming wireless support structures utilizing the regulatory approval process defined in Section 810.4(D).

Design Standards

812.DIMENSIONAL STANDARDS

[ADD TABLE COMBINING DIMENSIONAL STANDARDS OF ALL ZONES]

813.GENERAL DESIGN REGULATIONS

814.BUILDING DESIGN AND MASSING

Development Standards

815.OFF-STREET PARKING AND LOADING

816.TRAFFIC STUDY AND ACCESS MANAGEMENT REGULATIONS

817.LANDSCAPING

818.OPEN SPACE

819.SIGNS

.

820.FENCING

821.STORMWATER

Overlays and Special Districts

822.PLANNED UNIT DEVELOPMENTS

1. Character and Purpose

- A. Character.** 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.
- B. Purpose.** The purpose of the Planned Unit Development is to encourage flexibility in the development of land in order to promote creativity and unique use configurations; to improve the design, character and quality of new developments; to encourage a harmonious and appropriate mixture of uses; to facilitate the adequate and economic provision of streets, utilities and city services; to preserve the natural environmental and scenic features of the site; to encourage and provide a mechanism for arranging improvements on sites so as to preserve desirable features; and to mitigate the problems which may be presented by specific site conditions. It is anticipated that Planned Unit Developments will offer one or more of the following advantages:
1. Reflect the policies of the Comprehensive Plan specific to the neighborhood in which the PUD is to be located;
 2. Provide substantial buffers and transitions between areas of different land use and development densities;
 3. Enhance the appearance of neighborhoods by conserving areas of natural beauty, and natural green spaces;
 4. Counteract urban monotony and congestion on streets;
 5. Promote architecture that is compatible with the surroundings;
 6. Buffer differing types of land use and intensities of development from each other so as to minimize any adverse impact which new development may have on existing or zoned development;
 7. Promote and protect the environmental integrity of the site and its surroundings and provide suitable design responses to the specific environmental constraints of the site and surrounding area; and
 8. Effectuate implementation of the Comprehensive Plan.

2. Requirements for Planned Unit Development

- A.** The area designated in the Planned Unit Development map must be a tract of land under single ownership or control. Single control of property under multiple ownership may be accomplished through the use of enforceable covenants and commitments which run to the benefit of the Zoning Jurisdiction.

- B.** The PUD District Ordinance shall indicate the land use, development standards, and other applicable specifications of the Monroe County Code which shall govern the Planned Unit Development. If the PUD District Ordinance is silent on a particular land use, development standard, or other specification of the Monroe County Code, underlying district or the applicable regulations shall apply.
- C.** The Planned Unit Development map shall show the location of all improvements. The location of Planned Unit Developments shall be designated on the Zoning Map and adopted pursuant to this Ordinance.
- D.** The Planned Unit Development must comply with all required improvements, construction standards, design standards, and all other engineering standards contained within the Monroe County Code and other pertinent regulations, except where specifically varied through the provisions of this Section of the Ordinance.
- E. Designation and Conveyance of Permanent Open Space**
- 1. Definition.** Permanent open space shall be defined as parks, playgrounds, landscaped green space, and natural areas, not including schools, community centers or other similar areas in public ownership.
 - 2. Designation.** No plan for a Planned Unit Development shall be approved unless such plan provides for permanent landscaped or natural open space. A minimum of 25 percent of the proposed Planned Unit Development area shall be designated as Permanent Open Space.
 - 3. Mixed Uses.** In the case of mixed uses, permanent open space shall be allocated to the property in proportion to the uses assigned to the Planned Unit Development and shall be located in reasonable proximity to those uses. Provided, however, the permanent open space need not be located in proximity to the use in the case of preservation of existing features.
 - 4. Phasing.** If the PUD District Ordinance provides for the Planned Unit Development to be constructed in stages, open space must be provided for each stage of the Planned Unit Development in proportion to that stage.
 - 5. Conveyance.** Permanent open space shall be conveyed in one of the following forms:
 - a.** To a municipal or public corporation; or
 - b.** To a not-for-profit corporation or entity established for the purpose of benefiting the owners and tenants of the Planned Unit Development or, where appropriate and where approved by the Plan Commission and the Board of Commissioners, adjoining property owners, or both. All conveyances hereunder shall be structures to insure that the grantee has the obligation and the right to effect maintenance and improvement of the common open space; and that such duty of maintenance and improvement is enforced by the owners and tenants of the Planned Unit Development and, where applicable, by adjoining property owners; or
 - c.** To owners other than those specified in Subsections (a) and (b) above, and subject to restrictive covenants describing and guaranteeing the open space and its maintenance and improvement, running with the land for the benefit of residents of the Planned Unit Development or adjoining property owners, or both; or
 - d.** Included in single dwelling residential Lots under the control of lot owners.
 - 6. Uses.** Uses permitted in a Planned Unit Development may be any use which is found on **Table XXX: Permitted Land Uses**, subject to the approval of the Plan Commission and Board of County Commissioners.

3. Planned Unit Development Approval Procedure

The Planned Unit Development approval procedure is established in Chapter 839.

823.HISTORIC PRESERVATION AND PROTECTION

1. Title and Purpose

- A. Title.** This chapter shall be known and may be cited as the “Historic Preservation Ordinance”.
- B. Purpose**
1. The purpose of this chapter is to promote the educational, cultural, economic, aesthetic, and general welfare of the public through the preservation and protection of historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, square, and neighborhoods. It is the intention of Monroe County, through this ordinance, to preserve and protect portions of the county which impact a distinct aesthetic quality to the county and serve as visible reminders of the historic heritage by:
 - a. Promoting the educational, cultural, and general welfare of the citizens of Monroe County and to insure the harmonious and orderly growth and development of the municipality;
 - b. Maintaining established residential neighborhoods in danger of having their distinctiveness destroyed;
 - c. Enhancing property values and attracting new residents;
 - d. Ensuring the viability of the county and enhance tourism;
 - e. Providing incentives for the continued use of historic resources and to facilitate their appropriate use.
 2. It is deemed essential by the county that qualities relating to its history and a harmonious outward appearance of its structures be preserved. This purpose is advanced through the restoration and preservation of historic areas and buildings, the construction of compatible new buildings where appropriate, and the maintenance and insurance of compatibility regarding style, form, proportion, texture, and material between historic buildings and those of contemporary design.

2. Establishment of Historic Districts

- A. District Establishment.** All recommendations for establishment of an historic district shall be in the form of a written report and must be based on criteria outlined in this ordinance. A Historic District may be limited to the boundaries of a property containing a single building, structure, or monument and shall be no larger than the Board of Review deems necessary to accomplish the purposes of this Chapter. The map may divide a district into primary and secondary areas. A recommendation for establishing an historic district may be initiated from either of the following two sources:
1. Submission of a survey by the Historic Preservation Board and County Commissioners approval. The date of the County Commissioner approval will be the effective date of the district.
 2. Owners of property in fee simple wishing to establish an historic district which includes their property may petition the Board of Review to consider drawing and submitting a map of such district to the County Commissioner for their approval on the petitioner’s behalf. The Board of Review may establish in its rules criteria to be met before it considers a petition.
- B. Historic Identification.** To be identified as historic or architecturally worthy, a building, structure, or place must possess one or more of the following significant attributes. Buildings, structures, and

places that have achieved significance within the past 50 years shall not be considered eligible for designation unless they are unique and of exceptional importance.

1. Historic

- a. Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the county, state, or nation; or is associated with a person who played a significant role in local, state, or national history; or
- b. Is the site of an historic event; or
- c. Exemplifies the cultural, political, economic, social, or historic heritage of the community.

2. Architecturally Worthy

- a. Embodies distinguishing characteristics of an architectural or engineering type; or
- b. Is the work of a designer whose individual work has significantly influenced the development of the community; or
- c. Is the work of a designer of such prominence that such work gains its value from the designee's reputation; or
- d. Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
- e. Contains any architectural style, detail, or other element in danger of being lost; or
- f. Owing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood or the county; or
- g. Exemplifies the built environment in an era of history characterized by a distinctive architectural style.

C. Map Designation. The Board of Review shall also classify and designate on the map all buildings and structures within each Historic District described on the map, including the primary and secondary areas. Buildings and structures shall be classified as historic or non-historic, in the following manner:

- 1. Historic buildings and structures must possess one or more of the significant historic or architectural attributes identified in subsection (B) above, to a degree warranting their preservation. They may be further classified as:
 - a. Outstanding;
 - b. Notable;
 - c. Contributing; or
 - d. Non-contributing
- e. Non-historic buildings and structures are those not classified on the map as historic.

D. Approval of Maps of Historic Districts

- 1. The Board of Review must take official action deciding whether to submit a map to the County Commissioners for its approval. Prior to acting at a meeting, the Board of Review shall hold a public hearing to allow public comment per the Rules of Procedure.

2. The written report and map setting forth the Historic District boundaries and building classifications must be submitted to and approved by the Board of Commissioners before the Historic District is established and the building classifications take effect. In approving the map, the Board of Commissioners shall follow the procedures applicable to the adoption of zoning maps as set forth in Indiana Code 36-7-4-600, et seq.

E. Zoning District Conflicts. Zoning Districts lying within the boundaries of a Historic District are subject to the regulations for both the zoning district and the Historic District. If there is conflict between the requirements of the zoning district and the requirements of the Historic District, the more restrictive requirements apply.

F. Additional Surveys and Maps

1. The Board of Review hereby includes the entitled Indiana Historic Sites and Structures Survey: 1989 Monroe County Interim Report and the Indiana State Historic Architectural and Archaeological Research Database (SHAARD) as of 2015, as the same may be hereafter amended or replaced, as part of this ordinance as a basis of historic designation.
2. The Board of Review may conduct additional surveys and draw and submit additional maps for approval of the Board of Commissioners, as it considers appropriate.

G. Assistance from County Departments

1. The Building Permit Official and the Administrator shall provide any technical, administrative, or clerical Assistance requested by the Board.
2. The attorney for the Commission is the attorney for the Board of Review. However, the Board of Review may employ other legal counsel, authorized to practice law in Indiana, as it deems necessary or desirable, subject to appropriation of funds by the Monroe County Council.

3. Certificates of Appropriateness

A. Applicability. Except as provided in Section XX of this Chapter, a certificate of appropriateness must be issued by the Board of Review before a permit is issued for or work is begun on any of the following:

1. Within all areas of the Historic District:
 - a. The demolition of any building;
 - b. The moving of any building;
 - c. A conspicuous change in the exterior appearance of historic buildings by additions, reconstruction, alteration, or maintenance involving exterior color change; or
 - d. Any new construction of a principal building or accessory building or structure subject to view from a public way.
2. Within a primary area of the Historic District:
3. A change in walls and fences or the construction of walls and fences along public ways; or
4. A conspicuous change in the exterior appearance of non-historic buildings subject to view from a public way by additions, reconstruction, alteration, or maintenance involving exterior color change.

B. Applications for Certificates of Appropriateness. Application for a certificate of appropriateness may be made in the office of the Board or Review on forms provided by that office. Detailed drawings, plans, or specifications are not required. However, to the extent reasonably required for the Board of Review to decide, each application must be accompanied by sketches, drawings, photographs, descriptions, or other information showing the proposed exterior alterations, additions, changes, or new construction. The Board of Review shall prepare an application form, with instructions, for use by persons seeking a certificate of appropriateness from the Board of Review.

C. Criteria for Considering Effect of Actions on Historic Buildings

1. The Board shall consider, among other things, the following:
 - a. Purposes of this ordinance;
 - b. Historical and architectural value and significance of the building, structure, or appurtenance;
 - c. Compatibility and significance of additions, alterations, details, materials, or other non-original elements which may be of a different style and construction date than the original;
 - d. The texture, material, color, style, and detailing of the building, structure or appurtenance;
 - e. The continued preservation and protection of original or otherwise significant structure, material, and ornamentation;
 - f. The relationship of buildings, structures, appurtenances, or architectural features similar to ones within the same historic district, including for primary areas, visual compatibility as defined in Section XX; and
 - g. The position of the building or structure in relation to the street, public right-of-way and to other buildings and structures.
2. A historic building may be relocated to another site only if it is shown that preservation on its current site is inconsistent with subsection (1).

D. Approval of Denial of Applications of Certificates of Appropriateness

1. The Board of Review may advise and make recommendations to the applicant before acting on an application for a certificate of appropriateness.
2. If an application for a certificate of appropriateness is approved by the Board of Review or is not acted on by the Board of Review within 60 days after it is filed, a certificate of appropriateness shall be issued. If the certificate is issued, the application shall be processed in the same manner as applications for County building and demolition permits are processed. If no building or demolition permits are required by the County, the applicant may proceed with the work authorized by the certificate.
3. If the Board of Review denies an application for a certificate of appropriateness within 60 days after it is filed, the certificate may not be issued. The Board of Review must state its reasons for the denial in writing and advise the applicant. An application that has been denied may not be processed as an application for a county building or demolition permit and does not authorize any work by the applicant. In any case where an applicant does not receive a certificate of appropriateness, the applicant shall have the right to a rehearing by the Board of Review upon submission of additional evidence or new information.
4. The Board of Review may grant an extension of the 60 day limit prescribed by subsections (2) and (3) if the applicant agrees to it.

E. Demolition of Buildings Following Failure to Secure Certificates of Appropriateness

1. The purpose of this section is to preserve historic buildings that are important to the education, culture, traditions, and economic values of the county, and to afford the county, historical organizations, and other interested persons the opportunity to acquire or to arrange for the preservation of these buildings.
2. If a property owner shows that a historic building is incapable of earning an economic return on its value, as appraised by a qualified real estate appraiser, and the Board of Review fails to approve the issuance of a certificate of appropriateness, the building may be demolished. However, before a demolition permit is issued or demolition proceeds, notice of proposed demolition must be given for a period fixed by the Board of Review, based on the Board of Review's classification on the approved map but not less than 60 days nor more than one year. Notice must be posted on the premises of the building proposed for demolition in a location clearly visible from a public road. In addition, notice must be published in a newspaper of general local circulation at least three times before demolition, with the first publication not more than 15 days after the application for a permit to demolish is filed, and the final publication at least 15 days before the date of the permit.
3. The Board of Review may approve a certificate of appropriateness at any time during the notice period under subsection (2). If the certificate is approved, a demolition permit shall be issued without further delay, and demolition may proceed.

F. Conformance to Statutory Requirements for Buildings. Historic buildings shall be maintained to meet the applicable requirements established under statute for buildings generally.

G. New Buildings and Non-Historic Buildings within Historic Districts. The construction of a new building or structure, and the moving, reconstruction, alteration, major maintenance, or repair involving a color change conspicuously affecting the external appearance of any non-historic building, structure, or appurtenance within the primary area of the Historic District must be generally of a design, form, proportion, mass, configuration, building material, texture, color, and location on a lot compatible with other buildings in the Historic District, particularly with buildings designated as historic, and with squares and places to which it is visually related.

H. Visual Compatibility Factors. Within the primary area of the Historic District, new buildings, and structures, as well as buildings, structures, and appurtenances that are moved, reconstructed, materially altered, repaired, or changed in color, must be visually compatible with buildings, squares, and places to which they are visually related generally in terms of the following visual compatibility factors:

1. **Height.** The height of proposed buildings must be visually compatible with adjacent buildings.
2. **Proportion of building's front facade.** The relationship of the width of a building to the height of the front elevation must be visually compatible to buildings, squares, and places to which it is visually related.
3. **Proportion of openings within the facility.** The relationship of the width of the windows to the height of windows in a building must be visually compatible with buildings, squares, and places to which it is visually related.
4. **Relationships of solids to voids in front facades.** The relationship of solids to voids in the front facade of a building must be visually compatible with buildings, squares, and places to which it is visually related.
5. **Rhythm of spacing of buildings on streets.** The relationship of a building to the open space between it and adjoining buildings must be visually compatible to the buildings, squares, and places to which it is visually related.

6. **Rhythm of entrances and porch projections.** The relationship of entrances and porch projections to sidewalks of a building must be visually compatible to the buildings, squares, and places to which it is visually related.
7. **Relationship of materials, texture, and color.** The relationship of the materials, texture, and color of the facade of a building must be visually compatible with the predominant materials used in the buildings to which it is visually related.
8. **Roof shapes.** The roof shape of a building must be visually compatible with the buildings to which it is visually related.
9. **Walls of continuity.** Appurtenances of a building, such as walls, wrought iron fences, evergreen landscape masses, and building facades, must form cohesive walls of enclosure along the street if necessary to ensure visual compatibility of the building to the buildings, squares, and places to which it is visually related.
10. **Scale of a building.** The size of a building and the building mass of a building in relation to open spaces, windows, door openings, porches, and balconies must be visually compatible with the buildings, squares, and places to which it is visually related.
11. **Directional expression of front elevation.** A building must be visually compatible with the buildings, squares, and places to which it is visually related in its directional character, including vertical character, horizontal character, or nondirectional character.

I. Phasing

1. An ordinance approving the establishment of a Historic District may provide that the establishment of the Historic District occur in two phases. Under the first phase, which last* three years from the date the ordinance is adopted, a certificate of appropriateness is required only for the activities described in section 820.3(A)(1)(a), (b), and (d) of this chapter. At the end of the first phase, the district becomes fully established, and, subject to subsection (2), a certificate of appropriateness must be issued by the Board of Review before a permit may be issued for or work may begin on an activity described in section 10 of this chapter.
2. The first phase described in subsection (1) continues and the second phase does not become effective if a majority of the property owners in the district object to the Board or Review, in writing, to the requirements that certificates of appropriateness be issued for the activities described in section 820.3(A)(1)(c) and (A)(2)(a) and (b) of this chapter. The objections must be received by the Board of Review not earlier than 180 days or later than 60 days before the third anniversary of the adoption of the ordinance.

J. Interested Party

1. As used in this section, “interested party” means one of the following:
 - a. The Board of Commissioners;
 - b. The Monroe County Plan Commission;
 - c. A neighborhood association, whether incorporated or unincorporated, a majority of whose members are residents of a Historic District designated by an ordinance adopted under this chapter;
 - d. An owner or occupant owning or occupying property located in a Historic District established by an ordinance adopted under this Chapter;
 - e. Historic Landmarks Foundation of Indiana, Inc., or any of its successors; or
 - f. The state historic preservation officer designated under IC 14-3-3.4-10.

2. Every interested party has a private right of action to enforce and prevent violation of a provision of this chapter or an ordinance adopted under this chapter, and with respect to any building, structure, or site within a Historic District, has the right to restrain, enjoin, or enforce by restraining order or injunction, temporarily or permanently, any person from violating a provision of this chapter or an ordinance adopted under this chapter.
3. The interested party does not have to allege or prove irreparable harm or injury to any person or property to obtain relief under this section.
4. The interested party bringing an action under this section does not have to post a bond unless the court, after a hearing, determines that a bond should be required in the interest of justice.
5. The interested party that brings an action under this section is not liable to any person for damages resulting from bringing or prosecuting the action unless the action was brought without good faith or without a reasonable belief that a provision of this chapter, or an ordinance adopted under this chapter, had been, or was about to be violated or breached.
6. An interested party who obtains a favorable judgment in an action under this section may recover reasonable attorney's fees and court costs from the person against whom judgment was rendered.
7. An action arising under this section must be brought in the Monroe County Circuit Court and no change of venue from the County shall be allowed in the action.
8. The remedy provided in this section is in addition to other remedies that may be available at law or in equity.

824.ENVIRONMENTAL CONSTRAINTS OVERLAY

4. Purpose

The purpose of the Environmental Constraints Overlay (ECO) Zone is to:

- A. Protect and enhance the public health, safety, and welfare by:
 - 1. Preserving and enhancing the quality of the water supply for residential, industrial, and public use;
 - 2. Recommending appropriate regulations for building sites, structures and land uses in the Monroe and Griffy Reservoir watersheds;
 - 3. Improving stormwater management in the watersheds;
 - 4. Preventing pollution, erosion, siltation, and the loss of topsoil;
 - 5. Protecting the tax base from impairment due to unwise use of land; and
 - 6. Encouraging watershed mitigation areas.
- B. Protect and enhance resources as recreational and tourist attractions by:
 - 1. Protecting water quality for fish and other aquatic life;
 - 2. Preserving shore cover and the natural beauty of the lakes and streams; and
 - 3. Enhancing and protecting forests, wildlife areas, wetlands, parks, and recreational facilities for beneficial water management.

5. Applicability

Areas of no land disturbance within the ECO Areas:

- A. Areas of slopes greater than 12 percent and 15 percent under ECO Areas 1 & 2 under the Monroe County Zoning Map.
- B. Monroe and Griffy Lake shoreline and setbacks of 125 feet from normal pool elevation.
- C. Riparian areas and setbacks of 100 feet from the centerline of the riparian area.
- D. Areas identified as having unstable or sensitive soils that should not be built upon within the ECO.

6. Development Standards and Administration of the ECO Zone

- A. **Erosion and Drainage Control.** In addition to the provisions in Chapter 816 of this Zoning Ordinance and any applicable State and Federal regulations, the following conditions shall apply to development in the ECO Zone:
 - 1. Site plans, subdivision plats, planned unit developments and plans for all principal use structures shall be designed by a Professional Engineer registered in the State of Indiana. The plan shall include measures to minimize erosion during and after construction and shall include measures to intercept any erosion before it leaves a site. Runoff mitigation measures shall include a redundancy against failure during any construction or development activity.
 - 2. Construction projects shall minimize disturbance of tree concentrations to the maximum extent reasonable.
 - 3. Streets, parking areas and building pads shall be designed to conform closely to existing contours and minimize grading.

4. Development proposals and permit applications shall require an erosion and drainage control plan. Sites disturbing more than 0.75 ac or Common Plan for Development per Ch 761 shall be reviewed by the MS4 Coordinator; sites with disturbance less than 0.75 acres shall be reviewed during the Improvement Location Permit review stage. The plan shall include measures to minimize erosion during and after construction and shall include measures to intercept any erosion before it leaves a site. Runoff mitigation measures shall include a redundancy against failure during any construction or development activity.
5. All development proposals requiring phasing of the project due to size or other considerations shall also incorporate a binding, recordable commitment, or deed restriction for the ongoing maintenance of any stormwater management facilities located on the development site. Such commitment must also include:
 - a. Periodic County MS4 Coordinator inspection and report;
 - b. Incorporated Owners association with financing capability or provisions in the owner's deeds providing for periodic Assessments to cover expected stormwater maintenance expenditures;
 - c. Stormwater Permit required per Ch 761. See Ch 761 for information regarding responsibilities for Stormwater maintenance and facilities, as well as required application materials. County authorization to perform necessary maintenance and charge the owners or Owners Association for the work if the owner or Owners Association fails to maintain the stormwater facilities in accordance with good management practices after the County gives written notice and a reasonable opportunity to cure;
 - d. County authorization to seek injunctive relief if the owners or Owners Association fail to maintain the stormwater facilities in accordance with good management practices after the County gives written notice and a reasonable opportunity to cure;
 - e. Reports by a qualified consultant regarding stormwater detention, soil stabilization, erosion and siltation control, and stormwater runoff quality mitigation. Such reports shall note the presence or absence of hydric soils, karst features, geologic hazard features, existing vegetation, flood prone areas, slopes that exceed 12 percent, perennial, and intermittent streams, receiving water bodies for drainage, and the drainage distance to the Fee Take Line. These features shall be marked on a project site map and addressed in the erosion and sediment control and drainage plans.
6. All construction projects in the Lake Monroe and Lake Griffy watersheds which require a grading permit shall be inspected a minimum of every two weeks from groundbreaking to stabilization, and within 48 hours of any precipitation event exceeding a 10 year, 24-hour precipitation event. Inspections shall be carried out by the County erosion control inspectors but may also be conducted by a licensed Professional Engineer under contract to the developer or construction contractor, subject to the submission of an Erosion Control Report after every inspection.
7. There shall be a pre-construction conference on the site of future development activity for all projects where more than one acre will be disturbed. This conference shall include the developer, contractor, job foreman, County erosion control inspector, and a representative from any other County or public agency as deemed necessary, based on review of the project plans by planning staff. A public record of the conference will be kept in the file of the project construction permit file for the grading and improvement location permits.

8. All construction or development activities which are done in phases shall require stabilization of earth disturbance from each phase prior to the start of the next phase of the development. This requirement shall be enforced regardless of the size of the phase, development, or disturbance area.
- B. Forestry Activities.** Forestry activities will be encouraged to employ Best Management Practices described in written form by the Indiana Department of Natural Resources. Any area of the watersheds classified as Urban per IC 36-7-4-1103 shall also be restricted from all logging activity where slopes exceed 12 percent or 15 percent depending on the area of constraint. A stormwater permit will be required per Ch 761.
- C. Agriculture Activities.** Agriculture Activities, including Livestock Feeding: agricultural and livestock feeding activities should be carried out in conjunction with a soil and water conservation plan prepared in conjunction with the Natural Resources Conservation Service. Any area of the watersheds where land disturbance is prohibited shall also be restricted from any tillage or other earth disturbing activity. Confined livestock feeding operations shall not be permitted in the watersheds. Existing agricultural land uses shall be permitted in accordance with Chapter 803 of this Zoning Ordinance.

7. Specific Restrictions for Sensitive Lands

- A. Setback Distance from Lake Bodies.** The minimum setback, measured horizontally, from the normal pool elevation shall be 125 feet. The following restrictions shall pertain to this designated area:
1. There shall be no land disturbance of any kind within this setback, including construction, removal of vegetation, agricultural activity, logging operation if [within the Urban Area as identified under IC 36-7-4-1103](#), or construction of infrastructure.
 2. No erosion control or mitigation activities shall be carried out on the lake shore, at the water's edge, or along the Fee Take Line without the appropriate permits obtained from the County or any other required agency.
 3. Restoration and mitigation activities intended to reduce erosion and improve water quality on public land shall be carried out only with the permission of appropriate agencies, including the Army Corps of Engineers and the Indiana Department of Natural Resources.
- B. Setback Distance from Tributaries and Streams.** Riparian buffer zones, measured from the stream/vegetation interface line, shall be established 100 feet from each side of all intermittent and perennial streams as shown on the U.S. Geological Survey 7½ minute topographic maps. Agricultural uses existing prior to the adoption of this Zoning Ordinance are not required to provide riparian buffer zones if they are legal, pre-existing nonconforming uses. Agricultural uses will need to provide riparian buffer zones only when there is a change in use from non-agricultural activities to agricultural uses. The following restrictions shall pertain to land within riparian buffer zones:
1. No earth disturbance, removal of vegetation, logging operation if within the Urban Area as identified under IC 36-7-4-1103, and agricultural and livestock feeding activities are permitted except for the following:
 - a. Installation or construction of infrastructure crossings,
 - b. Selective logging operations, as defined in the Indiana Logging and Forestry Best Management Practices Field Guide by the Indiana Department of Natural Resources, subject to securing a logging permit if considered to be urban under IC 36-7-4-1103 from the County Planning Department, and
 - c. Removal of snags and logjams.

2. Where infrastructure crossings are necessary, erosion and sediment control plans will be submitted to the reviewing bodies. Such plans shall include:
 - a. Specifications for practices to be used in minimizing disturbance;
 - b. Methods for revegetation;
 - c. Documentation of any sensitive area which may be disturbed.
- C. **Steep Slopes.** There will be no earth moving or grading, large scale logging operations, or agricultural tilling on slopes designated as areas not to be disturbed and shall be referenced in the Monroe County Soil Survey.
- D. **Limited Soils.** Any areas designated by the Monroe County Soil Survey as “Severe” with respect to development or movement activities must be identified and included within the mitigation activities proposals of required erosion and sediment control plans.
 1. Construction activity is prohibited in areas designated as the following, according to Special Report 47, “Geology for Environmental Planning in Monroe County, Indiana” (Indiana Department of Natural Resources):
 - a. Limestone residuum over siltstone bedrock in the Ramp Creek Watershed, and
 - b.

8. Overlay Area Regulations

In addition to the applicable regulations set forth in the Monroe County Zoning Ordinance, the following regulations shall apply to land use within the ECO Zone.

A. Area 1 Regulations

1. The maximum land slope upon which any land disturbance involved in construction of buildings, driveways, roads, parking Lots, and utilities can occur shall be 12 percent. The percent slope shall be measured as a six foot fall in any 50 foot distance. The design should be suited to the lot to minimize the amount of cut and fill.
2. There shall be no disturbance of natural vegetation beyond the 12 percent slope.
3. The maximum residential density that shall be allowed shall be one unit per five acres.
4. Lots fronting on the lake require a minimum of 300 feet total lake frontage.
5. Each dwelling unit shall have at least one acre of total contiguous land which is equal to or less than 12 percent slope, and excludes all other areas not defined as Buildable Area per Chapter XX.

B. Area 2 Regulations

1. The maximum land slope upon which any land disturbance involved in construction of buildings, driveways, roads, parking Lots, and utilities can occur shall be 15 percent. The percent slope shall be measured as a 7.5 foot fall in any 50 foot distance. The design should be suited to the lot to minimize the amount of cut and fill.
2. There shall be no disturbance of natural vegetation beyond the 15 percent slope line, subject to the requirements of 825-3.
3. The maximum residential density that shall be allowed shall be one unit per 2.5 acres.
4. Each dwelling unit shall have at least one acre of total contiguous land which is equal to or less than 15 percent slope, and excludes all other areas not defined as Buildable Area per Chapter XX..

9. Exceptions

- A.** The following activities may be permitted:
1. The clearing of brush less than three (3) inches in diameter to create pedestrian access to the Fee Take Line, to be no more than six (6) feet in width, and to be surfaced with permeable material to prevent erosion.
 2. The removal of tree branches or tree trunks provided said trees present a clear and immediate danger to property or persons. Tree stumps shall remain in place.
- B.** For existing parcels of record for which there are no sites for the construction of a building, associated driveway and utilities that meet the requirements of this Chapter, the following exceptions shall apply with regards to the construction of a single dwelling residential unit:
- i. **Exception from provisions of section 825.1(A)(1).** Land disturbances (including disturbance of natural vegetation), involved in the construction of buildings, driveways, parking lots, and utilities, may occur on land slopes of 12 percent or greater only to the extent necessary to construct the same. The design shall be suited to the lot to minimize the amount of land disturbance.
 - ii. The provisions of section 821.4(A)(3) shall not apply.
 - iii. The provisions of section 821.4(A)(4) shall not apply.
 - iv. The provisions of 821.4(A)(5) shall not apply.
 - v. **Exception from provisions of section 821.4(B)(1).** Land disturbances (including disturbance of natural vegetation), involved in the construction of buildings, driveways, parking Lots, and utilities, may occur on land slopes of 15 percent or greater only to the extent necessary to construct the same. The design shall be suited to the lot to minimize the amount of land disturbance.
 - vi. The provisions of section 821.4(B)(3) shall not apply.
 - vii. The provisions of section 821.4(B)(4) shall not apply.

All other provisions of Chapter 821 shall apply unless granted a variance or waiver in accordance with the provisions of this Ordinance. If there exists more than one site for the construction of a home, associated driveway and utilities or development of a land use activity other than one single dwelling residence is proposed, development of the site shall be subject to the provisions of Chapter 821 unless otherwise granted a variance or waiver in accordance with the provisions of this Ordinance.

Standards for Granting a Waiver/Exception

1. House footprint not exceeding 2,500 sf.
2. Plot plan showing reduced tree removal and protections.
3. Driveway length reduced to the extent possible.
4. All development proposed, including all necessary infrastructure, is compact in form to the extent possible.
5. All buildable area accessible without slope disturbance on the property is utilized prior to encroachment into the steep slopes.

824.AIRPORT OVERLAY

1. Purpose

In order to carry out the provisions of this chapter, there are hereby created and established certain zones that include all of the land lying within the instrument approach zones, non-instrument approach zones, transition zones, horizontal zone, and conical zone. Such areas and zones are shown on the Monroe County Airport Zoning Map. The various zones are hereby established and defined below.

2. Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted to give them the meaning they have in common usage and to give this Ordinance its most reasonable application. However, the following definitions only apply to this Chapter of the Monroe County Zoning Ordinance. Words not defined herein but defined in the Chapter XXX of the Monroe County Zoning Ordinance shall be interpreted in accordance with that Chapter.

A

Airport: Means Monroe County Airport.

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

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

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

B

Board of Aviation Commissioners: Means the Monroe County Board of Aviation Commissioners.

H

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

I

Instrument Runway: Means a runway equipped, or to be equipped, with electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.

L

Landing Area: Means the area of the airport used for the landing, take-off, or taxing of aircraft.

N

Non-conforming Use: Means any structure, tree or use of land that is lawfully in existence at the time the regulation prescribed in this chapter, or an amendment thereto, becomes effective and does not then meet the requirements of the regulation.

Non-Instrument Runway: Means a runway other than an instrument runway.

P

Person: Means an individual, firm, partnership, corporation, company, association, joint stock association or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

R

Runway: Means the paved or unpaved surface of an airport landing strip.

S

Structure: Means an object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

T

Tree: Means any object of natural growth.

3. Airport Zones

- A. Instrument Approach Zone.** An instrument approach zone is established at each end of the instrument runway for instrument landings and take-offs. The instrument approach zone shall have a width of one thousand feet (1,000') at a distant of two hundred feet (200') beyond each end of the runway, widening thereafter uniformly to a width of sixteen thousand feet (16,000') at a distant of fifty thousand two hundred feet (50,200') beyond each end of the runway, and its centerline is the continuation of the centerline of the runway.

- B. Non-Instrument Approach Zone.** A non-instrument approach zone is established at each end of all non-instrument runways on the Monroe County Airport for non-instrument landings and take-offs. The non-instrument approach zone shall have a width of four hundred feet (400') at a distance of two hundred feet (200') beyond each end of the runway, widening thereafter uniformly to a width of two thousand four hundred feet (2,400') at a distance of ten thousand two hundred feet (10,200') beyond each end of the runway, and its centerline is the continuation of the centerline of the runway.
- C. Transition Zones.** Transition zones are hereby established adjacent to each instrument and non-instrument runway and approach zone as indicated on the zoning map. Transition zones symmetrically located on either side of runways have variable widths as shown on the zoning map. Transition zones extend outward from a line four hundred feet (400') on either side of the centerline of the non-instrument runway for the length of such runway plus two hundred feet (200') on each end and five hundred feet (500') on either side of the centerline of the instrument runway for the length of such runway plus two hundred feet (200') on each end and are parallel and level with such runway centerlines. The transition zones along such runways slope upward and outward one foot (1') vertically for each seven feet (7') horizontally to the point where they intersect the surface of the horizontal zone. Further, transition zones are established adjacent to both instrument and non-instrument approach zones for the entire length of the approach zones. These transition zones have variable widths, as shown on the zoning map. Such transition zones flare symmetrically with either side of the runway approach zones from the base of such zones and slope upward and outward at the rate of one foot (1') vertically for each seven feet (7') horizontally to the points where they intersect the surfaces of the horizontal and conical zones. Additionally, transition zones are established adjacent to the instrument approach zone where it projects through and beyond the limits of the conical zone, extending a distant of five thousand feet (5,000') measured horizontally from the edge of the instrument approach zones at right angles to the continuation of the center line of the runway.
- D. Horizontal Zone.** A horizontal zone is hereby established as the area within a circle with its center at the airport reference point and having a radius of seven thousand feet (7,000'). The horizontal zone does not include the instrument and non-instrument approach zones and transition zones.
- E. Conical Zone.** A conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward there from a distance of five thousand feet (5,000'). The conical zone does not include the instrument approach zones and transition zones.
- F.** The Monroe County Airport Zoning Map is incorporated by reference and shall be considered to be a part of this chapter. Two (2) copies of the Monroe County Airport Zoning Map shall be on file in the office of the Monroe County Auditor for public inspection.

4. Height Limitations

Except as otherwise provided in this chapter, no structure or tree shall be erected, altered, allowed to grow or maintained in any zone created by this chapter to a height in excess of the height limit herein established for such zone. Such height limitations are hereby established for each of the zones in question as follows:

- A. Instrument Approach Zone.** One foot (1') in height for each fifty feet (50') in horizontal distance beginning at a point two hundred feet (200') from, and at the elevation of, the end of the instrument runway and extending to a distance of ten thousand two hundred feet (10,200') from the end of the runway, thence one foot (1') in height for each forth feet (40') in horizontal distance to a point fifty thousand two hundred feet (50,200) from the end of the runway.

- B. Non-Instrument Approach Zones.** One foot (1') in height for each forty feet (40') in horizontal distant beginning at a point two hundred feet (200') from and at the elevation of the end of the non-instrument runway and extending to a point ten thousand two hundred feet (10,200') from the end of the runway.
- C. Transition Zones.** One foot (1') in height for each seven feet (7') in horizontal distant beginning at a point four hundred feet (400') normal to, and at the elevation of, the centerline of the non-instrument runway and extending two hundred feet (200') beyond each end thereof, and five hundred feet (500') normal to, and at the elevation of, the centerline of the instrument runway, extending two hundred feet (200') beyond each end thereof, and extending to a height of one hundred fifty feet (150') above the airport elevation, which eight hundred forty-six feet (846') above mean sea level. In addition to the foregoing, there are established height limits of one foot (1') vertical height for each seven feet (7') horizontal distant measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal or conical surfaces. Further, where the instrument approach zone projects through and beyond the conical zone, a height limit of one foot (1') for each seven feet (7') of horizontal distance shall be maintained beginning at the edge of the instrument approach zone and extending a distance of five thousand feet (5,000') from the edge of the instrument approach zone measured normal to the centerline of the runway extended.
- D.** Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.
- E.** Nothing in this chapter shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to forty-five feet (45') above the surface of the land.

5. Use Restrictions

Notwithstanding any other provisions of this chapter, no use may be made of land within any zone established by this chapter in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking-off, or maneuvering of aircraft.

6. Non-Conforming Uses

- A. Regulations not Retroactive.** The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of this chapter or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction and alteration of which was begun prior to the effective date of this chapter and is diligently prosecuted.
- B. Marking and Lighting.** Notwithstanding the preceding provision of this section, the owner of any non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Board of Aviation Commissioners or its duly authorized agents or representative to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of Monroe County.

7. Permits

- A. Future Uses**

1. Except as specifically provided in subsections (2), (3) and (4) hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
 2. In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than forty-five feet (45') of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zone.
 3. In the areas lying within the limits of the instrument and non-instrument approach zones but at a horizontal distance of not less than four thousand two hundred feet (4,200') from each end of the runways, no permit shall be required for any tree or structure less than forty-five (45') of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such instrument or non-instrument approach zone.
 4. Nothing contained in any of the foregoing exceptions shall be construed as permitting, or intending to permit, any construction, alteration, or growth of any structure or tree in excess of any of the height limits established by this chapter, except as set forth in Section 816.4.
- B. Existing Uses.** No permit shall be granted that would allow the establishment or creation of any airport hazard or permit a non-conforming use, structure, or tree to be made or become higher or become a greater hazard to air navigation than it was on the effective date of this chapter or any application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- C. Non-Conforming Uses Abandoned or Destroyed.** Whenever the Board of Aviation Commissioners or its duly authorized agent or representative determines that a non-conforming structure or tree has been abandoned or more than sixty percent (60%) torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- D. Variances.** Any person desiring to erect or increase the height of any structure, permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this chapter shall petition to the Monroe County Plan Commission for variance from such regulations. Written notice shall be given to the Monroe County Board of Aviation Commissioners by the Monroe County Plan Commission when any person petitions for a variance to this chapter. Such variances shall be allowed where it is duly found that a literal application or practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this chapter.
- E. Hazard Marking and Lighting.** Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and to be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Monroe County Airport at its own expense to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

8. Enforcement

- A.** It shall be the duty of the Monroe County Plan Commission to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Monroe County Plan Commission. Petitions required by this chapter to be submitted to the Monroe County Plan Commission shall be promptly considered and granted or denied by it. Petitions for action by the Monroe County Board of Zoning Appeals shall be forthwith transmitted by the Monroe County Plan Commission.
- B.** The Board of Aviation Commissioners may, by condemnation and upon payment of due compensation, prevent the erection of and require removal of hazards that are a hazard to airport travel.
- C.** The Board of Aviation Commissioners, by a majority vote of its members, may from time to time, on its own motion or on the written application of any affected taxpayer or political subdivision located within the airport hazard area, petition to amend, change, or supplement these regulations. No such amendment or change shall be made except after a public hearing at which parties in interest and citizens shall have the opportunity to be heard and after proper notice has been published. Notice shall be published once a week for two (2) weeks in a paper of daily circulation in Monroe County. A public hearing shall be held anytime ten (10) days from the date of the last published notice.

9. Board of Zoning Appeals – Powers and Duties

- A.** The Monroe County Board of Zoning Appeals shall have and exercise the following powers:
 - 1.** To hear and decide appeals from any order, requirement, decision, or determination made by the Monroe County Plan Commission in the enforcement of this chapter;
 - 2.** To hear and decide special exceptions to the terms of this chapter upon which such Board of Zoning Appeals under such regulations may be required to pass; and
 - 3.** To hear and decide specific variances.
- B.** The Monroe County Board of Zoning Appeals shall adopt rules for its governance and procedure in harmony with the provisions of this chapter. Meetings of the Monroe County Board of Zoning Appeals shall be held at the call of the chairman and at such other times as the Monroe County Board of Zoning Appeals may determine. The chairman, in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Monroe County Board of Zoning Appeals shall be public. The Monroe County Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Planning Coordinator and shall be a public record.
- C.** The Monroe County Board of Zoning Appeals shall make written findings of fact and conclusions of law, giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming or modifying any order, requirement, decision or determination that comes before it under the provisions of this chapter.

10. Appeals

- A.** Any person aggrieved or any taxpayer affected by any decision of the Monroe County Plan Commission made its administration of this chapter, if of the opinion that a decision of the Monroe County Plan Commission is an improper application of these regulations, may appeal to the Monroe County Board of Zoning Appeals.

- B.** All appeals hereunder must be taken within a reasonable time as provided by the rules of the Monroe County Board of Zoning Appeals by filing with the Monroe County Plan Commission a notice of appeals specifying the grounds thereof. The Monroe County Plan Commission shall forthwith transmit to the Monroe County Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.
- C.** An appeal shall stay all proceedings in furtherance of the action appealed.
- D.** The Monroe County Board of Zoning Appeals may, in conformity with the provisions of this chapter, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from any may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

11. Judicial Review

Any person aggrieved or any taxpayer affected by any decision of the Monroe County Board of Zoning Appeals may appeal within thirty (30) days to the circuit court of the county in which the affected real estate lies.

12. Violations and Penalties

- A.** A person who violates this chapter or any regulation, order, or ruling promulgated hereunder commits a Class C Ordinance Violation, and a judgement of not more than three hundred dollars (\$300.00) may be entered against the violator.
- B.** Each day a violation continues to exist constitutes a separate violation.

13. Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

825.FLOOD DAMAGE PREVENTION

1. Authorization and Applicability

- A. Statutory Authorization.** The Indiana Legislature has in IC 36-7-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Board of Commissioners of Monroe County does hereby adopt the following floodplain management regulations.
- B. Findings of Fact**
1. The flood hazard areas of Monroe County and the Town of Stinesville are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
 2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood Heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, inadequately flood-proofed, or otherwise unprotected from flood damages.
- C. Statement of Purpose.** It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood Heights or velocities.
 2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
 3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.
 4. Control filling, grading, dredging, and other development which may increase erosion or flood damage.
 5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters, or which may increase flood hazards to other lands.
 6. Make federal flood insurance available for structures and their contents in Monroe County and the Town of Stinesville by fulfilling the requirements of the National Flood Insurance Program.
- D. Objectives.** The objectives of this ordinance are:
1. To protect human life and health.
 2. To minimize expenditure of public money for costly flood control projects.
 3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
 4. To minimize prolonged business interruptions.
 5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.

6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.

2. Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted to give them the meaning they have in common usage and to give this Ordinance its most reasonable application. However, the following definitions only apply to this Chapter of the Monroe County Zoning Ordinance. Words not defined herein but defined in the Chapter XXX of the Monroe County Zoning Ordinance shall be interpreted in accordance with that Chapter.

A

Accessory Structure (appurtenant structure): A structure with a floor area 400 square feet or less that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

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

Appeal: A request for a review of the floodplain administrator's interpretation of any provision of this ordinance.

Area of Shallow Flooding: A designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

B

Base Flood: A flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): The elevation of the one-percent annual chance flood.

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

Boundary River: The part of the Ohio River that forms the boundary between Kentucky and Indiana.

Boundary River Floodplain: The floodway of a boundary river.

Building: See "Structure"

C

Community: A political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Rating System (CRS): A program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Critical Facility: A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste.

D

D Zone: Unstudied areas where flood hazards are undetermined, but flooding is possible. Flood insurance is available in participating communities but is not required by regulation in this zone.

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

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

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

E

Elevated Structure: Means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

Elevation Certificate: A certified statement that verifies a structure's elevation information. This certification must be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information.

Emergency Program: The first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

Encroachment: The advance or infringement of uses, fill, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the Lots on which the manufactured homes are to be affixed

(including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the Lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

F

FEMA: The Federal Emergency Management Agency.

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

Flood Boundary and Floodway Map (FBFM): An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

Flood Insurance Rate Map (FIRM): An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS): The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

Flood Prone Area: Any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Flood").

Flood Protection Grade (FPG): The elevation of the regulatory flood plus two feet at any given location in the SFHA. (see "Freeboard")

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

Floodplain Management: The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Management Regulations: This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

Floodproofing (dry floodproofing): A method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls can resist hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing Certificate: A form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

Floodway: The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

Freeboard: A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood Heights greater than those calculated for the base flood.

Fringe: Those portions of the floodplain lying outside the floodway.

H

Hardship (as related to variances of this ordinance): The exceptional hardship that would result from a failure to grant the requested variance. The Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic Structures: Any structures individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

I

Increased Cost of Compliance (ICC): The cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

L

Letter of Final Determination (LFD): A letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.

Letter of Map Change (LOMC): A general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment

(LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F). The definitions are presented below:

Letter of Map Amendment (LOMA): An amendment by letter to the currently effective FEMA map that establishes that a property is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.

Letter of Map Revision (LOMR): An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

Letter of Map Revision Based on Fill (LOMR-F): An official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

Lowest Adjacent Grade: The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest Floor: The lowest elevation described among the following:

- A. The top of the lowest level of the structure.
- B. The top of the basement floor.
- C. The top of the garage floor if the garage is the lowest level of the structure.
- D. The top of the first floor of a structure elevated on pilings or pillars.
- E. The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 1. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls; if a structure has more than one enclosed area, each shall have openings on exterior walls;
 2. The total net area of all openings shall be at least one square inch for every one square foot of enclosed area; the bottom of all such openings shall be no higher than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and,
 3. Such enclosed space shall be usable solely for the parking of vehicles and building access.

M

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home Lots for rent or sale.

Market Value: The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value) or adjusted assessed values.

Mitigation: Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

N

National Flood Insurance Program (NFIP): The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) of 1929 as corrected in 1929: A vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction: Any structure for which the “start of construction” commenced after the effective date of the community’s first floodplain ordinance.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the Lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community’s first floodplain ordinance.

Non-Boundary River Floodway: The floodway of any river or stream other than a boundary river.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993: A vertical control datum used as a reference for establishing varying elevations within the floodplain.

O

Obstruction: Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-Percent Annual Chance Flood: The flood that has a one percent chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See “Regulatory Flood”.

P

Physical Map Revision (PMR): An official republication of a community’s FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur because of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAS.

Public Safety and Nuisance: Anything which is injurious to the safety or health of an entire community, neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

R

Recreational Vehicle: A vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Regular Program: The phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed, and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Regulatory Flood: The flood having a one percent chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in **Article 3(B)** of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

Repetitive Loss: Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25 percent of the market value of the structure before the damage occurred.

S

Section 1316: That section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Special Flood Hazard Area (SFHA): Those lands within the jurisdiction of Monroe County and the Town of Stinesville subject to inundation by the regulatory flood. The SFHAS of Monroe County and the Town of Stinesville are generally identified as such on the Monroe County, Indiana and Incorporated Areas Flood Insurance Rate Map dated December 17, 2010, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AG2.5, A1- A30, AH, AR, A99, or AO).

Start of Construction includes Substantial Improvement: Means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a

basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether that alteration affects the external dimensions of the building.

Structure: A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements.

Suspension: Means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

V

Variance: A grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Violation: The failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

W

Watercourse: A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Z

Zone: A geographical area shown on a FIRM that reflects the severity or type of flooding in the area.

Zone A: Portions of the Special Flood Hazard Area (SFHA) in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AG2.5, Zones A1-A30, Zone AO, Zone AH, Zone AR, and Zone A99 on a Flood Insurance Rate Map (FIRM). The definitions are presented below:

- A. **Zone A.** Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown.
- B. **Zone AG2.5 and A1-A30.** Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. (Zone AG2.5 is on new and revised maps in place of Zones A1-A30.)
- C. **Zone AO.** Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.
- D. **Zone AH.** Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.
- E. **Zone AR.** Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection.
- F. **Zone A99.** Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown.

Zone B and C: Areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

Zone X: The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

3. General Provisions

- A. **Lands to Which This Ordinance Applies.** This ordinance shall apply to all SFHAS and known flood prone areas within the jurisdiction of Monroe County and the Town of Stinesville. Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown.
- B. **Basis for Establishing Regulatory Flood Data.** This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below:
 - 1. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAS within the jurisdiction of Monroe County and the Town of Stinesville shall be as delineated on the one-percent annual chance flood profiles in the Flood Insurance Study of Monroe County, Indiana and Incorporated Areas and the corresponding Flood Insurance Rate Map dated December 17, 2010 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.

2. The regulatory flood elevation, floodway, and fringe limits for each of the SFHAS within the jurisdiction of Monroe County and the Town of Stinesville, delineated as an "A Zone" on the Monroe County, Indiana and Incorporated Areas Flood Insurance Rate Map dated December 17, 2010 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.
 3. In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile.
 4. Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.
- C. Establishment of Floodplain Development Permit.** A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard.
- D. Compliance.** No structure shall hereafter be located, extended, converted, or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.
- E. Abrogation and Greater Restrictions.** This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. Discrepancy between Mapped Floodplain and Actual Ground Elevations**
1. In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.
 2. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
 3. If the elevation (natural grade) of the site in question is above the base flood elevation and not located within the floodway, that site shall be considered outside the SFHA, and the floodplain regulations will not be applied. The property owner shall be advised to apply for a LOMA.
- G. Interpretation.** In the interpretation and application of this ordinance all provisions shall be:
1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and,
 3. Deemed neither to limit nor repeal any other powers granted under state statutes.

- H. Warning and Disclaimer of Liability.** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of Monroe County, the Town of Stinesville, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance, or any administrative decision made lawfully thereunder.
- I. Penalties for Violation.** Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Monroe County Zoning Ordinance.
1. A separate offense shall be deemed to occur for each day the violation continues to exist.
 2. The Floodplain Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
 3. Nothing herein shall prevent the County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

4. Administration

- A. Designation of Floodplain Administrator.** The Board of Commissioners of Monroe County hereby appoints the Director of the Monroe County Planning Department to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.
- B. Permit Procedures.** Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
1. **Application Stage**
 - a. A description of the proposed development;
 - b. Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams;
 - c. A legal description of the property site;
 - d. A site development plan showing existing and proposed development locations and existing and proposed land grades;
 - e. Elevation of the top of the planned lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD.
 - f. Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed.

- g. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering study is required, and any watercourse changes submitted to DNR for approval and then to FEMA as a Letter of Map Revision. (See Article 4, Section C. (6) for additional information.)

2. Construction Stage

- a. Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the applicant to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor, professional engineer or architect and certified by the same. The Floodplain Administrator shall review the lowest floor elevation survey data submitted. The applicant shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project. Any work undertaken prior to submission of the elevation certification shall be at the applicant's risk.
- b. Upon establishment of the floodproofed elevation of a floodproofed structure, it shall be the duty of the applicant to submit to the Floodplain Administrator a floodproofing certificate. Certification shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same. (The Floodplain Administrator shall review the floodproofing certification submitted.) The applicant shall correct any deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the floodproofing certification or failure to make correction required shall be cause to issue a stop-work order for the project.

3. Finished Construction

- a. Upon completion of construction, an elevation certification (FEMA Elevation Certificate Form 81-31 or any future updates) which depicts the "as-built" lowest floor elevation is required to be submitted to the Floodplain Administrator. If the project includes a floodproofing measure, floodproofing certification (FEMA Floodproofing Certificate Form 81-65 or any future updates) is required to be submitted by the applicant to the Floodplain Administrator.

C. Duties and Responsibilities of the Floodplain Administrator. The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose. Duties and Responsibilities of the Floodplain Administrator shall include, but are not limited to:

- 1. Review all floodplain development permits to assure that the permit requirements of this ordinance have been satisfied.
- 2. Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations.
- 3. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Article 5, Section E and G (1) of this ordinance and maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory Assessment).
- 4. Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits/authorizations are to be maintained on file with the floodplain development permit.

5. Maintain and track permit records involving additions and improvements to residences located in the floodway.
6. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse and submit copies of such notifications to FEMA.
7. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory Assessments (letters of recommendation), federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to this ordinance.
8. Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
9. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
10. Review certified plans and specifications for compliance.
11. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4 Section B.
12. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with Article 4, Section B.
13. Perform a minimum of three inspections to ensure that all applicable ordinance and floodplain development requirements have been satisfied. The first upon the establishment of the Flood Protection Grade reference mark at the development site; the second upon the establishment of the structure’s footprint/establishment of the lowest floor; and the final inspection upon completion and submission of the required finished construction elevation certificate. Authorized County officials shall have the right to enter and inspect properties located in the SFHA.
14. **Stop Work Orders**
 - a. Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.
 - b. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
15. **Revocation of Permits**
16. The floodplain administrator may revoke a permit or approval, issued under the provisions of the ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
17. The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

5. Provisions for Flood Hazard Reduction

A. General Standards. In all SFHAS and known flood prone areas the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
9. Any alteration, repair, reconstruction, or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.
10. Parking Lots, driveways, and sidewalks within the SFHA shall be constructed with permeable materials.
11. Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.
 - a. The excavation shall take place in the floodplain and in the same property in which the authorized fill or structure is located.
 - b. Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same property in which the authorized fill or structure is located, will be accessible to the regulatory flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled.
 - c. The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by flood water.
 - d. The fill or structure shall not obstruct a drainage way leading to the floodplain.

- e. The grading around the excavation shall be such that the excavated area is accessible to the regulatory flood water.
- f. The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement.
- g. Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this article.

B. Specific Standards. In all SFHAS, the following provisions are required:

1. In addition to the requirements of **Article 5, Section A**, all structures to be in the SFHA shall be protected from flood damage below the FPG. This building protection requirements applies to the following situations:
 - a. Construction or placement of any structure having a floor area greater than 400 square feet.
 - b. Addition or improvement made to any existing structure where the cost of the addition or improvement equals or exceeds 50 percent of the value of the existing structure (excluding the value of the land).
 - c. Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred.
 - d. Installing a travel trailer or recreational vehicle on a site for more than 180 days.
 - e. Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.
 - f. Reconstruction or repairs made to a repetitive loss structure.
 - g. Addition or improvement made to any existing structure with a previous repair, addition or improvement constructed since the community's first floodplain ordinance.
2. **Residential Structures.** New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article 5, Section B (4).
3. **Non-Residential Structures.** New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article 5, Section B (4). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:

- a. A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the floodplain administrator as set forth in Article 4, Section C (12).
 - b. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
- 4. **Elevated Structures.** New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG. Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:
 - a. Provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).
 - b. The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.
 - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - d. Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
 - e. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
 - f. The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.
 - g. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.
 - h. Property owners shall be required to execute a flood openings/venting affidavit acknowledging that all openings will be maintained as flood vents, and that the elimination or alteration of the openings in any way will violate the requirements of Article 5, B. (4). Periodic inspections will be conducted by the Floodplain Administrator to ensure compliance. The affidavit shall be recorded, along with the deed, in the office of the Monroe County Recorder.
 - i. Property owners shall be required to execute and record with the structure's deed a non-conversion agreement declaring that the area below the lowest floor (where the interior height of the enclosure exceeds 6 feet) shall not be improved, finished, or otherwise converted; the community will have the right to inspect the enclosed area. The non-conversion agreement shall be recorded in the office of the Monroe County Recorder.
- 5. **Structures Constructed on Fill.** A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

- a. The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file.
 - b. The fill shall extend ten feet beyond the foundation of the structure before sloping below the BFE.
 - c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
 - d. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
 - e. The top of the lowest floor including basements shall be at or above the FPG.
 - f. Fill shall be composed of clean granular or earthen material.
6. **Standards for Manufactured Homes and Recreational Vehicles.** Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:
- a. These requirements apply to all manufactured homes to be placed on a site outside a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” because of a flood:
 - i. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - ii. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Article 5, Section B. 4.
 - iii. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
 - b. These requirements apply to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood:
 - i. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - ii. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Article 5, Section B. 4.

- iii. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
 - c. Recreational vehicles placed on a site shall either:
 - i. Be on site for less than 180 days;
 - ii. Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - iii. Meet the requirements for “manufactured homes” as stated earlier in this section.

- 7. **Accessory Structures.** Relief to the elevation or dry floodproofing standards may be granted for accessory structures. Such structures must meet the following standards:
 - a. Shall not be used for human habitation.
 - b. Shall be constructed of flood resistant materials.
 - c. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.
 - d. Shall be firmly anchored to prevent flotation.
 - e. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.
 - f. Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Article 5, Section B. 4.
- 8. **Above Ground GAS or Liquid Storage Tanks.** All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement.

C. Standards for Subdivision Proposals

- 1. All subdivision proposals shall be consistent with the need to minimize flood damage.
- 2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- 3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- 4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) Lots or five (5) acres.
- 5. All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.
- 6. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

- D. **Critical Facility.** Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

E. Standards for Identified Floodways

1. Located within SFHAS, established in Article 3, Section B, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing, and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of a non-substantial addition/improvement to a residence in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval for the fill is required from the Indiana Department of Natural Resources.)
2. No action shall be taken by the Floodplain Administrator until a permit or letter of authorization (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway or letter of authorization has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 5 of this ordinance have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.
3. No development shall be allowed, which acting alone or in combination with existing or future development, that will adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.
4. For all projects involving channel modifications or fill (including levees), the Floodplain Administrator on behalf of the respective community shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

F. Standards for Identified Fringe. If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Article 5 of this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

G. Standards for SFHAS without Established Base Flood Elevation and/or Floodways/Fringes

1. Drainage area upstream of the site is greater than one square mile:
 - a. If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

- b. No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway (including letters of authorization) or a floodplain analysis/regulatory Assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.
 - c. Once the Floodplain Administrator has received the proper permit for construction in a floodway (including letters of authorization) or floodplain analysis/regulatory Assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Article 5 of this ordinance have been met.
- 2. Drainage area upstream of the site is less than one square mile:
 - a. If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.
 - b. Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 5 of this ordinance have been met.
- 3. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development shall not adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.
- H. **Standards for Flood Prone Areas.** All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required per Article 5.

6. Variance Procedures

- A. **Designation of Variance and Appeals Board.** The Board of Zoning Appeals shall hear and decide appeals and requests for variances from requirements of this ordinance.
- B. **Duties of Variance and Appeals Board.** The board shall hear and decide appeals when it is alleged an error in any requirements, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Monroe County Circuit Court.
- C. **Variance Procedures.** In passing upon such applications, the board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;
 - 1. The danger of life and property due to flooding or erosion damage.
 - 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - 3. The importance of the services provided by the proposed facility to the community.
 - 4. The necessity of the facility to a waterfront location, where applicable.

5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
6. The compatibility of the proposed use with existing and anticipated development.
7. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
8. The safety of access to the property in times of flood for ordinary and emergency vehicles.
9. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.
10. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

D. Conditions for Variances

1. Variances shall only be issued when there is:
 - a. A showing of good and sufficient cause.
 - b. A determination that failure to grant the variance would result in exceptional hardship.
 - c. A determination that the granting of a variance will not result in increased flood Heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
2. No variance for a residential use within a floodway subject to **Article 5, Section E or Section G (1)** of this ordinance may be granted.
3. Any variance granted in a floodway subject to **Article 5, Section E or Section G (1)** of this ordinance will require a permit from the Indiana Department of Natural Resources.
4. Variances to the Provisions for Flood Hazard Reduction of Article 5, Section B, may be granted only when a new structure is to be located on a lot of one half acre or less in size, contiguous to and surrounded by Lots with existing structures constructed below the flood protection grade.
5. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
6. Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures. **(Refer to Article 6, Section F.)**
7. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation **(See Article 6, Section E)**.
8. The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request **(See Article 6, Section E)**.

E. Variance Notification

1. Any applicant to whom a variance is granted that allows the lowest floor of a structure to be built below the flood protection grade shall be given written notice over the signature of a community official that:

- a. The issuance of a variance to construct a structure below the flood protection grade will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and;
 - b. Such construction below the flood protection grade increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
 - 2. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.
- F. **Historic Structure.** The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.
- G. **Special Conditions.** Upon the consideration of the factors listed in Article 6, and the purposes of this ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

826.KARST AND SINKHOLE DEVELOPMENT

1. Purpose and Intent

- A. The purpose of this chapter is to establish review procedures, use limitations, design standards and performance standards applicable to site developments that encompass or affect sinkholes or other karst features.
- B. The intent of this chapter is to protect the public health, safety, and welfare by requiring the development and use of environmentally constrained areas to proceed in a manner that promotes safe and appropriate storm water management and ground water quality.

2. General Provisions

- A. All applicable Federal, State, and Local permits shall be obtained prior to construction.
- B. Any report, study, plan, calculation, or proposal required by this chapter shall be provided by the petitioner at the petitioner's expense.
- C. See the Stormwater Ordinance, Chapter XX for Stormwater Permit submittal requirements.

3. Permit Required

No person or persons shall engage in the grading of land or modification of a sinkhole within the SCA or the area that would be covered by a SCA as described in 829-X without first securing an improvement location permit from the Administrator and a Stormwater Permit as applicable by Chapter X.

- A. The owner of the property or person having an interest therein shall submit an application for a permit to the Administrator and MS4 Coordinator. The application may proceed to the Drainage Board for review and comment at the MS4 Coordinator's discretion.
- B. Upon review of the information presented by the applicant, the site, and other information as may be available, the Administrator may issue a permit for work to be performed in the SCA.
 - 1. All work shall be performed in accordance with the requirements of the Zoning Ordinance and any conditions of permit approval; and,
 - 2. The Administrator may designate certain areas where grading or construction equipment is not permitted or is otherwise limited.

4. Policy

Unless expressly stated otherwise or contrary to context, the provisions of this chapter shall be interpreted and applied in accordance with the following policies:

- A. Development in areas that encompass or affect sinkholes or other karst features (i.e., in "sinkhole areas") is prohibited unless expressly permitted by this chapter or until it is demonstrated that the development would have no significant detrimental impact on storm water management or ground water quality.

5. Applicability

- A. This chapter shall apply to all land disturbing activities, with the following exceptions:
 - 1. Logging, mineral extraction, and agricultural uses.
 - a. If exempt from this Ordinance, applicant shall still comply with the Stormwater Permit requirements of Chapter XX.

- b. Accessory structures and roadways used for mineral extraction uses shall comply with the Ordinance if there is an anticipated impact on any adjacent property;
- c. Accessory structures and roadways used for logging and agricultural uses shall comply with the Ordinance; and,
- d. The above notwithstanding, the filling or plugging of a sinkhole with any material (e.g., earthen, manmade, animal or vegetable) in a way that adversely affects stormwater management or groundwater quality is prohibited. Unpermitted filling or altering of sinkholes without an Improvement Location Permit constitutes a zoning violation. In the event, corrective measures must be taken. No corrective or remedial measures shall be undertaken until a remediation plan has been approved by all relevant County entities or representatives and the Administrator has been issued an improvement location permit for the plan. No building permits will be issued, or zoning or subdivision approvals granted under the remedial measures specified in the improvement location permit have been completed and approved.

6. Sinkhole Delineation and Development Requirements

- A. Sinkhole Conservancy Areas (SCA) shall be established to the following minimum standards:
 - 1. For all sinkholes and compound sinkholes, the SCO shall, at a minimum, encompass the entire sinkhole and all of the area within fifty (50) feet of the largest adjoining closed contour to the sinkhole utilizing the best available data.
 - 2. If a SCA is required to be established on a parcel that was not, or will not be created by recorded plat, a legal description of the SCA shall be included on the recorded deed of the parcel.
 - a. Post-construction stormwater runoff beyond limits of the SCA shall be diverted from the sinkhole. Maximum allowed stormwater runoff to the SCA area shall be limited to the runoff accepted prior to the disturbance.
 - b. All SCAs shall be designated as a Drainage Easement per Chapter XX.
 - c. Minimum Floor Elevations of development within the Sinkhole rim shall meet the requirements of Chapter XX.
- B. **Karst-Related Non-Buildable Areas.** In addition to establishing a plan for grading and use of construction equipment, the Administrator may, based upon the topography, geology, soils, history of the sinkhole (such as past filling) and the developer's engineer's storm water analysis and plan, establish sinkhole-related non-buildable areas:
 - 1. No buildings, parking areas, grading or other structures shall be permitted within the sinkhole-related non-buildable area unless otherwise authorized by the Administrator; and
 - 2. No private drives, streets, and highways shall be permitted within the sinkhole-related non-buildable area unless the County Highway Engineer and Drainage Engineer conclude that traffic safety considerations outweigh stormwater and water quality considerations.
- C. **Setbacks and Use Restrictions.** The following setbacks and use restrictions are established.
 - 1. No new construction of any of the following shall be permitted within the SCA:
 - a. Commercial or industrial structures;
 - b. Private drives, streets, and highways unless the County Highway Engineer and Drainage Engineer conclude that traffic safety considerations outweigh stormwater and water quality considerations;
 - c. Storage yards or parking Lots for materials, vehicles, and equipment;

- d. Residential structures and accessory structures;
 - e. Public, semi-public and office facilities;
 - f. Swimming pools and other amusement and recreational services unless expressly permitted; and/or
 - g. Stormwater detention features that have not been approved by the drainage board.
2. Construction of the following shall not be permitted within twenty-five (25) feet of the sinkhole rim regardless of size of sinkhole:
- a. structures for storage of hazardous material(s); and/or
 - b. any structure associated with a use allowed in Light Industrial (LI) or Heavy Industrial (HI) zones.
 - c. Sewage Disposal Systems (Including but not limited to, sewer connections, septic tank-absorption field system, private sewage disposal system, etc.)
3. Operation of heavy construction equipment is prohibited in the SCA unless:
- a. It is demonstrated to the Administrator that the operation of such equipment is necessary to prevent clear and imminent danger to persons and property;
 - b. The operation of such equipment is necessary to implement a drainage and/or erosion control plan approved by the Drainage Board; and/or
 - c. If the operation of such equipment is required for the removal of material from a previously filled sinkhole.
4. Underground utility lines (excluding Sewage Disposal System connections), equipment, and facilities shall be installed in a manner that does not disturb a sinkhole eye or disrupt the natural pattern of storm runoff into the sinkhole.
5. Recreational facilities such as unpaved hiking, jogging, and bicycling trails, playgrounds, and exercise courses, are permitted within the SCA.
6. Golf courses and grass playing fields are permitted within the SCA subject to approval of a Management Plan for use of pesticides and fertilizers by the Administrator.
7. Clearing and pruning of trees as well as understory, and limited grubbing of roots is permitted within the SCA provided that equivalent or improved protective living vegetative ground cover is maintained.
8. Landscaping and minor gardening is permitted in the SCA provided erosion and sediment discharge is limited through use of minimum tillage and mulches. Normal yard and landscaping maintenance is permitted.
9. Construction of light incidental landscaping and recreational structures (such as gazebos, playground equipment, etc.), is permitted in the SCA but not within the sinkhole eye. Such structures may not be placed within a SCA on excavated foundations or concrete pads but may be placed on small concrete post-hole foundations.

The above notwithstanding, no land disturbing activity may occur within a SCA if that development, construction, or use is determined by the Administrator to violate the intent of this chapter.

7. Policy for the Emergence of New Sinkholes

All newly emerging sinkholes are subject to the Stormwater Ordinance Chapter XX.

8. Plat, Site Plan, Development Plan, and Plot Plan Requirements

- A.** A plat, plot plan, site plan, or Development Plan for the proposed subdivision or development, setting forth the following information for each of the enumerated items:
- 1. Sinkholes**
 - a.** Proposed SCA in accordance with Chapter 829-4, and the approximate location of all karst features tied to the parcel boundaries.
 - b.** Location and limits of the area of the sinkhole depression as determined by field surveys or other reliable sources as may be approved by the Administrator. Location of sinkholes based solely upon USGS 7 ½ Minute Series Quadrangle Maps will not be considered sufficient unless field verified by a registered Indiana Surveyor, Engineer, or geologist.
 - c.** Location and elevation of the sinkhole eye or low point.
 - d.** Topographic contours at maximum intervals of two feet, and spot elevations sufficient to determine the low point on the sinkhole rim and the profile of the potential overflow areas.
 - e.** Minimum floor elevations of any existing structures located within the sinkhole rim.
 - f.** Elevation of any public or private roadway or drive located within or adjacent to the sinkhole. The location of the foregoing items with respect to the location of the proposed or existing roads, detention ponds, significant landscaping features, property lines, underground utilities, and other structures.
 - g.** Flooding limits as determined by Chapter XX.
 - h.** Water considerations, including, without limitation:
 - i.** The approximate location of public or private water supply sources such as springs or wells within 500 feet of the site.
 - ii.** Boundaries of any known recharge areas to wells or springs.
 - i.** Other geologic features: location of caves, springs, faults and fracture trends, geologic mapping units.
 - j.** Proposed discharge points: the location, type, and size of all points at which concentrated discharges of stormwater into the sinkhole are proposed. The drainage area to each point of concentrated discharge shall be delineated on the plan and the size of the drainage area noted.
 - k.** Existing watercourses which drain into the sinkhole.
 - l.** All other information required to demonstrate or assess compliance with this chapter, as specified by the Administrator.
 - m.** A drainage area map showing the sinkhole watershed area, and where the site is located in a sinkhole cluster area. This map shall be extended to include, in the watershed area, any sinkholes located downstream of the site which may receive overflow drainage from the site.
 - n.** All other information deemed necessary by the Administrator.

827.LAKE LEMON OVERLAY ZONE

1. Purpose

The purpose of the Lake Lemon Overlay (LLO) Zone is to:

- A. Protect and enhance the public health, safety, and welfare by:
 - 1. Preserving and enhancing the quality of the Lake for residential, industrial and public use;
 - 2. Recommending appropriate regulations for building sites, structures, and land uses in the Lake Lemon watershed area;
 - 3. Improving stormwater management in the watershed;
 - 4. Preventing pollution, erosion, siltation, and the loss of topsoil;
 - 5. Protecting the tax base from impairment due to unwise use of land; and
 - 6. Encouraging watershed mitigation areas.
- B. Protect and enhance resources as recreational and tourist attractions by:
 - 1. Protecting water quality for fish and other aquatic life;
 - 2. Preserving short cover and the natural beauty of the lakes and streams; and
 - 3. Enhancing and protecting forests, wildlife areas, wetlands, parks, and recreational facilities for beneficial water management.

2. Development Standards and Administration of the LLO Zone

- A. **Erosion and Drainage Control.** In addition to the provisions in Chapter 816 of this Zoning Ordinance and any applicable State and Federal regulations, the following conditions shall apply to development in the LLO Zone:
 - 1. Site plans, subdivision plats, planned unit developments and plans for more than one single family dwelling unit shall be designed by a Professional Engineer registered in the State of Indiana.
 - 2. Construction projects shall minimize disturbance of tree concentrations to the maximum extent reasonable.
 - 3. Streets, parking areas and building pads shall be designed so as to conform closely to existing contours and minimize grading.
 - 4. All development proposals and permit applications shall require an erosion and drainage control plan. The plan shall include measures to minimize erosion during and after construction and shall include measures to intercept any erosion before it leaves a site. Runoff mitigation measures shall include a redundancy against failure during any construction or development activity.
 - 5. All development proposals requiring phasing of the project due to size or other considerations shall also incorporate a binding, recordable commitment or deed restriction for the ongoing maintenance of any stormwater management facilities located on the development site. Such commitment must also include:
 - a. Periodic third party inspection and report;
 - b. Incorporated Owners Association with financing capability or provisions in the owner's deeds providing for periodic assessments to cover expected stormwater maintenance expenditures;

- c. County authorization to perform necessary maintenance and charge the owners or Owners Association for the work if the owner or Owners Association fails to maintain the stormwater facilities in accordance with good management practices after the County gives written notice and a reasonable opportunity to cure;
 - d. County authorization to seek injunctive relief if the owners or Owners Association fail to maintain the stormwater facilities in accordance with good management practices after the County gives written notice and a reasonable opportunity to cure;
 - e. Reports by a qualified consultant regarding stormwater detention, soil stabilization, erosion and siltation control, and stormwater runoff quality mitigation. Such reports shall note the presence or absence of hydric soils, karst features, geologic hazard features, existing vegetation, flood prone areas, slopes in excess of twelve (12) percent, perennial and intermittent streams, receiving water bodies for drainage, and the drainage distance to the normal pool elevation of Lake Lemon. These features shall be marked on a project site map and addressed in the erosion and sediment control and drainage plans.
- 6. All construction projects in the Lake Lemon Overlay which require a grading permit shall be inspected prior to ground breaking to confirm erosion control measures. Inspections shall be carried out by the County Staff, but may also be conducted by a licensed Professional Engineer under contract to the developer or construction contractor, subject to the submission of an Erosion Control Report after every inspection.
- 7. There shall be a pre-construction conference on the site of future development activity for all projects where more than one acre will be disturbed. This conference shall include the developer, contractor, job foreman, County erosion control inspector, and a representative from any other County or public agency as deemed necessary, based on review of the project plans by planning staff. A public record of the conference will be kept in the file of the project construction permit file for the grading and improvement location permits.
- 8. All construction or development activities which are done in phases shall require stabilization of earth disturbance from each phase prior to the start of the next phase of the development. This requirement shall be enforced regardless of the size of the phase, development, or disturbance area.
- B. **Forestry Activities.** Forestry activities will be required to employ Best Management Practices described in written form by the Indiana Department of Natural Resources.
- C. **Agriculture Activities, including Livestock Feeding.** Agricultural and livestock feeding activities should be carried out in conjunction with a soil and water conservation plan prepared in conjunction with the Natural Resources Conservation Service. Any area of the watersheds where land disturbance is prohibited shall also be restricted from any tillage or other earth disturbing activity. Confined livestock feeding operations shall not be permitted in the watersheds. Existing agricultural land uses shall be permitted in accordance with Chapter 803 of this Zoning Ordinance.
- D. Subject to the provisions of the Bloomington Municipal Code, Title 11 LAKES AND RESERVOIRS, Chapter 11.04 LAKE LEMON.

3. Specific Restrictions of Sensitive Lands

- A. **Setback Distance from Lake Lemon.** The minimum setback, measured horizontally, from the normal pool elevation shall be 50 feet. Proposed Home Sites shall be located 2 feet above the high water level of 635' for Lake Lemon. The following restrictions shall pertain to this designated area:

1. There shall be no land disturbance of any kind within this setback, including construction, removal of vegetation, agricultural activity, logging operation, or construction of infrastructure.
2. No erosion control or mitigation activities shall be carried out on the lake shore, at the water's edge, or along the setback line without the appropriate permits obtained from the County or any other required agency.
3. Restoration and mitigation activities intended to reduce erosion and improve water quality on public land shall be carried out only with the permission of appropriate agencies.
4. The following activities may be permitted:
 - a. The clearing of brush less than three (3) inches in diameter to create pedestrian access to the Lake Lemon 50 foot setback line, to be no more than six (6) feet in width, and to be surfaced with permeable material to prevent erosion.
 - b. The removal of tree branches or tree trunks provided said trees present a clear and immediate danger to property or persons. Tree stumps shall remain in place.

B. Setback Distance from Tributaries and Streams. Riparian buffer zones, measured from the stream/vegetation interface line, shall be established to a distance of 100 feet from each side of all intermittent and perennial streams as shown on the U.S. Geological Survey 7½ minute topographic maps. Agricultural uses existing prior to the adoption of this Zoning Ordinance are not required to provide riparian buffer zones if they are legal, pre-existing nonconforming uses (also known as grandfathered uses). Agricultural uses will need to provide riparian buffer zones only when there is a change in use from non-agricultural activities to agricultural uses. The following restrictions shall pertain to land within riparian buffer zones:

1. No earth disturbance, removal of vegetation, logging operation, and agricultural and livestock feeding activities are permitted except for the following:
 - a. Installation or construction of infrastructure crossings,
 - b. Selective logging operations, as defined in the Best Management Practices Handbook from the Forest Practices Working Group of the Indiana Department of Natural Resources, subject to securing a logging permit from the County Planning Department, and
 - c. Removal of snags and logjams.
2. Where infrastructure crossings are necessary, erosion and sediment control plans will be submitted to the reviewing bodies. Such plans shall include:
 - a. Specifications for practices to be used in minimizing disturbances;
 - b. Methods for revegetation;
 - c. Documentation of any sensitive area which may be disturbed.
3. Removal of tree branches or tree trunks is permitted if said trees present a clear and immediate danger to property and persons. Tree stumps shall be left in place.

C. Floodplains and Floodways. Areas designated as flood prone areas, including floodways, floodway fringe areas, and floodplains, are subject to development conditions found in Chapter 808 of this Zoning Ordinance.

D. Steep Slopes. There will be no earth moving or grading, large scale logging operations, or agricultural tilling on slopes designated as nondisturbable areas, and shall be referenced in the Monroe County Soil Survey.

- E. **Limited Soils.** Any areas designated by the Monroe County Soil Survey as “Severe” with respect to development or movement activities must be identified and included within the mitigation activities proposals of required erosion and sediment control plans.
- F. **Sensitive Karst and Other Geological Terrain.** In any area in the Lake Lemon Conservancy District which contains sinkholes or other karst features where construction or significant earth disturbance is proposed, no construction or earth disturbance shall take place within fifty (50) feet of the outer rim of a sinkhole unless a geological and geophysical survey indicates that such construction or earth disturbance is appropriate. A twenty-five (25) foot vegetative buffer from the outer rim toward the center of a sinkhole is also required.
 - 1. A required geological and geophysical survey shall show the following:
 - a. The identification of sinkholes, springs, and caves on a site plan, drawn to scale;
 - b. That the proposed earth disturbance or construction would not negatively and materially affect the water quality in the watershed;
 - c. The structural integrity of any proposed structure with respect to the indicated karst feature(s).

4. Overlay Area Regulations

In addition to the applicable regulations set forth in the Monroe County Zoning Ordinance, the following regulations shall apply to land use within the LLO Zone.

- A. The maximum land slope upon which any land disturbance involved in construction of buildings, driveways, roads, parking lots, and utilities can occur shall be fifteen (15) percent. The percent slope shall be measured as a 7.5 foot fall in any fifty (50) foot distance. The design should be suited to the lot to minimize the amount of cut and fill.
- B. There shall be no disturbance of natural vegetation beyond the fifteen (15) percent slope line, subject to the requirements of 999-3.

5. Exceptions

For existing parcels of record for which there are no sites for the construction of a building, associated driveway and utilities that meet the requirements of this Chapter, the following exceptions shall apply with regard to the construction of a single family residential unit:

- A. **Exception from provisions of Chapter 999-4 (A1).** Land disturbances (including disturbance of natural vegetation), involved in the construction of buildings, driveways, parking lots, and utilities, may occur on land slopes of twelve (12%) percent or greater only to the extent necessary to construct the same. The design shall be suited to the lot to minimize the amount of land disturbance.
- B. **Exception from provisions of Chapter 999-4 (A3).** The provisions of 999-4 (A3) shall not apply.
- C. **Exception from provisions of Chapter 999-4 (B1).** Land disturbances (including disturbance of natural vegetation), involved in the construction of buildings, driveways, parking lots, and utilities, may occur on land slopes of fifteen (15%) percent or greater only to the extent necessary to construct the same. The design shall be suited to the lot to minimize the amount of land disturbance.
- D. **Exception from provisions of Chapter 999-4 (B3).** The provisions of 999-4 (B3) shall not apply.
- E. In addition to the applicable regulations set forth in the Monroe County Zoning Ordinance the following exception shall apply:

1. A change in ownership, of any type, will be the triggering event for the applicability of the provisions of Chapter 999. Therefore, all current ownership as of the date of the adoption of this ordinance will be exempt from the provisions identified herein. However, compliance is strongly recommended.

All other provisions of Chapter 999 shall apply unless granted a variance or waiver in accordance with the provisions of this Ordinance. If there exists more than one site for the construction of a home, associated driveway and utilities or development of a land use activity other than one single family residence is proposed, development of the site shall be subject to the provisions of Chapter 999 unless otherwise granted a variance or waiver in accordance with the provisions of this Ordinance.

Subdivision Standards

828.GENERAL REGULATIONS ¹⁶⁹

1. Policies and Purpose

- A. **Policies.** The following policies shall guide the interpretation, administration, and enforcement of the following regulations:

¹⁶⁹ Small revisions throughout section required to incorporate the subdivision control ordinance into the CDO including deleting separate references to the different documents and streamlining the text.

1. The subdivision of land, the subsequent development of the subdivided land, and the public and private facilities and improvements proposed to serve the subdivided land shall be considered subject to the County Comprehensive Plan and related policies (e.g., those embodied in the County Zoning Ordinance) and to all County programs and ordinances¹⁷⁰ that are applicable for the orderly and efficient development of the County. If all applicable standards are met, a subdivision is granted by-right.
2. Land shall not be subdivided if doing so would result in unreasonable peril from flood, fire, or other menace. Land shall not be subdivided until adequate access to necessary public facilities and improvements is demonstrated and until provisions have been made for drainage, water, sewage, and other necessary public improvements (e.g., schools, parks, recreation facilities, and transportation facilities) adequate for serving the subdivision. Private wells and sewage disposal systems may be used in lieu of public water and sewage disposal systems if otherwise permitted by the Monroe County Code and if approved by the State and/or County Health Department.

B. Purpose. The purpose of these regulations shall be:

1. To protect and provide for the public health, safety, and general welfare of the County.
2. To guide the future development and renewal of the County in accordance with the Comprehensive Plan and related policies, objectives, and implementation programs.
3. To provide the safety, comfort, and soundness of the built environment and related open spaces.
4. To protect the compatibility, character, economic stability, and orderliness of all development through reasonable design standards.
5. To guide public and private policy and action to ensure that adequate public and private facilities will be provided, in an efficient manner, in conjunction with new development to promote an aesthetically pleasing and beneficial interrelationship between land uses; and to promote the conservation of natural resources (e.g., natural beauty, woodlands, open spaces, energy, and areas subject to environmental constraints, both during and after development).
6. To provide proper land boundary records, including:
 - a. To provide for the survey, documentation, and permanent monumentation of land boundaries and property.
 - b. To provide for the identification of property.
 - c. To provide public access to land boundary records.

2. General Regulations

- A. Authority and Jurisdiction.** These regulations, enacted pursuant to the Indiana Home Rule and planning enabling legislation (Indiana Administrative Code § 36-1-3-4 and the § 36-7-4-700 series, as amended), authorize the Monroe County Plan Commission to grant and revoke certain permits; to review and approve or disapprove construction plans and agreements, drainage and erosion control plans, and other such plans; and to review and approve or disapprove plats for the subdivision of land throughout the County Jurisdictional Area. This authority extends to the development or resubdivision of undeveloped portions of presently recorded plats within said area.

¹⁷⁰ Simplified this so instead of listing out a list of county codes and ordinances we just reference them generally.

- B. Enactment.** These subdivision regulations are hereby adopted so that land may be subdivided in accordance with the foregoing purposes and policies. The commission shall not have the authority to approve any subdivision which does not comply with these regulations.
- C. Enforcement**
1. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a secondary plat subdivision has been approved by the Commission, in accordance with the provisions of these regulations, and filed with the County Recorder.
 2. The division of any lot into a subdivision, as defined in this ordinance, for the purpose of sale, or transfer, or lease resulting in the creation of one or more new building sites shall not be permitted, unless accomplished in the manner prescribed by these regulations.
 3. No road shall be laid out or constructed unless it is consistent with the Monroe County Thoroughfare Plan and/or has been approved by the Commission as part of a subdivision. The Monroe County Highway Department shall review and approve construction plans prior to issuing an Improvement Location Permit for road construction.¹⁷¹
 4. All enforcement requirements under Chapter 835.2.
- D. Additional Requirements Applicable to Subdivisions and Planned Unit Developments.** In addition to the requirements prescribed by or incorporated in this Chapter, no improvement location permit or land use certificate shall be issued for the construction, erection, or placement of any building or other structure, or the use or occupancy of any lot, tract, parcel, building or other structure within a subdivision or planned unit development approved under this ordinance, until, as appropriate. However, demolition may occur if the demolition allows the property to come into compliance and/or meet conditions of plat approval.¹⁷²
1. The applicant has provided the Planning Director with a certified copy of the current recorded plat, construction plans, and/or development plan;
 2. All provisions of this ordinance and all conditions of plat or plan approval have been complied with;
 3. The required utility facilities have been installed and made ready to service the Lots, tracts, or parcels in question; and
 4. All streets providing access to the subject Lots, tracts, or parcels have been constructed or are in during construction and are suitable for vehicular traffic.
- Demolition may occur if the demolition allows the property to become into compliance and/or meet conditions of plat approval.
- E. Violations, Penalties, and Restraining Provisions**
1. Any person who violates a provision of this ordinance or any conditions imposed pursuant to this ordinance, shall be guilty of a "Class C" ordinance violation and shall be subject to a civil penalty of an amount as set forth in the Monroe County Code Chapter 115: Violations and Penalties¹⁷³. Each day any such violation is committed or permitted to continue constitutes an additional, discrete ordinance violation.
 2. Any land within the County Jurisdictional Area subdivided in violation of the terms of this ordinance after the effective date hereof, is hereby declared to be a common nuisance, which may be restrained, enjoined, or abated in any appropriate action or proceeding.

¹⁷¹ New reference to Highway Department

¹⁷² New

¹⁷³ Removed fee amount and replaced with reference to Chapter 115

3. The Commission may institute an injunction suit requesting that an individual or governmental unit be directed to remove a structure erected in violation of this ordinance, or to make the structure comply with the provisions of this ordinance.
4. The Commission may institute a suit for mandatory injunction requesting an individual or governmental unit be directed, where such individual or governmental unit has violated any provisions of this ordinance, to comply with the provisions of this ordinance.
5. If the Commission is successful in its enforcement action, the respondent shall bear the costs incurred by the Commission in the enforcement of this ordinance.

829.TYPES OF SUBDIVISIONS

1. Classification of Land Subdivisions

All land to be divided shall be classified by the Planning Director as one of the following main types of land subdivision: major subdivision, minor subdivision, sliding scale subdivision, or administrative subdivision. Each subdivision type is subject to the Improvement, Reservation, and Design Standards of Chapter **XXX** as outlined in the table below. Other standards from this ordinance may also be applicable depending on the specific characteristics of the subdivision (e.g., subdivisions location in the Lake Monroe Watershed).

Table 830.1-1: Subdivision Classifications and Applicable Standards¹⁷⁴

Administrative Subdivisions	Minor Subdivisions	Sliding Scale Subdivisions	Major Subdivisions
No new buildable lots created	4 Lots or less	4 Lots or less	5 Lots or more
Applicable Standards from Chapter 826: Improvement and Design Standards			
826.1 General Improvement Requirements	826.1 General Improvement Requirements		All
826.2 Self-Imposed Restrictions	826.2 Self-Imposed Restrictions		
826.3 Plats Straddling Jurisdictional Boundaries	826.3 Plats Straddling Jurisdictional Boundaries		
826.4 Boundary Improvements	826.4 Boundary Improvements		
826.5 Character of the Land	826.5 Character of the Land		
826.6 Subdivision Name	826.6 Subdivision Name		
826.7 Lot Design	826.7 Lot Design		
826.8 Streets	826.8 Streets		
Streets 826.8 (N). Excess Right-of-way	<ul style="list-style-type: none"> 826.8 (A) Frontage on Improved Streets 826.8 (K) Construction of Streets 826.8 (N) Excess Right-of-way 826.8 (O) Railroads and Limited Access Highways 		
826.8 (O) Railroads and Limited Access Highways	826.8 (Q) Bridges of Primary Benefit to Applicant		
826.9 Drainage	826.9 Drainage <i>(except for 826.9(C) Accessibility to Public Storm Sewer)</i>		
– 826.9 (F) Floodway Areas	826.10 Water Supply System		
– 826.9 (G) Floodway Fringe and Floodplain Areas	826.11 Sewage Disposal System		
	826.12 Sidewalks and Transportation Alternative Facilities		
	826.13 Underground Utilities		
	Easements		
	826.14 Preservation of Natural Features and Amenities		

¹⁷⁴ New table format with names of standards listed instead of numbers listed – could add reference links here as well

2. Administrative Subdivision ¹⁷⁵

A. Purpose. Administrative Subdivisions are considered Secondary Plats. The purpose of the Administrative Subdivision is to alter lot lines between adjoining parcels.

B. Applicability

1. A pre-design conference is a pre-requisite. The Planning Director shall determine the applicable Administrative Subdivision Type.
2. In order for a land division to be considered an administrative subdivision, it must abut a County Road or have a pre-existing easement for access.
3. The types of administrative subdivisions are as follows:

Table 830.2-1: Administrative Subdivision Types	
Type B	A transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division.
Type C	A transfer of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property.
Type D	A division of land for federal, state, or local government to acquire street right-of-way.
Type E	A transfer of a tract or tracts between adjoining Lots. This Subdivision type shall not increase non-compliance with the Zoning Ordinance under any circumstance.
Type F	A division of land into cemetery plots for the purpose of burial of human corpses.
Type G¹⁷⁶	A transfer of large acreage for conservation or agricultural purposes in which no buildable lots are created.

4. The following actions can occur within an administrative subdivision process:
 - a. The removal of, creation of, or relocation of, easements on a property. The creation or extension of easements shall require signatories of all grantees and other parties, as required;
 - b. The changing of notions written on the plat or correction of errors thereon, which may include correcting errors to legal descriptions provided that no additional building Lots are created; and
 - c. The aforementioned processes in table 825.2 above.
5. No new buildable lot can be created through the administrative subdivision procedure. This includes providing buildable area to a lot deemed non-buildable by Chapter XX that currently does not exhibit any buildable area.
6. Under the Administrative procedure, no lot shall be reduced by more than 50%. If it would constitute more than 50% change, another subdivision procedure must be followed.¹⁷⁷
7. Excepting Type C, D, and F administrative subdivisions, the administrative subdivision procedure may not be used to render a conforming lot non-conforming or to increase a non-conformity. However, the procedures may be used to reduce a non-conformity of a non-conforming lot.

¹⁷⁵ The applicability criteria for administrative subdivisions have been revised and updated to reflect issues that staff have faced. The criteria are consistent with other Indiana County subdivision standards.

¹⁷⁶ Added Type G

¹⁷⁷ New

B. Exemption. If all lots involved in the administrative subdivision are considered non-conforming in terms of lot size, lot sizes may be allowed to become more non-conforming if there is a unique situation or hardship on the land such as topography. However, non-conforming lots will be required to apply for required variances upon request for further development.

1. Furthermore, subdivisions that would result in the amendment of a recorded subdivision plat are subject to the procedures and regulations for subdivision plat amendments. Additionally, partial plat vacation of an Administrative Type E subdivision results in no longer being eligible for future Type E Administrative subdivision procedures¹⁷⁸ and only allows for final plat amendments.

C. Procedure

1. Before the deed of a parcel that is created through the administrative subdivision procedure may be initially recorded with the Monroe County Recorder, the Planning Director shall place a notation on the deed to the effect that the parcel was created through the administrative subdivision procedure. The notation shall be signed and dated by the Planning Director.
2. If a parcel or tract is created through the administrative subdivision process and has road frontage on a public road, the land divider shall dedicate to the public real property of a width sufficient to meet one-half of the required right-of-way indicated on the County Thoroughfare Plan or Official Map, and of a length along that public road equal to the length of that parcel along the roadway.

¹⁷⁸ New

3. Sliding Scale Subdivision

- A. Purpose.** The purpose of the Sliding Scale Option subdivision is to accommodate development and redevelopment of areas designated in the Monroe County Comprehensive Plan as “Farm and Forest” and “Rural Residential” land uses. The Sliding Scale Option is well-suited for owners who wish to subdivide their property for economic opportunity while ensuring restrictions on successive applications of the subdivision opportunities for the property. In general, the Sliding Scale Option regulations seek to:
1. Preserve large areas of sparse and low residential density for the planning horizon of the Comprehensive Plan; and
 2. Protect and enhance vulnerable lands in rural areas.
- B. Intent.** The Sliding Scale Option when implemented in conjunction with the traditional development standards set forth in the Agricultural Residential 2.5 “AG2.5”, Forest Residential 5 “FR5”, Conservation Residential 2.5 “CR2.5” and Rural Community 1 “RC1” Zoning Districts will serve to:
1. Support and sustain the agricultural use and productivity of the Monroe County;
 2. Preserve large tracts capable of supporting farming, forestry, or agricultural related production and to preserve the open road rural landscape appearance of Monroe County;
 3. Preserve the opportunity for individuals to experience and sustain rural lifestyles in sparsely populated areas of Monroe County; and
 4. Provide opportunity to create some residential Lots to accommodate family expansion and limited development needs while limiting development to the fewest Lots possible to maintain the low density, rural-oriented growth that is consistent with the County’s physical constraints as described in the Comprehensive Plan.
- C. Optional Use.** Use of the Sliding Scale Option for development activity in the areas under the zoning designation AG2.5, FR5, CR2.5, and RC1 is optional. At the time of filing, the applicant must elect either the traditional subdivision method or the Sliding Scale Option subdivision.
- D. Applicability.** The Sliding Scale Option subdivision is permitted in the following zoning Districts:
1. Agricultural Residential 2.5 “AG2.5” Zoning District
 2. Forest Residential 5 “FR5” Zoning District
 3. Conservation Residential 2.5 “CR2.5” Zoning District
 4. Rural Community 1 “RC1” Zoning District
- E. Sliding Scale Development Standards.** The Sliding Scale Option provides an alternate lot size and density distribution from the traditional development standards set forth in Chapter 805 of this ordinance to allow for the creation of smaller Lots while retaining larger Lots of undeveloped and/or vulnerable land as well as large residential or agricultural parcel uses. Under the Sliding Scale Option, the allowance for small lot development is based upon the size of the original parent parcel.
- F. General Design Considerations**
1. The designated parent parcel remainder shall not be further subdivided for a period of 25 years from the date of recording of the Secondary Plat unless connected to a public sewage disposal system or further subdivision of the property is authorized by ordinance. This restriction shall be recorded on the Secondary Plat and incorporated as a Recorded Commitment (which states the day, year, and month in which the parent parcel remainder becomes eligible for further subdivision) referenced on any deed conveying the parent parcel remainder.

2. Lots not utilizing a shared driveway must be accessible from a Monroe County or INDOT road or from a hard-surface road designed by a professional engineer to meet the current Manual for Construction within and adjacent to Monroe County Right-of-Way requirements. Newly proposed lots must obtain permits for connecting to the state or county roadway as a pre-requisite for final platting.
3. Any lots created by the Sliding Scale Option subdivision method must meet all other ordinance requirements including but not limited to: driveway requirements; slope restrictions; karst restriction requirements, as well as other restrictions on vulnerable land forms; and all other factors which may impact health, safety, and the public welfare.
4. All lots must contain one septic site per dwelling unit approved by the Monroe County Health Department. Otherwise, the deed will be marked "no residential dwelling permitted" to allow for the division of land for agricultural purposes only. If a finger system is in use, the lot must contain a location for another septic site.¹⁷⁹
5. Any lots intended for residential use created by the Sliding Scale Option subdivision method shall include one acre of buildable area. This provision may only be waived for proposed lots including pre-existing residential structures.

G. Specific Development Standards. The following standards apply to the original parent parcel, and the number and design of small and parent parcel remainder lots allowed to be created under the Sliding Scale Option subdivision method:

1. Development Standards for Small Lots

Table 830.3: Sliding Scale Standard for Small Lots	
Original Parent Parcel Size	Total Number of Lots Permitted*
9.99 acres or less	1 (existing), no additional small lot permitted
10 to 19.99 acres	2 (1 additional small lot)
20 to 29.99 acres	3 (2 additional small Lots)
30 acres or greater	4 (3 additional small Lots)
<i>*Subject Buildable Area Determination. Acreage is determined by legal survey, not by deed acreage listed.</i>	

2. Development Standards for Lots

Table 830.4: Dimensional Standards for Small Lots		
	FR5 Zone	AG2.5, CR2.5, and RC1 Zones
Dimensional Standards for Small Lots		
Maximum Lot Size	Up to 45 percent of the original parent parcel	Up to 45 percent of the original parent parcel
Minimum Road Frontage at Publicly Maintained Road	200 ft.	200 ft.
Dimensional Standards for Parent Parcel Remainder		
Minimum Lot Size	55 percent of the original parent parcel	55 percent of the original parent parcel
Minimum Lot Width at Publicly Maintained Road	200'	200 ft.

¹⁷⁹ Removed standard that sliding scale subdivisions had to be on roads 18' in width.

- A. Permitted Land Uses.** All land use definitions as defined by Chapter 802-5 are applicable to this chapter. All permitted and conditional uses shall retain their status unless otherwise designated by the Plan Commission and County Commissioners. Any conditional use granted prior would apply only to the existing structure(s) and be retained on one of the newly configured lots.
- B. Authority.** The action of Monroe County, Indiana in the adoption of this option is authorized under Indiana Code § 36-1-3-4 and Indiana Code § 36-7-4-1, et seq., as amended. This option is adopted as one of the instruments of implementation of the public purposes and objectives of the adopted Monroe County Comprehensive Land Use Plan. This option is declared to be in accord with these plans, to the extent required by Indiana Code § 36-1-3-4 and Indiana Code § 36-7-4-1, et seq., as amended.
- C. Submittal Requirements**
1. The primary plat for the Sliding Scale Option subdivision shall generally comply with the submittal requirements of the primary plat, with exceptions noted including:
 - a. **For Existing Roads.** The following can be excluded from the plat: width; approximate gradient; type and width of pavement.
 - b. **Exclusions.** The following can be excluded from the plat: the delineation of the phases, if any, of the development, indicating the lots and improvements to be included in each phase.
 2. A checklist with a comprehensive list of Sliding Scale Option subdivision plat requirements is available at the Planning Department.
 3. The secondary plat for the Sliding Scale Option subdivision shall generally comply with the submittal requirements of the secondary plat, with exceptions noted. A checklist with a comprehensive list of Sliding Scale Option subdivision plat requirements is available at the Planning Department.

4. Major Subdivisions

- A. Purpose.** The purpose of the Major subdivision is to accommodate development and redevelopment of areas designated in Monroe County with access to infrastructure such as sewer, major roadways, fire services, etc. The Major Subdivision option is for owners/developers that wish to create five or more Lots. This subdivision option can accommodate commercial and residential development as it is permitted in all zoning Districts.
- B. Intent.** The Major Subdivision option when implemented in conjunction with the traditional development standards set forth in the applicable zoning Districts will serve to:
1. Allow for workforce housing in the urbanizing areas of the County that can support additional density;
 2. Expand, connect, and enhance necessary infrastructure to create a neighborhood that provides for sustainable growth;
 3. Provide connectivity to nearby neighborhoods by expanding roadways and alternative transportation methods;
 4. Provide an area for employment generation and extension of necessary services and infrastructure.
- C. Applicability.** The Major Subdivision Option subdivision is permitted in District. The pre-requisites for a Major subdivision include Compliance with Chapter XXX, including but not limited to: Access to sewer, Access to major roadways and the ability to create two ingress/egress options, Access to stormwater infrastructure.

5. Minor Subdivisions

A. Purpose

1. The purpose of the Minor subdivision is to accommodate development and redevelopment of areas designated in Monroe County that are rural or urban in nature. The Minor Subdivision is well-suited for owners who wish to subdivide their property for economic opportunity while matching the character of the surrounding community in terms of lot sizes. This subdivision option can accommodate commercial and residential development as it is permitted in all zoning Districts.
2. The Minor Subdivision option allows owners to create four lots or less on septic or sewer systems. In general, the Minor Subdivision regulations seek to:
 - a. Preserve large areas of sparse and low residential density for the planning horizon of the Comprehensive Plan;
 - b. Allow subdivisions as infill development in areas of the County; and
 - c. Protect and enhance vulnerable lands.

Table 830.5: Minor Subdivision Option		
	Lots without access to Sewer	Lots with access to Sewer
Original Parent Parcel Size	Total Number of Lots Permitted*	
19.99 acres or less	1 (existing), no additional small lot permitted	Up to 4 Lots depending on applicable zoning requirements
20 to 29.99 acres	2, each lot 10 acres	
30 to 39.99 acres	3, each lot 10 acres	
40 acres or greater	4, each lot 10 acres	
<i>*Subject Buildable Area Determination. Acreage is determined by legal survey, not by deed acreage listed.</i>		

830.IMPROVEMENT AND DESIGN STANDARDS

1. General Improvement Requirements

A. Applicability

1. In addition to the requirements established herein, all subdivision plats shall comply with the following laws:
 - a. All applicable State statutory purposes;
 - b. The applicable regulations contained within this ordinance and all other applicable County ordinances, regulations, rules, and orders;
 - c. The Comprehensive Plan, Official Map or Thoroughfare Plan, Transportation Alternatives Plan, and the Capital Improvements Program of the County including all streets, drainage systems, and parks shown on the Official Map or Comprehensive Plan as adopted;
 - d. The special requirements of these regulations and any rules or orders of the Health Department and/or appropriate state agencies;
 - e. The rules and regulations of the Indiana Department of Transportation (INDOT) if the subdivision or any lot contained therein abut a state highway or state frontage road;
 - f. Any highway and drainage standards and regulations adopted by the County and all boards, commissions, agencies, and officials of the County; and
 - g. All pertinent standards contained within still valid planning guides published by the Plan Commission.
 2. The above notwithstanding, the minimum design and development standards and requirements expressly set forth in the following sections of this Chapter, supersede, are controlling, and take precedence over the design and development standards, requirements, maps, tables, objectives, goals, policies, and/or recommendations set forth in the Comprehensive Land Use Plan. The Comprehensive Plan may not be used to impose design and development standards and requirements that differ from the minimum standards and requirements set forth or incorporated in the following sections of this Chapter.
- B. Public Safety.** Plat approval may be denied based on a finding, supported by record evidence that the implementation of the proposal would result in demonstrable, significant, non-speculative injury to the public health, safety, and welfare.

2. Self-Imposed Restrictions

If the owner places or commits to place restrictions on any portion of the land contained in the subdivision which are greater than those required by this ordinance, the Commission may require that such restrictions reference thereto be indicated on the subdivision plat, or the Commission may require that restrictive covenants be recorded with the County Recorder, in a form approved by the Commission, and that an appropriate reference to the covenants be indicated on the subdivision plat.

3. Plats Straddling Jurisdictional Boundaries

Whenever access to the subdivision is required across land, which is located in another jurisdiction, the Commission may request Assurance from the County Attorney that such access is legally established and from the County Engineer that the access road is adequately improved, or that a performance letter of

credit has been duly executed and is sufficient in amount to assure the construction of the access road. Lot lines shall be laid out so as not to cross boundary lines between different planning and zoning jurisdictions.

4. Boundary Improvements

The subdivider, under the supervision of a registered land surveyor, shall have monuments set in accordance with the provisions of 865 Indiana Administrative Code (IAC) 1-12-18. They shall be set following final lot grading but prior to the issuance of any building permit.

5. Character of the Land

Land which the Commission finds to be unsuitable for subdivision or development because of flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, environmental constraints, or other features which might reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the Developer and approved by the Commission to solve the problems created by the unsuitable land conditions. Such land shall be set aside for such uses permitted by this ordinance as shall not involve any such danger.

6. Subdivision Name

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Commission shall have final authority to designate the name of the subdivision which shall be determined at the time of primary approval.

7. Phasing

- A. The subdivider may seek final approval of a portion or section of the primary plat (per Section 837.2C.3). The Commission may impose such conditions upon the filing of applications for secondary plat approval of the sections as it deems necessary to assure the orderly development of the subdivision (e.g., sequential lot numbering).
- B. The Commission may require that the performance letter of credit and financial guaranty be in such amount as will be commensurate with the section or sections of the plat for which approval is sought and may defer the remaining required performance letter or credit (or other assurance) principal amount until the remaining sections of the plat are offered for filing.
- C. Such sections must contain at least 20 Lots or 10 percent of the total number of Lots contained in the approved preliminary plat, whichever is less. The approval of all remaining sections not filed with the Planning Director shall automatically expire two years from the date of the primary plat approval, unless the primary plat approval period has been extended per Section 837.2D.12.

8. Lot Design

A. Buildable Area

- 1. Any lot shall include a buildable area. Reference **Table XXX** for the amount of buildable area required for each zoning district¹⁸⁰. The following shall not be included in buildable area:
 - a. Special Flood Hazard Area as specified in **Chapter 808**;
 - b. Wetlands as specified in **Chapter 801**;

¹⁸⁰ New – will fill in the table reference when drafted with the future module

- c. Slopes 15 percent or greater as specified in Chapter 825 Area 2 regulations;
 - d. Sinkhole Conservancy Areas as specified in Chapter 829;
 - e. Drainage Easements as specified in Chapter 856;
 - f. Riparian Conservancy Areas as specified in Chapter 801;
 - g. Rights-of-way as specified in Chapter 801;
 - h. Land included in a legally created easement;
 - i. Pole of a flag lot as specified in Chapter 801; and
 - j. Setbacks as specified in this ordinance.
2. Any subdivision of land for agricultural or conservation purposes not involving any new street or access easement, or any non-agricultural structures shall be exempted from the buildable area requirements and the minimum lot size requirements. Land subdivided for agricultural, or conservation purposes must include the use restriction that shall be recorded on the Secondary plat and incorporated as a Recorded Commitment referenced on any deed conveying the land.

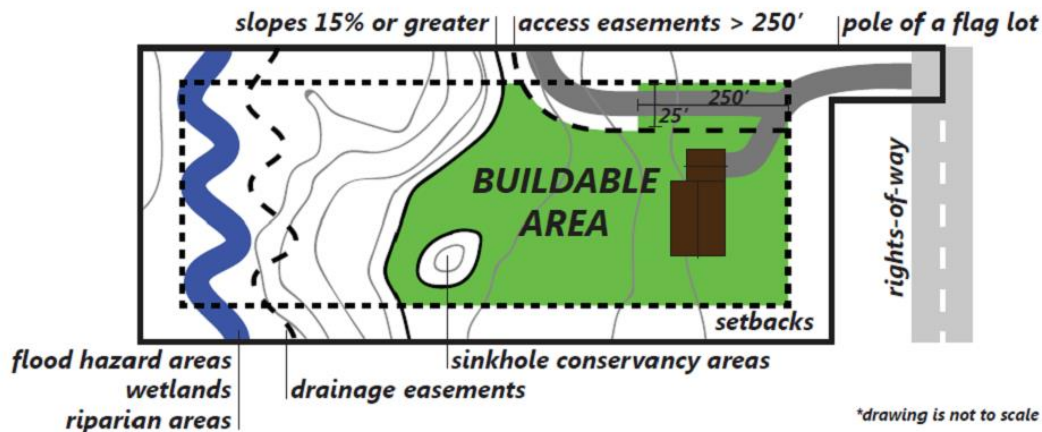


Figure 831-1: Buildable Area Graphic

- B. Dimensions.** Lot dimensions shall comply with the minimum standards as established in Section XXX¹⁸¹. Where lots are more than double the minimum required lot size for the zoning district, the Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve all such potential lots in compliance with this ordinance. In general, side lot lines shall be at right angles to the street lines (or radial to curving street lines) unless a waiver of this rule is approved by the Plan Commission. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets and observing the minimum side yard setback from the other property lines. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for all pertinent requirements.
- C. Access to Lots**
1. Lots must have frontage on a publicly or privately maintained road, which is built to County standards, to qualify for a subdivision. Easement access is permitted for internal Lots to access through shared driveways where required by the Highway Department.

¹⁸¹ Will fill in this reference to the table when drafted in a future module.

2. Driveways shall be designed to avoid requiring vehicles to back into traffic on arterial or collector streets, and the provision shall not be waived.
3. Lots must be able to receive a right-of-way activity permit for driveway access as a prerequisite for a subdivision.¹⁸²

D. Reverse Frontage Lots¹⁸³

1. Reverse frontage lots shall be avoided except where necessary to provide for the separation of residential development from the traffic on arterial and collector streets or to overcome specific disadvantages of topography and orientation affecting the subdivision Lots.
2. In general, reverse frontage lots shall not derive access from an arterial or a collector street. Where driveway access from an arterial or collector street may be the only possible access for several adjoining Lots, the Commission and/or the Highway Department may require that such Lots be served by a shared access drive or frontage street in order to limit possible traffic hazards from multiple access to the arterial or collector street.

E. Site Preparation

1. Only temporary certificates of occupancy may be issued unless final grading has been completed in accordance with the approved construction plans and the lot pre-covered with topsoil having a minimum depth of at least six inches which shall contain no particles over two inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets, or where the grade has not been changed or natural vegetation seriously damaged. Topsoil shall not be removed from residential Lots or used as spoil but shall be redistributed so as to provide at least six inches of cover between the sidewalks and curbs and shall be stabilized by seeding or planting.
2. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm water drainage pattern for the area. Drainage shall be designed so as to avoid the accumulation of storm water on any one or more Lots from adjacent Lots, except as authorized by a Commission approved erosion and/or drainage control plan. It shall be the responsibility of the lot owner, or applicable Homeowners Association, to maintain the lot grade, as it applies to drainage, as provided for in the approved construction plans.
3. Within one week of a land disturbing activity, all Lots that have been altered by the land disturbing activity shall be temporarily seeded in the manner prescribed by Practices 3.11 or 3.13 of the Indiana Stormwater Quality Manual. Additionally, all land left undisturbed, including stockpile areas, must be temporarily seeded within one week. No land use certificate or certificate of occupancy shall be issued until respreading of soil has been completed and permanent seeding of the Lots has been completed in the manner prescribed by Practices 3.12 or 3.13 of the Indiana Handbook for Erosion Control in Developing Areas. Sod may be used to comply with any requirements of seeding set forth herein.
4. No cut trees, timber, debris, junk, rubbish, or other waste material of any kind shall be buried in any land or left or deposited on any lot or street at the time of occupancy within a subdivision, nor shall such materials be left or deposited in any area of the subdivision at the time of expiration of the letter of credit or dedication of public improvements, whichever is sooner.

¹⁸² New

¹⁸³ Add graphic of this

F. Fencing. Each subdivider and/or developer shall be required to furnish and install fences wherever deemed necessary by the Commission to address a hazardous condition. The fences shall be constructed in accordance with the relevant Indiana Department of Transportation Standard Specifications, as determined by the County Engineer, and shall be noted as to height and material on the secondary plat. No certificate of occupancy shall be issued until said fence improvements have been duly installed.

G. Water Bodies

1. If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent Lots. The Commission may approve an alternative allocation of interests whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a local government responsibility.
2. No part of the minimum area of a lot required under this ordinance may be satisfied by land which is under water.
3. Where a watercourse separates the buildable area of a lot from the street from which it has access, provisions shall be made for installation of a culvert or other structure, of a design approved by the County Engineer. Additionally, access must comply with Chapter (FLOODPLAIN) as well as other applicable IDNR requirements.

9. Streets

A. Frontage on Improved Streets

1. No subdivision shall be approved unless the area to be subdivided has or will have frontage¹⁸⁴ on an existing roadway or highway that is shown on the Official Map, or that is listed on the State or County Highway Inventory, or from a street shown upon a plat approved by the Commission and recorded in the office of the County Recorder. Existing streets or highways must be suitably improved as required by these regulations or be secured by a performance letter of credit required under these regulations, with the width and right-of-way required by these regulations or as indicated on the Official Map or Thoroughfare Plan.
2. Whenever the area to be subdivided is to use an existing street frontage, the street shall be suitably improved as herein provided and must be required¹⁸⁵ to provide a minimum of two points of ingress and egress for any new development. The two points of ingress/egress must comply with all applicable zoning requirements, as well as meet the requirements in the Manual for Construction within and Adjacent to Monroe County Right-of-Way.
3. Access plans shall be reviewed and approved by the County's Department of Emergency Management or applicable Fire Department to ensure that during construction and after completion there are safe access paths for residents.¹⁸⁶

B. Grading and Improvement. Streets shall be graded and improved in accordance with the construction and design standards and specifications set forth or incorporated in these regulations. All street grading and improvement shall comply with the subdivision improvement agreement and may not be commenced until an improvement location permit has been obtained in the manner prescribed by this ordinance.

¹⁸⁴ Removed "and/or access from". Will ensure a frontage requirement when drafting lot dimensional standards to ensure good design standards.

¹⁸⁵ Change from "may be required" to "must be required"

¹⁸⁶ New – confirm that is the correct reviewing department

C. Street Design¹⁸⁷

1. All streets shall be arranged so as to maximize the number of possible building sites at, or above, the grades of the streets. Grades of the streets shall conform as closely as possible to the original topography. A combination of steep grades and sharp curved shall be avoided. Specific design standards are set forth or incorporated in Manual for Construction within and adjacent to Monroe County Right-of-Way and are reviewed by the Monroe County Highway Departments.
2. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established on the Official Map or Thoroughfare Plan, and/or Comprehensive Plan.
3. All streets shall comply with the Manual for Construction within and adjacent to Monroe County Right-of-Way¹⁸⁸.
4. Local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets and points of ingress and egress necessary to provide convenient and safe access to the property.
5. Proposed streets shall, where appropriate, be extended to the boundary lines of the tract to be subdivided unless this is prevented by topography or other physical conditions. A temporary cul-de-sac is required for a street that terminates at the boundary line. Right-of-way shall also extend to the boundary line. Should the development adjoin a temporary cul-de-sac, it shall be the responsibility of the developer to extend the roadway and convert it from a cul-de-sac to a through road.
6. In business and industrial developments, the design of the streets and other access ways shall be subject to review by the Monroe County Highway Department, which shall review the internal design including all planned connections and locations of buildings, locations of rail facilities, and the provisions of alleys, truck loading and maneuvering areas, walkways, bikeways, and parking areas so as to minimize conflict of movement between the various types of vehicular and pedestrian traffic¹⁸⁹.

D. Blocks

1. The dimensions and shapes of blocks shall be sufficient for two tiers of Lots. Exceptions shall be permitted in blocks adjacent to arterial streets, collector streets, railroads, waterways, and property lines.
2. The dimensions and shapes of blocks shall be appropriate for the locality and the type of development contemplated.
 - a. Blocks in residential areas served by local roads shall not exceed 1,320 feet nor be less than two Lots.
 - b. Blocks along arterial and collector streets shall not be less than 1,320 feet in length.
3. Access easements not less than 15 feet wide to accommodate utilities, drainage facilities, or bike or pedestrian traffic, may be required through the center of blocks more than 800 feet long or at other appropriate locations and at the ends of cul-de-sacs, where deemed essential to provide for circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

¹⁸⁷ Deleted "C", "E"

¹⁸⁸ New

¹⁸⁹ Revised regulation to reference the highway department

E. Access to Collector Streets

1. Unless approved by the Monroe County Highway Department and the Plan Commission, lots in single dwelling residential subdivisions shall not derive access from collector streets. Lots at the corners of intersections of local and collector streets shall have driveway access to the local street only and not to the collector street. For multi-family development, lots at the corners of intersections of local and collector streets shall have driveway access to the collector street only and not to the local street.¹⁹⁰
2. All access drives and all improvements related to such drives shall be designed and constructed in accordance with the Manual for Construction within and adjacent to Monroe County Right-of-Way.¹⁹¹

F. Access to Arterial Streets. Where a subdivision borders on or contains an existing or proposed arterial street, the Commission may require that access to it be limited by one of the following means¹⁹²:

1. With respect to reverse frontage Lots, no access shall be provided from the arterial street and buffer landscaping shall be provided within a landscape easement along the arterial street consistent with the buffering requirements of **Section XXX**¹⁹³; or
2. A marginal access or service road separated from the arterial street by buffer landscaping consistent with the buffering requirements of **Section XXX**.
3. Proposed subdivisions that would derive direct access from State Road 37 shall not be approved. This requirement shall not be waived.

G. Street Names. The primary plat, as submitted, shall indicate names of proposed streets. as part of the primary plat review, the Planning Director shall refer proposed street names to the Addressing Coordination Task Force for comment regarding duplication of names and possible confusion. The Planning Director shall prepare a recommendation for the Commission regarding the proposed street names and/or revisions to the proposed street names. Names shall be sufficiently different in sound and in spelling from other street names in the County or other nearby areas so as to avoid confusion. A street which is, or is planned as, a continuation of an existing street shall bear the same name. The Commission shall be responsible for approving the names of subdivision streets.**H. Street Regulatory Signs.** The applicant shall provide and install a street identification sign at every street intersection within the subdivision and the applicant shall provide and install all traffic control signs within the subdivision as required by the County Engineer. All signs required under this section shall be inspected and must be approved by the County Engineer before the performance letter of credit, authorized by Section 858-2 of these regulations, may be released. All such signs shall conform to the Indiana Manual on Uniform Traffic Control Devices as to form, color, size, message, arrangement, and placement.**I. Lights.** Streetlights may be required in the urbanized area of the County as identified by the County Engineer. If the subdivider intends, or is required, to install streetlights within the County Street right-of-way, the location and installation of such lights shall not in any way interfere with the County's use of the right-of-way as determined by the County Engineer. The subdivider shall be responsible for the design, installment, location, maintenance, and operation of such streetlights

¹⁹⁰ Will add graphic here

¹⁹¹ Updated reference and removed reference to appendix graphic for shared access drives as relying on Highway Department for those standards, not zoning regulation.

¹⁹² Removed "B" as it is not a design scheme that the County wants to promote. Removed "D" and "E" as they were repetitive standards.

¹⁹³ If buffering if required, will create a standard for this in the landscaping section, to be drafted in a future module. Will also add graphic here.

(including power cost) unless such responsibility is assigned to and accepted by a homeowners' Association or other entity.

J. Spite Strips. The creation of spite strips shall not be permitted.

K. Construction of Streets

1. The arrangement of streets shall provide for the continuation of streets between adjacent subdivisions or other properties when continuation is necessary for the convenient movement of traffic, for effective emergency services, for efficient provision of utilities, and where continuation is in accordance with the Comprehensive Plan and the Monroe County Throughfare Plan.
2. In the event temporary dead-end streets are necessary to provide for the future continuation of subdivision streets, the temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way, shall revert to abutters whenever the street is continued.
 - a. Temporary cul-de-sacs must be provided at the ends of temporary dead-end streets. The length of temporary dead-end streets may be limited in accordance with the design standards in these regulations.
 - b. Where a street does not extend beyond the boundary of the subdivision and its continuation is not required for access to adjoining property:
 - c. Its terminus shall normally not be nearer to any boundary than 50 feet¹⁹⁴.
 - d. Dedication of an easement not less than 15' in width minimum to accommodate drainage facilities, pedestrian and bicycle facilities, or utilities shall be provided.
 - e. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with the Manual for Construction within and adjacent to Monroe County Right-of-Way.
3. All streets shall be constructed in the manner prescribed by the Indiana Department of Transportation Standards and Specifications Manual. This requirements shall not be waived for any street or access easement, either privately or publicly maintained, that will be used to derive access by five or more existing or created Lots. The constructed street must serve all existing and created Lots. If a private drive is to be used by four existing or created Lots or less, easements shall be dedicated per section 856-42(C) and this drive does not have to be constructed to the Manual for Construction within and adjacent to Monroe County Right-of-Way.¹⁹⁵

L. Design Standards Requirements¹⁹⁶

1. All streets shall be designed in conformance to the Manual for Construction within and adjacent to Monroe County Right-of-Way.
2. Streets shall be classified by the Board of Commissioners in accordance with the Monroe County Thoroughfare Plan.
3. Approved street cross-section drawings as set forth in the Manual for Construction within and adjacent to Monroe County Right-of-Way.

¹⁹⁴ Will create graphic

¹⁹⁵ Will create graphic

¹⁹⁶ New

- M. Surfacing and Improvements.** After sewer and water utilities have been installed by the developer, the applicant shall construct curbs and gutters and shall surface or cause the roadways to be surfaced to the widths prescribed in these regulations. The pavement shall be constructed to meet the standards of the Manual for Construction within and adjacent to Monroe County Right-of-Way.
- N. Excess Right-of-Way.** Right-of-way widths in excess of the standards designed in these regulations shall be required whenever is necessary due to extraordinary site constraints such as topography, visibility, or infrastructure requirements. Such slopes shall not be in excess of three to one (3:1) near drainage structures.
- O. Railroads and Limited Access Highways.** Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows:
1. All streets shall be designed in conformance to the Manual for Construction within and adjacent to Monroe County Right-of-Way.
 2. In residential Districts a buffer strip at least **25 feet¹⁹⁷** in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted Lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon, other than earth berms, walls, fences, and other landscape screening devices approved by the Commission, is prohibited."
 3. In Districts zoned for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to a railroad shall, wherever practical, be at a sufficient distance therefrom to ensure a suitable depth for commercial or industrial sites, which would include the required minimum front and rear yard setback and a buildable area¹⁹⁸.
 4. Streets parallel to a railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least 600¹⁹⁹ feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.
- P. Intersections**
1. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75 degrees shall not be acceptable. An oblique street should be approximately at right angles for at least 100 feet therefrom. No more than two streets shall intersect at any one point.
 2. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersection on the opposite side of such street. Street jogs with center-line offsets of less than 150 feet shall not be permitted. Where a local street is proposed to intersect with an arterial street, the alignment of the streets shall be mandatory. Intersections of arterials shall be at least 800 feet apart.
 3. Curb and intersection standards shall comply with the Manual for Construction within and adjacent to Monroe County Right-of-Way.
 4. Site distance shall comply with the Manual for Construction within and adjacent to Monroe County Right-of-Way.

¹⁹⁷ Coordinate this with buffer/landscaping requirements in the landscaping section when drafted in future module

¹⁹⁸ Add graphic

¹⁹⁹ Changed 150 to 600

- Q. Bridges of Primary Benefit to the Applicant.** Bridges of primary benefit to the applicant, as determined by the Commission, shall be constructed at the full expense of the applicant without reimbursement from the County. The sharing of expense for the construction of bridges not of primary benefit to the applicant, as determined by the Commission, will be fixed by special agreement between the County and the applicant.
- R. Dedication and Reservations**
1. Street systems in new subdivisions shall be laid out so as to avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the supplemental half of the street shall be dedicated by the subdivider. The Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required right-of-way width within their own subdivision's boundaries.
 2. Where a subdivision borders an existing narrow street or when the Comprehensive Plan, Official Map, Thoroughfare Plan, or zoning setback regulations indicate plans for realignment or widening of a street that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate such streets at their own expense. Such frontage streets and other streets on which subdivision Lots front shall be improved and dedicated by the applicant at their own expense to the full width required by these subdivision regulations. Land reserved and/or used for any street purposes may not be used to satisfy the minimum yard setback or lot size requirements of this ordinance.
- S. Easements for Privately Maintained Streets.** Easements created for subdivisions requiring shared access streets to publicly maintained streets shall have a minimum width based on the number of existing or created Lots utilizing the privately maintained street, as follows:
1. Four existing or created lot or less, a minimum width of 25 feet shall be required.
 2. Five or more existing or created Lots, a minimum width of 50 feet shall be required.
 3. Maintenance Agreements shall be recorded for the maintenance thereof. The location where recorded of the maintenance agreements shall be listed on the Final Plat for the subdivision.

10. Drainage

- A. System Requirements and Incorporated Standards and Specifications**
1. The Commission shall not approve a subdivision plat which does not make adequate provision for the safe and efficient disposal of storm and/or flood water runoff.
 2. The storm water and/or flood water drainage system shall be separate and independent of any sanitary sewer system and shall be designed and completed in the manner prescribed by:
 - a. Monroe County Code Chapter 761 (Storm Water Management);
 - b. Monroe County Code Chapter 808 (Flood Damage Prevention);
 - c. Indiana Department of Transportation Road Design Manual;
 - d. Indiana Department of Transportation Bridge Design Manual;
 - e. A Policy on Geometric Design of Highways and Streets (AASHTO); and,
 - f. all relevant Indiana Code and Indiana Administrative Code Sections.

3. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the Commission and the County Drainage Board, and a copy of the design computations shall be submitted along with the plans. (The "Rational Method" is described in Chapter 3 of the County Storm Drainage Manual by Christopher B. Burke, Project for Indiana Counties and Cities, School of Civil Engineering, Purdue University, West Lafayette, July 1994, or any subsequent version, which manual is incorporated herein and is hereinafter referred to as Drainage Manual).
4. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter or when the encroachment of storm water into the street disrupts traffic. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point and catch basins or inlets shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.

B. Nature of System. The applicant may be required by the Commission to carry away, by pipe or open ditch, any spring or surface water that may exist, either previous to or as result of the subdivision. Such drainage facilities shall be located within the street right-of-way where feasible, or in perpetual, unobstructed easements of appropriate width, and shall be designed, approved, and constructed in accordance with the standards and specifications set forth or incorporated in these regulations.

C. Accessibility to Public Storm Sewer

1. The Subdivider shall install storm sewer facilities throughout the subdivision:
 - a. If a public storm sewer is reasonably accessible, as determined by the County Engineer; or²⁰⁰
 - b. If the subdivision is located in an industrial or a business district.
2. If a public storm sewer is not reasonably accessible, as determined by the County Engineer, the subdivider shall make other provisions for the safe and efficient disposal of storm water.
3. All required storm water facilities and disposal measures shall be completed in accordance with the standards and specifications set forth or incorporated in these regulations and must be inspected and approved by the County Engineer and/or the County Drainage Board.

D. Accommodation of Upstream Drainage. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The County Engineer shall determine the necessary size of the facility, based on the standards and specifications set forth or incorporated in these regulations, assuming conditions of maximum potential watershed development permitted by this ordinance.

E. Effect on Downstream Drainage. The County Engineer shall determine the effect of each proposed subdivision on existing drainage facilities outside the area of the subdivision. County drainage studies together with such other studies as may be available and appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Commission may withhold secondary approval of the subdivision until provision (such as a storage facility) has been made for the improvement of said potential condition.

F. Floodway Areas

²⁰⁰ Removed 'b' as it was repetitive with 'a'

1. If a subdivision is proposed within the floodplain, then floodways shall be preserved and shall not be diminished in capacity by filling or obstruction. No building site may be located within the floodway.
2. Any new subdivision proposing sole access subject to flooding for substantial periods of time that impede the ability of emergency and public services to adequately serve created Lots is prohibited, and this requirements shall not be waived. This includes records of roadways prone to flooding by the IDNR, FEMA, or Monroe Highway Department records. A roadway must be at least one inch above Base Flood Elevation.

G. Floodway Fringe and Floodplain Areas. When a subdivision is proposed within an area prone to flooding, in a floodplain designated as a floodway fringe, or in area for which floodway and floodway fringe designations have not been made, the Commission may approve such subdivision provided that:

1. All streets are elevated sufficiently to be above the regulatory flood elevation determined by DNR Best Available floodplain maps;
2. All Lots, or portions thereof, for residential usage have a flood protection grade two feet above the regulatory flood elevation. Lands below the regulatory flood elevation – determined by DNR Best Available Floodplain maps - shall not be used for computing the area required for any lot²⁰¹. The more restrictive floodplain map shall apply;
3. Where provided, water and sanitary sewer facilities are constructed to eliminate contamination of or by flood water; and
4. Approval to fill the area from the Indiana Natural Resources Commission and a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency (FEMA) have been obtained in writing.

H. Dedication of Drainage Easement

1. Where a subdivision is traversed by a drainage course, drainage way, channel, or stream, a storm water easement a drainage right-of-way shall be provided, granted, or dedicated to the County conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose of both drainage and maintenance of the right-of-way. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
2. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual unobstructed easements at least 20 feet in width, or in accordance with the Stormwater Ordinance, for such drainage facilities shall be provided across property outside the right-of-way lines and with satisfactory access to the street. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to a natural watercourse or other drainage facilities.
3. The applicant shall dedicate, either in fee or by drainage or conservation, easement land on both sides of existing watercourses of a width to be determined by the Commission and, in the case of legal drains, the County Drainage Board.

²⁰¹ Cross reference this section to the dimensional standards section to be drafted in future module

4. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways unless waivers are deemed necessary by the Drainage Board to improve drainage. Such land or lands subject to periodic flooding shall not be included in the computations for determining compliance with the lot size requirements set forth or incorporated in these regulations as set forth in Section **831.8B**.

11. Water Supply System

- A. If access to a public water system is available, a complete water main supply system that connects to the public water system shall be installed to the specifications of the water utility which will serve the subdivision and/or with all other applicable Indiana statutes, rules, regulations, orders, and specifications. The water system shall include any required hydrants.
- B. If access to a public water system is not available, the subdivider shall require on each lot, as a condition of sale, the installation of a private water system in accordance with all minimum standards and requirements of the Indiana State Board of Health or other State or County agency.
- C. All water systems installed to serve the subdivision, or any lot thereon must be inspected and approved by the officially designated State, County, or municipal agency or by the water utility concerned.
- D. If sufficient water flow is available, fire hydrants shall be provided at the intervals recommended by the local fire department. Generally, hydrant spacing may range from 350 to 600 feet depending on the nature of the area being served.
- E. If the subdivided area is planned or scheduled to be served by a public or community water system in the future, the Commission may require the applicant to provide facilities for future connection.

12. Sewage Disposal System

- A. **Dedication Major Subdivision Requirements.** For Major Subdivisions, a complete sanitary sewer system that connects to a public sewage disposal system shall be installed for all Lots in the subdivision to the specifications of the sewage disposal utility which will serve the subdivision and/or with all other applicable Indiana statutes, rules, regulations, orders, and specifications. This provision may not be waived by the Plan Commission.²⁰²
- B. **Minor Subdivision Requirements.** For Minor Subdivisions, a complete sanitary sewer system that connects to a public sewage disposal system shall be installed for all Lots in the subdivision to the specifications of the sewage disposal utility which will serve the subdivision and/or with all other applicable Indiana statutes, rules, regulations, orders, and specifications. This provision may not be waived by the Plan Commission. However, this provision does not apply to a subdivision where all Lots are 10 acres or more in area or a Sliding Scale Option subdivision under Section XXX.
- C. All sewage disposal systems installed to serve the subdivision, or any lot thereon must be inspected and approved by the officially designated State, County, or municipal agency and by any water utility concerned.
- D. If access to a public sewage disposal system is not required and private sewage disposal systems are proposed, minimum lot sizes shall conform to the requirements of this ordinance or of any other County ordinance establishing lot sizes for private sewage disposal systems. The subdivider shall require on each lot, as a condition of sale, the installation of a private sewage disposal system in accordance with all minimum standards and requirements of the Indiana State Board of Health or other State or County agency.

²⁰² Removed exemption for lots over 10 acres

- E. Sanitary sewers shall be located within street or alley rights-of-way. If sanitary sewers need to be located in areas not in the public right-of-way, for topographic or other reasons, they shall be subject to the approval of waiver to be granted by the Plan Commission . When located in easements on private property, access shall be provided to the sewage disposal utility.
- F. All lots must have access to a public sewage disposal system or contain one septic site per dwelling unit approved by the Monroe County Health Department. Otherwise, the deed will be marked “no residential dwelling permitted” to allow for the division of land for agricultural purposes only. If a finger system is in use, the lot must contain a location for another septic site.

13. Sidewalks and Transportation Alternative Facilities

- A. Sidewalks and paths shall be constructed to be in conformance with the County Engineer standards for materials, construction standards, access, and design, unless specifically exempted or approved otherwise.²⁰³
- B. Sidewalks shall be included within the dedicated, unpaved portions of the rights-of-way on both sides of all streets when any of the following area applicable:
 - 1. The proposed subdivision has road frontage, or the streets will connect with an existing or proposed subdivision or business development that has sidewalks;
 - 2. The proposed subdivision is within the urbanizing area as shown in the Comprehensive Plan;
 - 3. The proposed subdivision is within a designated growth area in one of the Rural Communities as identified by the Comprehensive Plan;
 - 4. The proposed subdivision has frontage on a street that provides direct access to destinations such as schools, grocery stores, or recreational facilities, etc. OR a proposed subdivision is within a one linear mile radius of destinations such as schools, grocery stores, recreational facilities, etc.; or
 - 5. A proposed subdivision will result in the creation of at least five Lots.
 - 6. A proposed subdivision includes frontage or land that is identified within the Alternative Transportation plan as High or Moderate Priority Road Improvement, or a High or Moderate Priority Greenway Corridor.
- C. The applicant may request a waiver from the sidewalk requirements established in Section (A) for one of the following exceptions, of which shall be subject to the approval of the Plan Commission.²⁰⁴
 - 1. A shared use path that is located on only one side of the street and is a minimum width of 10 feet may be constructed in lieu of sidewalks on both sides of the street in areas that are deemed appropriate and consistent with the design and network recommendations of the Transportation Alternative Plan²⁰⁵.
 - 2. An alternate circulation plan, outside of the right-of-way, if sidewalk and/or access easement (for sidewalks, bike paths, shared use paths, public access, private access, etc.) locations are clearly identified on the plat. This alternative circulation network may be constructed with an alternative material and width, if approved by the County Engineer, that does not comply with the County’s typical sidewalk construction standards²⁰⁶.

²⁰³ New

²⁰⁴ New

²⁰⁵ New

²⁰⁶ Revised standard to clarify that it is a waiver process

- D. For residential subdivisions, sidewalks shall be constructed to the following minimum widths:
 - 1. Four feet for local streets;
 - 2. Five feet for collector streets; and
 - 3. Five feet for arterial streets.
- E. For non-residential subdivisions, sidewalks shall be constructed to a minimum width of five feet.

14. Utilities

A. Underground Utilities

- 1. All utilities, including but not limited to gas, sewer, electric power, telephone and CATV shall be located underground throughout the subdivision.
- 2. Existing utility lines located above ground on public roads, rights-of-way or in easements serving other property are exempt from this provision.
- 3. Existing utility lines servicing residential and residential accessory structures shall be removed and placed underground unless waived.
- 4. Waivers from these provisions for existing utility lines may be granted subject to the waiver waivers in Section **XXX**, Sections (A) - (D), excluding sections (5), (8), and (9). Waivers may be granted via the following process:
 - a. For subdivisions of more than four Lots by the Plan Commission.
 - b. For subdivisions of four Lots or less by the Plat Committee.

- B. **Service Connections.** All utility lines and other facilities existing and proposed throughout the subdivision shall be shown on the primary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Commission the requirements for individual service connections can be waived if two Lots are to be retained in single ownership with a single principal use.

C. Utility Easements

- 1. Easements centered on front lot lines shall be provided for utilities (private and municipal), unless rights-of-way are sufficient for that purpose. Such easements shall be at least 20 feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the coordination of utility easements with those established in adjoining properties.
- 2. Where topographical or other conditions are such as to make impractical the inclusion of utilities within front lot line easements or rights-of-way, perpetual unobstructed easements at least 20 feet in width shall be provided along the side lot lines with satisfactory access to the road or front lot lines. All easements shall be indicated on primary and secondary plats.

15. Preservation of Natural Features and Amenities

- A. In the design of the subdivision, existing features which would add value to the type of intended development or to the County as a whole, such as trees, watercourse falls, beaches, historic spots, and similar irreplaceable assets, shall be preserved.²⁰⁷
- B. No trees shall be removed from any proposed subdivision site nor any change of grade of the land affected until preliminary approval has been granted or a grading permit has been issued.²⁰⁸

²⁰⁷ Revised wording from encouraged to preserve to require the preservation to occur

²⁰⁸ Added the allowance that a grading permit could also allow for trees to be removed

- C.** All trees on the plat which are required to be retained shall be preserved, and all trees, where needed, shall be welled, and protected against change of grade. The primary plat shall show the number and location of existing trees 16 inches in diameter or greater (measured 4.5 feet above finish grade) located in areas where any land disturbing activity is proposed, as required by these regulations, and shall further indicate all those marked for retention.
- D.** As a requirements of final approval, the applicant shall plant and/or preserve trees on the property or the subdivision in accordance with the following:
 - 1.** Street trees shall be planted or preserved within five feet of the right-of-way on private property along street or streets within and abutting the subdivision. New street trees shall be planted in accordance with **Section XXX**²⁰⁹.
 - 2.** Trees shall be planted or preserved on each proposed lot of a subdivision outside of the right-of-way. The number of trees planted or preserved shall be equivalent to one tree for every 40 feet of frontage for the proposed lot. Such trees shall be dispersed throughout the property and shall not be centralized in one specific area. Such trees shall be planted or preserved for any subdivision when any of the following apply:
 - a.** The proposed subdivision will connect with an existing or proposed subdivision or business development that has street trees, or has adjoining road frontage to a street that has street trees, or;
 - b.** Subject property is identified as a location for a multi-modal facility on the Alternative Transportation Plan;²¹⁰
 - c.** The proposed subdivision is within the Urban Service boundary as shown in the comprehensive plan, or;
 - d.** The proposed subdivision is within a designated growth area in one of the Rural Communities as identified by the Comprehensive Plan, or
 - e.** Subject property is requesting a Major Subdivision.²¹¹
- E.** The location and quantity of all planted or preserved trees shall be shown on the primary plat. A change in the location of street trees requires an amendment to the primary plat.²¹²

²⁰⁹ Will draft a new street tree section in the landscaping section in future module

²¹⁰ Changed subject to location from Business and Industrial Overlay to Alternative Transportation Plan

²¹¹ Changed size requirements to major subdivision

²¹² Deleted 856-44: Nonresidential Subdivisions as the information contained within was already addressed elsewhere in the code

Deleted the cross-sections from the code. Will include updated graphics throughout the code as appropriate.

831.ASSURANCES FOR IMPROVEMENTS

1. Subdivision Improvement Agreement

- A. Applicability.** The applicant must obtain subdivision improvement agreement approval from the Plan Commission before commencing the construction or installation of the required public improvements.
- B. Purpose and Objective**
1. The purpose and objective of subdivision improvement agreement approval is to establish a written understanding, in contract form, regarding the nature, extent, timeline, and completion of the required improvements before the applicant contracts for or commences the construction or installation of the required improvements, so that:
 - a. Compliance with primary approval and these regulations may be promoted;
 - b. The Commission and the County may share information and public improvement experience with the applicant;
 - c. The activities of the applicant, governmental service providers, and utility service providers may be coordinated; and
 - d. The unnecessary expenditure of development resources, both public and private, may be avoided.
 2. Reference Section XXX for the content requirements and approval procedures for the Subdivision Improvement Agreement.

2. Completion of Public Improvements

- A. Requirements to Complete Public Improvements.** Before the Commission may consider a secondary plat for approval, the subdivider shall be required to:
1. Complete the required improvements in a manner prescribed by these regulations, by primary plat approval, and by the subdivision improvement agreement;
 2. Dedicate the public rights-of-way and other public improvements to the County, free and clear of all liens and encumbrances;
 3. Provide the County with a maintenance letter of credit that complies with Section 858-9.
- B. Performance Letter of Credit Alternative to Completion Requirements**
1. The secondary plat shall not be considered by the Commission until all the requirements of Section 832.2A have been satisfied. In the event that site circumstances result in the inability to complete certain public improvements (street trees, sidewalks, and the surface coat of Asphalt) prior to the secondary plat being issued, the subdivider may submit a request to the Plan Commission at an administration meeting to post a performance letter of credit²¹³ ("letter of credit") to ensure that the remaining required improvements are completed and/or dedicated in the manner prescribed by these regulations, by preliminary approval, and by the subdivision improvement agreement.

²¹³ Change bond to letter of credit throughout the code

2. The performance letter of credit shall be in the amount of 125 percent of the estimated completion cost of the remaining improvements for the street trees, sidewalks, and the surface coat of asphalt²¹⁴ as set forth on the primary plat.
3. The subdivider may make a request to the Plan Commission to include additional improvements not listed in sub-section (1) above as part of the performance letter of credit if extraordinary circumstances exist that justify the necessity for secondary plat approval prior to the completion of the required public improvements.
4. The period within which the required improvements must be completed ("performance period") shall be specified by the Commission as a condition of secondary plat approval; shall be incorporated in the performance letter of credit as a material and essential term; and shall not exceed two years from the date of secondary plat approval.
5. The Commission may amend the performance letter of credit to extend the performance period for an additional two year period upon a finding that the subdivider has been unable to complete the required improvements despite due diligence. A request for a performance period extension must be submitted to the Commission by the subdivider at least four months prior to the expiration date of the original performance period along. At the time of the request, the applicant must submit an updated estimate for a new letter of credit. as a condition precedent of such performance letter of credit amendment, at least two months prior to the expiration date of the original performance period, the subdivider shall secure the amended performance letter of credit in accordance with these regulations and shall submit the secured, amended performance letter of credit to the Commission.
6. The performance letter of credit shall name the Commission and/or the County as obliges, shall comply with all statutory requirements and shall be satisfactory to the Commission Attorney and/or County Attorney as to form (see **Section 860-6**), sufficiency and manner of execution as set forth in these regulations.
7. In the event of an expired Subdivision Improvement Agreement, the Planning Director shall update the Plan Commission on the status of the Subdivision progress. The Plan Commission shall make a recommendation and direct the County to either²¹⁵:
 - a. Cash the letter of credit and complete the project;
 - b. Cash the letter of credit, complete the project, and seek additional costs from developer if necessary; or
 - c. Extend the letter of credit and allow for an additional extension of the Subdivision Improvement Agreement.

²¹⁴ This reflects a change from collecting a letter of credit all the required public improvements to just the street trees, sidewalks, and surface coat of asphalt

²¹⁵ New

- C. Financial Guaranty.** A performance letter of credit authorized or required by these regulations shall be secured by either an irrevocable letter of credit or a cashier's check in the amount of the total performance letter of credit. This shall be in the form of one letter of credit or one cashier's check.²¹⁶ The beneficiary of such financial guaranty shall be the Commission and/or the County (guarantee). The financial guaranty shall be issued by a financial institution (guarantor) that maintains an office within 60 miles of Monroe County, Indiana, at which the financial guaranty may be presented for payment. Letters of credit submitted pursuant to this chapter shall comply with Section 860-8. Cashier's checks submitted pursuant to this chapter shall be held by the County Treasurer until the performance letter of credit is released or reduced as provided in these regulations.
- D. Governmental Units.** In lieu of a letter of credit or cashier's check, governmental units, to which these regulations apply, may secure their performance letter of credits by filing a certified resolution or ordinance with the Commission. The resolution or ordinance must have been adopted by the unit's fiscal body and must affirm the unit's obligation and financial ability to complete the required improvements.
- E. Temporary Public Improvements.** The subdivider, at the subdivider's expense, shall complete, shall maintain, and shall remove all temporary public improvements required by the regulations, by the primary plat and the subdivision improvement agreements in the manner prescribed by these regulations, by the primary plat approval and by the subdivision improvement agreement. The schedule for the completion, maintenance, and removal of temporary improvements shall be incorporated in the subdivision improvement agreement as a material and essential term. The amount of the performance letter of credit shall be adjusted to reflect the cost of the temporary improvements.
- F. Cost of Public Improvements.** All required improvements shall be made by the subdivider, at the subdivider's expense, without reimbursement by the County, unless the County expressly agrees to share in the cost of the required improvements.
- G. Failure to Complete Improvements**
1. If a performance letter of credit has not been posted and the required improvements have not been completed in the manner prescribed by these regulations, by primary plat approval and by the subdivision improvement agreement prior to the expiration of the primary plat approval, the primary plat approval shall lapse, and shall be null and void, regardless of partial improvement completion.
 2. If a performance letter of credit has not been posted and the required improvements have not been completed in the manner prescribed by these regulations and the secondary plat has been recorded, the Commission reserves the right to withhold Improvement Location Permits on those lots which the incomplete infrastructure directly impacts²¹⁷.
 3. If a performance letter of credit has been posted and the required improvements are not completed in accordance with the terms of the performance letter of credit, the Commission may declare the performance letter of credit to be in default and authorize the calling of the performance letter of credit and financial guaranty and the completion of the required improvements under the supervision of the County Engineer. The cashing of the letter of credit does not release the liability of the developer.
- H. Release or Reduction of Performance Letter of Credit and Financial Guaranty**

²¹⁶ New provision as a lot of projects have more than one form of financial guaranty which makes it very hard for the county to track

²¹⁷ New

1. The Commission may release or reduce the performance letter of credit and financial guaranty, but only if:
 - a. The subdivider applies to the Commission, in writing, for the release or reduction of the performance letter of credit and financial guaranty and provides the Commission with a certificate, signed by the subdivider's engineer, stating that all required improvements, or a portion of such improvements in the case of a reduction, have been completed in the manner prescribed by these regulations, by primary plat approval, and by the subdivision improvement agreement. The certification of the subdivider's engineer shall be accompanied by detailed "As-built" plans of the required improvements. Such As-built plans must be prepared and signed by the subdivider's engineer;
 - b. The application for a reduction or release must be made at the Planning Department at least 45 days prior to the expiration date of the initial letter of credit²¹⁸;
 - c. The Highway Department reviews the As-built plans and the subdivision site and reports to the Commission, in writing, that all required improvements, or a portion of such improvements in the case of a reduction, have been completed in the manner prescribed by these regulations, by preliminary approval and by the subdivision improvement agreement;
 - d. The subdivider provides the Commission with written Assurances, in the form of affidavits, releases or waivers of liens from all contractors, subcontractors and materialmen, that liens will not be filed against the dedicated land and/or improvements after they are accepted; and
 - e. The subdivider provides the Commission with the maintenance letter of credit required by **Section XXX(858-9)**.
2. A performance letter of credit may be reduced only upon the acceptance of the required improvements, and only by the amount that corresponds to the cost of the improvements that are accepted as set forth in the preliminary approval. Furthermore, a performance letter of credit and financial guaranty may be reduced only one time. The reduction may be approved only after at least 50 percent of the required improvements have been completed and accepted. However, in no event may the performance letter of credit be reduced to less than 10 percent of the original performance letter of credit amount or \$10,000.00, whichever is greater, until all required improvements for the subdivision or the approved subdivision section have been completed and accepted.
3. The costs incurred by the Commission and/or the County in connection with a request for performance letter of credit and financial guaranty reduction or release (for example, without limitation, engineering inspection fees, legal fees, etc.) shall be borne by the subdivider, regardless of whether the request is ultimately granted. No performance letter of credit and surety shall be released or reduced until such costs have been paid by the subdivider.
4. The Commission may, by rule, authorize the Planning Director to reduce or release performance letter of credits and, by rule, may establish the procedures by which the Planning Director may reduce or release such letter of credits.

²¹⁸ New

- I. **Issuance of Permits.** No building permit or improvement location permit shall be issued for a subdivision lot until the subdivider has completed all of the required improvements, excepting sidewalks, street trees, and the final pavement coat, for the subdivision or for the approved subdivision section in which the lot is located and until such required improvements have been accepted by the County.

3. Maintenance of Public Improvements

- A. The subdivider shall be required to maintain the required improvements and to provide for snow and ice removal on streets and sidewalks until the County accepts the required improvements.
- B. Prior to the County's acceptance of the required improvements and prior to the release of the performance letter of credit and financial guaranty, the subdivier shall be required to post a maintenance letter of credit with the Commission to ensure the satisfactory condition of the required improvements. The maintenance letter of credit shall be in the amount of 10 percent of the cost of all public improvements as approved by the Commission of \$2,500.00, whichever is greater, and may not be reduced prior to release. The maintenance letter of credit shall name the Commission and/or the County as obliges, shall comply with all statutory requirements and shall be satisfactory to the Commission Attorney and/or County Attorney as to form (see Section 860-7), sufficiency and manner of execution as set forth in these regulations. The maintenance letter of credit shall be secured in the manner prescribed by Section 858-3 for a minimum period of two years following the date on which the County accepts the public improvements covered by the maintenance letter of credit.

4. Acceptance of Dedication Offers

The Commission's approval of a subdivision plat shall not be deemed to constitute or imply the County's acceptance of any street, easement, park, or other public improvement shown on the plat. The Commission may require that the plat be endorsed with appropriate notes to that effect. The County may accept the dedication of such public improvements by appropriate official action.

Administration

832.GENERAL ADMINISTRATION REGULATIONS

1. Purpose

The purpose of this Chapter is to identify:

- A. The roles and responsibilities of the various elected and appointed boards and commissions of the County;
- B. The duties of the County in the administration of this ordinance;
- C. The review and procedural requirements that apply to development within the County; and
- D. The procedures and processes established within this ordinance.

2. Summary Table of Review Bodies

Table 833.1: Summary Table Of Review Bodies summarizes the review and decision-making responsibilities of the entities that have roles in the procedures set forth in Section **XXX**: Development Processes and Procedures.

Table 833.1-1: Summary Table of Review Bodies						
Development Process	Section	Board of Commissioners	Plan Commission	Plat Committee	Board of Zoning Appeals	Planning Department
Permits and Certificates	834.1					R-D
Grading Permits/ Erosion Control Plans	834.2					R-D
Site Plans	834.3		(D)			R-D
Conditional Uses	0				H-D	R
Variances	834.5				H-D	R
Zoning Text or Map Amendment	835	H-D	H-R			R
PUD, District Ordinance	836.1B	H-D	H-R			R
PUD, Development Plan	836.1D		(D)			R-D
Primary Plat	837.2		H-D			R
Secondary Plat	837.4		D			R
Minor Subdivisions	Error! Reference source not found.			D		R
Vacation and Re- Subdivision of Plats	0		D			R
Subdivision Waivers	837.7		D			R
<div> <div>H = Public Hearing Required R = Review and/or Recommendation</div> <div>D = Decision (D) = Decision is sometimes made Shaded Box = No Review or Approval Authority</div> </div>						

3. Common Review and Application Requirements

- A. Public Hearing Requirements.** Applications for development approval that require public hearings shall comply with the applicable Indiana Code requirements, Board and Commission Rules of Procedures, and the provisions of this ordinance requiring public notification.
- B. Notices.** For purposes of this ordinance, if written notice is required to be given to any person, such requirements shall be considered satisfied as of the date of deposit of the written notice in the United States mail, postage pre-paid, addressed to the person or agent thereof, at their last known address or principal place of delivery.
- C. Authority to File Applications.** Unless otherwise specified in this ordinance, development applications may be initiated by:
1. The owner(s) of the property(ies) that are included on the application;
 2. The owner(s) of the property(ies) that are included on the application;
 3. The owner's authorized agent; or,
 4. An authorized representative of Monroe County, Indiana.
- D. Fees**
1. **Fee Requirements and Payment.**
 - a. Applications and petitions filed pursuant to the provisions of this ordinance shall be accompanied by the filing fees specified by the applicable Board or Commission's rules posted in the Planning Department's office.
 - b. No part of any filing fee shall be returnable to the applicant except by order of the applicable Board or Commission or of a court of competent jurisdiction.
 2. **Exemptions from the Fee Requirements.** Governmental agencies shall be exempt from paying fees for Improvement Location Permits, Land Use Certificates, or any other permit prescribed by these regulations.
 3. **Waiver of Fee Requirements.** An applicant or petitioner may request a waiver of the fee requirements pursuant to and in accordance with Monroe County Code Section 270-16.
- E. Form of Certificates, Notations, Applications, and Findings**
- The Planning Department shall establish the form of all checklists, certificates, notations, applications, and findings required or permitted by this ordinance. All such forms must be consistent with these regulations.
- F. Pre-Design Conferences²¹⁹**
1. **Applicability.** Pre-design conferences are strongly encouraged prior to all development application submittals and required in some cases as identified in the following development processes and permits.
 2. **Purpose.** The purpose of the pre-design conference is to:
 - a. To provide the applicant with an opportunity to discuss the regulatory viability of their proposal with the Planning Director, in general terms in an informal setting, before expending significant development resources; and

²¹⁹ New section, consolidated information here

- b. Provide the Planning Director with an opportunity to facilitate the development review and approval process by sharing information and planning experience with the applicant.
3. **Procedure.** The applicant shall contact the Planning Director to schedule a pre-design conference. Upon contacting the Planning Director and scheduling the pre-design conference, the applicant shall provide the following information to the Planning Director:
 - a. The location and acreage of the proposed subdivision, development, or project.
 - b. A written narrative that describes the applicant's project, proposal, or use.
 - c. A scaled drawing of the site, in simple sketch form, showing the proposed location and extent of the land uses, major streets, and the approximate location of any existing easements, natural features, and topographic, or geologic constraints.
 - d. The applicant's name, telephone number, e-mail address, mailing address;
 - e. The property's owner's name; and
 - f. Any additional information as deemed necessary by the applicant or the Planning Director.
4. **Procedure.** The applicant shall contact the Planning Director to schedule a pre-design conference. Upon contacting the Planning Director and scheduling the pre-design conference, the applicant shall provide the following information to the Planning Director:
 - a. The location and acreage of the proposed subdivision, development, or project.
 - b. A written narrative that describes the applicant's project, proposal, or use.
 - c. A scaled drawing of the site, in simple sketch form, showing the proposed location and extent of the land uses, major streets, and the approximate location of any existing easements, natural features, and topographic, or geologic constraints.
 - d. The applicant's name, telephone number, e-mail address, mailing address;
 - e. The property's owner's name; and
 - f. Any additional information as deemed necessary by the applicant or the Planning Director.
5. **Pre-Design Conference Report.** Following the conference, the Planning Director shall prepare a brief written summary of the conference and submit a copy of the summary to the applicant. The Planning Director's summary reflects the results of a general and informal discussion. Thus, the contents of the summary may not be deemed to be binding on the Commission and/or a waiver of subdivision procedure standards.

833.DEVELOPMENT PROCESSES AND PERMITS

1. Permits and Certificates

A. Improvement Location Permits

1. **Applicability.** A person shall obtain an improvement location permit prior to:
 - a. Constructing, reconstructing, moving, enlarging, demolishing, or structurally altering any building or other structure;
 - b. Connecting a structure to a public water or sewer disposal system;
 - c. Locating a mobile home;
 - d. Making any significant land alterations (e.g., streets, drives, parking facilities, reservoirs, lakes, ponds, excavations, swimming pools, etc.)
 - e. making a 'change in use' to any portion of a building, structure, or lot;²²⁰
2. **Exemptions.** An improvement location permit shall not be required for the following activities:
 - a. Routine maintenance, repair, or remodeling of existing structure not involving any change of use, additional lot coverage, or increase in structure size;
 - b. Lot and yard improvements such as fences under six feet in height, drives, sidewalks, patios, retaining walls, and minor landscaping such as personal flower beds or vegetable gardens;
 - c. Signs with a surface area of less than seven square feet;
 - d. Structures which are used exclusively for agricultural production purposes (corn crib, silos, etc.) under the definition of Traditional Agriculture. However, the following are **not** exempt:
 - i. Barns;
 - ii. Out buildings;
 - iii. Roads associated with infrastructure;
 - iv. Applies primarily to roads that are being constructed to provide access to a facility bard, out building, or similar structure;
 - v. Waste lagoons and facilities;
 - vi. Lakes and ponds;
 - vii. Wetlands (constructed);
 - e. Structures that comply with the Americans with Disabilities Act;²²¹
 - f. Structures that contain less than 120 square feet of floor area and that are not built on permanent foundations;
 - g. Utility structures, such as accessory solar panels, septic systems, utility lines, and other necessary infrastructure. However, grading and vegetation removal associated with utility structures may be regulated under ECO provisions; and

²²⁰ New

²²¹ New

- h. Other similar-type infrastructure.

3. Applications for Improvement Location Permit

- a. A person desiring an improvement location permit shall submit a written application for such permit with the Planning Director.²²²
- b. A person desiring an improvement location permit shall also file for site plan review in accordance with this ordinance.
- c. The Planning Director shall approve the application upon a finding that:
 - i. The proposed improvements comply with the provisions of this ordinance;
 - ii. Site plan approval for the subject property has been granted; and,
 - iii. The subject property is located on a public way or is accessible by a recorded easement that permits access for the proposed use.²²³
- d. The Planning Director may condition approval on the receipt of other permits, certificates, and/or approvals (See Subsection 815-3(B), Part 20 of these regulations).

4. Revocation and Expiration of Permit

- a. An improvement location permit may be revoked if active work is not commenced within 60 days after the date of its issuance and continued with due diligence to completion. The Planning Director shall judge whether due diligence is being shown.
- b. If the work described in any improvement location permit has not been commenced within one hundred and 180 days from the date of permit issuance, said permit shall expire.
- c. If the work described in any permit has not been substantially completed within two years of the date of permit issuance, said permit shall expire.
- d. Upon the revocation or expiration of an improvement location permit, no further work may be performed on the subject property until a new permit is obtained.

B. Land Use Certificates

1. Applicability

- a. No land shall be occupied or used and no building or other structure hereinafter erected, reconstructed or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a land use certificate has been issued stating that the structure and/or use comply with all the provisions of this ordinance applicable to the building, structure or premises of the use in the district in which it is to be located.
- b. No change shall be made in the use of land or in the use of any building, or other structure, or part thereof, now or hereafter erected, reconstructed or structurally altered, without a land use certificate having been issued and no such Certificate shall be issued to make such change unless it is in conformity with the provisions of this chapter.
- c. A Land Use Certificate will not be issued until all construction and demolition waste has been removed from the project site.

²²² Removed language about applications being made on the forms available at the office of the commission as many ILPs are made through the building department

²²³ New

- d. In situations where a nonconforming use or structure is being discontinued or removed to establish a new use in compliance with the Zoning Ordinance, the nonconforming structure must be removed, or the use discontinued before a Land Use Certificate is issued.

2. Applications for Land Use Certificate

- a. A person desiring a land use certificate shall apply for the certificate shall submit a written application for such permit with the Administrator and located on the online permitting website. An application for a land use permit shall be made on the forms available at the Planning Office or by using the online permitting website and shall be signed by the owner of the subject property;²²⁴ and be accompanied by the fee established by the Commission, if applicable;²²⁵
- b. Applicable for sites that require review as a commercial site plan:
 - i. If requested at the Administrator's discretion, include as-built drawings certified by an engineer, surveyor, or architect. Situations that may include a requirement for as-builts include, but are not limited to, final grades do not appear to meet the requirements set forth in the application; the MS4 requests as-builts for potential drainage issues; and as required by the Planning Director.²²⁶
 - ii. Site must include survey stakes surrounding detention basins, karst features, as well as property boundaries (as applicable to the site);²²⁷
- c. If the proposed use is in conformity with the provisions of this ordinance and the application is considered complete, the final land use certificate shall be issued within twelve (12) days after the application for the same has been made. However, no land use certificate shall be issued in connection with the construction, alteration, enlargement, demolition or moving of a building or structure until such construction, alteration, enlargement, demolition or moving shall have been completed.²²⁸
- d. If the proposed use is in conformity with the provisions of this ordinance, except for final landscaping, a conditional Land Use Certificate may be granted at the Administrator's discretion. The conditional Land Use Certificate shall be valid for no longer than six (6) months but may be renewed for an additional six (6) month period at the Administrator's discretion.²²⁹

C. Permit, Certificate, and Approval Revocation

- 1. **Authority to Revoke.** Any permit, certificate or approval issued or granted under this ordinance may be revoked by the Administrator, in accordance with the provisions of this chapter, if the Administrator finds that the recipient of the permit, certificate or approval ("recipient") fails to use, develop or maintain the subject property in accordance with the plans submitted, the requirements and standards of this ordinance, any additional requirements or conditions imposed by the County, Board, Commission or Administrator, or any commitments or self-imposed conditions made by the recipient.

²²⁴ Restructured

²²⁵ New

²²⁶ Restructured

²²⁷ New

²²⁸ Will move temporary mobile home regulations to use table and use-specific standards and moved PUD subdivision regulations to subdivision standards chapter

²²⁹ New

2. Effect of Revocation

- a. No person may continue to improve or make use of the subject property after a permit, certificate or approval has been revoked.
- b. The County, Board, Commission, or Administrator may not issue any additional permits, certificates, or approvals directly affecting or relative to the subject property until the basis for the revocation has been removed by the applicant or the matter otherwise resolved by the County, Board, Commission, Administrator or recipient.

3. Revocation Procedure – First Revocation Notice

- a. If the Administrator finds that sufficient grounds exist for the revocation of a permit, certificate or approval, the Administrator shall send the recipient 10 days written notice of intent to revoke, shall inform the recipient of the specific basis found to justify revocation, and shall specify the actions necessary to avoid revocation.
- b. Within five days of giving notice of intent to revoke, the Administrator shall, upon request, review the basis of the intended revocation with the recipient.
- c. The recipient shall implement the actions specified by the Administrator within 10 days of the date of notice or within such other reasonable time as may be determined by the Administrator.
- d. If the Administrator revokes a permit, certificate or approval, the Administrator shall send the recipient with a written notice of revocation which specifies the specific basis of the revocation and which informs the recipient of his right to appeal the Administrator's action.

4. Revocation Procedure following the First Revocation Notice

- a. In the event that a subsequent violation of the ordinance occurs, and a first attempt at revocation has previously occurred, this procedure may be followed.
- b. If the Administrator finds that sufficient grounds exist for the revocation of a permit, certificate or approval, the Administrator shall send the recipient written notice of revocation and shall inform the recipient of the specific basis found to justify revocation. If the Administrator revokes a permit, certificate or approval, the Administrator shall send the recipient with a written notice of revocation which specifies the specific basis of the revocation and which informs the recipient of their right to appeal the Administrator's action.

5. Appeal of Revocation

- a. The revocation of any permit, certificate or approval may be appealed to the Board by any person claiming to be adversely affected by the revocation.
- b. Every appeal shall be filed within 14 days from the date of the order, requirements, decision, or determination.
- c. Notice of hearing on the appeal shall be given 10 days prior to the Board's hearing date and may be made a part of the Notice of Hearing by the Administrator.
- d. The Board's hearing on the Administrator's action shall be de novo, in the same manner as though the application was originally filed with the Board.
- e. The decision of the Board with respect to revocation shall be the final administrative decision on the subject. Any further appeal would be to the courts through writ of certiorari.

2. Grading Permits and Erosion Control Plans

- A. Purpose.** The purpose of this chapter is to control soil erosion and sediment damages and to ensure compliance with 327 IAC 15-5 (Construction General) by establishing requirements for storm water discharges and the protection of exposed soil surfaces for construction activities to promote the safety, public health, convenience, and general welfare of the citizens of Monroe County, Indiana.
- B. Applicability and Exemptions.** The requirements under this chapter apply to all persons who:
- 1. Propose any land disturbance, except the following:**
 - a.** Development where the land will not be disturbed (e.g., addition of a second story, location of a mobile home on an existing pad, etc.);
 - b.** Land disturbance activities directly associated with the use of a single dwelling and two-family dwelling (e.g., gardening, repairing septic system, etc.);
 - c.** Land disturbance activities directly associated with the construction of a single dwelling or two-family, or residential accessory structure, or agricultural structure that is expected to disturb less than one acre;
 - d.** Agricultural use of lands;
 - e.** Forest harvesting occurring in areas classified as rural in accordance with I.C. 36-7-4-1103;
 - f.** Landfills that have been issued a certification of closure under 329 IAC 10;
 - g.** Municipal landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent storm water requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste boundary; or
 - h.** Projects that are performed by, or on behalf of, the United States, the State of Indiana, or any political subdivision of the State of Indiana, and that are otherwise subject to Federal or State erosion control regulations.
 - 2.** Proposes site plan, construction plan, or development plan where total land disturbances are expected to exceed one acre in area;
 - 3.** Does not obtain an individual NPDES permit under 327IAC 15-2-6;
 - 4.** Meets the general permit rule applicability requirements under 327 IAC 15-2-3, and,
 - 5.** Proposes forest harvesting in areas classified as urban in accordance with I.C. 36-7-4-1103. Such activities shall only be required to submit a logging permit and site plan that details compliance with the Best Management Practices described in “Best Management Practices. Protecting the Woods While Harvesting” – IDNR, “Logging and Forestry BMP’s for Water Quality in Indiana” – INDR, and any other recognized Best Management Practices adopted by the Indiana Department of Natural Resources.
- C. Submittal Requirements.** The following information in (1 or 2, 4, and 5) shall be submitted by the project site owner for all projects.
- 1. Residential Construction Plans**
 - a. Applicability**

- i. All projects other than single-family residential developments consisting of four or fewer Lots or a single-family residential strip development where the developer offers for sale or lease without land improvements, and the project is not part of a large common plan of development or sale.
 - ii. For single-family residential developments consisting of four or fewer Lots or a single-family residential strip development where the developer offers for sale or lease without land improvements, and the project is not part of a large common plan of development or sale.
 - b. **Construction Plan Requirements.** For projects requiring compliance with this Chapter, the project owner shall develop a set of construction plans. A checklist with a comprehensive list of the construction plan requirements is available at the Planning Department.²³⁰
2. **Modifications.** Upon finding of reasonable cause, the Planning Director may require modifications to the construction plan if it is determined that changes are necessary due to site conditions or project design changes. Revised plans, if requested, must be submitted to the Planning Department within 21 calendar days of a request for waiver.
3. **Notice of Intent Letter.** A Notice of Intent Letter (NOI) meeting the provisions of 327 IAC 15-5-5 and 327 IAC 15-5-6 shall be submitted to the Indiana Department of Environmental Management, the Monroe County Soil and Water Conservation District, and the Monroe County Planning Department following written approval of the project's construction plans from the Planning Department.
4. **Financial Guaranty of Performance²³¹**
 - a. as a condition of approval for the issuance of a permit, the Planning Director shall require the applicant to post a performance guaranty with the County Engineer to ensure that the required improvements are completed and/or dedicated in the manner prescribed by this ordinance, unless exempted under the provisions of this Chapter;
 - b. For grading permits, the performance guaranty shall be in the amount of 110 percent of the estimated completion cost of the required erosion and sediment control measures as set forth in the construction plan and storm water pollution prevention plan.
 - c. The period within which the required improvements must be completed ("performance period") shall be specified in the improvement Agreement, and shall not exceed five years from the date of the permit approval;
 - d. The Planning Director may amend the financial guaranty and the Improvement Agreement to extend the performance period provided the provisions of 816-8 are adhered to and upon a finding that the applicant has been unable to complete the required improvements despite due diligence;
 - e. The financial guaranty and the Improvement Agreement shall name the Plan Commission and/or Monroe County as obliges, shall comply with all statutory requirements and shall be satisfactory to the Commission Attorney as to form (see Monroe County Code Section 860-6), sufficiently and manner of execution as set forth in this ordinance, and

²³⁰ Moved the construction plan requirements for the code to streamline the requirements and allow staff the ability to update the application requirements on an as-needed basis.

²³¹ Do we need to keep this financial guarantee section for grading permits?

- f. The guaranty and Improvement Agreement shall be secured by either an irrevocable letter of credit or a cashier's check in the amount of the guaranty. The beneficiary of such guaranty shall be the Plan Commission and/or Monroe County. The financial guaranty shall be issued by a financial institution (guarantor) that maintains an office within 60 miles of Monroe County, Indiana, at which the financial guaranty may be presented for payment. Letters of credit submitted pursuant to this Chapter shall comply with Monroe County Code Section 860-8. Cashier's checks submitted pursuant to this Chapter shall be held by the County Treasurer until the performance guaranty is released or reduced as provided in this ordinance.
- 5. **General Requirements for Storm Water Quality Control.** All storm water quality measures and erosion and sediment controls necessary to comply with this Chapter must be implemented in accordance with the construction plan and sufficient to satisfy the following:
 - a. Sediment laden water which otherwise would flow from the project site shall be treated by erosion and sediment control measures to minimize sedimentation;
 - b. Appropriate measures shall be implemented to minimize or eliminate wastes or unused building materials, including garbage, debris, cleaning wastes, wastewater, concrete truck washout, and other substances from being carried from a project site by run-off or wind. Identification of areas where concrete truck washout is permissible must be clearly posted at appropriate areas of the site. Wastes and unused building materials shall be managed and disposed of in accordance with all applicable statutes and regulations;
 - c. A stable construction site access shall be provided at all points of construction traffic ingress and egress to the project site;
 - d. Public or private roadways shall be kept cleared of accumulated sediment that is a result of run-off or tracking. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment shall be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations;
 - e. Storm water runoff leaving a project site must be discharged in a manner that is consistent with applicable state or federal law;
 - f. The project site owner shall post a notice near the entrance of the project site. For linear project sites, such as a pipeline or highway, the notice must be placed in a publicly accessible location near the project filed office. The notice must be maintained in a legible condition and contain a copy of the completed NOI letter, NPDES permit number, and Monroe County Improvement Location Permit, where applicable. The notice shall also contain the name, company name, telephone number, e-mail address (if available), and address of the project site owner or a local contact person, the telephone number of the Monroe County Planning Department and the location of the construction plan if the project site does not have an on-site location to store the plan;
 - g. The permit and posting of the notice under section (f) does not provide the public with any right to trespass on a project site for any reason, nor does it require that the project site owner allow members of the public access to the project site;

- h.** The storm water pollution prevention plan shall serve as a guide for storm water quality but should not be interpreted to be the only basis for implementation of storm water quality measures for a project site. The project site owner is responsible for implementing, in accordance with this Chapter, all measures necessary to adequately prevent polluted storm water runoff and to comply with all other county and state statutes and regulations;
- i.** The project site owner shall inform all general contractors, construction management firms, grading, or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building Lots of the terms and conditions of this Chapter and the conditions and standards of the storm water pollution prevention plan and the schedule for proposed implementation;
- j.** Phasing of construction activities shall be used, where possible, to minimize disturbance of large areas;
- k.** Appropriate measures shall be planned and installed as part of an erosion and sediment control system;
- l.** All storm water quality measures must be designed and installed under the guidance of a trained individual;
- m.** Collected runoff leaving a project site must be either discharged directly into a well-defined, stable receiving channel or diffused and released to adjacent property without causing an erosion or pollutant problem to the adjacent property owner;
- n.** Drainage channels and swales must be designed and adequately protected so that their final gradients and resultant velocities will not cause erosion in the receiving channel or at the outlet;
- o.** Natural features, including wetlands and sinkholes, shall be protected from pollutants associated with storm water runoff;
- p.** Unvegetated areas that are scheduled or likely to be left inactive for 15 days or more must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion potential. Alternative measures to site stabilization are acceptable if the project site owner or their representative can demonstrate they have implemented erosion and sediment control measures adequate to prevent sediment discharge. Vegetated areas with density of less than 70 percent shall be re-established using appropriate methods to minimize erosion potential;
- q.** During the period of construction activities, all storm water quality measures necessary to meet the requirements of this Chapter shall be maintained in working order;
- r.** Implementation of a self-monitoring program that includes a written evaluation of the project site prepared by a trained individual by the end of the next business day following each measurable storm event and at a minimum of one time per week. The evaluation must address the maintenance of existing storm water quality measures to ensure they are functioning properly and will identify additional measures necessary to remain in compliance with all applicable statutes and rules. Written evaluation reports must include the name of the individual performing the evaluation, the date of the evaluation, problems identified at the project site, and details of corrective actions recommended and completed. All evaluation reports for the project must be made available to the County within 48 hours of a request;

- s. Proper storage and handling of materials, such as fuels or hazardous wastes, and spill prevention, and clean-up measures shall be implemented to minimize the potential for pollutants to contaminate the surface or ground water or degrade soil quality;
- t. Final stabilization of a project site is considered achieved when all land disturbing activities have been completed and a uniform (for example, even distribution, without large bare areas) perennial vegetative cover with a density of 70 percent has been established on all unpaved areas not covered by permanent structure, or equivalent permanent stabilization measures been employed and construction projects on land used for agricultural purposes are returned to its preconstruction agricultural use of disturbed areas, not previously used for agricultural production, such as filter strips and areas that are not being returned to their preconstruction agricultural use, meet the final stabilization requirements identified in this section;
- u. Whenever feasible, natural vegetation shall be retained and protected;
- v. Water runoff shall be minimized and retained on site whenever possible to facilitate ground water recharge;
- w. Natural or constructed slopes in excess of 12 percent shall not be subject to development unless the project engineer can demonstrate conclusively to the satisfaction of both the Planning Director and the County Engineer that said limitation can be overcome in such a manner as to provide hazard to life, hazard to property, adverse effects on the safety, use, or stability of a public water or drainage challenge, and adverse impact on the natural environment;
- x. No grading, filling, clearing of vegetation, operation of equipment, or disturbance of the soil shall take place in areas where any historic or pre-historic ruins or monuments, objects of antiquity, or geological landmarks or monuments are present until protection measures are approved and implemented. The Indiana Department of Natural Resources shall approve the protection measures before the plans are approved by the Department. Whenever during excavation there are uncovered or become apparent any such areas not previously accounted for in the construction plans, all work in the immediate area shall cease until the Indiana Department of Natural Resources determines what precautions should be taken to preserve the historic artifacts, and
- y. No land disturbing activities shall take place in areas where a state or federally protected species and/or habitats are present until protection measures are approved and implemented. The Indiana Department of Natural Resources, the U.S. Fish and Wildlife Service, and other applicable state or federal agency shall approve the protection measure before the plans are approved by the Department. Whenever during construction activities there are identified species and/or habitats not previously accounted for in the construction plans, all work in the immediate area shall cease until the appropriate state or federal agency determines what precautions should be taken to protect the species and/or habitat.

D. General Requirements for Individual Building Lots Within a Permitted Project

- 1. All storm water quality measures, including erosion and sediment control, necessary to comply with this Chapter must be implemented in accordance with the plan and sufficient to satisfy (2) of this Section;
- 2. Provisions for erosion and sediment control on individual building Lots regulated under the original permit of a project site owner must include the following requirements:

- a. The individual lot operator, whether owning the property or acting as the agent of the property owner, shall be responsible for erosion and sediment control requirements associated with the activities on the individual Lots;
- b. Installation and maintenance of a stable construction site access;
- c. Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance;
- d. Sediment discharge and tracking from each lot must be minimized throughout the land disturbing activities on the lot until permanent stabilization has been achieved;
- e. Clean-up of sediment that is either tracked or washed onto roads. Bulk clearing of sediment shall not include flushing the areas with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable statutes and rules;
- f. Adjacent Lots disturbed by an individual lot operator must be repaired and stabilized with a temporary or permanent surface stabilization, and
- g. For individual residential Lots, final stabilization meeting the criteria of this Chapter will be achieved when the individual lot operator completes final stabilization or has installed appropriate erosion and sediment control measures for an individual lot prior to occupation of the home by the homeowner and has informed the homeowner of the requirements for, and benefit of, final stabilization.

E. Project Termination

- 1. All necessary erosion and sediment control measures installed under this Chapter shall be adequately maintained for one year after completion of the approved plan or until such measures have been stabilized as determined by the Planning Director. The Plan Commission, by rule, may require and establish standards for maintenance letters of credit, or other Assurances, to guarantee compliance with the maintenance requirements of this Chapter;
- 2. The project site owner shall plan an orderly and timely termination of the construction activities, including the implementation of storm water quality measures that are to remain on the project site;
- 3. The project site owner shall submit a Notice of Termination (NOT) letter to the Commissioner and copy to both the Monroe County Soil and Water Conservation District and the Monroe County Planning Department with the following:
 - a. Except as provided in (b) of this Section, the project owner shall submit a NOT letter when the following conditions have been met:
 - i. All land disturbing activity, including construction on all building Lots, have been complete and the entire site have been stabilized, and
 - ii. All temporary erosion and sediment control measures have been removed.
 - b. The project site owner may submit a NOT letter to obtain early release from compliance with this rule if the following conditions are met:
 - i. The remaining, undeveloped acreage does not exceed five acres, with contiguous areas not to exceed one acre;
 - ii. A map of the project site, clearly identifying all remaining undeveloped Lots, is attached to the NOT letter. The map must be accompanied by a list of names and addresses of individual lot owners or individuals lot operators of all undeveloped Lots;

- iii. All public and common improvements, including infrastructure, have been complete and permanently stabilized and have been transferred to the appropriate local entity;
- iv. The remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent properties, or water quality; and
- v. All permanent storm water quality measures have been implemented and are operational.

F. Inspection and Enforcement

- 1. The Planning Department or other designated representative may inspect any project site involved in construction activities regulated by this Chapter at reasonable times. The Department or its designated representatives may make recommendations to this project site owner or their representative to install appropriate measures beyond those specified in the storm water pollution prevention plan to achieve compliance;
- 2. All persons engaging in construction activities on a project site shall be responsible for complying with the storm water pollution prevention plan and the provisions of this Chapter;
- 3. The Department shall investigate potential violations of this Chapter to determine which person may be responsible for any violation. The Department shall, if appropriate, consider public records of ownership, building permits, Improvement Location Permits, and other relevant information, which may include site inspections, storm water pollution prevention plans, notices of intent, and other information related to the specific facts and circumstances of the potential violation. Any person causing or contributing to a violation of any provisions of this Chapter shall be subject to enforcement as provided for in this Ordinance and may further be subject to enforcement under IC 13-14-10, IC 13-15-7, and IC 13-30;
- 4. If remaining storm water quality measures are not properly maintained by the person occupying or owning the property, the Department may pursue enforcement against that person for correction of deficiencies, and
- 5. Construction plans and supporting documentation associated with the quality Assurance plan must be made available to the Department or its designated representatives within 48 hours of such a request.

G. Duration of Coverage

- 1. A permit issued under this Chapter is granted for a period of five years from the date coverage commences;
- 2. Once the five year permit term duration is reached, a general permit issued under this Chapter will be considered expired, and, as necessary for construction activity continuation, a new NOI letter would need to be submitted in accordance with (3) of this Section; and
- 3. To obtain renewal of coverage under this Chapter, the information required under Section 834.2C must be submitted to the Planning Department 90 days prior to the termination of coverage under this Chapter; unless the Planning Director determines that a later date is acceptable. Coverage under renewal NOI letters will begin on the date of expiration from the previous five year permit term.

3. Site Plan and Plot Plan²³² Reviews

- A. Purpose.** The purpose of these site plan and plot plan review standards are to regulate the development of structures and sites in a manner which considers the following concerns and, where necessary, requires waiver of development proposals to eliminate or minimize potential problems and nuisances. The principal areas of concern are:
1. The balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g., noise, smoke, fumes, dust, odor, glare, storm water runoff, etc.);
 2. The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;
 3. The adequacy of water supply, waste disposal methods, and protection from pollution of surface or ground water;
 4. The protection of natural, environmental, historical, or archeological features on the site under review and in adjacent areas; and,
 5. Ensure that stormwater is managed effectively as to not create off-site impacts from new development.²³³
- B. Site Plan or Plot Plan Review Requirements.** No permit or certificate for the construction, exterior alteration, relocation, demolition, occupancy, or change in use of any building, structure or parcel shall be given and no existing use shall be established or expanded in floor area except in conformity with a site plan approved by the Planning Director. Site plan or plot plan review shall also be required for the resumption of any use discontinued for more than six consecutive months or for the expansion of any existing use.
- C. Plot Plan Amendment.**²³⁴ If there is an existing approved plot plan on file at the Planning Department, development may occur as shown on the approved plans. A plot plan is considered "approved" when there is an Improvement Location Permit issued. Any change to the approved plot plan requires compliance with this zoning ordinance, including obtaining all necessary Improvement Location Permits.
- D. Site Plan Amendment.** If there is an existing approved site plan on file at the Planning Department, development may occur as shown on the approved plans. A site plan is considered "approved" when there is communication from the Planning Department stating that the site plan has been approved, Improvement Location Permits have been issued, and there has been a Land Use Certificate issued for the development once completed. Changes proposed after the issuance of a Land Use Certificate require a site plan amendment if:
1. The proposal impacts the building footprint of any structure.
 2. The proposal changes the total number of parking spaces by more than 5% (must not be reduced below the applicable parking minimum per Chapter XX.²³⁵
 3. The proposal includes a change of use, which would trigger landscaping and parking review.
 4. The proposal includes an increase in impervious cover that would result in review by the MS4 Coordinator/MS4 Assistant.

²³² Added Plot Plan

²³³ New

²³⁴ Removed Site Plan Applicability. Added Plot Plan Amendment.

²³⁵ New

5. Site plan alterations that do not result in an official amendment, such as landscaping substitutions, small parking deviations, changes to the location of an ADA parking space(s), can be filed with the Planning Department for later use. All other changes qualify for a site plan amendment.

E. Residential and Commercial Site Plan Review - Site Plan Approval Procedure. Applications for site plan approval shall be considered in accordance with the following procedures and as outlined in the below flowchart²³⁶:



Site Plan Major

Site Plan Minor – Accessory non-residential uses, temporary, residential additions

F. Residential and Commercial Application Requirements for Site Plan or Plot Plan Review

1. An applicant for site plan or plot plan review under this section shall file with the Planning Director a complete application using the online permitting software under the applicable permit process. For site plans, pre-design conferences preceding the site plan application is encouraged.
2. The site plan or plot plan shall include all elements deemed necessary by the Planning Director in order to properly evaluate the proposed project in accordance with the provisions of this ordinance, taking into consideration the nature of this project, its magnitude, uses, and overall community impact. A checklist with a comprehensive list of site plan requirements is available at the Planning Department.²³⁷ Site Plan or Plot Plan Applicable Standards. See table below for requirements for certified site plans, certified plot plans, or plot plans depending on the use and type of construction as it relates to the Ordinance. Where a use is listed in multiple categories (i.e. residential structure and accessory structure) it will be at the Administrator's Discretion to determine whether the structure is an accessory or principal use. For circumstances where details required under the provisions of this ordinance are deemed unnecessary, the Administrator may waive this requirement. In addition to the requirements discussed in (b) above, the following technical components are required as part of the site plan application²³⁸:

²³⁶ New flowchart

²³⁷ Moved the specific requirements from the code to a checklist. This allows the planning department the ability to update this list from time to time without updating the code.

²³⁸ New

<div>Co</div> (Commercial Structure)	<div>Re</div> (Residential Structure)	<div>Acc</div> (Residential Accessory Structure)
Applicability: Requires a certified site plan for any proposed Commercial construction for a site that are identified as any of the following uses below:	Applicability: Requires a certified plot plan for any new principal use structures that are identified as any of the following uses below:	Applicability: Requires a plot plan for any expansions to principal use structures, replacement of existing structures utilizing the same foundation, remodels, or new construction of accessory structures
<p>Includes:</p> <p>Agricultural Uses-</p> <ul style="list-style-type: none"> • Agricultural –related industry • Agritourism/ Agritainment; • Aquaculture • Agricultural Event Center • Christmas Tree Farm • Commercial Facilities for the sale... • Composting Operation • Confined Feeding Operations • Equestrian Center • Feed Lot • Feed Mill • Kennels – boarding and breeding operations • Nursery/Greenhouse • Pick-your-own operation • Winery <p>Residential Uses-</p> <ul style="list-style-type: none"> • Elderly housing; • Manufactured Home Park • Multifamily dwelling <p>Public and Semipublic Facilities (ALL)</p> <p>Business and Personal Services - All except: Bed and Breakfast; Temporary Seasonal Activity; Tourist Home or Cabin.</p> <p>Retail and Wholesale Trade (ALL)</p> <p>Automotive and Transportation Services (ALL)</p> <p>Amusement and Recreational Services (ALL)</p> <p>Manufacturing, Mining, Construction, and Industrial Uses (ALL)</p>	<p>Includes:</p> <p>Agricultural Uses-</p> <ul style="list-style-type: none"> • Agriculture and Accessory use to Agriculture • Agriculture Uses, Land Animal and Non-Animal Related • Commercial Non-Farm Animals • Equine Services • Horse Farm • Orchard • Roadside Stand - Permanent and Temporary • Stockyard <p>Residential Uses –</p> <ul style="list-style-type: none"> • Accessory Apartments • Accessory Dwelling Units • Boarding House • Historic Adaptive Reuse • Residential Storage Structure • Single Family Dwelling • Temporary Dwelling • Two Family Dwelling <p>Business and Personal Services –</p> <ul style="list-style-type: none"> • Bed and Breakfast; • Temporary Seasonal Activity; • Tourist Home or Cabin; <p>Chapter 833 uses:</p> <ul style="list-style-type: none"> • Bed and Breakfast <p>i.</p>	<p>Includes:</p> <p>Agricultural Uses-</p> <ul style="list-style-type: none"> • Agriculture and Accessory use to Agriculture • Agriculture Uses, Land Animal and Non-Animal Related • Commercial Non-Farm Animals • Equine Services • Horse Farm • Orchard • Roadside Stand • Permanent and Temporary • Stockyard <p>Residential Uses –</p> <ul style="list-style-type: none"> • Accessory Apartments • Accessory Dwelling Units • Boarding House • Historic Adaptive Reuse • Residential Storage Structure • Accessory Livestock • Accessory Use • Home Based Business • Home Occupation • Single Family Dwelling • Temporary Dwelling • Two Family Dwelling <p>Business and Personal Services –</p> <ul style="list-style-type: none"> • Temporary Seasonal Activity <p>Chapter 833 uses:</p> <ul style="list-style-type: none"> • Crops and Pasturage • Home Occupations

Adult Oriented Business (ALL) Multi-Use (ALL) Chapter 833- All except: Bed and Breakfast, Crops and Pasturage, Home Occupations, Single Family Detached Dwellings		
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<u>Co</u>	Res	Acc
B, D, E, F, G, H, I, K, L, M, N, O, P, Q, R, S, T, U, V, X, Y, Z	C, D, E, F, G, J, K, M, P, Q, R, W, Y, Z	A, D, E, G, J, K, M, R, Y, Z

G. Application and Requirement for Site Plan Review

1. An applicant for site plan review under this chapter shall file with the Administrator an application for site plan approval upon forms made available in the Commission's office along with the original and two (2) copies of the site plan.
2. The site plan or plot plan shall include any of the following elements that are deemed necessary by the Administrator in order to properly evaluate the proposed project in accordance with the provisions of this ordinance, taking into consideration the nature of the project, its magnitude, uses and overall community impact:
 - a. A plot plan to scale. Some sites may require a certified plot plan at the administrator's discretion if they contain non-buildable area per Chapter 804-4(E), or if our best available data shows a discrepancy in regards to lot boundaries, easements, utility infrastructure locations, or other limitation(s);
 - b. Certified Site plan and a subscribed statement of an engineer or land surveyor, licensed by the State of Indiana, certifying that the proposed activity will satisfy the performance standards of Chapter 802 of this ordinance;
 - c. Certified plot plan that includes a subscribed statement of an engineer or land surveyor, licensed by the State of Indiana, certifying that the proposed structure meets all design standards and includes all necessary information listed below.
 - i. The name and address of the owner and developer, engineer, surveyor,
 - ii. The location of the project by public way, township, and section;
 - iii. The legal description of the subject property;
 - iv. A map including date, legend, scale bar and North arrow, which shows the location, size, capacity, and use of all buildings and structures existing or to be placed on the subject property, including the septic tank and field;
 - v. The nature and intensity of the operations involved in, or conducted in connection with the project;

- vi.** The site layout of the project including the property boundaries, location, lot size, arrangement, and capacity of the area to be used for yards, setbacks, and all buildings including accessory structures, vehicular access, parking, and loading. Illustrate any visible or apparent karst features, floodplain, or wetlands;
- vii.** The site layout of the project including the location, lot size, arrangement, and capacity of the area to be used for yards, setbacks, lot boundaries and all buildings including accessory structures, vehicular access, parking, and loading. Illustrate any visible or apparent karst features, floodplain, or wetlands.
- viii.** The names of public ways giving access to the subject property and the location, width and names of existing platted public ways, railroads, parks, easements if shown on deed or recorded plat, sidewalks, driveways, utilities, and other public open spaces associated with the project;
- ix.** The layout of proposed public ways, their names and width, and the width of alleys, walkways, paths, lanes, and all easements;
- x.** The location, dimensions, and design of all signage for the project;
- xi.** The location, height, intensity, direction of illumination and bulb type (i.e., florescent, sodium incandescent, etc.). of all external lighting fixtures;
- xii.** A landscape plan that complies with **Chapter 830** and shows all existing natural land features, trees, forest cover and water sources, and proposed changes to these features including the size and type of plant material;
- xiii.** A parking plan that complies with Chapter 806;
- xiv.** Two foot contours or spot elevations of the finished grade, finished first floor elevations, and the directions of storm water runoff. Certification shall include a statement that says positive drainage away from structures will be complied with. To verify positive drainage, the ground adjacent to all sides of a building shall fall a minimum of six inches in the first ten feet from the building. Driveways which lead to garages shall fall a minimum of three inches in the first ten feet away from the garage.
- xv.** Show 15% slope lines in relation to proposed structures. If located in the Environmental Constraint Overlay, then show applicable slope line in addition.
- xvi.** The layouts of proposed lots with their numbers and dimensions;
- xvii.** The land use density factors;
- xviii.** Outside storage and/or product display area if allowed;
- xix.** Construction plans, if any;
- xx.** Floor plans;
- xxi.** Stormwater Management Plan that complies with Ch 761; and,
- xxii.** Location of proposed erosion control measures (tree protection, silt fence, sinkhole protection, concrete washout area, temporary construction entrance, storm drain and inlet protection, seed/straw narrative/timeline, off-site borrow areas, stockpile areas, etc)

- xxiii.** All other permits, certificates and/or approvals required from any State or local agency relative to the use or improvement of the subject property or to the use or installation of public improvements which may serve the subject property (e.g., Indiana Department of Transportation approval of State highway improvements, Monroe County Highway activity in the right-of-way permits, private sewage disposal system permit from the Monroe County Health Department, etc.).
- xxiv.** Sidewalks are required to be installed if any of the following triggers apply to the commercial site:
 - A.** Sidewalk exists within 2,000 linear feet of the property.
 - B.** The property is show on the Transportation Alternatives Plan dated 2018.
 - C.** The property is within the urbanizing area as identified by the 2015 Comprehensive Plan.

3. Completeness of a Petition for Review²³⁹

- a.** Following the submittal of a site plan application, the Planning Director will review the application to determine if it is complete or incomplete. If it is determined that the application is incomplete, the Planning Director shall notify the petitioner of the submittal's deficiencies. The petitioner may continue to correct the deficiencies and resubmit the petition for a determination of completeness until it is determined by the Planning Director that the petition is complete.
- b.** No development petition shall be reviewed for compliance with this ordinance or be scheduled for a public hearing by any review or advisory body until it is determined to be complete. Upon determining that the petition is complete, the Planning Director shall accept the petition for review in accordance with the procedures and standards of this section.

4. Certified Site Plan Improvement Requirements

- a.** Site plans and site plan amendments located in areas that trigger sidewalks per Chapter XXX must be installed before final approval.
- b.** Site plans may trigger the requirements for off-site improvements as required by the Monroe County Highway Department. Additionally, right-of-way dedication may be required if the development requires off-site improvements and there is not adequate right-of-way.
- c.** Certified Site Plan Review Criteria. The Planning Director shall review the site plan and supporting documents, taking into consideration the following general standards for site plan approval:
 - i.** Compatibility with surrounding land uses;
 - ii.** Availability and coordination of sanitary sewer, water, storm water drainage, and other utilities as deemed appropriate;
 - iii.** Management of traffic in a manner which creates conditions favorable to the health, safety, convenience, and harmonious development of the community, particularly considering each of the following factors:

²³⁹ New

- A.** The design and location of proposed street and highway access points and sidewalks to minimize safety hazards and congestion;
 - B.** The capacity of adjacent existing streets and highways to safely and efficiently handle traffic projected to be generated by the proposed development; and,
 - C.** the coordination of entrances, planned connection to rail facilities, streets, sidewalks, and internal traffic circulation facilities in the site plan with existing and planned streets and adjacent developments in order to minimize conflict between various types of vehicular and pedestrian traffic.
- iv.** Compliance with the performance standards set forth in Section 802-5 of this ordinance and any general standards provided in this ordinance.
 - v.** Design of the building and related parking plan include aesthetic considerations.

5. Site Plan and Plot Plan Decision

- a.** The Planning Director shall consider and evaluate the complete site plan application and render a decision in writing, which shall consist of either:
 - i.** Approval of the site plan based upon the determination that the proposed plan complies with the general, design and performance standards set forth in this ordinance;
 - ii.** Disapproval of the site plan based upon the determination that the proposed project does not meet the general, design or performance standards set forth in this ordinance; or
 - iii.** Approval of the site plan subject to any conditions, waivers and restrictions as required by the Planning Director which will ensure that the project meets the general, design and performance standards set forth in this ordinance.
 - iv.** Depending on the use, the site plan may be required to be reviewed at Plan Commission per conditions of the Use Table XX.
- b.** Site plans submitted to the Planning Director under this section shall become a permanent public record.

4. Conditional Uses

- A. 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.
- B. Applications for Conditional Use Approval.** A person desiring conditional use approval shall submit a written application for such approval with the Planning Director. An application for approval shall:
1. Be made on the forms available at the office of the Board of Zoning Appeals 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 their authority to sign the form (e.g., a letter from the owner which states that the person has been authorized to sign the form);
 2. Identify the specific conditional use requested;
 3. Be presented to the Planning Director ;
 4. Be accompanied by 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; and
 5. Be accompanied by a site plan, drawn to an appropriate scale. Site plans for certain uses may be required to meet the full requirements in Chapter XXX. Minimally, the site plan must show:
 - a. The subject property;
 - b. 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;
 - c. Accurate dimensions of the parcel, buildings, parking areas, and ingress/egress driveways;
 - d. Location, owner of record, zoning, and use of adjacent properties, including the location, size, and use of all structures within 50 feet of the subject property;
 - e. Location, right-of-way, and pavement width of all streets adjacent to the subject property;
 - f. Proposed and existing connections to utilities; and
 - g. Landscaping improvements, as required by Chapter 830.
 6. Be accompanied by any other information reasonably required by the Planning Director; and,
 7. Be accompanied by the fee established by the Plan Commission.
- C. Conditional Use Approval Procedure.** Applications for conditional use approval shall be considered in accordance with the following procedures and as outlined in the below flowchart²⁴⁰:

²⁴⁰ New flowchart



1. Within 30 days after receiving a complete application, the Planning Director shall schedule and announce the date and time of the Board of Zoning Appeals' hearing on the application. At the time the hearing is scheduled, the Planning Director shall provide the applicant with written notice of the hearing date and time.
2. Prior to the Board of Zoning Appeals' hearing on the application, the Planning Director shall review the application for compliance with the Zoning Ordinance. Following such review and prior to the hearing, the Planning Director shall prepare and provide the Board and the applicant with the Planning Director's written comments and recommendation on the application, including the Planning Director's opinion as to any effect which the proposed conditional use might have upon the Comprehensive Plan;
3. The Board of Zoning Appeals, and its representatives, at its discretion, may visit the subject property at any reasonable time during the review process;
4. The Board of Zoning Appeals shall conduct a public hearing on the application for conditional use approval in accordance with the Board's Rules of Procedure;
5. Following the Board of Zoning Appeals' 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.
6. The Board of Zoning Appeals shall make written findings of fact in support of its decision. The Planning Director shall promptly provide the applicant with a copy of the Board's written findings.
7. If the Board of Zoning Appeals approves the application for conditional use approval, the Planning Director 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.
8. If the Board of Zoning Appeals denies the application for conditional use approval, the applicant may file a new conditional use application which is subject to the procedures contained within this section²⁴¹.

- D. Environmental Sensitivity Study.** The Board of Zoning Appeals shall have the authority to require an applicant to perform an environmental sensitivity study of the area in which the use is proposed and to submit the results of the study to the Board, which may include but shall not be limited to traffic impact studies, karst studies, or floodplain studies.
- E. Standards for Approval.** In order for a conditional use to be approved, the Board of Zoning Appeals must find that:

²⁴¹ Removed the allowance that denied conditional uses could amend and re-submit without paying a fee within 6 months. Revised to say that if denied they can resubmit a brand new conditional use

1. The requested conditional use is listed as such in the zoning district in which it is located²⁴²;
2. Conditional uses shall satisfy any use-specific regulations as set forth in Section XXX;
3. All applicable regulations and development standards required in this ordinance shall be satisfied;
4. Granting the conditional use shall not conflict with the general purposes of this ordinance or with the goals and objectives of the County's Comprehensive Plan;
5. The conditional use property can be served with adequate utilities, access streets, drainage, and other necessary facilities;
6. 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;
7. 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;
8. The conditional use shall produce a total visual impression and environment which is consistent with the environment of its surrounding neighborhood;
9. The conditional use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood; and
10. All permits required by other Federal, State, and local agencies have been obtained.

F. 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 when 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 Planning Director for furnishing specific information related to the proposed use. Failure to comply with the conditions of approval shall constitute a violation of this ordinance.

G. Miscellaneous Guidelines

1. 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.
2. 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.²⁴³

²⁴² Revised this language

²⁴³ Use-specific conditional use standards will be in the uses chapter and will be drafted with Module 2

5. Variances

- A. Regulations for Use and Design Standards Variances.** 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 use or design standards variance from the terms of this ordinance.
- B. Application for Variance.** A person desiring a variance from the terms of this ordinance shall submit a written application for a variance approval with the Planning Director. An application for variance approval shall meet the applicable requirements contained with the ordinance and shall include:
1. Consent from Owner or Owner Certification of Application - Certification shall be made on the forms available by the Planning Department and signed by the owner of the property subject to the variance 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 their authority to sign the form (e.g., a consent letter from the owner which states that the person has been authorized to sign the form);
 2. Letter to the Board of Zoning Appeals - Describe the specific use or standard for which the variance is sought;
 3. Current Deed
 4. Site Plan – Must be accompanied by aa site plan that complies with X
 5. Driveway permit Application with Comments – If the request triggers the need for a permit per Chapter 755
 6. Septic permit – If the request triggers the need for a permit per Chapter 365
 7. Be accompanied by the fee established by the Plan Commission.
- C. Variance Approval Procedure.** Applications for variance approval shall be considered in accordance with the following procedures and as outlined in the below flowchart²⁴⁴:



1. Within 30 days after receiving a complete application, the Planning Director shall schedule and announce the date and time of the Board of Zoning Appeal's hearing on the application. At the time the hearing is scheduled, the Planning Director shall provide the applicant with written notice of the hearing date and time.

²⁴⁴ New flowchart

2. Prior to the Board of Zoning Appeals hearing on the application, the Planning Director shall review the application for compliance with the Zoning Ordinance. Following such review and prior to the hearing, the Planning Director shall prepare and provide the Board of Zoning Appeals and the applicant with the Planning Director's written comments and recommendation on the application, including the Planning Director's opinion as to any effect with the proposed variance might have upon the Comprehensive Plan.
 3. The Board of Zoning Appeals, and its representatives, at its discretion, may visit the subject property at any reasonable time during the review process.
 4. The Board of Zoning Appeals shall conduct a public hearing on the application for variance approval in accordance with the Board of Zoning Appeals Rules of Procedure.
 5. Following the Board of Zoning Appeals hearing on the application for variance 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.
 6. The Board of Zoning Appeals shall make written findings of fact in support of its decision. The Planning Director shall promptly provide the applicant with a copy of the Board's written findings.
 7. If the Board of Zoning Appeals approves the application for variance approval, the Planning Director may issue the applicant an improvement location permit and/or land use certificate subject to the conditions of variance approval and the provisions of the ordinance.
 8. If the Board denies the application for variance approval, the applicant may file a new variance application which is subject to the procedures contained within this section.²⁴⁵
- D. Environmental Sensitivity Study.** The Board of Zoning Appeals shall have the authority to require an applicant to perform an environmental sensitivity study of the area in which the use is proposed and to submit the results of the study to the Board, which may include but shall not be limited to traffic impact studies, karst studies, or floodplain studies.
- E. Standards for Use Variance Approval.** In order to approve a use variance, the Board must find that:
1. The approval will not be injurious to the public health, safety, and general welfare of the community;
 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 3. The need for the variance arises from some condition peculiar to the property involved;
 4. The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
 5. The approval does not interfere substantially with the Comprehensive Plan.
- F. Standards for Design Variance Approval.** In order to approve an application for a design standards variance, the Board must find that the applicant has submitted substantial evidence establishing that, if implemented:
1. The approval, including any conditions or commitments deemed appropriate, will not be injurious to the public health, safety, and general welfare of the community, because:
 - a. It would not impair the stability of a natural or scenic area;

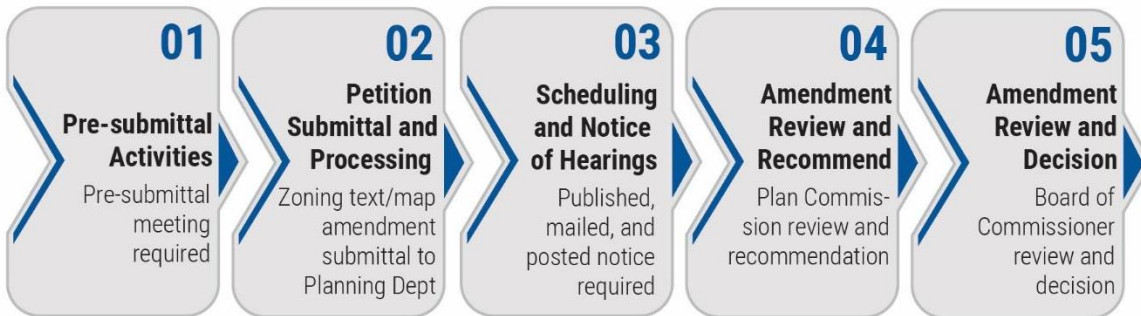
²⁴⁵ Removed the allowance that denied variances could amend and re-submit without paying a fee within 6 months. Revised to say that if denied they can resubmit a brand new variance

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834.ZONING MAP AND TEXT AMENDMENTS

1. Ordinance Amendments

This ordinance and the zoning map may be amended from time to time by ordinance duly enacted by the Board of County Commissioners in accordance with the procedures with the procedures set out in Indiana Code Chapter 36-7-4-600 Series, Zoning Ordinance, and as outlined in the below flowchart²⁴⁶:



- I. Application Procedures.** Any person seeking a petition for a zoning amendment shall submit to the Planning Department the following information:
1. A letter to the Plan Commission stating the petition request;
 2. A copy of the most recent recorded deed or land contract for the parcel(s) in question;
 3. If the property owner is not the petitioner, a letter of consent from the owner must be submitted;
 4. A copy of the Plat Book page showing the parcel(s) in question; and
 5. Property survey or site plan, drawn to scale. A checklist with a comprehensive list of survey and site plan requirements is available at the Planning Department.²⁴⁷
- J. Standards for Amendments.** In preparing and considering proposals to amend the text or maps of this ordinance, the Plan Commission and the Board of County Commissioners shall pay reasonable regard to:
1. The Comprehensive Plan;
 2. Current conditions and the character of current structures and uses in each district;
 3. The most desirable use for which the land in each district is adapted;
 4. The conservation of property values throughout the jurisdiction; and
 5. Responsible development and growth.

2. Comprehensive Land Use Plan Amendment

Prior to submission of a rezoning request that is not consistent with the Comprehensive Land Use Plan, the applicant shall submit a Comprehensive Land Use Plan amendment to the Plan Commission. The applicant shall submit a statement describing how the proposed project is supported by the growth

²⁴⁶ New flowchart

²⁴⁷ Moved the specific requirements from the code to a checklist. This allows the planning department the ability to update this list from time to time without updating the code.

management policies of the Comprehensive Land Use Plan. The statement shall generally describe the development and its relationship to neighboring properties and shall include planning objectives for the development and the rationale governing their choices and approaches.

3. Effect of Approval of Amendment

- A.** When an amendment to the zoning map is approved, such amendment shall be incorporated into the official zoning map maintained by Monroe County.
- B.** When an amendment to the zoning text is approved, such change shall be incorporated into the official document according to the numbering system established within this ordinance.

835.PLANNED UNIT DEVELOPMENTS

1. Planned Unit Development Approval Procedure

Applications for Planned Unit Development (PUD) approval shall be considered in accordance with the following procedures and as outlined in the below flowchart²⁴⁸:



- A. Pre-Design Conference.** Prior to filing a formal application for approval of a Planned Unit Development, the applicant shall schedule a pre-design conference with the planning staff. The purpose of the pre-application conference shall be to:
1. Allow the applicant to present a general concept and to discuss characteristics of the development concept in relation to adopted County policies.
 2. Allow the planning staff to inform the applicant of applicable policies, standards, and procedures for the Planned Unit Development.
 3. The pre-design conference is intended only for the above purposes; neither the developer nor the jurisdiction is bound by any decision made during a pre-application conference.
- B. Procedure for a PUD District Ordinance Approval**
1. The PUD District Ordinance and application shall be submitted to the planning staff which, after certifying the application to be complete, shall initiate a review by the Planning Department and Highway Department.
 2. The application and the results of the review shall then be forwarded to the Plan Commission for its consideration, public hearing, and recommendations, together with the Planning Department's report and such other documents as may be pertinent to the Planned Unit Development.
 3. The Plan Commission shall hold a public hearing in accordance with its Rules of Procedure.
 4. Where there are environmentally sensitive features on the site or the Development Plan is expected to be complex, or there are other important planning implications involved, the Plan Commission may reserve the right to review the Development Plan.
 5. Upon completion of its review, the Plan Commission shall certify the application to the Board of Commissioners with a favorable recommendation, an unfavorable recommendation, or no recommendation.

²⁴⁸ Removed PRC from the flow chart, new flowchart

6. The Board of Commissioners shall vote on the proposal within 90 days after the Plan Commission certifies the proposal. The Board may adopt or reject the proposal. If the Plan Commission has given the proposal a favorable recommendation and the Board fails to act on the proposal within 90 days, the Ordinance takes effect as if it has been adopted as certified 90 days after certification. If the Plan Commission has failed to make a recommendation or has given the proposal an unfavorable recommendation and the Board fails to act on the proposal within 90 days, the proposal is defeated.

C. Effects of Approval of a PUD District Ordinance

1. When a PUD District Ordinance has been approved by the Board, the Plan shall become effective, and its location shall be shown on the zoning map. The zoning map shall be amended to designate the site as a Planned Unit Development.
2. Upon such amendment of the zoning map, the use and development of the site shall be governed by the PUD District Ordinance, subject to approval of a Development Plan.
3. No permit of any kind shall be issued until the Development Plan has been approved.

D. Development Plan

1. **Purpose of Development Plan Approval.** The purpose of the Development Plan is to designate the controls for development of the Planned Unit Development. The Development Plan shall show the exact location of each building and improvement to be constructed and a designation of the specific internal use or range of uses to which each building shall be put.
2. **Time Limit for Approval of Development Plan.** The Development Plan shall be submitted to the Planning Department not more than 18-months following the Board of Commissioner's approval of the PUD District Ordinance.
 - a. The PUD District Ordinance and Development Plan may be submitted as a single plan if all requirements of Sections (XXX and XXX) are met.
 - b. The Development Plan may be submitted and approved in stages, with each stage representing a portion of the PUD District Ordinance, at the discretion of the Plan Commission. The time limit for submitting each stage for approval may be set forth in the Ordinance, in which case that schedule shall control the timing of development, rather than the time period established in paragraph (b) above.
 - c. The Plan Commission may extend the time for application for approval of the Development Plan for good cause, consistent with the purposes of this Ordinance.
3. **Expiration of Time Limit.** Periodically, the planning staff shall report to the Plan Commission on Planned Unit Developments whose time limits have expired. The applicants shall be notified. The Plan Commission shall determine whether to consider extending the time limit or to initiate action to amend the zoning map so as to rescind the Planning Unit Development designation.
4. **Relationship of Development and the PUD District Ordinance.** The Development Plan shall conform to the PUD District Ordinance as approved.
5. **Procedure for Approval of a Development Plan:**
 - a. **Development Plan Submission.** The Development Plan and supporting data shall be filed with the planning staff.
 - b. **Staff Review.** The planning staff shall review the Development Plan to include site plan review, in accordance with the requirements of this ordinance.

- c. **Staff Approval.** It shall generally be the responsibility of staff to review Development Plans unless the Plan Commission reviews the Development Plans as provided in Section 836.1B.4, or where a new Development Plan is required.
 - d. **Plan Commission Review.** If the Plan Commission has retained Development Plan approval authority, the Plan Commission shall hold a public hearing in accordance with its Rules or Procedures. The Commission may approve, deny, or approve with waivers.
- 6. **Expiration of Development Plan.** The Development Plan shall expire two years after approval, unless grading and/or building permits have been obtained and are still current and valid on that date. This rule shall also apply to each stage of a Development Plan approved in stages. The applicant may request an extension of time in writing, and the approving authority may extend the time limit where appropriate. Such extension may be considered at the time of Development Plan approval.
 - 7. **Effect of Approval of Development Plan.** No permit of any kind shall be issued for any purpose within a Planned Unit Development except in accordance with the approved Development Plan, and after acceptance by the County of all required guarantees for improvements pursuant to Section XXX.

2. Specific Content of Plans

Planned Unit Development plans and supporting data shall include all documentation listed in this section of the ordinance unless certain documentation is deemed superfluous by the planning staff due to the specific circumstances of the particular request.

A. PUD District Ordinance Requirements

- 1. **PUD District Ordinance.** A drawing of the Planned Unit Development shall be prepared at a scale not less than 1"=50', or as considered appropriated by the planning staff, and shall show in concept major circulation; generalized location and dimensions of buildings, structures, and parking areas; open space areas, recreation facilities, and other details to indicate the character of the proposed development. A checklist with a comprehensive list of the PUD District Ordinance requirements is available at the Planning Department.²⁴⁹
- 2. **Additional Requirements.** The planning staff shall inform the applicant of any additional documents or data requirements after the pre-application conference.
- 3. **Written Statement.** A written statement of the character of the Planned Unit Development and the reasons why it has been planned to take advantage of the flexibility of these regulations. The written statement shall include a specific explanation of how the proposed Planned Unit Development meets the objectives of all adopted land use policies which affect the land use in question.
- 4. **Ownership.** A statement of present and proposed ownership of all land within the project including the beneficial owners of a land trust.
- 5. **Development Schedule**
 - a. The stages in which the project will be built, including the area, density, use, public facilities, and open space to be developed with each stage. Each stage shall be described and mapped.
 - b. Projected dates for beginning and completion of each stage.

²⁴⁹ Moved the specific requirements from the code to a checklist, indicated that they will be available on a checklist at the planning department.

6. Proposed Uses

- a. Residential Uses.** Gross area, architectural concepts (narrative, sketch, or representative photo), number of units, bedroom breakdown, and proposed occupancy limits for each residential component.
- b. Non-Residential Uses.** Specific non-residential uses, including gross areas, architectural concepts (narrative, sketch, or representative photo), and building Heights.

7. Facilities Plan. Preliminary concepts and feasibility reports for roads, sidewalks, sanitary sewers, stormwater management, water supply system, street lighting, public utilities, etc.

8. Traffic Analysis. If requested by the planning staff or the Plan Commission, a study of the impact caused by the Planned Unit Development and any measures proposed to accommodate that impact.

9. Neighborhood Meeting Report. The petitioner shall invite any neighborhood Association or active homeowner's Association on record with the City of Bloomington, Town of Ellettsville, or Monroe County, within a 500-foot radius of the boundaries of the development to meet to discuss the proposal. The petitioner or the Association shall submit to staff a letter summarizing the results of the meeting.

B. Development Plan Requirements. The application for Development Plan approval shall include, but not be limited to, the following documents:

- 1.** Such additional information as may have been required by the PUD District Ordinance approval.
- 2.** An accurate map exhibit of the entire phase for which Development Plan approval is being requested, showing the following:
 - a.** Precise location of all buildings to be constructed, and a designation of the specific use or range of uses for each building. Single dwelling residential development on individual Lots need not show precise locations of buildings on each lot, but plans shall show setback and other bulk constraints.
 - b.** Design and precise location of all streets, drives, and parking areas, including construction details, centerline elevations, pavement type, curbs, gutters, and culverts.
 - c.** Location of all utility lines and easements.
 - d.** A final detailed landscape plan, in conformance with Chapter XXX.
 - e.** Tabulation on each separate subdivided use area, including land area, number of buildings, number of dwelling units per acre, type of unit, bedroom breakdown, and limits on occupancy.
- 3.** If lands to be subdivided are included in the Planned Unit Development, a subdivision plat meeting the requirements of a primary plat, as modified by the PUD District Ordinance approval, is required where platting is to be done concurrent with the Development Plan approval.
- 4.** Projected constructed schedule.
- 5.** Agreements and covenants which govern the use, maintenance, and continued protection of the Planned Unit Development and its common spaces, shared facilities, and private roads.

3. Review Considerations

- A.** In their consideration of a PUD District Ordinance, the planning staff in its report to the Plan Commission, the Plan Commission in its recommendation, and the Board of Commissioners in its decision, shall consider as many of the following as may be relevant to the specific proposal:
1. The extent to which the Planned Unit Development meets the purposes of this ordinance, the Comprehensive Plan, and any other adopted planning objectives of the County.
 2. The extent to which the proposed plan meets the required standards and stated purpose of the Planned Unit Development regulations.
 3. The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to, the density, dimension, bulk, use, required improvements, and construction and design standards and the reasons, which such departures are or are not deemed to be in the public interest.
 4. The proposal will not be injurious to the public health, safety, and general welfare.
 5. The physical design of the Planned Unit Development and the extent to which it makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated permanent open space, and furthers the amenities of light and air, recreation, and visual enjoyment.
 6. The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood, and whether the proposed plan would substantially interfere with the use or diminish the value of adjacent properties and neighborhoods.
 7. The desirability of the proposed plan to the County's physical development, tax base, and economic well-being.
 8. The proposal will not cause undue traffic congestion and can be adequately served by existing or programmed public facilities and services.
 9. The proposal preserves significant ecological, natural, historical, and architectural resources to the extent possible.

4. Changes in the Planned Unit Development

- A. Changes Requiring New PUD District Ordinance Approval.** Changes which alter the concept or intent of the Planned Unit Development including but not limited to:
1. Significant increases in density;
 2. Significant changes in the proportion or allocation of land uses;
 3. Changes in the list of approved uses;
 4. Changes in the locations of uses;
 5. Changes in functional uses of open space, where such change constitutes an intensification of use of the open space; and/or
 6. Changes in the final governing agreements where such changes conflict with the PUD District Ordinance approval.
- B. Changes Requiring New Development Plan Approval.** These changes shall include the following:
1. Changes in lot arrangement, or addition of buildable Lots which do not change approved density of the development;

2. Changes in site design requirements, such as location of required landscaping, signage, building height, cube and/or footprint, or other such requirements of this ordinance;
3. Changes to the internal street system or off-street parking areas;
4. Changes in drainage management structures;
5. Changes in access to the development site, where such change amounts to an intensification in the traffic patterns of roadways of classification higher than local; and/or
6. All other changes not expressly addressed under Section (1) shall require new Development Plan approval.

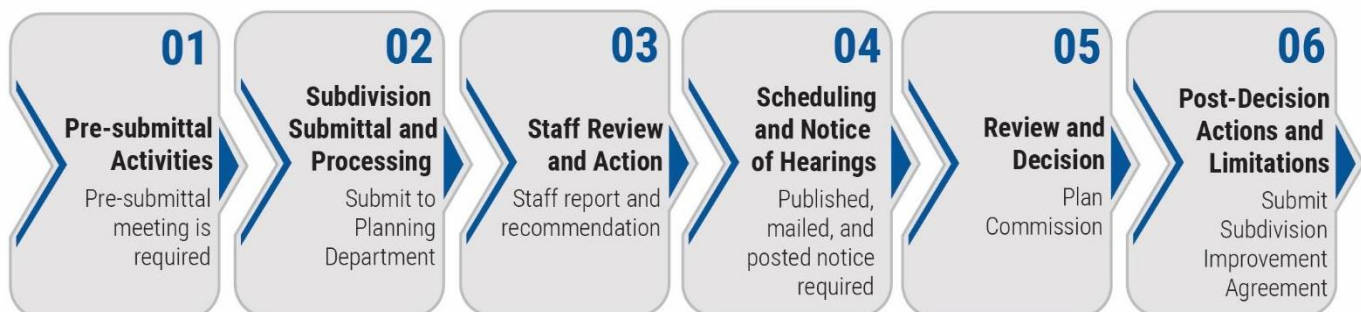
836.SUBDIVISION PROCEDURES

1. Authority to Record

The plat for a subdivision of land in the County Jurisdictional Area may not be presented to the County Auditor for transfer and may neither be presented to the County Recorder nor recorded until it has been approved by the Plan Commission in accordance with the procedures prescribed in this Chapter.

2. Primary Plat

- A. Applicability.** Any applicant who desires to record a sliding scale, major, or minor subdivision must apply for and obtain approval of a primary plat from the Commission. Note, minor and sliding scale subdivisions which qualify for Plat Committee approval due to no waiver requests or waiver requests under the authority of Plat Committee may follow the alternative procedure under Section XXX.
- B. Purpose.** The purpose of a primary plat is to determine whether a proposed primary plat complies with all relevant development requirements set forth, or incorporated, in these regulations, and to identify the relevant development standards with which the proposal does not comply, if any.
- C. Objective.** The objectives of the primary plat approval are to:
1. Approve, approve with conditions, or deny a proposed primary plat;
 2. Approve, approve with conditions, or deny requested waivers;
 3. Approve, approve with conditions, or deny a plan for sectionalizing (phasing) final approval;
 4. Establish the estimated cost of the required improvements;
 5. Authorize the Commission President to approve and sign the subdivision improvement agreement on behalf of the Commission;
 6. Adopt written findings of fact; and
 7. Determine the approving authority for the secondary plat.
- D. Procedure**
1. Applications for primary plat approval shall be considered in accordance with the following procedures and as outlined in the below flowchart²⁵⁰:



2. A pre-design conference is required subject to requirements of Section XXX.
3. Following receipt of the Planning Director's pre-design conference report, the subdivider may apply for the primary plat. An application for the primary plat shall:

²⁵⁰ New flowchart

- a. Be made on the forms available at the office of the Commission and be signed by the property owner to be subdivided;
 - b. Be presented to the Planning Director digitally and in hard copy if requested, meeting the requirements set forth in Section XXX(submittal requirements); and
 - c. Be accompanied by the fee established by the Commission.
4. Within 30 days after receiving a complete application, the Planning Director shall schedule and announce the date, time, and location of the Commission's hearing on the application. At the time the hearing is scheduled, the Planning Director shall provide the applicant with written notice of the hearing date, time, and location. The Planning Director shall be responsible for determining whether an application is complete and shall promptly notify the applicant, in writing, if the application is determined to be incomplete. The Commission shall, by rule, prescribe the procedures for setting hearing dates and for the conduct of its hearings.
5. Prior to the Commission's hearing on the application, the Department, the Plat Committee, and the County MS4 Coordinator shall review the application for compliance with these regulations. Following such review and prior to the commencement of the hearing, the Planning Director shall prepare and provide the Commission and the applicant with a written summary of foregoing reviews and of the Department's recommendation on the application. However, the failure to provide the applicant with such a written summary and any defect with respect to the Planning Director 's attempt to provide the applicant with such a written summary, shall not affect the validity of any action taken by the Planning Director or the Plan Commission with respect to the application.
6. The Commission, and its representatives, at its discretion, may visit the site of the proposed subdivision at any reasonable time during the review process.
7. Notice of the Commission's hearing on the applicant's application for primary plat shall be published in two local newspapers of general circulation at least 10 days prior to the hearing, in accordance with I.C. 5-3-1, at the applicant's expense.
8. At least 10 days prior to the Commission's hearing on the applicant's application, the applicant, in the manner prescribed in the Commission's Rules of Procedure, shall notify all interested parties, and shall notify the appropriate school corporation (major subdivisions only²⁵¹) and fire department, of the public hearing by certified mail. Prior to the hearing, the applicant shall provide the Commission with an affidavit which affirms that the required notices were mailed and with certified mail receipts demonstrating that the required notices were delivered or returned as undeliverable. If the applicant fails to provide the Commission with such affidavit and receipts prior to the hearing, the applicant's application shall be continued.
9. The Commission shall conduct a public hearing on the applicant's application in the manner prescribed by the Commission's Rules of Procedure.
10. Following the Commission's hearing on the applicant's application, the Commission shall take the following action on the applicant's application:
 - a. Approve, approve with conditions, or deny the primary plat based on the plat's compliance with the improvement, reservation, and design standards of Chapter XXX and all other relevant procedures and requirements of these regulations;
 - b. Approve, approve with conditions, or deny requested waivers in the manner prescribed by Section XXX; and

²⁵¹ New

- c. Approve, approve with conditions, or deny a plan for sectionalizing (phasing) final approval in the manner prescribed by Section XXX.²⁵²
- 11. The Commission shall make written findings of fact in support of its decision during or before the following month's Commission meeting. For purposes of review, the Commission's decision shall be deemed to have been made on the date that the written findings are approved by the Commission. The Planning Director shall provide the applicant with a copy of the Commission's written findings within 10 days of the Commission's approval of the findings.²⁵³
- 12. The approval of the primary plat shall be effective for a period of two years ("primary plat approval period") after the date of primary plat approval (including conditional approval), at the end of which time final approval of the subdivision must have been obtained by the applicant and certified by the Designated Officials. Any plats not receiving final approval within the period of time set forth herein shall be null and void, and the applicant shall be required to resubmit a new application for subdivision approval subject to regulations in effect at the time of resubmission. Upon the request of an Applicant and upon a finding that the Applicant has been unable to prepare the proposed development for final approval despite due diligence, the Commission may extend the preliminary approval period for one two (2) year period beyond the expiration date of the original preliminary approval period, without further notice and public hearing, or for a longer period of time upon notice to interested parties and hearing.
- 13. If the Commission denies the applicant's application, the applicant, or the applicant's heirs, successors, or assigns, may not refile the application unless the Planning Director determines that the circumstances have changed so as to defeat the basis of the Commission's denial (e.g., relevant portions of this ordinance have been amended or the proposed primary plat has been amended to address the deficiencies identified in the Commission's findings).

E. Submittal Requirements

- 1. The primary plat shall be prepared by a licensed land surveyor at an appropriate scale as determined in consultation with the Planning Department. To determine the appropriate scale, the applicant and the Planning Department shall consider topography, environmental constraints, number of Lots, and the size (area) of the proposed subdivision.
- 2. A Primary Plat that shows the following:
 - a. The date of the plat, legend, notes, approximate true north point, and graphic scale;
 - b. The names, addresses, telephone numbers, seal and registration numbers of the professionals responsible for the design of the proposed subdivision, the design of the proposed public improvements, the property survey, and the preparation of the preliminary plat and supporting materials;
 - c. The written legal description, civil township, section, parent tract plat number, address (if any) and parcel boundary lines (with dimensions, bearings, curve data and references to section, township and range lines or corners) of the property to be subdivided;
 - d. The name of the proposed subdivision (including the word "Subdivision") followed by the term "Preliminary Plat;"

²⁵² Removed (d) due to changes in maintenance bonds and assurances as we are not asking that improvements be done before the secondary plat.

²⁵³ Removed (J) which stated that the president or the secretary of the Commission should sign the preliminary approval certificate. This is not currently done.

- e. The locations, approximate dimensions (to the nearest one tenth of a foot), lot numbers, curve data and approximate acreage (to the nearest one-hundredth of an acre) of all proposed and/or existing subdivision lots;
- f. A table showing the front, side and rear yard setback requirements.
- g. The accurate location of all existing and platted streets intersecting or abutting the boundaries of the property to be subdivided;
- h. The source of the Owner's title to the property to be subdivided as shown by the last entry in the records of the County Recorder;
- i. The accurate locations and dimensions of easements and any property to be dedicated to the public or reserved for public, semipublic or community use;
- j. With respect to existing and proposed rights-of-way and streets within the proposed subdivision site:
 - i. Street rights-of-way as established by the Thoroughfare Plan;
 - ii. Names;
 - iii. Classifications (local, collector, arterial) in parentheses following the name;
[For all Minors and Sliding Scale Subdivisions with no new streets proposed, iv-vii below is not applicable]
 - iv. Width;
 - v. Approximate gradient; and,
 - vi. Type and width of pavement, including curbs, sidewalks, crosswalks, and other relevant information shown in a cross-section, scale drawing; and
 - vii. Curve notes for all curves along all property and right-of-way lines and right-of-way center lines.
- k. The existing and proposed topographic contours of the property to be subdivided shown at intervals of no greater than five feet for areas containing land with 12 percent slope or greater, and at intervals of two feet for areas containing land with less than 12 percent slope. For Minor and Sliding Scale Subdivisions where no grading is proposed, the proposed grading is not required to be shown;
- l. The flood plain boundaries, if applicable, indicating the classification of each flood plain area;
- m. Where applicable, show the location, size, elevation, capacity and other appropriate description of all existing or proposed permanent and significant features, either natural or man-made, including but not limited to trees, watercourses, falls, beaches, historic places, rock formations, streets, sewers, drains, water bodies, swamps or other wetlands, railroads, transmission towers, existing structures, County ditches, legal drains, water mains, culverts, utility lines, fire hydrants, drainage structures, and water elevations (including approximate high-water and low-water elevations) of adjoining lakes, rivers and streams at the date of the survey (by reference to the U.S.G.S datum plane); the approximate size and capacity of utilities may be presented in a note on the plat.
- n. For Major Subdivisions, the delineation of the phases, if any, of the development, indicating the Lots and improvements to be included in each phase;
- o. The proposed use of any lot (e.g., single-family, duplex, multi-family);
- p. All applicable certificates and notations;

- q. Any other factors significantly affecting the property to be subdivided;
 - r. The names, addresses and telephone numbers of all applicants and subdividers;
 - s. The names and Deed Record of all interested parties, as defined in Section 852-2;
 - t. Zoning classifications of the property included in the subdivision and of the adjacent properties; and,
 - u. Delineation on a USGS base map (at an appropriate scale) of the perimeter of the proposed subdivision, the drainage area in which the subdivision is located, the location of drainage courses and surface water flow within the drainage area, and roads.
 - v. The delineation of the buildable area for each lot intended for development.
- 3. The applicant shall submit the following supporting materials with the primary plat:
 - a. An erosion control plan;
 - b. A sewage disposal plan;
 - c. A drainage plan for review by the Monroe County Drainage Board, if requested;
 - d. Specifications for any required improvements to existing County or State roads;
 - e. For any improvements or systems which are to be owned and/or maintained by the property owners in the subdivision, a plan for establishing such ownership and for providing and financing such maintenance. Documents and/or plans submitted under this section are subject to determination by the Commission that they are adequate to ensure that the County will not be held responsible in the future for such maintenance;
 - f. **Proof of septic permit approval**
 - i. For each lot in the proposed subdivision to be served by a subsurface private sewage disposal system, the applicant must provide a septic permit from the County Health Department indicating that such a system could be safely installed and maintained on the lot and detailing any conditions to be placed upon such installation and maintenance. The Commission may require that said conditions be recorded as part of the approved subdivision;
 - ii. For each lot in the proposed subdivision to be served by a private sewage disposal system, the applicant must provide either a septic permit from the County Health Department indicating that such a system could be safely installed and maintained on the lot and detailing any conditions to be placed upon such installation and maintenance or a letter from the County Health Department stating that a suitable site for such a system has been located as a result of a site evaluation and soil analysis. This letter will serve as a conditional permit for the primary plat phase and secondary plat phases if it is conditional only on approval by the Monroe County Health Department of design plans prepared by a professional engineer. If any other conditions are placed upon the letter by the Monroe County Health Department, the letter will serve as a conditional permit for the preliminary phase only and the applicant must provide a septic permit form the County Health Department for the system at the time of the secondary plat submittal; and

- iii. Land subdivided for agricultural or conservation purposes can be considered exempt from the proof of septic requirements if the owner agrees to include a use restriction that shall be recorded on the Secondary Plat and incorporated as a Recorded Commitment referenced on any deed conveying the land.

g. Proof of Sewer Capacity

- i. If the subdivision is to be served by a public sewage disposal system, the applicant must provide evidence that such system has both the actual and the legal capacity and capability to serve the specified number of Lots in the proposed subdivision and the applicant must provide a letter signed by the president and secretary of the sewage disposal utility which will serve the proposed subdivision that affirms that the system has the foregoing capacity and capability;
 - ii. If the development is to be served by a municipal sewage disposal system, the applicant must provide evidence that such system has both the actual and the legal capacity and capability to serve the specified number of Lots in the development and the applicant must provide a letter signed by the municipality or the municipal agency responsible for the operation and maintenance of the sewage facility which affirms that the system has the foregoing capacity and capability; and
 - iii. Subdivisions served by private sewage disposal systems are not permitted.
- h.** A list specifically citing any requirements of this ordinance for which waivers are requested and a statement of the specific facts which the applicant would offer in support of the requests.
- i. If Lots are to be dedicated or reserved for schools, parks, playgrounds, or for other public or community purposes, a letter of approval and acceptance from the entity that will be responsible for maintaining the dedicated lots.
 - j. Documentation sufficient to show that all relevant requirements and design standards set forth in Chapter XXX are met.
 - k. If any lot or road in a major subdivision is to receive access from or intersect with a state highway, a copy of the driveway permit or approval letter issued by the Indiana Department of Transportation shall be submitted.

l. Proof of Water Capacity

- i. For each lot in the proposed subdivision to be served by a private water system, the applicant must provide evidence that such a system could be safely installed and maintained on the lot and detailing any conditions to be placed upon such installation and maintenance. The Commission shall require that said conditions be recorded as part of the approved subdivision and be included on deeds for the property;
 - ii. If the subdivision is to be served by a public water system, the applicant must provide evidence that such system has both the actual and the legal capacity and capability to serve the specified number of Lots in the proposed subdivision and the applicant must provide a letter signed by the president and secretary of the water utility which will serve the proposed subdivision that affirms that the system has the foregoing capacity and capability;
- m. Proof of Power Capacity.** Electric and gas capacity letters may be requested to determine adequate capacity.

- n. The recorded deed or land contract for the proposed subdivision site;
 - o. The Auditor's plat map of the proposed subdivision site; and
- 4. **Waiver Requests.** The applicant may, and is encouraged to, submit proposed findings of fact. If a waiver from the requirements is being sought in combination with a subdivision request, findings of fact must be submitted with the application.²⁵⁴

²⁵⁴ New

3. Subdivision Improvement Agreement

- A. Contents.** The Subdivision Improvement Agreement shall address the following:
1. Identify all required improvements;
 2. Incorporate the construction plans;
 3. Set forth the terms and conditions under which the required and temporary improvements are to be completed, including the improvement completion schedule;
 4. Incorporate a letter of credit and financial guaranty, where required; and
 5. Be signed by the subdivider and/or property owner and the president of the Commission.
- B. Approval Procedure**
1. Following the primary plat approval and prior to or concurrent with the submission of the secondary plat, the applicant shall submit the subdivision improvement agreement for approval from the Plan Commission. A proposed form of the agreement shall be accompanied by a digital submission of the construction plans (a checklist with a comprehensive list of the construction plan requirements is available at the Planning Department).
 2. Within 15 working days of receipt, the Planning Director and the County Engineer shall review the subdivision improvement agreement and the construction plan for compliance with these regulations and the primary plat approval. The Planning Director may consult with County Highway Department and other resources as necessary to validate the construction costs proposed in the subdivision improvement agreement.
 3. Upon a finding by the Planning Director and the County Engineer that the subdivision improvement agreement and the construction plans comply with the regulations contained herein and the primary plat approval, the President of the Commission shall execute the agreement on behalf of the Commission.
 4. Prior to the approval and execution of the subdivision improvement agreement and the stamping of the construction plans:
 - a. The applicant may not commence the construction or installation of the required improvements; and
 - b. The Planning Director may neither approve building or improvement location permits for the required improvements nor grant final approval of the plat, or any section thereof.
 5. The installation of the required improvements shall be inspected by the County Engineer. Such inspections are required in all instances regardless of whether work is being performed before or after final approval. Failure to request or to procure the inspection of the work performed before final approval may be cause for denial of final approval.

4. Secondary Plat

- A. Applicability.** Any applicant who desires to record a major, minor, or sliding scale subdivision must apply for and obtain secondary plat approval from the Commission.
- B. Purpose.** The purpose of secondary plat approval is to authorize the creation and sale of recorded subdivision Lots that comply with these regulations, with the primary plat approval, and with the approved subdivision improvement agreement.
- C. Objectives.** The objectives of secondary plat approval are to:
1. Approve or deny the secondary plat;
 2. Approve or deny the subdivision improvement agreement and construction plans, if necessary;
 3. Approve or reject the performance letter of credit and financial guaranty, where required; and
 4. Approve or reject the maintenance letter of credit and financial guaranty, where required.
- D. Approval Procedure**
1. Applications for secondary plat approval shall be considered in accordance with the following procedures and as outlined in the below flowchart²⁵⁵:



2. Following the primary plat submittal, primary plat approval or conditional primary approval, the applicant, if wishing to proceed with the subdivision, shall file with the Planning Director a request for secondary plat approval. The application shall:
 - a. Include a digital²⁵⁶ submission of the secondary plat and supporting materials, as described in **Section 837.4E**, which shall show the entire subdivision, or section thereof, and the right-of-way that the subdivision obtains access from²⁵⁷;
 - b. Be accompanied by a maintenance letter of credit and the applicant's certificate, signed by the applicant's engineer and/or land surveyor (as determined by the Planning Director), that the required improvements have been completed and dedicated or be accompanied by the performance letter of credit and financial guaranty in the manner prescribed by **Chapter 832** of these regulations; and

²⁵⁵ New flowchart

²⁵⁶ Changed to require a digital submittal as the county is moving to electronic permitting

²⁵⁷ Revised language to make it clearer

- c. Be accompanied by any restrictive covenants in a form approved by the Commission, where they have been proposed by the subdivider or required by the Commission.
- 3. The Planning Director shall be responsible for determining whether the secondary plat approval application is complete and shall promptly notify the applicant, in writing, if the application is determined to be incomplete.
- 4. The Commission shall approve or disapprove the secondary plat and make written findings in support of its decision. In order to be recorded, a secondary plat must be found by the Commission to be in conformance with these regulations, with the primary plat approval and with the subdivision improvement agreement.
- 5. If the secondary subdivision plat materially deviates from the approved primary plat, the subdivision shall be resubmitted to the Commission for a new primary plat approval in accordance with the procedures and requirements for primary plat approval. For purposes of this section, a material deviation is one that:
 - a. Increases the number of buildable ²⁵⁸subdivision lots;
 - b. Adds, removes, or reconfigures an internal subdivision street or relocates a subdivision access point;
 - c. Affects a condition of primary plat approval that was established by the Commission during the primary plat approval stage;
 - d. Reduces the area devoted to open spaces or buffer landscaping;
 - e. Would require a waiver of the requirements and standards of these regulations or would negate the basis for a waiver that was granted; or
 - f. Affects the drainage of the approved subdivision as determined by the MS4 Coordinator²⁵⁹.
- 6. The following changes to an approved primary plat may be incorporated into the secondary plat, or, if the secondary plat has already been approved and/or recorded, shall require only a secondary plat amendment:
 - a. A minor increase or decrease in the area of the subdivision, as determined by the Planning Director;
 - b. An addition, removal, or reconfiguration of an easement within the subdivision that is limited to the parcel(s) subject to the amendment²⁶⁰; or
 - c. A removal or reconfiguration of an internal lot line of the subdivision.
- 7. Changes to an approved primary plat not specifically described above shall require that a new primary plat be submitted to the Commission for new primary plat approval in accordance with the procedures and requirements of Section XX. By rule or by motion, the Commission may delegate its authority to grant final approval to the Secretary or to the plat committee in those cases where the secondary plat does not materially deviate from the primary plat approval.
- 8. Secondary plat approval may not be granted within 31 days of primary plat approval.
- 9. Subdivisions involving public improvements or dedication of land to the public require action by the Board of County Commissioners.

²⁵⁸ Added in case someone turns a non-buildable lot into a buildable one

²⁵⁹ New

²⁶⁰ New

- a. The improvements must be installed in accordance with the approved construction plans or the Assurances for completion and maintenance of the improvements (see **Chapter 858** of these regulations) must be provided to the County and the subdivision improvement agreement fully executed before the County may sign the secondary plat.
 - b. The Planning Director will place the subdivision on the Board of County Commissioners' public meeting agenda when the improvements are completed or when the Assurances and the executed agreement are provided.
10. After the Commission has granted final approval and after the County has accepted any public dedications, improvements, and/or Assurances of performances and maintenance, the Commission's seal shall be affixed to the secondary plat and the Secretary or, in the absence of the Secretary, the President shall sign the certificate of final approval.
11. It shall be the responsibility of the subdivider to file the approved secondary plat with the County Recorder within 30 days of the date of execution of the certificate of final approval. Failure of the subdivider to file the plat, as herein provided, within 365 days of final approval shall constitute the secondary plat as null and void, and the applicant shall be required to resubmit a new application for secondary plat approval subject to regulations in effect at the time of resubmission²⁶¹.

E. Submittal Requirements

1. The secondary plat shall be prepared by a licensed land surveyor licensed by the State of Indiana.
2. The following information is required for a secondary plat:
 - a. The date of the plat, legend, notes, approximate true north point, and graphic scale;
 - b. The names, addresses, telephone numbers, seal, and registration numbers of the professionals responsible for the design of the proposed subdivision, the design of the proposed public improvements, the property survey, and the preparation of the preliminary plat and supporting materials;
 - c. The written legal description, civil township, section, parent tract plat number, address (if any) and parcel boundary lines (with dimensions, bearings, curve data and references to section, township and range lines or corners) of the property to be subdivided;
 - d. The name of the proposed subdivision (including the word "Subdivision") followed by the term "Final Plat;"
 - e. The locations, approximate dimensions (to the nearest one tenth of a foot), lot numbers, curve data and approximate acreage (to the nearest one hundredth of an acre) of all proposed and/or existing subdivision Lots;
 - f. A table showing the front, side and rear yard setback requirements.
 - g. The accurate location of all existing and platted streets intersecting or abutting the boundaries of the property to be subdivided;
 - h. The source of the Owner's title to the property to be subdivided as shown by the last entry in the records of the County Recorder;

²⁶¹ New final plat expiration for plats that are never recorded. They are set to expire after 1 year if they are not recorded.

- i. The accurate locations and dimensions of easements and any property to be dedicated to the public or reserved for public, semipublic or community use;
- j. With respect to existing and proposed rights-of-way and streets within the proposed subdivision site:
 - i. Street rights-of-way as established by the Thoroughfare Plan;
 - ii. Names;
 - iii. Classifications (local, collector, arterial) in parentheses following the name;
 - iv. Width; and
 - v. Curve notes for all curves along all property and right-of-way lines and right-of-way center lines;
- k. The flood plain boundaries, if applicable, indicating the classification of each flood plain area;
- l. All applicable certificates and notations;
- m. The names, addresses and telephone numbers of all applicants and subdividers;
- n. Zoning classifications of the property included in the subdivision and of the adjacent properties; and,
- o. The delineation of the buildable area for each lot intended for development.
- p. 865 IAC 1-12-13 for retracement or record document survey plats;
- q. The location of any existing or proposed septic sites for each lot;
- r. The property address number, as assigned by the Department, for each lot;
- s. A notation of any self-imposed restrictions that are not addressed in part (6) below;
- t. The location of all monuments erected, corners, and other points established in the field shall be shown and noted in their places on the plat. The legend for metal monuments shall indicate the kind of metal, the diameter and length of the monuments;
- u. Or be accompanied by construction plans and proposed subdivision improvement agreement, if applicable, unless the same have already been approved by the Commission;
- v. A reference to the Miscellaneous Record Book and Page at which the covenants are recorded in the County Recorder's Office;
- w. Surveyor's certificate and seal;
- x. Engineer's certificate and seal, if applicable;
- y. Deed of dedication of public improvements and/or right-of-way and a certificate of acceptance of public improvements that is subject to all required letters of credit²⁶²;
- z. Commission's certificate;
- aa. Notary certificate; and
- bb. Site map, at an appropriate scale, which illustrates the location of the proposed subdivision in regard to surrounding thoroughfares and other points of information.

²⁶² Changed performance bond to letter of credit

3. The primary plat may be used as the final subdivision plat if it meets these requirements and is revised in accordance with the Commission's approval.
 4. If the applicant submitted a letter at the primary plat phase of the subdivision process from the County Health Department which served as a conditional permit for a private septic system, and if such letter was not acceptable for the secondary plat phase as outlined in Section 837.2E.3.f, then the applicant must provide, at secondary plat submittal, a septic permit from the County Health Department indicating that such a system could be safely installed and maintained on the lot and detailing any conditions to be placed upon such installation and maintenance. The Commission may require that said conditions be recorded as part of the approved subdivision.
 5. Secondary Plats must include the following notation(s):
 - a. "This parcel was created through the [Minor / Sliding Scale/ Administrative / Major] Subdivision procedure and approved by the Monroe County Plan Commission on (date of Plan Commission approval).
 - b. Sliding Scale Only: The designated Parent Parcel Remainder shall not be further subdivided for a period of twenty-five (25) years from the date of recording of the Final Plat. This Restriction shall be recorded on the Final Plat and incorporated as a Recorded Commitment (which states the day, year, and month in which the Parent Parcel Remainder becomes eligible for further subdivision) referenced on any deed conveying the Parent Parcel Remainder.
- F. Recording Secondary Plats in the Flood Plain.** All secondary plats having within their boundaries areas whose elevation is below that of the Regulatory Flood Elevation shall show and label the Regulatory Flood Boundary and elevation, as of the date the secondary plat is drawn, on the secondary plat for recording.

5. Alternate Procedures for Minor and Sliding Scale Primary Plats

A. Applicability. Applicants may choose to apply for the minor or sliding scale subdivision procedure as identified herein if such subdivision meets the definition of a minor or sliding scale subdivision, as defined in Section XXX. The minor subdivision and sliding scale subdivision procedure is an alternate procedure from the primary plat procedure specified in Sections XXX and XXX²⁶³.

B. Procedure

1. Applications for minor or sliding scale subdivision approval shall be considered in accordance with the following procedures and as outlined in the below flowchart²⁶⁴:



2. Following receipt of the Planning Director's pre-design conference report, the subdivider may apply for approval of a minor or sliding scale subdivision. An application for approval of shall consist of the following:
 - a. A digital submission of the plat and any supporting materials as described in Section 837.5C265;
 - b. A copy of a County Highway Department driveway permit or application for each lot to be accessed by a County Road shall be substituted for a State Highway driveway permit where appropriate; and
 - c. The fee established by the Commission.
3. Within 10 days of receipt of a complete application, the Planning Director shall:
 - a. Review the applicant's application for technical conformity with these regulations;
 - b. Prepare a report and recommendation, including recommended conditions of approval;
 - c. Schedule a Plat Committee review of the application. The review shall take place within 20 business days of the Planning Director's receipt of the complete application. The Planning Director shall be responsible for determining whether the application is complete and shall promptly notify the applicant, in writing, if the application is determined to be incomplete. The Plat Committee must provide notice of its review at least 48 hours prior to the date and time scheduled for the review, in accordance with I.C. 5-14-1.5;
 - d. Forward a copy of the application and the report to the Plat Committee; and
 - e. Provide the applicant with a copy of the report and notify the applicant of the date, time, and place of the Plat Committee review.

²⁶³ Revised language

²⁶⁴ New flowchart

²⁶⁵ Revised to make electronic submittal only

4. The Plat Committee shall review the applicant's application for compliance with these regulations. The Plat Committee may continue its review from time to time, as it deems necessary. The Plat Committee may approve the application, approve the application with conditions or deny the application. However, if the Plat Committee determines that the application and plat comply with these regulations, it shall grant primary plat approval;
5. Within five days of making its decision, the Plat Committee shall prepare written findings of fact in support of its decision. For purposes of review, the Plat Committee's decision shall be deemed to have been made on the date of its adoption of the findings;
6. Within 10 days after the Plat Committee's decision on the applicant's application, the Planning Director, in the manner prescribed in the Commission's Rules of Procedure, shall notify interested parties, by certified mail, of their right to appeal the Plat Committee's decision;
7. In order to appeal a decision of the Plat Committee, the applicant or appellant must file a notice of appeal that includes reference to the specific portions of this ordinance or specific findings that the appellant believes the subdivision fails to comply with, with the Planning Director within 10 days after a copy of the Plat Committee's decision and findings are mailed to the interested party. The appeal of a decision of the Plat Committee may be taken only to the Commission;
8. Upon the filing of a notice of appeal, the applicant's application for primary plat approval shall be subject to the procedures of Section XXX, as if it were a new application; and
9. The applicant's proposed subdivision shall be subject to the following procedures and requirements for final approval:
 - a. The Planning Director shall disapprove or grant final approval of the minor or sliding scale subdivision petition or sliding scale petition and make written findings in support of the decision. In order to be recorded, the plat must be found by the Planning Director to be in conformance with these regulations and with the primary plat or Plat Committee approval. Final minor or sliding scale subdivision plats shall comply with Section 860-9 (B).
 - b. Final approval may not be granted until the period to file a Notice of Appeal has passed without such an appeal being filed.
 - c. After the Planning Director has granted final approval, the Commission's seal shall be affixed to the plat.
 - d. It shall be the responsibility of the subdivider to file the approved plat with the County Recorder within 30 days of the date of final approval. The applicant shall notify the Planning Department when the plat has been recorded. If the subdivider fails to record the plat within six months of secondary plat approval, the plat shall be deemed expired.²⁶⁶

C. Submittal Requirements. Submittal Requirements can be found under the primary or secondary plat submittals under Chapter XXX.

6. Vacation and Re-subdivision of Plats

- A.** Any recorded plat or part of any recorded plat may be vacated only in accordance with I.C. 36-7-3, as amended.

²⁶⁶ Revised language. Instead of a lack of recording being a violation it is considered an expired plat

- B.** The re-subdivision or amendment of any part of a recorded subdivision plat shall be subject to approval by the Commission in accordance with the procedures, rules, and regulations for subdivisions in addition to the procedures, rules and regulations specified for plat vacations in I.C. 36-7-3.
- C.** Whenever a parcel of land is subdivided and the subdivision plat shows one or more Lots which could be re-subdivided in accordance with these regulations and there are indications that such Lots will eventually be re-subdivided into smaller building sites, the Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. The establishment of easements which would allow for the future opening and extension of such streets may be made a condition of plat approval.
- D.** If a subdivision vacates a portion of a recorded plat, further re-subdivisions of that plat are subject to the processes set forth in Table 837.1: Subdivisions Following Partial Plat Vacations.²⁶⁷

Table 837.6-1: Subdivisions Following Partial Plat Vacations	
Type of Subdivision being Vacated From	Re-subdivisions Following Partial Plat Vacations
Administrative Subdivision - Type E	Minor, Sliding Scale, or Major
Sliding Scale	Major or Administrative
Minor	Major or Administrative
Major	Major

²⁶⁷ New

7. Subdivision Waiver Standards²⁶⁸

- A.** The Plan Commission may authorize and approve waivers from the requirements and standards of the Subdivision Standards (**Chapters 824 – 827**) upon finding that:
1. Practical difficulties have been demonstrated;
 2. The requested waivers would not, in any way, contravene the provisions of the remaining Chapters of this ordinance, the Comprehensive Plan, the Official Map of the County, and any other relevant adopted policies of the County²⁶⁹;
 3. Granting the waiver(s) would not be detrimental to the public safety, health, or welfare, and would not adversely affect the delivery of governmental services (e.g., water, sewer, fire protection, etc.);
 4. Granting the waivers would neither substantially alter the essential character of the neighborhood nor result in substantial injury to other nearby properties;
 5. The conditions of the parcel that give rise to the practical difficulties are unique to the parcel and are not applicable generally to other nearby parcels;
 6. Granting the requested waivers would not contravene the policies and purposes of these Subdivision Standards;
 7. The requested waiver(s) are necessary to ensure that substantial justice is done and represent the minimum waivers necessary to ensure that substantial justice is done;
 8. The practical difficulties were not created by the developer, owner, subdivider, or applicant; and
 9. The practical difficulties cannot be overcome through reasonable design alternatives.
- B.** In approving waivers, the Commission may impose such conditions as will, in its judgement, substantially secure the objectives of these regulations.
- C.** With respect to each requested waiver and each imposed condition, the Commission shall prepare and approve written findings of fact. Such findings shall address each of the conclusory findings set forth in Subsection (A) above and shall cite the specific facts that support each of the conclusory findings and that support each of the imposed conditions.
- D.** Applications for waivers shall be submitted to the Commission, in writing, as a part of the primary plat application. On the application, the applicant shall describe the requested waivers and shall submit proposed findings of fact in support of each requested waiver. The applicant shall bear the burden of establishing a sufficient factual basis for each requested waiver.
- E.** The Commission's decision to grant or deny a waiver or to impose a condition is discretionary.

837.APPEALS²⁷⁰

1. Applicability

- A.** The Board of Zoning Appeals shall hear and determine appeals from and review any order, requirements, decision, or determination made by an administrative official, Hearing Officer, of staff member under this ordinance.

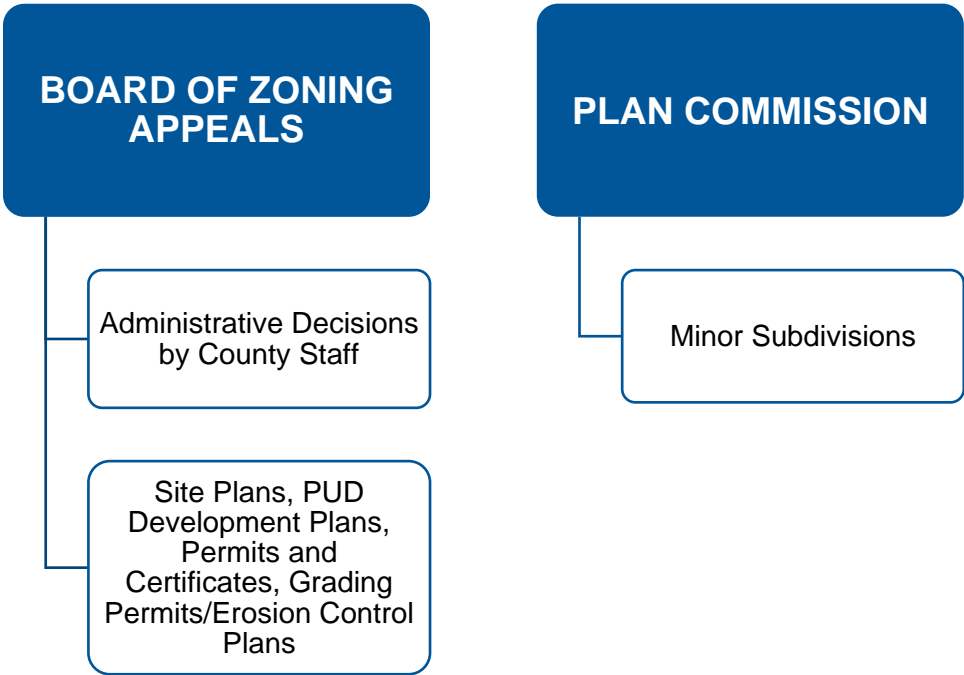
²⁶⁸ Changed modification to waiver to be more consistent with language in the code

²⁶⁹ Updated language

²⁷⁰ Combined the subdivision and the zoning appeals section

- B. The Board shall also hear and determine appeals from and review any order, requirements, decision, or determination made by an administrative board or other body, except the Plan Commission, in relation to the enforcement of this ordinance or to the enforcement of any other titles of the Monroe County Code requiring procurement of a building permit or occupancy permit.
- C. Any final decision of the Plat Committee may be appealed by to the Plan Commission²⁷¹.

APPEAL BODIES FOR SPECIFIC APPLICATIONS



²⁷¹ New flowchart

2. Appeals Procedure

- A. Initiation.** An appeal must be filed by any person aggrieved by the order, requirements, decision, or determination described in Section 838.1. An appeal filed must specify the grounds of the appeal and must be filed in the form and within the time limit established by rule of the Board or Commission, except that a decision of a Hearing Officer must be appealed within 14 days after the decision is made. An appeal may be initiated by the applicant or by any property owner whose individual legal or property rights have been substantially or specifically injured by the final decision²⁷².
- B. Processing.** An appeal shall be filed with the planning staff, who shall forward such appeal to the applicable Board or Commission for processing in accordance with this ordinance and applicable statutes of the State of Indiana.
- C. Public Hearing.** A public hearing shall be conducted by the applicable Board or Commission in conformance with their Rules of Procedure. The party marking the appeal shall be required to assume the cost of public notice and due notice to interested parties.
- D. Decisions.** The applicable Board or Commission shall hear testimony and evidence concerning appeals and prepare findings of fact and shall render a final decision on appeals. A written copy of such decision, as in the Rules of Procedure, shall be available in the Planning Department within five days after making such decision.
- E. Final Decision.** A final decision of the applicable Board or Commission may be appealed to the Monroe Circuit Court through a petition for writ of certiorari in the manner prescribed by the Indiana Code and relevant decisional law.
- F. Additional Considerations**
1. The administrative official, hearing officer, administrative board, or other body from whom the appeal is taken shall, on the request of the Board or Commission, may transmit to the Board or Commission certified copies of all documents, plans, and papers constituting the record of the action from which an appeal was taken.
 2. When an appeal from the decision of an official or administrative board has been filed with the Board or Commission, proceedings and work on the premises affected shall be stayed unless the official or board certifies to the Board or Commission that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In that case, proceedings or work may not be stayed except by court order.

²⁷² New

838.NONCONFORMITIES

1. Nonconforming Regulations

- A. Purpose and Intent.** The purpose of this Section is to regulate nonconforming situations. Nonconforming situations are created when the zoning designation is changed or the zoning regulations are changed such that an existing lawfully established use, structure, lot, or development no longer complies with the zoning regulations. The intent of these regulations is not to force all nonconforming situations to be immediately brought into conformance. Rather, the intent is to guide future uses and development in a direction consistent with County policy, to protect the character of an area by reducing the potential negative impacts from nonconforming situations, and, over time, to bring development into compliance with the regulations of this ordinance²⁷³.
- B. Applicability**
1. Passage of this code in no way legalizes any illegal uses existing at the time of its adoption. Nonconforming uses and structures legally created prior to the adoption date of this code are subject to the regulations of this ordinance²⁷⁴.
 2. Any land, structure, or land and structure in combination, on or in which a legal, preexisting nonconforming use is superseded by a permitted use, may thereafter only be put to a permitted use and the nonconforming use may not thereafter be resumed.
- C. Types of Nonconformities.** The following are the multiple types of nonconforming situations:
1. **Nonconforming Use.** Any use of land, building, or structure which use is not permitted in the zoning district in which the use is located.
 2. **Nonconforming Structure.** A structure or portion of a structure that was established in conformance with the setback, building height, building width, lot coverage standards, or other requirements or standards of this ordinance, but which subsequently, due to a change in the zone or to the requirements of this ordinance, is no longer in conformance with one or more of these standards²⁷⁵.
 3. **Nonconforming Lot.** A lot of record that was established in conformance with the minimum lot size, width, and frontage requirements of this ordinance, but which subsequently, due to a change in the zone or the requirements of this ordinance, is no longer in conformance with one or more of these requirements²⁷⁶.

2. Nonconforming Uses

- A. Change to Nonconforming Use**
1. No legal, pre-existing nonconforming use may be enlarged, moved, or otherwise changed, except that such use may be changed to permitted use, unless a variance or conditional use from the terms of this ordinance is obtained from the Board of Zoning Appeals.

²⁷³ New

²⁷⁴ New

²⁷⁵ New

²⁷⁶ New

2. Normal maintenance, repair, or remodeling of a building or other structure containing a nonconforming use may be performed, provided that the physical structure is not enlarged, unless otherwise authorized by this chapter. For purposes of this provision, changes made to provide safe access to a building for persons with disabilities is not considered an enlargement²⁷⁷.
- B. Expansion of Nonconforming Use.** A legal, pre-existing nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use but shall not be expanded to occupy any parts of such building that were not so arranged or designed or any land outside such building.
- C. Continuation of Nonconforming Use.** Any legal, pre-existing nonconforming use may continue until or unless modified or terminated as herein provided. Such use may be sold, inherited, or otherwise transferred, provided the use, land, and structure (if any) remain the same.
- D. Discontinuance of Nonconforming Use.** When a legal, pre-existing nonconforming use is discontinued or abandoned for six consecutive months, the land may thereafter only be put to a permitted use and the nonconforming use may not thereafter be resumed.

3. Nonconforming Structures

- A. Change to Nonconforming Structure**
1. No legal, pre-existing nonconforming structure may be enlarged, moved, or otherwise changed, except that such structure may be changed if a variance from the terms of this ordinance is obtained from the Board of Zoning Appeals, except as permitted in XXX.
 2. Normal maintenance, repair, and remodeling of a nonconforming structure may be performed, provided that the physical structure is not enlarged, unless otherwise authorized by this chapter. For purposes of this provision, changes made to provide safe access to a building for persons with disabilities is not considered an enlargement²⁷⁸.
- B. Nonconforming Dwellings.** A legal, pre-existing nonconforming residential dwelling may be enlarged if the following criteria are met:
1. If the nonconforming dwelling is served by a private sewage disposal system, approval by the Monroe County Health Department that the current septic system can accommodate the increased usage created by the expansion;
 2. The expansion may not increase the gross floor area of the dwelling unit by more than 25 percent calculated from the gross floor area that existed on the date of passage of this ordinance. However, if the nonconforming dwelling is a mobile home, it may be replaced by another mobile home without regard to the 25 percent increase in gross floor area; and,
 3. The expansion must meet the setbacks for the zoning district. If the dwelling intrudes into a setback, the expansion shall only be permitted if setbacks can be followed.
- C. Nonconforming Structure Damage**
1. Any legal, pre-existing nonconforming structure damaged by fire, flood, explosion, or other casualty may be reconstructed and used as before, if such reconstruction is undertaken within 18 months of such casualty, and if the restored structure has no greater coverage and contains no greater content (measured in cubic feet) than before such casualty.

²⁷⁷ Revised standard

²⁷⁸ Revised standard

2. A nonconforming structure that is locally designated as a historic structure may be reconstructed upon its original foundation or the site of the original foundation regardless of the extent of the damages, provided it is reconstructed as nearly as possible to the original exterior design. A certificate of appropriateness from the Historic Preservation Board is required prior to commencing reconstruction²⁷⁹.

4. Nonconforming Lots

- A. A nonconforming lot may not be further developed until compliance with this ordinance is demonstrated or until a variance from the terms of this ordinance is obtained from the Board of Zoning Appeals, except as provided in (B) below.
- B. Existing Lots of record that are nonconforming may be developed per the regulations contained herein if the subject lot is within 25 percent of the requirements minimum lot size and lot width of the zoning district in which it is located²⁸⁰.

5. Burden of Establishing Status

The burden of establishing legal, pre-existing nonconforming use status rests on the property owner or party seeking to continue the nonconforming use or occupancy; any person applying for an improvement location permit or land use certificate; or any other person asserting such status. Such persons shall provide sufficient proof in a form acceptable to the Planning Director of the following:

- A. The date of construction of the building or structure or the date the use was established;
- B. The continuous operation of the nonconforming use; and,
- C. Such other proof and may be deemed necessary by the Planning Director which may include utility bill history, leasing information, affidavit from the property owner, employee records, tax filings, or other similar records.²⁸¹

²⁷⁹ New

²⁸⁰ New

²⁸¹ Added examples

839.VIOLATIONS AND ENFORCEMENT

1. Violations and Penalties

A. Violations

1. The erection, demolition, conversion, construction, enlargement, moving or maintenance of any structure, or the use of any land, structure or premises, which is contrary to any of the provisions of this ordinance, is hereby declared to be a common nuisance and an unlawful violation of this ordinance.
2. The erection, demolition, conversion, construction, enlargement, moving or maintenance of any structure, or the use of any land, structure, or premises, which is contrary to any requirements, condition or commitment imposed or made by the Board, Commission, Planning Director or applicant under the provisions of this ordinance, is hereby declared to be a common nuisance and an unlawful violation of this ordinance.
3. Any person, whether as principal agent, owner, lessee, tenant, contractor, builder, architect, engineer or otherwise who, either individually or in concert with another, acts contrary to any provision of this ordinance or a condition or commitment made thereunder, shall be liable for maintaining a common nuisance and shall be in violation of this ordinance.

B. Penalties. Any person who violates this ordinance shall be guilty of a Class C ordinance violation and shall be subject to a civil penalty that is listed in Chapter 115 of the Monroe County Ordinance. Each day any such violation is committed or permitted to continue constitutes a separate ordinance violation.

C. Authority. It shall be the authority of the Planning Department to be able to enter onto any property in which there thought to be a violation of this Zoning Ordinance. Prior to entering the property, the Zoning Inspector shall receive ample evidence of a violation.

2. Enforcement Procedures

- A.** It shall be the duty of the Planning Director to enforce the provisions of this ordinance in the manner and form and with the powers provided by this ordinance. It shall be the duty of the Planning Director to enforce these regulations on behalf of the Commission and to bring any violations of, or lack of compliance with these regulations, to the attention of the Commission Attorney. Upon the direction of the Commission or upon a reasonable belief that an ordinance violation has occurred, the Commission Attorney may file a complaint against the alleged violator.
- B.** If the Planning Director finds that any provision of this ordinance is being, or has been, violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Planning Director's discretion.
- C.** The final written notice (and the initial written notice may be the final notice) shall state what action the Planning Director intends to take if the violation is not corrected.
- D.** No Improvement Location Permit, Land Use Certificate, or Building Permit required under the Monroe County Building Code, the Zoning Ordinance, or this ordinance shall be issued for any property subject to this ordinance until the provisions of this ordinance have been complied with.

3. Authorized Remedies for Violations

- A.** Upon a reasonable belief that a person is violating a provision of this ordinance or a condition, requirements or commitment imposed or made thereunder, the Planning Director may seek, with the Assistance of the Commission Attorney, the following civil remedies:

1. A civil penalty for ordinance violation;
 2. A temporary restraining order, preliminary injunction, or permanent injunction to restrain a person from violating the ordinance or a condition, requirements or commitment imposed or made thereunder; and,
 3. A mandatory injunction directing a person to perform a condition, requirements or condition imposed or made under the ordinance or to remove a structure erected in violation of the ordinance.
- B.** In the event the Planning Director finds that a violation of the terms and provisions of an approval, certificate or permit granted pursuant to these regulations has occurred, the Planning Director may use the following administrative remedies:
1. Suspend and withhold other approvals, certificates, and/or permits relevant to the development or use of the site on which the violation has occurred (e.g., if a structure located in a development is occupied prior to having all the improvements properly installed, the Planning Director shall not issue any additional improvement location permits for structures within that same development until the violations are remedied²⁸²); and/or,
 2. Issue a stop work order and instruct the Building Permit Official to suspend and withhold all building code inspections relevant to the development or use of the site on which the violation has occurred (e.g., if the terms and provisions of an erosion control/grading plan have been violated, the Building Permit Official shall, at the Planning Director's request, suspend and withhold all subsequent building code inspections at the site of the violation, until the violation has been corrected, as determined by the Planning Director)(The Building Permit Official shall comply with the Planning Director's instructions in this regard); and/or,
 3. Draw on an applicable letter of credit, or other financial guaranty, as necessary to affect any remedial actions required to abate the violation; and/or,
 4. Revoke the permits, certificates, and/or approvals that have been violated.
- C.** The purpose of subsections (1)-(4) above is to encourage compliance with the terms and provisions of the approval, certificate, and or/permit with the terms and provisions of the approval, certificate, and/or permit without having to resort to litigation. If used, the Planning Director shall apply the foregoing remedies in a measured and reasonable fashion to achieve their recognized purpose (e.g., withholding or revoking only those permits for the structures that would be primarily served by the unfinished street).
- D.** The Planning Director may issue notices of violations of the Monroe County Development Ordinance. The ordinance violation notices may be processed through the Monroe County Treasurer's Office²⁸³. If the person to whom the notice is issued does not file an admission with the Treasurer's Office in a timely manner, the Planning Director may address the violation by employing any other enforcement remedies authorized by law and may seek civil penalties in the full amount authorized by this ordinance.
- E.** The remedies provided for in the regulations shall be cumulative, and not exclusive, and shall be in addition to any other remedies provided by law.

²⁸² Simplified this example to make it easier to understand

²⁸³ Changed the processing agent from the Ordinance Violation Bureau to the Treasurer's Office to be consistent with the County's procedures

840.REVIEW AND ADVISORY BODIES

1. Board of Commissioners

- A. General Powers of the Board of Commissioners.** The Board of Commissioners may:
1. Hear and determine petitions for the vacation of public ways or places in accordance with the procedures and limitations set forth and incorporated in IC 36-7-3;
 2. Adopt, amend, and repeal the Comprehensive Plan in accordance with the procedures and limitations set forth and incorporated in the 500 series of IC 36-7-4;
 3. Adopt, amend, and repeal this ordinance (text or maps) in accordance with the procedures and limitations set forth and incorporated in the 600 series of IC 36-7-4;
 4. Determine the zoning Districts in which the subdivision of land may occur and adopt, amend, and repeal an ordinance containing provisions for subdivision control in accordance with the procedures and limitations set forth and incorporated in the 700 series of IC 36-7-4;
 5. Determine whether to allow planned unit developments;
 6. Establish an Advisory Plan Commission in accordance with the procedures and limitations set forth and incorporated in the 200, 300, and 400 series of IC 36-7-4 and remove and replace the citizen members of the Advisory Plan Commission;
 7. Establish an Advisory Board of Zoning Appeals in accordance with the procedures and limitations set forth and incorporated in the 900 series of IC 36-7-4 and appoint, remove, and replace the citizen members of the Advisory Board of Zoning Appeals;
 8. Establish an Historical Preservation Board of Review in accordance with the procedures and limitations set forth and incorporated in IC 36-7-4 and IC 36-7-11, and appoint, remove, and replace the citizen members of the Board of Review;
 9. Adopt an ordinance imposing an impact fee on new development within the County Jurisdictional Area in accordance with the procedures and limitations set forth and incorporated in the 1300 series of IC 36-7-4;
 10. Establish a joint district planning and zoning commission in accordance with the procedures and limitations set forth and incorporated in IC 36-7-5.1; and
 11. Exercise all powers of boards of commissioners with respect to planning, zoning, and land use conferred by or reasonably inferred from all laws relating to planning, zoning, and land use.
- B. General Duty of the Board of Commissioners.** The Board of Commissioners shall consider the general policy and pattern of development set out in the Comprehensive Plan in the:
1. Authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities;
 2. Authorization, construction, alteration, or abandonment of public ways, public places, public lands, public structures, or public utilities; and
 3. Adoption, amendment, or repeal of zoning ordinances (including zone maps), subdivision control ordinances, historic preservation control ordinances, and other land use ordinances.

2. Advisory Plan Commission

- A. Establishment.** The Monroe County Advisory Plan Commission is hereby established in accordance with the Advisory planning law set forth in IC 36-7-4.

B. Membership

1. The Plan Commission shall consist of nine members, as follows:
 - a. One member appointed by the Board of Commissioners from its membership.
 - b. One member appointed by the County Council from its membership.
 - c. The County Surveyor or a qualified deputy appointed by the County Surveyor.
 - d. The County Agricultural Extension Educator.
 - e. Five Citizen members, of whom no more than three may be of the same political party, appointed by the Board of Commissioners.
2. Each appointing authority may appoint an alternate member to act during the absence or disability of a regular appointee of the authority.

C. Qualifications of Citizen Members

1. Each citizen member shall be appointed because of the following:
 - a. The member's knowledge and experience in community affairs;
 - b. The member's awareness of the social, economic, agricultural, and industrial problems of the area; and
 - c. The member's interest in the development and integration of the area.
2. A citizen member may not hold other elective or appointive office in municipal, county, or state government.
3. A citizen member must be resident of the County Planning Jurisdictional Area.

D. Terms of Office

1. The Plan Commission was established by Ordinance 86-19, passed on August 29, 1986, and said Ordinance provided that citizen members be appointed for the following terms:
 - a. One member for a term of one year;
 - b. One member for a term of two years;
 - c. One member for a term of three years; and
 - d. Two members for a term of four years.
2. Citizen members were appointed to the foregoing terms. All subsequent citizen members shall be appointed for a term of four years which term expires on the first Monday of January of the fourth year after the citizen member's appointment.
3. The term of office of a member appointed from the membership of the Board of Commissioners or from the membership of the County Council shall be coextensive with the appointee's membership on the appointing authority, unless the appointing authority appoints, at its first regular meeting in any year, another to serve as its representative.
4. The term of office of an appointee of the County Surveyor shall be for one year but may not exceed the appointing County Surveyor's term of elected office or the appointee's term of employment as a Deputy County Surveyor.
5. A member serves until their successor is appointed and qualified. A member may be reappointed.

- E. Removal of Member.** The appointing authority may remove a member from the Plan Commission for cause. The appointing authority must mail notice of the removal along with written reasons for the removal, to the member at their residence address. A member who is removed may, within 30 days after receiving notice of the removal, appeal the removal to the Monroe Circuit Court. The Circuit Court may, pending the outcome of the appeal, order the removal or stay the removal of the member.
- F. Vacated Membership.** If a vacancy occurs among the Plan Commission members who are appointed, then the appointing authority shall appoint a member for the unexpired term of the vacating member. If a vacancy occurs in the office of the County Surveyor, then the County Engineer shall be a member of the Plan Commission during the time the office of the County Surveyor is vacant.
- G. Expenses.** If the Plan Commission determines that it is necessary or desirable for members or employees to join a professional organization or to attend a conference or interview dealing with planning or related problems, the Plan Commission may pay the applicable membership fees and all actual expenses of the members or employees, subject to County Council appropriation of funds.
- H. Conflict of Interest.** A Plan Commission member may not participate as a Plan Commission member in a hearing or decision of the Plan Commission concerning a zoning matter in which the member has a direct or indirect financial interest. The Plan Commission shall enter in its records the fact that its member has such a disqualification and the name of the alternate member, if any, that participates in the hearing or decision in place of the regular member. A Plan Commission member directly or personally represent another person in a hearing before the Plan Commission or Board of Commissioners concerning a zoning matter. A Plan Commission member may not receive mileage or compensation under Section 9 above for attendance at a meeting at which the member is disqualified from participation, during any part of the meeting, for having a direct or indirect financial interest in a zoning matter.
- I. Official Action.** An action of the Plan Commission is not official unless it is authorized, at a regular or special meeting, by a majority of the entire Plan Commission membership or by a majority of the Executive Committee pursuant to Section 18 of this chapter.
- J. Chairman and Vice Chairman.** At the first regular meeting in each year, the Plan Commission shall elect a chairman and vice chairman from its members. The vice chairman shall act as chairman during the absence or disability of the chairman.²⁸⁴
- K. Secretary.** The Plan Commission may appoint and fix the duties of a secretary, who is not required to be a member of the Plan Commission.
- L. Meetings and Records**
 - 1. The Plan Commission shall fix the time for holding regular meetings each month or as necessary.
 - 2. Special meetings of the Plan Commission may be called by the chairman or by two members of the Plan Commission upon written request to the secretary. The secretary shall send to all members, at least three days before the special meetings, a written notice fixing the time and place of the meeting. Written notice of a special meeting is not required if:
 - a. The date, time, and place of a special meeting are fixed in a regular meeting; and
 - b. All members of the Plan Commission are present at that regular meeting.

²⁸⁴ Updated terminology to match the state statute

3. All regular and special meetings of the Plan Commission shall be open to the public. The Plan Commission may schedule executive session meetings pursuant to IC 5-14-1.5-1, as amended.

M. Staff and Services

1. The Plan Commission shall prescribe the qualifications of, appoint, remove, and fix the compensation of the employees of the Plan Commission, which compensation must conform to the salaries and compensations fixed before that time by the County Council. The Plan Commission shall delegate authority to its employees to perform ministerial Acts in all cases except where final action of the commission is necessary.
2. The Plan Commission may contract for special or temporary services and any professional counsel.
3. The Plan Commission may designate a hearing examiner or a committee of the Plan Commission to conduct any public hearing required to be held by the Plan Commission. Such a hearing must be held upon the same notice and under the same rules as a hearing before the entire Plan Commission, and the examiner or committee shall report findings of fact and recommendations for decision to the Plan Commission. The Plan Commission shall, by rule, provide reasonable opportunity for interested parties to file exceptions to the findings and recommendations, and if any exception is filed in accordance with those rules, the Plan Commission shall render its decision without further hearing.

N. General Powers and Duties. The Plan Commission shall:

1. Supervise, and make rules for the administration of the affairs of the Plan Commission;
2. Prescribe uniform rules pertaining to investigations and hearings;
3. Record and file all letters of credit and contracts and Assume responsibility for the custody and preservation of all papers and documents of the Plan Commission;
4. Prepare, publish, and distribute reports, ordinances, and other materials relating to the activities authorized under this chapter;
5. Adopt a seal;
6. Certify to all official Acts;
7. Supervise the fiscal affairs of the Plan Commission;
8. Prepare and submit an annual budget in the same manner as other County departments and be limited in all expenditures to the provisions made for the expenditures by the County Council;
9. Sue and be sued collectively by its legal name "Monroe County Plan Commission" with service of process on the president of the Plan Commission;
10. Make recommendations to the Board of Commissioners concerning:
 - a. The adoption of the comprehensive plan, ordinance, and amendments; and,
 - b. Any other matter, within the jurisdiction of the Plan Commission, authorized by the advisory planning law;
 - c. Render decisions concerning and approve:
 - d. Plats or replats for subdivisions;
 - e. Development plans for residential, commercial, and industrial uses; and,
 - f. Variances to subdivision standards;

11. Assign street numbers to Lots and structures and renumber Lots and structures, and notify the Circuit Court Clerk or Board of Registration, the Planning Director of the County's enhanced emergency telephone system, and the United States Postal Service of said numbering or re-numbering no later than the last day of the month following the month in which the action is taken;
12. Name and rename streets, in accordance with the guidelines set forth in Section 21 of this Chapter, and notify the Circuit Court Clerk or Board of Registration, the administration or the County's enhanced emergency telephone system, and the United States Postal Service of said naming or renaming no later than the last day of the month following the month in which the action is taken; and,
13. Establish a schedule of reasonable fees to defray the administrative costs connected with:
 - a. Processing and hearing administrative appeals and petitions for rezoning, conditional uses, temporary uses, and variances,
 - b. Issuing permits, and
 - c. Other official actions taken under this ordinance.

O. Citizen Committees

1. The Plan Commission, by resolution, may establish advisory committees of citizens interested in problems of planning and zoning. In its resolution establishing such a committee, the Plan Commission shall specify the terms of its members, its purposes, and whether the committee is of perpetual or limited duration. Each advisory committee shall:
 - a. Study the subject and problems specified by the Plan Commission and recommend to the commission additional problems in need of study;
 - b. Advise the Plan Commission concerning how the subject and problems relate particularly to different areas and groups in the community; and
 - c. If invited by the Plan Commission to do so, sit with, and participate, without the right to vote, in the deliberations of the commission, when subjects of mutual concern are discussed.
2. A citizen committee shall report only to the Plan Commission and shall make inquiries and reports only on the subject and problems specified by the Plan Commission's resolution establishing the committee.

P. Executive Committee

1. The Plan Commission may establish an executive committee of between three and nine persons appointed by the Plan Commission from its membership. The establishment of the executive committee, the naming of its individual members, and the adoption of rules governing its operation requires a two-thirds majority vote of the entire membership of the Plan Commission.
2. A majority of the executive committee may act in the name of the Plan Commission; but if there are any dissenting votes, a person voting in the minority may appeal the decision of the executive committee to the Plan Commission.

- Q. Gifts and Grants.** The Plan Commission may accept gifts, donations, and grants from private or governmental sources for advisory planning purposes. Any money so accepted shall be deposited with the Monroe County Treasurer, in a special non-reverting Plan Commission fund to be available for expenditures by the Plan Commission for the purposes designated by the source. The Monroe County Auditor shall draw warrants against the special non-reverting fund only on vouchers signed by the chairman and secretary of the Plan Commission.

R. Alternate Procedures

1. The Plan Commission may appoint a hearing officer and may establish an alternate procedure under which the hearing officer may approve or deny variance from the design standards of this ordinance, special uses, and conditional uses from the terms of this ordinance. With respect to such matters, the hearing officer shall have the power of the Board of Zoning Appeals. The hearing officer may be a Board of Zoning Appeals member, a Plan Commission staff member, or any other person. The Plan Commission may appoint more than one hearing officer. A hearing officer serves at the pleasure of the Plan Commission and may be removed by the Plan Commission at any time, without cause.²⁸⁵
2. With respect to an alternate procedure, the Plan Commission may adopt rules on the following:
 - a. Limiting the kinds of variance, special use, contingent use, or conditional use petitions that may be filed under the alternate procedure;
 - b. Permitting the hearing officer, in appropriate circumstances, to transfer a petition filed under the alternate procedure to the Board of Zoning Appeals;
 - c. Requiring the creation of minutes and records of the proceedings before the hearing officer and the filing of the minutes and records as public records; and
 - d. Regulating conflicts of interest and communications with the hearing officer, so as to require the same level of conduct required of the Board of Zoning Appeals in the conduct of its business.
3. The Plan Commission staff may file a written objection to a petition for a variance or use if:
 - a. It would be injurious to the public health, safety, morals, and general welfare of the community; or
 - b. The use or value of the area adjacent to the property included would be affected in a substantially adverse manner.
4. If a written objection is filed by the Plan Commission staff, the petition shall:
 - a. Be considered withdrawn; or
 - b. Be transferred to the Board of Zoning Appeals if requested by the petitioner.
5. The Plan Commission staff may indicate that it does not object to the approval of the petition if specified conditions are attached. If the applicant does not accept these conditions, the petition shall:
 - a. Be considered withdrawn; or
 - b. Be transferred to the Board of Zoning Appeals if requested by the petitioner.
6. The hearing officer may impose conditions and may permit or require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel, in the same manner that the Board of Zoning Appeals may impose conditions or require written commitments. If the applicant for the variance or use does not accept these conditions or make the commitment, the petition shall:
 - a. Be considered withdrawn; or
 - b. Be transferred to the Board of Zoning Appeals if requested by the petitioner.

²⁸⁵ The County would like to add a hearing officer to their existing processes. This would require an amendment to the Rules of Procedures per IC 36-7-4-920.

7. The hearing officer may not modify or terminate any commitment made to the hearing officer or to the Board of Zoning Appeals.
 8. A decision of a hearing officer under the alternate procedure may not be a basis for judicial review, but it may be appealed to the Board of Zoning Appeals. An interested person who wishes to appeal a decision of a hearing officer under the alternate procedure must file the appeal with the Board of Zoning Appeals within 14 days after the decision is made.
- S. Review of Zoning Ordinance.** The Plan Commission shall periodically review both the text of the Zoning Ordinance and the Zoning Maps. Such review shall be performed on a regular schedule established by the Plan Commission, but not less frequently than once every two years. Upon review of the text and maps, the Plan Commission shall recommend all appropriate changes to the County Commissioners as proposed amendments to this ordinance.
- T. Plat Committee.** The Plan Commission may appoint a Plat Committee to hold hearings on and approve plats and replats, on behalf of the Plan Commission, the circumstances prescribed in the Subdivision Standards, Chapter XX. The Plat Committee shall consist of three or five persons, with at least one of the members being a member of the Plan Commission. Each appointment of a member of the plat committee is for a term of one year, but the Plan Commission may remove a member from the plat committee. The Plan Commission must mail notice of the removal, along with written reasons, if any, for the removal, to the member at their residence address. A member who is removed may not appeal the removal to a court or otherwise. The Plat Committee may act only with a majority vote.
- U. Naming and Re-Naming Streets.** In naming and re-naming streets, the Plan Commission shall be guided by the following policies:
1. Duplicate street names and names that sound alike shall not be allowed;
 2. Directional or relative names should not be used (e.g., North Drive, Kirksville Road);
 3. A continuous street should not change names when the direction of the street changes;
 4. Predominately north-south streets shall have a “N” prefix if north of the center line and an “S” prefix if south of the center line;
 5. Predominately east-west streets shall have an “E” prefix if east of the center line and a “W” prefix if west of the center line;
 6. The Bloomington Postmaster must be given the opportunity to review and comment on proposed names before their adoption; and
 7. The Monroe County Highway Engineer and the Monroe County Highway Superintendent must be given the opportunity to review and comment on proposed names before their adoption.

3. Advisory Board of Zoning Appeals

- A. Establishment.** The Monroe County Advisory Board of Zoning Appeals is hereby established in accordance with the Advisory Planning law set forth in Indiana Code Chapter 36-7-4.
- B. Membership**
1. The Board shall consist of five citizen members as follows:
 - a. Three citizen members appointed by the Board of County Commissioners. One of the Board of Commissioners’ appointees must be a member of the Plan Commission. The two other appointees may not be members of the Plan Commission.

- b. One citizen member appointed by the County Council. The County Council appointee may not be a member of the Plan Commission.
 - c. One citizen member appointed by the Plan Commission. The Plan Commission appointee must be a member of the Plan Commission other than the member appointed by the County Commissioners.
 - 2. Each appointing authority may appoint an alternate citizen member to act during the absence or disability of a regular appointee of the authority. (see Section 833.6.B for more on alternate members)
- C. **Qualifications of Members.** The members of the Board may not hold other elective or appointive office in municipal, county, or state government, except as permitted by Section 2 of this chapter. A member must be a resident of the County Planning Jurisdictional Area.
- D. **Terms of Office**
 - 1. The Board was established by Ordinance 86-19, passed on August 29, 1986, and said Ordinance provided that members be appointed for the following terms:
 - a. One member for a term of one year;
 - b. One member for a term of two years;
 - c. One member for a term of three years; and
 - d. Two members for a term of four years.
 - 2. Board members were appointed to the foregoing terms. All subsequent members shall be appointed for a term of four years which term expires on the first Monday of January of the fourth year after the member's appointment.
 - 3. A member may serve until their successor is appointed and qualified. A member may be reappointed.
- E. **Removal of a Member.** The appointing authority may remove a member from the Board for cause. The appointing authority must mail notice of the removal, along with written reasons for the removal, to the member at their residence address. A member who is removed may, within 30 days after receiving notice of the removal, appeal the removal to the Monroe Circuit Court.
- F. **Vacated Membership**
 - 1. If vacancy occurs among the members of the Board, the appointing authority shall appoint a member for the unexpired term of the vacating member.
 - 2. The appointing authority may appoint an alternate member to participate with the board in any hearing or decision if the regular member is otherwise unavailable to participate in the hearing or decision. An alternate member shall have all the powers and duties of a regular member while participating in the hearing or decision.²⁸⁶
 - 3. A member of the board of zoning appeals who misses three consecutive regular meetings of the board may be treated as if the member had resigned, at the discretion of the appointing authority.²⁸⁷
- G. **Expenses.** If the Board determines that it is necessary or desirable for members to join a professional organization or to attend a conference or interview dealing with planning or related problems, the Board may pay the applicable membership fees and all actual expenses of the members, subject to County Council appropriation of funds.

²⁸⁶ New – From the State Statute IC 36-7-4-907

²⁸⁷ New

- H. Conflicts of Interest.** A member of the Board may not participate in a hearing or decision of the Board concerning a zoning matter in which they have a direct or indirect financial interest. The Board shall enter in its records the fact that a regular member has such a disqualification and the name of the alternate member, if any, who participates in the hearing or decision in place of the regular member.
- I. Official Action.** An action of the Board is not official unless it is authorized by a majority of the entire membership of the Board.
- J. Chairman and Vice Chairman.** At the first Board meeting of each year, the Board shall elect a chairman and vice chairman from its members. The vice chairman shall act as chairman during the absence or disability of the chairman.²⁸⁸
- K. Secretary.** The Board may appoint a secretary and such employees as are necessary for the discharge of its duties, subject to County Council appropriation.
- L. Rules of Procedure.** The Board shall adopt rules concerning the filing of appeals, applications for variances and conditional uses, the giving of notice, the conduct of hearings and other subjects or matters as required by state law or as deemed necessary or desirable by the Board.
- M. Meetings and Records.** All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare written findings of fact and record the vote, disqualification, abstention, or failure to vote of each member upon each question. All minutes and records shall be filed in the office of the Board and shall be public records to the extent required by IC 5-14-3-1, as amended.
- N. Findings of Fact.** All decisions of the Board on all matters within its jurisdiction and authority shall be committed to writing and shall be supported by written specific findings of fact on each material element pertaining to the matter under consideration.
- O. General Powers and Duties.** The Board:
1. Shall hear and determine appeals from and review any order, requirements, decision, or determination made by the Plan Director, a staff member or administrative officer, board or committee designated by the Zoning Ordinance, other than the Plan Commission, made in the enforcement of the Zoning Ordinance or the issuance of permits required by the Zoning Ordinance.
 2. May reverse or affirm, wholly or partially, or may modify any order, requirements, decision, or determination appealed from as in its opinion ought to be done in the premises and to that end shall have all the powers vested in the person or board from whom the appeal is taken. Reversal or waiver must rest upon a finding by the Board that the initial order, requirements, decision, or determination was improper as a matter of law or fact.
 3. Shall approve or deny variances of use from the terms of this ordinance. The Board may impose reasonable conditions as a part of its approval.
 4. Shall approve or deny variances from the development standards (e.g., height, bulk, area, and density) of this ordinance but not from said standards as they may apply to subdivisions.
 5. Hear petitions that were transferred from the hearing officer or the Plan Commission, and to hear appeals of the decisions of the hearing officer, as depicted in Section XXX.²⁸⁹
- P. Appeal Procedures**

²⁸⁸ Updated terminology to match the state statute

²⁸⁹ Power granted in the Plan Commission, new reference here

1. An appeal filed with the Board must specify the grounds of the appeal and must be filed within such time and in such form as may be prescribed by the Board by rule.
2. The administrative official, hearing officer, administrative board, or other body from whom the appeal is taken shall, on the request of the Board, transmit to the Board all documents, plans, and papers (or certified copies of the same) constituting the record of the action from which an appeal was taken.
3. When an appeal from the decision of an official or board has been filed with the Board, proceedings and work on the premises affected shall be stayed unless the official or board certifies to the Board that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In that case, proceedings or work may not be stayed except by court order.
4. The Board shall fix a reasonable time for the hearing of administrative appeals, exception, uses, and variances.
5. Public notice in accordance with IC 5-3-1-2 and IC 5-3-1-4 and due notice to interested parties shall be given at least 10 days before the date set for the hearing.
6. The party taking the appeal, or applying for the exception, use, or variance, may be required to Assume the cost of public notice and due notice to interested parties. At the hearing, each party may appear in person, be agent, or by attorney.
7. The Board shall, by rule, determine who are interested parties, how notice is to be given to them, and who is required to give that notice.
8. The Board staff and other persons may appear before the Board at the hearing and present evidence in support of or in opposition to the granting of a variance or the determination of any other matter.
9. A person may not communicate with any member of the Board before the hearing with intent to influence the member's action on a matter pending before the Board. Not less than five days before the hearing, however, the staff may file with the Board a written statement setting forth any facts or opinions relating to the matter.
10. The Board may require any party adverse to any pending petition to enter a written appearance specifying the party's name and address. If the written appearance is entered more than four days before the hearing, the Board may also require the petitioner to furnish each adverse party with a copy of the petition and a plot plan of the property involved.
11. Upon appeal, the Board may reverse, affirm, or modify the order, requirements, decision, or determination appealed from. For this purpose, the Board has all the powers of the official, officer, board, or body from which the appeal is taken.
12. The Board shall make its decision on any matter specified in Section 16 of this chapter at the meeting at which the matter is first presented or at the conclusion of the hearing on the matter if the hearing is continued. Within five days after making any decision, the Board shall file in the office of the Board a copy of its decision.

Q. Commitments

1. In the case of a petition for a variance or conditional use from the terms of this ordinance, the Board may permit or require the owner of the affected parcel to make a written commitment concerning the use or development of the affected parcel.
2. The Board may adopt rules governing the creation, form, recording, waiver, enforcement, and termination of commitments; and designating which specially affected persons and classes of specially affected persons are entitled to enforce commitments.

3. Commitments shall be recorded in the Monroe County Recorder's Office and shall take effect upon the granting of the exception, use or variance. Unless modified or terminated by the Board, a commitment is binding on the owner of the parcel, each subsequent owner, and each other person acquiring an interest in the parcel. A commitment is binding on the owner of the parcel even if it is unrecorded; however, an unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person had actual notice of the commitment. A commitment may be modified or terminated only by the Board at a public hearing after notice as provided by rule.
 4. By permitting or requiring commitments, the Board does not become obligated to approve or deny any request.
 5. Conditions imposed on the granting of an exception, use or variance are not subject to the rules applicable to commitments.
 6. The rules applicable to commitments do not affect the validity of any covenant, easement, equitable servitude, or other land use restriction created in accordance with law.
- R. **Judicial Review.** Each decision of the Board on a matter specified in Section 16 is subject to review by certiorari.

4. Historic Preservation Board of Review

- A. **Establishment.** The County is hereby authorized to appoint members to a Monroe County Historic Preservation Board of Review ("Board of Review"). The Board of Review shall be established by the appointment of its members as herein provided.
- B. **Scope of Authority.** The Board of Review shall have all of the powers and duties set forth in Monroe County Code Chapter 810, not inconsistent with IC 36-7-11-1, as amended. In exercising its powers and performing its duties, the Board of Review shall be concerned with those elements of development, redevelopment, rehabilitation, and preservation that affect visual quality in designated Historic Districts. However, the Board of Review may not consider details of design, interior arrangements, or building features if those details, arrangements, or features are not subject to public view, and may not make any requirements except for the purpose of preventing development, alteration, or demolition in a Historic District obviously incongruous with the Historic District. The Board of Review may not take any action that affects property located outside of the Monroe County Planning Jurisdictional Area.
- C. **Membership: Qualification and Procedures**
1. The Board of Review shall consist of nine members. Each member shall be appointed by the Monroe County Commissioners and shall serve for a term of three years. The membership shall be staggered so that the terms of three of the members expire each year. The initial terms of membership may be less than three years as necessary to achieve staggered terms. A membership vacancy shall be filled for the duration of the vacating member's term.

2. Candidates for membership on the Board of Review must be interested in the preservation and development of historic sites and areas and must be residents of Monroe County, Indiana. The majority of the members must reside in the County Jurisdictional Area. Membership is open to both professionals and non-professionals in fields related to historic preservation. When possible, at least one person appointed to membership on the Board of Review shall be an architectural historian or other professionally qualified person. Candidates for membership shall be sought who are residents of historic properties, who have restored historic properties, or who are professionals from the disciplines of architecture, history, preservation planning, archaeology, or other historic preservation-related disciplines, such as urban planning, American studies, art history, American civilization, cultural geography, or cultural anthropology. Professionals must meet the minimum qualifications as specified by 36 CFR 61 (Professional Qualification Standards). All members shall serve without compensation except for reasonable expenses incurred in the performance of their duties, subject to the appropriation of funds for that purpose.
 3. The Board of Review shall elect annually a chairperson. A Planning Department staff member shall be designated to serve as Secretary. The Board of Review shall adopt rules for the transaction of its business which rules shall not be inconsistent with the rules of the Plan Commission and shall not be inconsistent with the provisions of this chapter. The rules shall include the time and place of regular meetings of the Board of Review. All meetings of the Board of Review shall be open to the public and a public record of the Board of Review's resolutions, proceedings, and actions must be kept by the secretary of the Board of Review. The Board of Review shall hold regular meetings, at least monthly, except when it has no business pending. A decision of the Board of Review is subject to judicial review under IC 36-7-4 as if it were a decision of the Monroe County Board of Zoning Appeals.
- D. **Conflicts of Interest.** A member of the Board may not participate in a hearing or decision of the Board concerning a zoning matter in which they have a direct or indirect financial interest. The Board shall enter in its records the fact that a regular member has such a disqualification and the name of the alternate member, if any, who participates in the hearing or decision in place of the regular member.

5. Planning Department

- A. **Purpose of the Planning Department.** The purpose of the Monroe County Planning Department is to administer and enforce this ordinance. The department consists of the Monroe County Planning Director, the Monroe County Planners, the Monroe County Zoning Inspectors, and any other employees deemed necessary by the Plan Commission.
- B. **Duties of the Planning Director.** On behalf of the Board of Commissioners, the Board of Zoning Appeals, the Plan Commission, and the Board of Review, the Planning Director shall:
1. Perform the administrative duties of the department head of the Planning Department, including the supervision of the Planning Department personnel and the preparation of Planning Department budgets;
 2. assist the Plan Commission in the preparation and amendment of the Comprehensive Plan by compiling data on land use and development in Monroe County, Indiana, researching planning theories and techniques, conducting forums on local planning issues, and rendering written recommendations to the Plan Commission;
 3. Administer and enforce this ordinance, including the issuance of permits, certificates, notices, and orders;

4. Keep and maintain careful and comprehensive records of applications and petitions filed, of permits and certificates issued, of inspections made, of reports and recommendations rendered, and of notices and orders issued;
5. Prepare, keep, and maintain careful and comprehensive records of applications and petitions filed, of permits and certificates issued, of inspections made, of reports and recommendations rendered and of notices and orders issued;
6. Make all records kept by the Planning Department available for public inspection, at reasonable hours, subject to any limitation imposed in accordance with IC 5-14-3, and this ordinance;
7. When requested by the Board of Commissioners, investigate any matter concerning or relevant to land use in Monroe County, Indiana, and render a written report to the Board of Commissioners on the same;
8. Prepare and submit an annual report of the activities of the Plan Department to the Board of Commissioners, the Board of Zoning Appeals, and the Plan Commission; and
9. Perform such other duties as may be assigned, from time to time, by the Plan Commission.

C. Duties of the Planners. On behalf of the Board of Commissioners, the Board of Zoning Appeals, the Plan Commission, the Board of Review, and the Planning Director, the Planners shall:

1. Receive all applications for approvals, recommendations, permits, certificates, and appeals, and review all such applications for compliance with this ordinance;
2. Receive all petitions for amendments to this ordinance and review all such petitions for compliance with the Comprehensive Plan;
3. Prepare a report and recommendation on each application or petition received and forward said report and recommendation to the Planning Director;
4. Provide the public, upon request, with information and materials concerning the Zoning Ordinance and all rules and procedures adopted thereunder, subject to any limitation imposed in accordance with IC 5-14-3, and this ordinance; and
5. Perform such other duties as may be assigned, from time to time, by the Planning Director.

D. Duties of the Zoning Inspectors. On behalf of the Board of Commissioners, the Board of Zoning Appeals, the Plan Commission, the Board of Review, the Planning Director, and the Planners, the Zoning Inspectors shall:

1. Inspect structures and land uses for compliance with this ordinance;
2. assist in the review of applications for approvals, recommendations, permits, certificates, and appeals;
3. assist in the review of petitions for Zoning Ordinance amendment;
4. assist the attorney for the Plan Commission in the enforcement of this ordinance; and
5. Perform such other duties as may be assigned, from time to time, by the Planning Director.

Definitions

841. DEFINED WORDS

1. Usage

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

2. Definitions

The following definitions generally apply to the provisions of this ordinance. However, Chapters 803 and 808: XXX and XXX of this ordinance contain specific definitions which apply to certain terms that are used primarily in those chapters.

A

AASHTO: American Association of State Highway and Transportation Officials.

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

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

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

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

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

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

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

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

Accessory Rural General Contractor: 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. Use must be accessory to a principal residential use on the same site.

Accessory Use: A customarily accessory, and clearly incidental and subordinate use, to a principal use located on the same lot. The Planning Director has the discretion to determine whether a use is accessory or a principal use based on the information presented²⁹⁰. The accessory must be less significant than the principal use in any of a variety of ways, including but not limited to, floor area devoted to the use, building height, the economic importance of the use, the number of customers/visitors, and whether the accessory serves the purpose of the principal activity.

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

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

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

Adjoining:

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

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

Administrative Subdivision:

²⁹⁰ Updated definition and removed redundancy by not having multiple accessory use definitions for different use types.

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

Adult Oriented Business Definitions: See chapter XX.

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

Agency: See Public Agency.

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

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

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

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

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

Agricultural Event Center.

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

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

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

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

- **Agricultural Uses, Land Animal Related:** Agricultural activities involving the production of animals and the preparation of products for human use, including dairying, poultry, livestock, or other such operations, but excluding meat processing and packaging operations.

- **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.
- **Christmas Tree Farm:** An agricultural use involving the raising or harvesting of Christmas trees for sale on-site or transport to market.
- **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.
- **Grain Elevator:** A building for buying, selling, storing, discharging, and sometimes processing grain.
- **Horse farm:** A building or structure and/or land whose operator keeps equines primarily for breeding.
- **Orchard:** A group of fruit or nut trees grown and cultivated for the sale of harvested produce.
- **Stockyard:** A place where livestock is assembled and at which place facilities are maintained for the handling of such livestock either for purchase or sale at competitive bidding, or purchase by the owners operating the stockyards and such places shall be deemed to include concentration points where livestock is assembled for the purpose of redistribution or resale by means other than competitive bidding, but such places shall not be deemed to include sale barns.

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

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

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

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

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

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

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

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

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

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

of-way primarily designed to provide secondary access to the side or rear of those properties which have principal frontage and/or access on a street.

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

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

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

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

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

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

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

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

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

Apartment: A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a single housekeeping unit, complete with kitchen, bedroom, and bathroom facilities. This use encompasses any residential development that includes more than 10 dwelling units on an individual lot.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Board: The Monroe County Board of Zoning Appeals.

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

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

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

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

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

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

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

Brewpub

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

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

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

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

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

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

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

Building Height: The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest elevation of the roof in the case of a slant or flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade and the front of the building.

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

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

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

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

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

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

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

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

- Size and height of buildings.
- Location of exterior walls at all levels in relation to lot lines, streets or to other buildings.
- Gross floor area of buildings in relation to lot size (floor area ratio).
- All open spaces allocated to buildings.
- Amount of lot sizes and lot width provided per dwelling unit.

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

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

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

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

C

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Change in Use, Agricultural:

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

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

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

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

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

Child Care Center: A non-residential building where at least one child receives child care from a provider where unattended by a parent, legal guardian, or custodian; for regular compensation; and for more than four hours, but less than 24 hours, in each of 10 consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.. This term includes nursery schools, pre-schools, day care centers for

children or adults, and similar uses, but excludes public and private primary or secondary educational facilities and childcare homes as defined by the State of Indiana Code. Can include a campus development.

Child Care Home. As defined by 470 IAC 3-1.1-7. As used in this rule, “child care home” means a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider: (1) while unattended by a parent, legal guardian, or custodian; (2) for regular compensation; and (3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. The term does not include a child care center. (b) The term includes the following: (1) A Class I child care home. (2) A Class II child care home. Only one child care home is permitted per legal lot of record.

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

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

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

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

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

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

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

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

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

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

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

Commercial Use: See Business.

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

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

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

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

Community/Institutional Garden

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

Composting Facility: An establishment for the composting of waste materials by which microorganisms decompose the organic component of vegetative matter and other types of organic matter (including but not limited to lawn materials, shrubbery, vines, and trees) and as amended by IC 13-11-2-38. An establishment engaged in the controlled process of degrading organic matter for retail of processed material. Activities that are exempt include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Contiguous: Adjoining or in actual contact with.

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

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

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

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

Copy Service: A place of business providing duplication services.

Correction/Detention Facilities

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

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

County Building Code: See Building Code.

County Drainage Board: The Monroe County Drainage Board.

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

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

County Health Officer: See Health Officer.

County Housing Code: See Housing Code.

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

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

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

Covenant: See restrictive covenant.

Crematory

Critical Area: An area with one or more of the following environmental characteristics: (1) steep slopes; (2) flood plain; (3) soils classified as having high water tables; (4) soils classified as highly erodible,

subject to erosion, or highly acidic; (5) land incapable of meeting percolation requirements; (6) land formerly used for landfill operations or hazardous industrial use; (7) fault areas; (8) stream corridors; (9) estuaries; (10) mature stands of native vegetation; (11) aquifer recharge and discharge areas; (12) wetlands and wetland transition areas; and (13) habitats of endangered species.

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

Critical Watershed. An area that is drained by limited natural features or in which flooding problems exist. The known critical areas in Monroe County are identified in the Monroe County Stormwater Ordinance Chapter . Special regulations may apply to critical watershed areas.

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

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

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

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

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

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

Cut: See Excavation.

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

D

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Construction, reconstruction, or placement of a structure or any addition to a structure
- Installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days
- Installing utilities, erection of walls and fences, construction of roads, or similar projects
- Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.
- Mining, dredging, filling, grading, excavation, or drilling operations

- Construction and/or reconstruction of bridges or culverts
- Storage of materials
- Any other activity that might change the direction, height, or velocity of flood or surface waters.

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

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

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

Distance: The area measured horizontally between two points.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Duration: The time period of a rainfall event.

D Value: See Density Value.

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

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

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

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

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

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

Dwelling, Single-Family. The use of a lot for only one (1) dwelling unit, including site-built housing or manufactured housing, herein defined as a dwelling unit fabricated in an off-site manufacturing facility for installation or Assembly at a building site, which meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401), including single and double wide mobile homes and modular homes.

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

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

Dwelling, Single-Family Detached. A freestanding single-unit dwelling.

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

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

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

E

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Exempt Divisions: See definition of Subdivision.

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

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

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

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

F

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

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

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

Family: An individual or group of persons that meets at least one of the following definitions:

- "Family" consists of one or more persons each related to the other by blood, marriage, or adoption (including foster children), together with such relatives or the representatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household.
- A family may also be composed of not to exceed three (3) persons in the HD, UD, and MD zoning districts, and five (5) persons in all other residential zones not so related along with their dependent children, provided that such unrelated persons live in a single dwelling and maintain a common household and a single housekeeping unit.
- A group of people with a right to live together as protected by the federal Fair Housing Act Amendments of 1988, as amended, and interpreted by the courts.

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

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

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

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

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

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

Farm Store. A permanent structure, operated on a seasonal or year around basis, which allows for local agricultural producers to retail their products and agriculture-related items directly to consumers and enhance income through value-added products. Encompasses the use under “Roadside Stand, Permanent.”

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

FBFM: Flood Boundary and Floodway Map.

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

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

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

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

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

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

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

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

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

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

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

Financial Institution: Any bank, trust company, corporate fiduciary, building and loan Association, credit union, savings bank, bank of discount and deposit or industrial loan and investment company organized or reorganized under the laws of the State of Indiana. The term does not include "check cashing", except where separately permitted. Accessory uses may include automatic teller machines and offices²⁹¹.

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

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

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

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

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

Flag Lot: A lot with two distinct parts:

- The flag, which is the only building site; and is located behind another lot.
- The pole, who connects the flag to the street; provides the only street frontage for the lot; and at any point is less than the minimum lot width for the zone. The pole of a flag lot shall not be considered frontage and therefore the flag shall follow front setbacks as if there is no direct frontage²⁹².

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

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

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

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

²⁹¹ Added last 2 sentences for clarification purposes.

²⁹² Added last sentence.

Floodway: See Regulatory Floodway.

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

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

- For determining floor area ratio, the sum of the following areas:
 - The ground floor area when any portion of the basement or ground floor used for a dwelling, business, or commercial purpose except for home occupation;
 - Elevator shafts and stairwells at each floor;
 - Floor space (including any basement floor space) used for mechanical equipment (except equipment, open or closed, located on the roof);
 - Penthouses;
 - Attic space having headroom of seven feet, ten inches or more;
 - Interior balconies and mezzanines;
 - Enclosed porches; and
 - Floor area devoted to accessory uses. Space devoted to off-street parking or loading shall not be included in the floor area. The floor area of structures devoted to bulk storage of materials shall be computed by counting each ten feet or height, or fraction thereof, as being equal to one floor.
- For determining off-street parking and loading requirements, the sum of the following areas:
 - Floor space devoted to the principal use of the premises, including accessory storage areas located within selling or working space such as counter, racks, or closets.
 - Any basement floor area devoted to retailing activities.
- Floor area devoted to the production or processing of goods or to business or professional offices. For the purpose, floor area shall not include space devoted primarily to storage purposes (except as otherwise noted herein), off-street parking or loading facilities, including aisles, ramps and maneuvering space, or basement floor area other than area devoted to retailing activities, the production or processing of goods, or business or professional offices.

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

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

Food Processing and Packaging

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

Food Wholesale

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

Foundation: The supporting member of a wall or structure.

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

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

to front on stub ends of streets and in the case of corner and through Lots will be considered to front on both intersecting streets. Multiple frontage Lots will be considered to front on each street, watercourse or lake.

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

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

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

Fueling Station

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

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

Furniture: An establishment involved in manufacturing furniture.

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

G

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

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

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

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

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

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

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

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

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

General Contractor: An individual who contracts to perform building/structure construction related work or to provide supplies on a large scale, or an individual who contracts to erect buildings and/or other structures. Construction related work may include, but are not limited to, plumbing, landscaping, electrical, framing, concrete, masonry, roofing, pest control, etc.

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

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

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

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

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

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

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

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

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

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

Grading Plan: See Erosion Control/Grading Plan.

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

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

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

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

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

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

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

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

Group Home: Group Home: The Use of land and a building for the purposes as defined by I.C. 31-9-2 and regulated by I.C. 31-27-5, as amended.

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

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

H

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

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

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

Hardship or Unnecessary Hardship: Significant economic injury that:

- Arises from the strict application of this ordinance to the conditions of a particular, existing parcel of property;
- Effectively deprived the parcel owner of all reasonable economic use of the parcel; and
- Is clearly more significant than compliance cost or practical difficulties.

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

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

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

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

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

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

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

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

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

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

Height, Building: The vertical distance from the average grade level adjoining the building: to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between the eaves and the ridge for gable, hip and gambrel roofs.

Height, Bulk, Area and Density Requirements: Those regulations and standards concerning minimum lot sizes, maximum height of structures, minimum lot widths and depths, minimum front, side, and rear yard setbacks, maximum lot coverage, and other such regulations and standards concerning the design and placement of structures on a parcel or lot.

Height, WCF: The vertical distance of a WCF or Support Structure, as measured from the ground elevation at the base of the WCF or Support Structure to the top of the structure, including Antenna Array(s).

Highway, County: Any street which is under the jurisdiction of the Monroe County Highway Department.

Highway, Limited Access: A freeway, or expressway, providing for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right to access to or from the same, except as such points and in such manner as may be determined by the public authority having jurisdiction over such a highway.

Highway, State: Any street which is under the jurisdiction of the Indiana Department of Highways.

Historic Adaptive Reuse: The use of a historic property for another use or uses that may not be directly permitted within the applicable zoning district. The purpose of the adaptive reuse is to allow for a financially viable use to help maintain and preserve the historic structures on the site.

Historic District: An area which contains or which surrounds an area which contains buildings, structures or places in which historic events occurred or having special public value because of notable architectural or other features relating to the general, archeological, economic, social, political, architectural, industrial or cultural history of Monroe County, Indiana, of such significance as to warrant conservation or preservation, and which, by virtue of the foregoing, has been designated as a Historic District by the Monroe County Commissioners pursuant to the provisions of the Zoning Ordinance. Area in any political subdivision of the State of Indiana designated as a historic district pursuant to the zoning or historic preservation ordinances applicable within the subdivision.

Historic Preservation Board of Review: The Monroe County Historic Preservation Board of Review.

Historic structure: Any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

Home Based Business: An accessory occupational use conducted in a residential dwelling or one accessory structure operated by the inhabitants that is clearly incidental to the use of the structure for residential purposes and does not change the residential character of the site.

Home Improvement Center: An establishment greater than 30,000 square feet that is primarily engaged in the retail sale of a general line of building materials and supplies, housewares and household appliances and gardening supplies to the general public, which may include roofing, siding, shingles, wallboard, paint, cement, and so forth, including incidental storage. Examples of this use include Lowe's, Menard's, and Home Depot.

Home Occupation: An accessory occupational use permitted by right which is conducted in a residential dwelling by the inhabitants that is clearly incidental to the use of the structure for residential purposes and does not change the residential character of the site. A home occupation is based entirely within the primary residential structure and does not include direct sale of goods or services, including any and all customers coming to the residence. Activity shall not occur in any accessory structures and no outside storage is permitted. Activities must not create external visual changes and produce no odors, noise, vibration, dust, light, or other discernible impacts outside the dwelling. Uses may include but are not limited to remote workplace, drafting, drawing, typing, writing, and operating telephones, sewing machines or computers. Use shall not require an Improvement Location Permit, provided that all regulations are met:

- No outside employees;
- No customers allowed to visit, drop off, or park vehicles on the premises;
- No outdoor storage of materials associated with the occupation use;
- No signs are displayed, no online advertising referencing the residential location; and
- No deliveries other than those normally associated with residential uses are made to the site.

Homeowners Association: A community Association, other than a condominium Association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

Hospital: A facility providing medical, psychiatric, or surgical services for sick or injured persons primarily on an inpatient basis, including ancillary facilities for outpatient and emergency treatment, diagnostic services, palliative care, training, research and administration, and services to patients, employees, and visitors.

Hotel: A building, or portion thereof, in which five or more guest rooms (typically accessible from an interior hallway) are furnished to the public under a short term lodging agreement. May include a Hotel Conference Center as an accessory use.

Hotel Conference Center: Includes first floor commercial space including but not limited to, conference centers, restaurants, business and personal services. Principal use is a hotel.

Housing Code: The County ordinance that controls the continuing safety and healthfulness of buildings for human occupation within the County's jurisdiction. Also referred to herein as the "County Housing Code."

Housing Unit: A room or group of rooms used by one or more individuals living separately from others in the building, with direct access to the outside or to a public hall and containing separate bathroom and kitchen facilities (see dwelling unit).

I

Immediate Sinkhole Drainage Area: Any area that contributes surface water directly to the sinkholes, not including areas that contribute surface water indirectly to a sinkhole (e.g., by streams).

Impact: An earth borne vibration generally produced by two (2) or more objects striking each other so as to cause separate and distinct pulses.

Impact Areas: Areas defined and mapped by the Drainage Board which are unlikely to be easily drained.

Impervious: A material through which water cannot pass, or through which water passes with difficulty.

Impervious Lot Coverage: The percentage of a lot's area covered by any building or structure or any impermeable surface other than water bodies. Included in this percentage is any developed surface that either prevents or significantly slows the infiltration of water into the ground compared to the manner that such water entered the ground prior to development, or which causes water to run off in greater quantities or at an increased rate of flow than that present prior to development. Impervious surfaces shall include, without limitation, rooftops, traveled gravel areas, asphalt or concrete paved areas, private access roads, driveways, decks, parking lots, and patio areas.

Improvement Location Permit: A permit certifying that the site plans of a proposed building, structure, site improvement or use of land have been examined for compliance with all requirements of this ordinance. The types of Improvement Location Permits include, but are not limited to, Grading Permits, Logging Permits, Sign Permits, Home Based Business Permit, Residential Single Family Permits, Residential Swimming Pool Permit, Non-Residential Commercial Permit, etc.

Improvements: Any building, structure, parking facility, fence, gate, wall, work or art, underground utility service or other object constituting a physical betterment of real property, or any part of such betterment. See Lot Improvements or Public Improvements. See Lot Improvements or Public Improvements.

Impulsive Sound: Either a single pressure peak or a single burst (multiple pressure peaks) for a duration less than one second.

Indiana Code: The Burns Indiana Statutes Code Edition, which codifies all Indiana statutes for reference purposes. The latest edition with any amending supplements must be referred to for the laws "now" in force and applicable. (Usually abbreviated as I.C. herein).

Indiana Utility Regulatory Commission (IURC): The IURC regulates those telecommunications which are also considered public utilities. Where the telecommunications service being provided is a public utility, such as telephone service, including local, long distance or cellular telephone service, then those services fall under IURC jurisdiction.

Individual Building Lot: A single parcel of land within a multiparcel development.

Individual Lot Operator: A contractor or subcontractor working on an individual lot.

Individual Lot Owner: A person who has financial control of construction activities for an individual lot.

Individual Sewage Disposal System: A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device approved by the Health Department to serve the disposal needs of one single-family residential dwelling. An individual sewage disposal system is a private sewage disposal system.

Indoor Shooting Range: A facility designed and used for shooting at targets with archery and/or firearms, and which is completely enclosed within a building or structure.

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

Industrial Equipment Sales and Rental: An establishment primarily engaged in selling or renting heavy industrial equipment, including heavy construction and earth-moving equipment.

Industrial Manufacturing, Heavy: The Assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not constitute "light manufacturing", and which may include open uses and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials or products involving flammable or explosive materials and processes. This definition shall not include any use that is otherwise listed specifically in a zoning district as a permitted or conditional use. This use encompasses the following definitions of uses: Industrial Equipment Repair, Paper Products, Perfumes, Cosmetics and Toiletries, Pharmaceuticals, Plastic Products Assembly, Plating and Polishing, Pottery Products, Ship and Boat Building, Sign and Advertising Displays, Structural Clay Products, Terra Cotta, Textiles, Textiles Machinery, Beverage bottling, Abrasive Products, Appliance Assembly, Beverage Products, Bottling Machinery, Electronic Devices and Instruments, Engineering and Scientific Instruments, Farm Machinery and Equipment, Furniture, Glass and Glassware, Hard Surface Floor Covering, Insulation Products, Machine Assembly, Machine Shop, Metal Fabrication, Metalworking Machinery, Textile, Welding, Petroleum Bulk Sales and Storage.

Industrial Manufacturing, Light: The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not involve significant truck traffic or railroad operations and do not create material amounts of noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, and where such processes are housed entirely within an enclosed building, except as may be authorized in this CDO. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials and includes processes not involving flammable or explosive materials. This use encompasses the following definitions of uses: Gunsmith, Engineering and Scientific Instruments, Jewelry Products, Leather Goods, Musical Instruments, Watches and Clocks, Wood Products. The term "Light Manufacturing" shall not include any use that is otherwise listed specifically in the Use Table as a Permitted or Conditional Use.

Industrial Park: A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation and open space.

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

Inlet (Storm Water Inlet): An opening into a storm sewer system through which surface storm water runoff enters the system.

Instrument Runway: A runway equipped, or to be equipped, with electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.

Insulation Products: Establishments involved in manufacturing insulation products.

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

Intensive Agriculture: Includes uses such as Confined Animal Feeding Operations (CAFO), and Confined Feeding Operations (CFO) as defined by the Indiana Department of Environmental Management.

Intent: Provisions of this overlay are described by “shall” when required; “should” when expected; and “may” when permitted.

Interested Parties: Those persons who are to be notified by mail of a public hearing, or other action, on a proposed subdivision of land; namely, the applicant or developer of the property to be subdivided and the fee simple owners (executive officer or board of governmental owner) of those properties that share a common boundary line or point with the property to be subdivided or that would share a common boundary line or point with the property to be subdivided but for the existence of a public or private street or a distinct parcel owned by the applicant or developer (see Commission Rules of Procedure). If an abutting property consists of “common areas” that are owned and/or maintained by a subdivision/condominium property owners’ Association, the Association, rather than the individual subdivision lot/condominium owners, shall be deemed the “interested party” for purposes of notice, unless, additionally, the Administrator orders that certain individual owners be provided with notice as interested parties. The identity of interested parties shall be determined from the following sources: (1) the subdivision application; (2) the Auditor’s Plat Books; and (3) the Auditor’s Transfer Books. Those persons identified in the Plan Commission Rules of Procedure who are to be notified by mail of a public hearing, or other action, on a proposed division of land.

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

Intermittent Stream: A surface watercourse which flows typically only after significant precipitation events or during a particular season, and which evidences a discernable stream bed. This does not encompass man-made drainage ways or natural swales which lack a discernable stream bed.

Interstate: The highest type of primary arterial highway, with full access control, high design speeds, and a high level of driver comfort and safety. Interstate roads are at least four lanes wide with a median in rural areas. Access control is exercised to give preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections.

J

Jewelry: An establishment primarily engaged in selling any combinations of lines of jewelry, such as diamonds and other precious stones mounted in precious metals such as rings, bracelets, and brooches; sterling and plated silverware; and watches and clocks.

Jewelry Products: Establishments primarily engaged in manufacturing jewelry and other articles worn on or carried about the person, made of precious metals with or without stones (including the setting of stones where used), including cigarette cases and lighters, vanity cases and compacts; trimmings for umbrellas and canes; and jewel settings and mountings; or establishments primarily engaged in

manufacturing costume jewelry made of all materials, except precious stones and rolled gold plate and gold filled materials.

Junction Chamber: A converging section of conduit, usually large enough for a person to enter, used to facilitate the flow from one or more conduits into a main conduit.

Junkyard: A junkyard is an open area where junk, waste, scrap, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, bottles, and inoperable equipment or machines or motor vehicles. A junkyard includes automobile wrecking or salvage yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house-wrecking and structural steel materials and equipment, but does not include uses established entirely within enclosed buildings or composting operations.

K

Karst: A type of terrain, usually formed on carbonate rocks (limestone, dolomite, calcareous shale), gypsum, and other rocks by dissolution, and that is characterized by sinkholes, underground drainages, and caves.

Karst Valleys: Valley-like areas characterized by numerous sinkholes and intermittent sinking streams along adjacent hillsides that have no over land stream outlet.

Karst Window: A collapsed sinkhole that exposes a cave stream or an intermittent cave stream.

Kennel: An establishment or lot wherein any person engages in the business of boarding, buying, keeping, letting for hire, training for a fee, or selling dogs, cats and/or other small, domesticated household pets (not farm animals). A kennel, for purposes of this chapter, shall not include a facility in or adjoining a private residence where dogs are kept for the hobby of the householder using them for hunting, practice tracking, exhibiting in shows or field or obedience trials or for the guarding or protecting of the householder's property, and an occasional sale of puppies or kittens by the owner, lessee or other occupant of such property shall not make that property a kennel for the purposes of this chapter.

Kennels, including commercial animal breeding operations: The boarding, breeding, raising, grooming, or training of two or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain. An establishment wherein any person engages in the business of boarding, breeding, buying, keeping, letting for hire, training for a fee, or selling dogs, cats, and/or other small, domesticated household pets (not farm animals).

L

Laboratories: Facilities equipped for experimental study in a science or for testing and analysis; facilities providing opportunity for research, experimentation, observation, or practice in a field of study.

Lake Bodies: The areas covered by Griffy Reservoir and Lake Monroe at normal pool elevation.

Lake Monroe Watershed: All areas of Monroe County within the Monroe County planning jurisdiction within the watershed boundaries as located by the Environmental Systems Applications Center, Indiana University, Bloomington. All land within the Lake Monroe Watershed has been classified into the following areas:

- **Area 1.** All land lying within 1,000 feet (measured horizontally) of the Fee Take Line.

- **Area 2.** All land lying between 1,000 feet and 2,500 feet (measured horizontally) of the Fee Take Line. Also, all land lying within 1,000 feet (measured horizontally) of the Regulatory Floodway.
- **Area 3.** The entire Lake Monroe Watershed outside of Areas 1 and 2.

Land: Any ground, soil or earth, including marshes, swamps, drainage ways, and areas not permanently covered by water, within the County Jurisdictional Area.

Land Disturbing Activity: Any man-made change of the land surface including clearing, cutting, excavating, filling, or grading of land or any other activity that alters land topography or vegetative cover, but not including agricultural land uses such as planting, growing, cultivating and harvesting crop, growing and tending gardens and minor landscaping modifications.

Land Divider: The owner of a parcel of land to be further divided pursuant to the exempt division regulations.

Landing Area: The area of the airport used for the landing, take-off or taxiing of aircraft.

Landscape Area: Land that has been decoratively or functionally altered by contouring and planting shrubs, trees or vines, and with a living or nonliving ground cover.

Landscape Buffer: See Bufferyard.

Landscaping: The improvement of a lot, parcel or tract of land with a combination of living plants (such as grass, shrubs, trees and/or other plant material) and nonliving material (such as rocks, mulch, walls, fences, or ornamental objects) designed and arranged to produce an aesthetically pleasing effect.

Landscape Plan: A component of a development plan on which is shown: proposed landscape species (such as quantity, spacing, size at time of planting, and planting details); proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features; grade changes; buffers and screening devices; and any other information that can reasonably be required in order that an informed decision can be made by the approving authority.

Landscaping Features: See Buffer Landscaping, Screening and Canopy and Understory Trees.

Land Use Certificate: A certificate signed by the Administrator stating that the occupancy and use of the land, building or structure referred to therein complies with the provisions of this ordinance.

Land Use Density

Larger Common Plan of Development or Sale: A plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer Lots for sale or lease; where such land will be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.

Lateral Storm Sewer: A sewer to which inlets are connected but to which no other storm sewer is connected.

Leather Goods: Establishments primarily engaged in manufacturing leather goods, such as handbags and purses, billfolds, checkbook covers, saddles, horse whips, and so forth, and where no leather tanning or curing is done on the premises.

Legal Access: A platted access easement or the minimum required frontage on a street.

Legal Description: A description recognized by law which definitely describes real property by reference to government surveys, coordinate systems or recorded maps; a description which is sufficient to locate property without oral testimony.

Legal Drain: Any drain moving in excess of 30 cubic feet per second during a 10 year storm. Any drainage system consisting of an open drain, a tiled drain, or any combination of the two, that is under the jurisdiction of the County Drainage Board as provided by I.C. 36-9-27, as amended.

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

Level of Service (LOS): A quantitative stratification of the effectiveness of a road's capacity to carry a given amount of traffic. A continuum of letter grades, with "A" being the best, most free-flowing travel and "F" being a standstill, is used to quantify travel for a roadway segment.

Light Equipment: Motorized equipment weighing six tons or less.

Liquor Store: An establishment primarily engaged in the retail sale of packaged alcoholic beverages, such as ale, beer, wine and whiskey, for off-premises consumption.

Livable Residential Space: Calculated as the space connected or a part of a residential dwelling that is heated and cooled. This definition excludes: non-heated/cooled maintenance closets, non-heated/cooled garage space, non-heated/cooled barn space, non-heated/cooled crawl spaces, and non-heated/cooled attics. It does include: habitable loft space, unfinished basements, staircases, etc.

Livestock Auction Market: An established place of business and contiguous surroundings, where domestic animals are consigned to be sold at public auction upon a commission basis to be paid by the consignor at which place the operator of the business Acts as agent for consignor and said place has been inspected and approved on the basis of maintaining minimum standards, in conformance with regulations adopted by the State Board of Health.

LMI Housing: Units to be sold or rented to families earning 70 to 120 percent of the county median income, adjusted for family size, as determined by the US Department of Housing and Urban Development.

Local Street: A street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

Location Map: A map showing the location of the property proposed to be subdivided. Such a map shall show the closest cross streets in all directions.

Locksmith: An individual who makes or repairs locks.

Logging: The planting of new trees, the harvesting of marketable timber, or the removal of dead or diseased trees (i.e., activities that are not related to the construction, improvement, or enlargement of access roads, fire roads or trails, skid trails, haul roads, log landings or yards, equipment storage buildings; removing root balls, grading, stripping, excavation, and landscaping, etc.) in accordance with forestry/timber standard improvement practices.

Logging, Urban Area: Properties seeking a logging permit in the Urban Area as defined by IC 36-7-4-1103 (as amended), which says any lands or lots used for residential purposes where there are at least eight (8) residences within any quarter mile square area, and other lands or lots that have been or are planned for residential areas contiguous to the municipality.

Long term Lodging Agreement: An agreement under which rooms are provided for a fee, rate, or rental, and are occupied for overnight lodging or habitation purposes for a period of thirty (30) days or more.

Lot: A tract, plot, or portion of a subdivision or other parcel of land, the boundaries of which have been established by some instrument of record, that is intended as a unit for the purpose, whether immediate or future, of transfer of ownership or of building development. A tract, plot, or portion of a subdivision or other

parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or of building development.

Lot Size. The area of horizontal plane bounded by the vertical planes through front, side and rear lot lines.

Lot, Corner: A lot situated at the intersection of two (2) streets. A corner lot has a front yard on each abutting street. Corner Lots must observe the minimum front yard setback from both streets and observe the minimum side yard setback from the remaining property lines. A lot situated at the intersection of two (2) streets. A corner lot has a front yard on each abutting street.

Lot Corner Marker: An iron or steel dowel at least thirty (30) inches long and 5/8 inch in diameter set at the vertices of each angle in a lot boundary line.

Lot Coverage: The percentage of the lot size that is covered by the building or structure, exclusive of open courts, terraces or decks. See Floor Area and Open Space. The percentage of the lot size that is covered by the building or structure, including covered porches or decks and accessory buildings or structures but excluding open courts, terraces or decks. (See Floor Area and Open Space).

Lot Depth: The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line. The lot depth of a multiple frontage lot may be determined from any of its front lot lines.

Lot, Improvement: Any building, structure, work of art, or other object, or improvement of the land on which such objects are situated that constitute a physical betterment of real property.

Lot, Interior: A lot other than a corner lot with only one frontage on a street other than an alley.

Lot Line: A lot line is a property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley line.

Lot Line, Front Yard: The lot line abutting a street, watercourse or lake. Corner Lots and through Lots have at least two front lot lines, multiple frontage Lots may have more than two front lot lines.

Lot Line, Rear Yard: The lot line that is opposite to and most distant from the front property line. In the case of a triangular or irregularly shaped lot, the rear property line shall be Assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to the front property line at a maximum distance from the front lot line. If the front property line is a curved line, then the rear property line shall be Assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint. A lot may have more than one rear lot line.

Lot Line, Side Yard: Any boundary of a lot that is not a front or rear lot line.

Lot, Multiple Frontage: A lot with frontage at two or more locations.

Lot of Record: A lot, which was created by subdivision, the plat of which has been approved as required by applicable County, City, and State law and recorded in the Office of the Monroe County Recorder; or a parcel of land, the bounds of which have been legally established by a separate deed and duly recorded in the Office of the Monroe County Recorder. "Legally established" means not in violation of any County, City, or State subdivision regulations existing at the time the lot was established by deed. Also, a parcel described by a single deed containing more than one (1) metes and bounds description shall be one (1) lot of record unless the parcels described by separate descriptions have, in the past, been lawfully-established, separate parcels of record.

Lot, Out: That portion of land of a plat which is usually located adjacent to a street or frontage road and not dedicated to serving the needs of the primary development for an additional and separate building or buildings in the development.

Lot, Reverse Frontage: A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts.

Lot, Substandard: A parcel of land that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.

Lot, Through: A lot having frontage on two parallel or approximately parallel streets. A through lot has a front yard on each abutting street, watercourse or lake.

Lot Width: The horizontal distance between the side lot lines measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building line. The width of a multiple frontage lot shall be determined at all of its building lines.

Lowest adjacent grade: The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

M

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

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

Major Collector: Facilities that are designed to convey vehicles safely and quickly to the arterial road system. They serve minor population centers and neighborhood traffic generators that are not feasibly served by the arterials.

Major Drainage System: A drainage system that carries runoff from an area greater than or equal to one square mile.

Major Street: See Collector Street or Arterial Street.

Major Street Plan: See Official Zone Map.

Major Subdivision: See Subdivision, Major.

Major Utility: See Utility, Major

Manhole: A storm sewer structure through which a person may enter to gain access to an underground storm sewer or enclosed structure.

Manufactured Home: A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Home Construction and Safety Standards Law of 1974 (42 USC 5401 et seq.).

Manufactured Home Park: A site containing spaces with required improvements and utilities that may be leased for the long-term placement of manufactured houses and that may include services and facilities for the residents.

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home Lots for rent or sale.

Manufactured Housing Sales: Establishments primarily engaged in the retail sale of new and used mobile homes, new manufactured houses, and new modular homes, including incidental storage.

Manufacturing, Light: The Assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such Assembly, fabrication or processing takes place, where such processes are

housed entirely within an enclosed building, except as may be authorized pursuant to Chapter 813. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials and includes processes. This definition shall not include any use that is otherwise listed specifically in any zoning district as a permitted or conditional use.

Map: A representation of the earth's surface, or any part thereof, in signs and symbols, on a plane surface, at an established scale, with a method or orientation indicated.

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

Market value: The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value) or adjusted Assessed values.

Marker: A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

Marquee: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Massage Studio: An establishment offering massage therapy and/or body work by a massage therapist certified under IC 25-21.8 or under the direct supervision of a licensed physician, surgeon, chiropractor, or osteopath.

Master Plan: See Comprehensive Plan.

Measurable Storm Event: A precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half (0.5) inch of rainfall.

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

Medical Clinic: An establishment providing medical, psychiatric or surgical services exclusively on an outpatient basis, including emergency treatment and diagnostic services. Includes Rehabilitation Therapy Facility, Physical Therapy, Chiropractor, etc.

Metal Fabrication: An establishment involved in manufacturing process that shapes metal into parts or end products.

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

Microbrewery: A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district

mineral resource extraction: The on-site extraction of surface or subsurface mineral products or natural resources. Typical extractive uses are quarries, borrow pits, sand and gravel operations, and mining operations.

Minor Collector: Facilities that are designed to convey vehicles to major collector or arterial streets.

Minor Drainage System: A drainage system that carries runoff from an area of less than one square mile.

Minor modification: Any improvements to existing structures that do not qualify as a substantial modification, does not result in an increase to the fall zone to an extent that would result in a violation of the setback requirements and is eligible for administrative review and approval. The term includes the following: (1) Increasing the height of a wireless support structure to avoid interfering with an existing antenna (see Substantial Modification for limits to height increase); (2) Increasing the diameter or area of a wireless support structure to: (A) shelter an antenna from inclement weather; or (B) connect antenna to the wireless support structure by cable.

Minor Subdivision: See Subdivision, Minor.

Mixed-use: Multiple functions within the same building through superimposition or adjacency, or in multiple buildings within the same area by adjacency. This technique is a tenet of form-based zoning to encourage, compact urban areas, pedestrian activity, reduction of dependence on automobiles and parking facilities, among other benefits.

Minor Utility: see Utility, Minor

Mobile Home: A single dwelling residential unit with all of the following characteristics:

- Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachments to outside systems;
- Designed to be transported after fabrication on its own wheels;
- Arriving at the site where it is to be occupied as a dwelling complete, conventionally designed to include major appliances, and ready for occupancy except for minor and incidental unpacking and Assembly operations, location on foundation supports, connection to utilities and the like; and,
- Designed for removal to and installation or erection on other sites.

Modular Home: Any single dwelling unattached manufactured home that is without wheels and chassis but that is designed for transportation on streets after fabrication.

Monopole: A single, freestanding pole-type structure supporting one or more Antenna. For purposes of this Ordinance, a Monopole is not a Tower.

Monument: A physical structure which marks the location of a corner or other survey point.

Motel: A building, or portion thereof, in which five (5) or more guest rooms (typically accessible from an outdoor parking lot) are furnished to the public under a short term lodging agreement.

Motorcycle Sales: Establishments primarily engaged in the retail sale of new and used motorcycles, motor scooters, and personal watercraft, including incidental storage, maintenance and servicing.

Motor Vehicle and Equipment Assembly: Establishments primarily engaged in manufacturing or assembling complete passenger automobiles, trucks, commercial cars and buses and special purpose motor vehicles, including establishments primarily engaged in manufacturing chassis or passenger car bodies, which may also manufacture motor vehicle parts.

MS4 Area: Land comprising one (1) or more places that receive coverage under one (1) NPDES storm water permit regulated by 327 IAC 15-13 or 327 IAC 5-4- 6(a)(4) and 327 IAC 5-4-6(a)(5).

MS4 Operator: The person responsible for development, implementation, or enforcement of the minimum control measures for a designated MS4 area regulated under 327 IAC 15-13.

Mulch: Nonliving organic and synthetic materials customarily used in landscape design to retard erosion, conserve moisture, prevent weeds from growing, and aid in establishing plant cover.

Multiple-Family Subdivision: A subdivision intended to be the site of more than one multifamily dwelling.

Municipal Sewage Disposal System: See Public Sewage Disposal System.

Municipal Water System: See Public Water System.

Music Store: An establishment primarily engaged in selling musical instruments, phonograph records, compact discs, tapes, sheet music and similar musical supplies.

Musical Instruments: Establishments primarily engaged in manufacturing pianos, guitars, and other similar instruments, as well as parts and accessories for musical instruments.

N

Net Selling Price: The selling price of a house and its accompanying land minus the costs incurred for land acquisition and construction.

Night-time Hours: 7:00 p.m. to 7:00 a.m., local time.

Noise Pollution: A level of noise which subjects those in close proximity to such decibel levels that impair their health, general welfare and enjoyment of their property for its intended use.

Noncommercial Message: A sign which carries no message, statement, or expression related to the commercial interests of the sign owner, lessee, author or other person responsible for the sign message.

Nonconforming Sign: See Sign, Nonconforming.

Nonconforming Use: See Use, Nonconforming. Any structure, tree or use of land that is lawfully in existence at the time the regulation prescribed in this chapter, or an amendment thereto, becomes effective and does not then meet the requirements of the regulation.

Non-Instrument Runway: A runway other than an instrument runway.

Normal Pool Elevation: The mean elevation of a lake body's surface. The normal pool elevation for Griffy Reservoir is 630 feet and the normal pool elevation for Lake Monroe is 538 feet.

North American Vertical Datum of 1988 (NAVD 88): as adopted in 1993, a vertical control datum used as a reference for establishing varying elevations within the floodplain.

Nursery/greenhouse: An establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building.

O

Objectionable Substances: Substances of a quantity and type that are present in sufficient duration and location to damage the waters of the state.

Octave Band Sound Pressure Level: The sound pressure level for the sound being measured contained within the specified octave band. The reference pressure is twenty (20) micronewtons per square meter ($\mu\text{N}/\text{m}^2$).

Odor Concentration: The number of cubic feet that one cubic foot of sample will occupy when diluted to the odor threshold. It is measured in the number of odor units in one cubic foot of the sample and expressed in odor units per cubic foot.

Odor Unit: One cubic foot of air at the odor threshold.

Office: An establishment primarily engaged in providing professional, financial, administrative, clerical and other similar services. Includes law offices, accountant offices, real estate offices, tax preparation.

Office and Computer Equipment: Establishments primarily engaged in manufacturing office equipment such as typewriters, desk calculators, adding and accounting machines, duplicating machines and similar equipment; and/or in manufacturing electronic computer and peripheral equipment and/or major logical components intended for use in electronic computer systems.

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

Office Showroom: An establishment where office merchandise is exhibited for sale or where sample office supply items are displayed, including incidental storage, provided that a minimum of twenty (20) percent of the building is comprised of finished office space.

Office Supplies: Places of business where stationer and office supplies, such as enveloped, typewriter and mimeograph paper, file cards and folders, pens and pencils, and so forth, are the main items offered for sale.

Official Master Plan: See Comprehensive Plan.

Official Zone Map: The map or maps established by the County pursuant to law showing the existing and proposed streets, highways, parks, drainage systems, and set-back lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the County or additions thereto resulting from the approval of subdivision plats by the Commission and the subsequent filing of such approved plats.

Off-Site: Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval. Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the Applicant.

Off-Street Loading and Unloading Space: An open hard-surface area of land, other than a street, driveway, or public way, the principal use of which is for standing, loading and unloading of motor trucks, tractors and trailers or other motor vehicles, to avoid undue interference with the public use of streets and alleys. Such space shall not be less than twelve (12) feet in width, thirty (30) feet in length for short berths and fifty (50) feet in length for long berths and fifteen (15) feet in height, exclusive of access aisles and maneuvering space.

Off-Street Parking Schedule: General off-street parking requirements, as delineated in the Zoning Ordinance that indicate the number of parking spaces required per use.

On-Site: Any premises located within the area of the property that is the subject of an application for development.

Opacity: A condition which renders material partially or wholly impervious to transmittance of light and causes obstruction of an observer's view. For the purposes of these regulations, the following equivalence between opacity and Ringelmann shall be employed.

8. Opacity Percent Ringelmann No.

- a. 100.5
- b. 201
- c. 301.5
- d. 402
- e. 603
- f. 804
- g. 1005

Open Drain: A natural or artificial open channel that carries surplus water and that was established under or made subject to any drainage statute or ordinance.

Open Space: Total horizontal area of all portions of the lot not covered by buildings, structures, streets, parking areas or paved walkways.

Open Space, Usable: That portion of a zoning lot which is not covered by building or paved areas. For the purposes of this ordinance, outdoor roof gardens, patios and decks may be counted, providing a maximum of 100 square feet per dwelling unit may be included as usable open space. Pools and other recreational facilities may be included in the usable open space provided that a minimum of thirty (30) percent of the usable open space must be devoted to landscaping.

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

Optical Instruments and Lenses: Establishments primarily engaged in manufacturing instruments that measure an optical property, including apparatus, except photographic, that projects or magnifies, such as binoculars, prisms, and lenses; optical sighting and fire control equipment and related analytical instruments; or establishments primarily engaged in manufacturing eyeglass lenses, frames, or fittings.

Ordinance: Any legislative action, however denominated, of a local government which has the force of law.

Ordinary Maintenance: Ensuring that communications facilities and wireless support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example, the strengthening of a wireless support structure's foundation or of the wireless support structure itself. Ordinary maintenance includes replacing antennas of a similar size, weight, shape and color and accessory equipment within an existing wireless communications facility and relocating the antennas of approved communications facilities to different height levels on an existing monopole or tower upon which they are currently located. Ordinary maintenance does not include minor and substantial modifications.

Original Parent Parcel: The lot prior to the utilization of the Sliding Scale Option subdivision method.

Ornamental Tree: A deciduous tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.

Outdoor Shooting Range: An area designed and operated for the use of rifles, shotguns, pistols, muskets, or similar firearms that are fired at silhouettes, skeet, trap, paper, still board, or other similar targets. Use is not permitted. Exemptions include: hunting and target practice on private property not for commercial gain.

Outfall: The point or location at which storm water runoff discharges from a sewer or drain. The term also applies to the outfall sewer or channel which carries the storm runoff to the point of outfall.

Owner: Any person or other legal entity having legal title to or significant proprietary interest in the land subject to a zoning determination under these regulations.

Owners Association: See Condominium Association or Homeowners Association.

P

Paper Products: Establishments involved in manufacturing paper products such as envelopes, paper bags, file folders, stationery, wrapping paper, and so forth, and where no paper is produced on the premises.

Parcel: A part or portion of land having a legal description formally set forth in a conveyance instrument (e.g., a deed) together with the boundaries thereof, in order to make possible its easy identification. Not to be confused with Lot of Record.

Parent Parcel Remainder: The largest lot created under the Sliding Scale Option subdivision method.

Parent Tract: The land from which the new lot or tract of land is being taken as recorded in the County Recorder's Office on the date of adoption of these regulations.

Park: A tract of land, designated and used by the public for active and passive recreation.

Parks and Playgrounds: Publicly- and privately-owned and operated parks, playgrounds, recreational facilities, golf courses and open spaces.

Parking Area: An open hard-surfaced area of land, other than a street, driveway, or public way, the principal use of which is for the storage (parking) of passenger automobiles or commercial vehicles under two-ton capacity by the public, whether for compensation or not, or as an accommodation to clients or customers. An improved surface upon which passenger vehicles are parked, and at which a fee may be charged.

Parking Area, Private: A private parking area is an open, hard-surfaced area, other than a public way or street, designed, arranged and made available for the storage (parking) of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory.

Parking Area, Public: A public parking area is an open, hard-surfaced area, other than a public way or street, intended to be used for the temporary, daily, or off-street parking of passenger automobiles and commercial vehicles under one and one-half (1-1/2) tons rated capacity, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

Parking Facility: An area on a site with or without a principal use, which includes one or more off-street parking spaces together with driveways, aisles, turning and maneuvering areas, clearances, and similar features. A parking facility includes parking Lots, parking garages, and parking structures, and includes both publicly and privately owned facilities.

Parking Space, Automobile: Hard surfaced space within a parking area or a building of not less than one hundred fifty-seven and one-quarter (157.25) square feet, being eight and one-half (8-1/2) feet by eighteen and one-half (18-1/2) feet, with a vertical clearance of at least seven (7) feet, exclusive of access drives, aisles, ramps, columns, or office and work area, for the storage of one passenger automobiles or commercial vehicles under two-ton capacity.

Particle Velocity: A characteristic of vibration that depends on both displacement and frequency. If not directly measured, it can be computed by the frequency by the amplitude times the factor 6.28. The particle velocity will be in inches per second, when the frequency is expressed in cycles per second and the amplitude in inches.

Particulate Matter: Any solid or liquid material, other than water, which exists in finely divided form.

Party Wall: A wall which is common to but divides contiguous buildings.

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

Peak Discharge: The maximum rate of flow during a storm, usually in reference to a specific design storm event.

Peak Flow: The maximum rate of flow of water at a given point in a channel or conduit resulting from a particular storm or flood.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, usually in series, designed to move in the wind.

Performance Standard: A criterion or limit established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat generated by, or inherent in uses of land or buildings.

Perfumes, Cosmetics and Toiletries Manufacture: Establishments primarily engaged in the manufacture of perfumes (natural and synthetic), cosmetics, and toiletries; establishments engaged in blending and compounding perfume bases and the manufacture of shampoos and shaving products, whether soap or synthetic detergents.

Perimeter Street: Any existing street to which the parcel of land to be subdivided abuts on only one side.

Permanent Open Space: Parks, playgrounds, landscaped green space, and natural areas, not including schools, community centers or other similar areas in public ownership.

Permanent Stabilization: The establishment, at a uniform density of seventy percent (70%) across the disturbed area, of vegetative cover or permanent nonerosive material that will ensure the resistance of the soil to erosion, sliding, or other movement.

Permit authority: The Monroe County board, commission, or employee that, or who, makes legislative, quasi-judicial, or administrative decisions concerning the construction, installation, modification, or siting of wireless facilities or wireless support structures.

Person: A governmental entity, a corporation, a partnership, and an incorporated Association of persons such as a club as well as an individual. An individual, firm, partnership, corporation, company, Association, joint stock Association or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian or other representative.

Personal Services: Includes beauty service, barber shop, spas, nail salon, massage studio, tailoring, upholstery service and other associated businesses where a service is performed on, to, or with a client or customer.

Pesticide: A chemical substance used to kill a plant or animal that is a nuisance or harmful to humans.

Pet Services: Establishments engaged in grooming, when totally within a building, of dogs, cats, birds, fish, or similar small animals customarily used as household pets. Typical uses include dog bathing and clipping salons and pet grooming shops.

Pet Shop: Place of business where domestic animals, and products for the health and care of domestic animals, are sold.

Petroleum Bulk Sales and Storage: An establishment primarily engaged in the retail sale of petroleum products, such as fuel oil and kerosene, from bulk liquid storage facilities.

Pharmaceuticals: Establishments primarily engaged in manufacturing, fabricating or processing drugs in pharmaceutical preparations for human or veterinary use. Most of the products of these establishments are finished in the form intended for final consumption, such as ampuls, tablets, capsules, vials, ointments, medicinal powders, solutions and suspensions. Products of this industry consist of two important lines: pharmaceutical preparations promoted primarily to the dental, medical, or veterinary professions; and pharmaceutical preparations promoted primarily to the public.

Pharmacy

Phasing of Construction: Sequential development of smaller portions of a large project site, stabilizing each portion before beginning land disturbance on subsequent portions, to minimize exposure of disturbed land to erosion.

Photographic Service: An establishment primarily engaged in developing films, in making photographic prints and enlargements for the trade or for the general public, and in renting photographic equipment.

Physical Therapy Facility: A place where treatment of disease and injury by mechanical means such as exercise, heat, light, and massage are provided.

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

Plan Commission: See Commission.

Planned Unit Development: A means of land regulation which permits large scale, unified land development in a configuration and possibly a mix of uses not otherwise permitted "as of right" under the County Zoning ordinance but requiring under that ordinance a special review and approval process. A Planned Unit Development may be established for predominantly residential, commercial or industrial purposes. A Planned Unit Development is an area under single ownership or control to be developed in conformance with an approved development plan, consisting of a map showing the development area and all improvements to the development area, a text which sets forth the uses and the development standards to be met, and exhibits setting forth any Aspects of the development plan not fully described in the map and text. The map, exhibits, and text constitute a development plan. The uses and standards expressed in the development plan constitute the use and development regulations for the Planned Unit Development site in lieu of the regulations for the underlying district.

Plaster Central Mixing: Establishments primarily engaged in mixing plaster, usually for use by others.

Plastic Products Assembly: Establishments primarily engaged in molding primary plastics for the trade and fabricating miscellaneous finished plastics products; establishments primarily engaged in manufacturing fabricated plastics products or plastics film, sheet, rod, nontextile monofilaments and regenerated cellulose products and vulcanized fiber, whether from purchased resins or from resins produced in the same plant.

Plat: A map indicating the subdivision or resubdivision of land filed or intended to be filed for record with the County Recorder. A map, drawing or plan indicating the subdivision or resubdivision of land which is filed or intended to be filed with the Commission for approval under these regulations and with the County Recorder for recording.

Plat Committee: The Monroe County Plat Committee, appointed by the Plan Commission, which may hear subdivision proposals which do not involve the opening of new public ways and that comply in all other respects with this ordinance and the Subdivision Control Ordinance. The Monroe County Plat Committee, appointed by the Commission (see Rules of Procedure), may hear subdivision proposals which do not involve the opening of new public ways and that comply in all other respects with these regulations and with the Zoning Ordinance.

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

Plant Community: A natural Association of plants that are dominated by one or more prominent species, or a characteristic physical attribute.

Plot Plan. A scaled design that shows the area where improvements are being proposed or exist as well as associated infrastructure. See component requirements under Chapter 815.

Plot Plan, Certified. A design that is certified by an engineer or surveyor that shows the area where improvements are being proposed or exist as well as all associated infrastructure. See specific certification and component requirements under Chapter 815.

Police, Fire, or Rescue Station

Pottery Products: Establishments involved in manufacturing pottery and related products such as red earthenware flower pots, fine earthenware cooking ware, bone China, China plumbing fixtures, and so forth.

Practical Difficulties: For variance purposes, means a significant development limitation that:

9. Arises from conditions on the property that do not generally exist in the area (i.e., the property conditions create a relatively unique development problem);
10. Precludes the development or use of the property in a manner, or to an extent, enjoyed by other conforming properties in the area;
11. Cannot be reasonably addressed through the redesign or relocation of the development/building/structure (existing or proposed); and,
12. May not be reasonably overcome because of a uniquely excessive cost of complying with the standard.

Preferred Frequencies: Those frequencies in Hertz preferred for acoustical Measurements which, for the purposes of this regulation, consist of the following set of values: 20, 25, 31.5, 40, 50, 63, 80, 100, 125, 160, 200, 250, 315, 400, 500, 630, 800, 1000, 1250, 1600, 2000, 2500, 3150, 4000, 5000, 6300, 8000, 10,000, 12,500.

Preliminary Approval: An approval (or approval with conditions imposed) granted to a subdivision by the Commission after having determined in a public hearing that the subdivision complies with the standards prescribed in this ordinance.

Preliminary Plat: The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Commission for approval.

Primary Area: The portion of a Historic District in which historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares and/or neighborhoods are located.

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

Primary Conservation Areas: Unbuildable land, including but not limited to, wetlands and land that is generally inundated (land under ponds, lakes, creeks, etc.); all of the floodway and floodway fringe within the 100-year floodplain; steep slopes; karst areas; and soils subject to slumping, expansion, or erosion.

Principal Use: The main use of land or structures as distinguished from a subordinate or accessory use.

Principal Building: A building or structure or, where the context so indicates, a group of buildings or structures, in which the principal use of a lot or parcel is conducted.

Private Sewage Disposal System: Any sewage disposal system not constructed, installed, maintained, operated and owned by a municipality, a taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose. A private sewage disposal system is typically an individual sewage disposal system that may be either a subsurface septic system or mound septic system that is surface constructed of material brought to the site.

Private Water System: Any plumbing system for providing potable water to a lot or parcel of property that is not constructed, installed, maintained, operated and owned by a municipality, a taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose. A private water system is typically a well drilled to serve a single lot.

Project Site: The entire area on which construction activity is performed.

Project Site Owner: The person required to submit the NOI letter under this Chapter and required to comply with the terms of this Chapter, including either a developer or a person who has financial and operational control of the construction activities and project plans and specifications, including the ability to make modifications to those plans and specifications.

Prominent Discrete Tone: Sound, having a one-third octave band sound pressure level which when measured in a one-third octave band at the preferred frequencies, exceeds the arithmetic average of the sound pressure levels of the two (2) adjacent one-third octave bands on either side of such one-third octave band by:

13. Five dB for such one-third octave band with a center frequency from 500 Hertz to 10,000 Hertz, inclusive. Provided, such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band or;
14. Eight dB for such one-third octave band with a center frequency from 160 Hertz to 400 Hertz, inclusive. Provided, such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band or;
15. Fifteen dB for such one-third octave band with a center frequency from 215 Hertz to 125 Hertz, inclusive. Provided, such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band.

Property Line: The boundaries of a lot of record excluding any right-of-way.

Public Agency: An agency or government department acting under the aegis of and representing an elected or appointed council, commission, or other policy-making or advisory body of federal, state or local government to whom it is responsible.

Public Assembly: This use includes educational facilities and all accessory uses.

Public building or land: Any building or land owned, leased or held by the United States, the State of Indiana, the County of Monroe, any city, town, special district, school district, or any other agency or political subdivision of the State or of the United States, which building, or land is used for governmental or public purposes.

Public Improvement: Any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Public Park or Recreation Area: Public land which has been designated for park or recreational activities including, but not limited to parks, playgrounds, nature trails, swimming pools, reservoirs, athletic fields, basketball or tennis courts, pedestrian/bicycle paths, open spaces, wilderness areas, or similar public land uses.

Public Sewage Disposal System: Any sewage disposal system constructed, installed, maintained, operated, owned or defined as a public sewage disposal system by a municipality, taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose.

Public Utilities: A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare, such as electric, gas, telephone, water, sewer, solid waste disposal, schools, and public transit.

Public Water System: Any water system that is constructed, installed, maintained, operated, owned or defined as a public water system by a municipality, taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose.

Q

Qualified Geologist: A person who has met or exceeded the minimum geological educational requirements and who can interpret and apply geologic data, principles, and concepts and who can conduct field or laboratory geologic investigations; and who by reason of experience and education, has an understanding of local karst geology.

R

Racetrack: A large open or enclosed space used for games or racing events or competitions and partly or completely surrounded by tiers of seats for spectators.

Radio/TV stations: A facility used to host and produce content for radio and/or television.

Radius of Curvature: The length of radius of a circle used to define a curve.

Rainfall Intensity: The cumulative depth of rainfall occurring over a given duration, normally expressed in inches per hour.

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

Reach: Any length of watercourse, channel or storm sewer.

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

Real Estate Sales or Model Home Office: The temporary use of a mobile office, or similar structure, or a model home, as a sales office during the development of a new subdivision, office building, shopping center, industrial complex, and so forth.

Rear Yard: A yard, as defined herein, encompassing the horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the rear lot line.

Reception Window: The area within the direct line between a satellite antenna and those orbiting communications satellites carrying available programming.

Recreational Area: A place designed and equipped for the conduct of sports and leisure-time activities.

Recreation Center: A recreation center that includes both indoor and/or outdoor facilities. Uses include "Amusement Arcade", trampoline parks, gymnastics gyms, laser tag, paintball, swim clubs, miniature golf, batting cages.

Recreational Facility, Outdoor: A use of land for recreational purpose, either public or private, where such use requires no structure for the principal activity. Related functions such as changing rooms or restrooms, and maintenance may be housed in buildings or structures. Uses so defined shall include but not be limited to golf courses, outdoor tennis courts, and swimming pools, but shall not include uses such as miniature golf, bungee jumping, amusement parks or other similar commercial recreation uses.

Recreational Vehicle: A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. For purposes of Chapter 808, recreational vehicle means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3)

designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Recreational Vehicle Park: A lot, tract, or parcel of land used or offered for use in whole or in part with or without charge, for the parking of occupied recreational vehicles, tents, or similar devices used for temporary living quarters for recreational camping or travel purposes.

Recycling Center: means a facility designed and operated solely for receiving, storing, processing or transferring source separated recyclable materials. Recycling centers shall not include manufacturers, or scrap metal processing facilities.²⁹³

Registered Land Surveyor: A land surveyor properly licensed and registered or, through reciprocity, permitted to practice in the State of Indiana.

Registered Professional Engineer: An engineer properly licensed and registered in the State of Indiana or, through reciprocity, permitted to practice in the State of Indiana.

Regulated Area: All of the land under the jurisdiction of the Drainage Board.

Regulated Drain: See Legal Drain.

Regulatory flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Chapter 808-2(B) of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

Regulatory Flood Elevation: The maximum elevation, as established by the Indiana Department of Natural Resources, reached by the Regulatory Flood at the locations in question relevant to approval of a given subdivision.

Regulatory Floodway: The channel of a river or stream and those portions of the Flood Plains adjoining the channel which are reasonably required to efficiently carry, and discharge Revised 10/02/2015 the peak flow of the Regulatory Flood of any river or stream as shown on the Flood Insurance Rate Map Maps of Monroe County, Indiana, as prepared by the Federal Emergency Management Agency and dated August 2, 1995.

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

Release Rate: The amount of storm water released from a storm water control facility per unit of time.

Religious Facilities: A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Religious Assembly: Any church, synagogue, mosque, temple, or other building which is used primarily for religious worship and related religious activities.

Relocation of Pole Signs: The relocation of a pole sign or other sign due to a roadway project and related condemnation initiated by the State, County, or other applicable Governmental agency.

Remote Garbage/Rubbish Removal Facility: Public or private establishments contracted to remove solid waste from residential or commercial uses and transport such wastes to a locally operated public or private landfill or other waste collection facility, designated for local collection and transportation to central collection facilities for disposal and recycling.

²⁹³ New

Repair Services, drop-off: Includes but is not limited to cell phone repair, appliance repairs, furniture repairs (including upholstery), computer repair, electronics repair, locksmith, and office equipment repair. The use is conducted at a specific business location in which customers drop off items for repair.

Repair Services, off-site: Includes but is not limited to cell phone repair, appliance repairs, furniture repairs (including upholstery), computer repair, electronics repair, locksmith, Office Equipment Repair. The use is conducted at any location in which they are called.

Replacement: Removing the pre-existing wireless support structure and constructing a new wireless support structure of proportions and of equal height or such other height that would not constitute a substantial modification to a pre-existing wireless support structure to support a wireless communications facility or to accommodate collocation.

Replacement Cost: The cost to build a structure which has been destroyed or partially destroyed with a new structure which conforms to modern building standards, and which is otherwise substantially like the structure which was destroyed or partially destroyed. Calculation of the replacement cost shall be based on the most current Building Valuation Data Report as published in the most current copy of BOCA (The Building Official and Code Administration Magazine).

Required Improvements: The public improvements, lot improvements and/or landscaping features required by these regulations, by primary approval and by the subdivision improvement agreement.

Residential District: Any area designated as one of the residential Districts defined in Chapter 802 of the Monroe County Zoning Ordinance.

Residential Facility for Developmentally Disabled Individuals. A facility providing 24-hour care in a protected living arrangement for not more than eight (8) 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) means a means a severe, chronic disability of an individual that meets all of the following conditions:

- Is attributable to:
 - Intellectual disability, cerebral palsy, epilepsy, or autism; or
 - 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.
- Is manifested before the individual is twenty-two (22) years of age.
- Is likely to continue indefinitely.
- Results in substantial functional limitations in at least three (3) of the following areas of
- Major life activities:
 - Self-care.
 - Understanding and use of language.
 - Learning.
 - Mobility.
 - Self-direction.
 - Capacity for independent living.
 - Economic self-sufficiency.

Residential Facility for Mentally Ill Individuals. A facility providing 24-hour care in a protected living arrangement for not more than fifteen (15) residents, and sixteen (16) residents in the business zones, plus staff plus staff.

- For purposes of IC 12-28-4 and IC 12-28-5, a psychiatric disorder that:
 - Substantially disturbs an individual's thinking, feeling, or behavior; and
 - 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.

Residential Storage Structure: A structure to be used for private noncommercial storage by the property owner. Does not require the presence of a principal use on the same lot. If there is presence of a principal use on the same lot, the structure can be considered an "Accessory Structure" instead.

Residential use: Any of the uses identified as residential uses in Chapter 802 of the Monroe County Zoning Ordinance, including without limitation, single-family, duplex, townhouse, multiple-family, retirement home, mobile home park, and campground.

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

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

Restaurant, Café/Coffee Shop: An establishment engaged in the retail sale of limited food items and beverages.

Restaurant, Drive-in: An establishment engaged in the retail sale of ready-to-consume food and drinks in disposable containers, for consumption on or off the premises, and has drive-in or drive-through facilities so that patrons may be served while remaining in their automobiles.

Restaurant , Fast Casual: An establishment engaged in the retail sale of food and drinks that may or may not include consumption on-site. The establishment typically involves no table service and counter pick-up.

Restaurant, Sit Down: An establishment that is engaged primarily in table service for consumption on-site and may include retail sale of prepared food and drinks for carry-out.

Restrictive Covenant: Limitations of various kinds on the usage of Lots or parcels of land within a subdivision which are proposed by the subdivider, and, in the case of public health, safety and welfare, by the Commission, that are recorded with the plat and run with the land.

Resubdivision or Plat Amendment: A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line, or setback; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Retail Sales, Big Box: A facility or establishment with more than 60,000 square feet of gross floor area.

Retail Sales, Large: A facility or establishment with between 10,001 and 60,000 square feet of gross floor area.

Retail Sales, Medium: A facility or establishment with between 3,501 and 10,000 square feet of gross floor area.

Retail Sales, Small: A facility or establishment not involving outdoor display of goods with equal to or less than 3,500 square feet.

Retention: The permanent on-site storage of storm water.

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

Return Period: The average interval of time within which a given rainfall event will be equaled or exceeded once.

Right-of-way: A strip of land occupied or intended to be occupied by a street, pedestrian-way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, or for other special uses. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the Lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such Lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, screening or special landscaping, or any other use involving maintenance by a public agency shall be dedicated to public use by the subdivider on whose plat such right-of-way is established.

Ringelmann Chart: The chart published and described in the Bureau of Mines, US Department of Interior, information Circular 8333.

Riparian Conservancy Areas (RCA): An area of Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether included in areas for dedication, shall be preserved and retained in their natural state as drainage ways unless modifications are deemed necessary by the Drainage Board to improve drainage. An area of Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether included in areas for dedication, shall be preserved and retained in their natural state as drainage ways unless modifications are deemed necessary by the Drainage Board to improve drainage. Such land or lands subject to periodic flooding shall not be included in the computations for determining compliance with the lot size requirements set forth or incorporated in these regulations.

Rise Pit: A spring characterized by an upwelling of water, which may be permanently flowing or intermittent.

Road(s): See Street(s).

Roadside Stand, Permanent: A permanent structure, operated on a seasonal or year-round basis, which allows for local agricultural producers to retail their products and agriculture-related items directly to consumers and enhance income through value-added products.

Roadside Stand, Temporary: A non-permanent structure (tent or table), operated on a seasonal basis which allows for local agricultural producers to retail their products and agriculture-related items directly to consumers and enhance income through value-added products.

Roadway: The portion of the street right-of-way that is surfaced and available for vehicular movement. Roadway width shall be measured between the edges of the curbs which are furthest from the street pavement.

Road, Stub: A roadway extended to an abutting property.

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

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

Runoff Coefficient: A decimal fraction relating the amount of rain which appears as runoff and reaches the storm drainage system to the total amount of rain falling. A coefficient of 0.5 implies that 50 percent of the rain falling on a given surface appears as storm water runoff.

Runway: The paved or unpaved surface of an airport landing strip.

Rural Area: An area that may not be classified as an urban area.

Rural Community Area: Aggregation of adjoining parcels within Monroe County, generally centered by a town, in which a special district has been established for the purposes of both current and long-range planning and zoning. The four Rural Community Areas are Ellettsville, Harrodsburg, Smithville, Sanders, and Stinesville. The towns of Stinesville and Ellettsville have their own planning jurisdictions; as a consequence, the plans for these areas are for the land use beyond the corporate boundaries.

RV/Boat Storage : Use may include boat and RV storage, or only boat/ only RV storage. A storage facility utilizing enclosed buildings and/or unenclosed outdoor areas for the seasonal or year-round storage of four or more boats/RVs.

S

Sale or Lease: Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

Same Ownership: Ownership by the same person, corporation, firm, entity, partnership, or unincorporated Association; or ownership by different corporations, firms, partnerships, entities, or unincorporated Associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated Association.

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

School (K-12): A school offering educational instruction in grades kindergarten (K) through twelve (12), or any portion thereof, having regular sessions with regularly employed instructors, that teach those subjects that are fundamental and essential in general education, and which are licensed by the Indiana Department of Education. Any public or private educational facility serving students under the age of 18, including, but not limited to, child daycare facilities, nursery schools, preschools, kindergartens, elementary schools, preschools, primary schools, intermediate schools, junior high schools, middle schools, high schools, and special education schools.

Scrap Metal Processing Facility: As defined by IC 8-23-1-36, as amended, and an establishment having facilities for processing iron, steel, or nonferrous metal and whose principal product is scrap iron, steel, or scrap for sale for re-melting purposes only.

Screen: A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

Screening: Landscaping or a fence, wall or similar structure, or combination thereof, designed and established to shelter, protect, or hide one use or property from another, possibly incompatible, use or property.

Secondary Area: The portion of a Historic District which surrounds the primary area and which the control of the development or the change of which is necessary or desirable to the preservation of the primary area of the Historic District.

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

Secondary Conservation Areas: Land otherwise buildable under local, state, and federal regulations but placed under a conservation easement as part of the Cluster Subdivision Ordinance provisions.

Secretary: The secretary of the Commission, who shall be the Director unless the Commission takes official action to designate another person to act as secretary.

Section Corner: A corner established as part of the United States Public Land Survey System used for horizontal control in describing land.

Sectionalizing or Phasing: A process whereby an Applicant seeks final approval on only a portion of a plat which has been granted preliminary approval.

Sector: A specific geographic area that regulates and organizes the rural community plans' intended development patterns. Sectors are adapted from the rural communities' recommended land use maps.

Sediment: Soil material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site or origin by air, water, or gravity, as a product of erosion.

Sedimentation: The settling and accumulation of unconsolidated sediment carried by storm water run-off.

Sediment Basin: A barrier or dam built at suitable locations to retain rock, sand, gravel, silt, or other materials.

Seismograph: An instrument which measures vibration characteristics simultaneously in three mutually perpendicular planes. The seismograph may measure displacement and frequency, particle velocity, or acceleration.

Self-Storage: A storage service primarily for personal effects and household goods within an enclosed storage area having individual access, but excluding uses such as workshops, hobby shops, manufacturing, or commercial activities.

Semitrailer: A semitrailer is a vehicle without motive power, designed for carrying property and for being drawn by a motor vehicle, and so constructed that some part of the weight of the semitrailer and that of the semitrailer's load rests upon or is carried by another vehicle.

Senior Housing. For purposes of this provision, it also includes 'Elderly Housing,' and is defined as housing subject to an age-restriction in accordance with the age-restricted housing rules of the Housing for Older Persons Act of 1995 (42 U.S.C. § 3601). Includes the use of a site for a residential development to house elderly persons who are capable of caring for themselves and maintaining independent households. A typical development would include separate dwelling units, containing independent cooking, bathroom, and sleeping facilities, to be occupied by only one person or couple.

Services: The sale of services or work performed for others. Services are intangible and not returnable once performed. Examples of services include, but is not limited to, music lessons, tutoring, accounting, engineering, beauty services, etc.

Setback: A line parallel to and equidistant from the relevant lot line (front, back, side) or right-of-way line, between which no buildings or structures may be erected, except as expressly provided in these regulations. Setback distances are generally set forth in the height, bulk, and density provisions of this ordinance. A line parallel to and equidistant from the relevant lot line (front, back, side) between which no buildings or structures (some exceptions) may be erected as prescribed in the County Zoning Ordinance.

Sewage: The water-carried waste derived from ordinary living processes, including, but not limited to, human excreta and wastewater derived from water closets, urinals, laundries, sinks, utensil washing, washing machines, bathing facilities or similar facilities or appliances.

Sewage Disposal System: Any arrangement of devices and structures used for receiving, treating, disposing, or storing of sewage.

Sewage Disposal System, Private: Any sewage disposal system not constructed, installed, maintained, and operated and owned by a municipality, a taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose. A private sewage disposal system is typically an individual sewage disposal system that may be either a subsurface septic system or mound septic system that is surface constructed of material brought to the site.

Sewage Disposal System, Public: Any conduit for sewage constructed, installed, maintained, operated, owned, or defined as a public sewage disposal system by a municipality, taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose.

Shade Tree: A tree, usually deciduous, planted primarily for its high crown of foliage or overhead canopy.

Shaft: A vertical-sided pit of any diameter that extends downward more than a few feet.

Sheet Flow: Drainage of water over plane surfaces at a very shallow depth, usually under one inch.

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

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

Shopping Center: A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provisions for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan. A site developed and operated under single or common ownership to include a mix of commercial uses where most uses are permitted under the Business and Personal Services and Retail and Wholesale Trade use categories, with customer and employee parking provided on-site, provisions for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan.

Short Term Lodging Agreement: An agreement under which rooms are provided for a fee, rate, or rental, and are occupied for overnight lodging or habitation purposes for a period of less than thirty (30) days.

Short Term Rentals –Owner Occupied: A primary residence, one accessory dwelling unit, or a portion of primary residence, in which lodging is furnished to the public under the terms of a short term lodging agreement. Owner must occupy the residence full-time.

Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

Side Lot Lines: Any lines separating two Lots other than front or rear lot lines.

Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. The definitions of various types of signs that are set forth in this Section may not be interpreted as a limitation on the scope of the foregoing definition of "sign."

Signs and Advertising Displays: Establishments primarily engaged in fabricating and assembling electrical, mechanical, cutout or plate signs and advertising displays.

Sign, Animated: Any sign that uses movement or change of lighting to depict action or create a special effect or scene. A sign on which the message changes more than eight times per day shall be considered an animated sign.

Sign, Building Marker: Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Sign, Building: Any sign attached to any part of a building, as contrasted to a freestanding sign.

Sign, Canopy: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Sign, Changeable Copy: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy those changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.

Sign, Directional: A sign containing information limited to the name of the business, the nature of the business, the business logo, if any, and the distance and direction to the use being advertised.

Sign, Externally Illuminated: A sign that is illuminated by an external source of light intentionally directed upon the sign face.

Sign, Freestanding: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Sign, Governmental: Traffic or other civic signs, signs required by law or emergency, railroad crossing signs, legal notices, and any temporary, or non-commercial signs as are authorized under policy approved by the County, State, or Federal government.

Sign, Ground: Any sign other than a pole sign in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

Sign, Incidental: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Sign, Integral Roof: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

Sign, Internally Illuminated: A sign whose light source is either located in the interior of the sign so that the light goes through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign.

Sign, Marquee: Any sign attached to, in any manner, or made a part of a marquee.

Sign, Nonconforming: Any sign lawfully existing on the effective date of the ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

Sign, Pole: A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is nine (9) feet or more above grade.

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Sign, Projecting: Any sign affixed to a building or wall in such a manner that its leading edge extends more than twelve inches beyond the surface of such building or wall.

Sign, Residential: Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises or provided to the premises where the sign is located, if offering such service at such location conforms to all requirements of the zoning ordinance.

Sign, Roof: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Sign, Snipe: A temporary sign illegally tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.

Sign, Suspended: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Sign, Temporary: "Temporary sign" means any sign that is intended to be displayed for a limited period and is not permanently anchored or secured to a building or not having supports or braces permanently secured to the ground, including but not limited to: banners, pennants, or advertising displays including portable signs.

Sign, Wall: Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined with the limits of an outside wall or any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Sign, Window: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the windowpanes of glass and is visible from the exterior of the window.

Single Housekeeping Unit: A single housekeeping unit may exist where the occupants of the unit enjoy common use and access to all living and eating areas, bathrooms, and food preparation and serving areas.

Sinkhole: Any depression in a karst area formed by the subsurface removal of soil or rock by erosion, dissolution, or mass wasting (collapse, in part).

Sinkhole Cluster Area: An area containing two or more sinkholes located in close proximity, generally interconnected by groundwater conduits.

Sinkhole Conservancy Area (SCA): An area of land that is limited in use to activities described in Chapter 829 of the Monroe County Zoning Ordinance.

Sinkhole Eye: A visible opening, cavity, or cave in the bottom of a sinkhole, sometimes referred to as a swallow hole.

Sinkhole Flooding Area: The area inundated by runoff from a storm with an annual exceedance probability of 1% and a duration of forty-eight (48) hours assuming no outflow from the sinkhole.

Sinkhole Ponding Elevation: The maximum elevation of either the elevation as determined by using currently accepted methods of the Natural Resources Conservation Service to calculate the total volume of runoff from the sinkhole drainage area to the sinkhole utilizing an eight inch (8") rainfall and no sink outlet or the historical elevation of the published flood elevation. Maximum ponding elevation is established by overflow conditions.

Sinkhole Rim: The perimeter of the sinkhole depression. This includes the area defined by the elevation of the highest closed contour prior to man-made disturbance and/or the elevation at which the sinkhole, if it were a closed system, would overflow if it were flooded.

Sinkhole Watershed: The ground surface area that provides drainage to the sinkholes.

Sinking Stream: A stream that flows across the land surface in a karst area and sinks into subsurface channels or caverns within the carbonate bedrock.

Siphon: A closed conduit, a portion of which lies above the hydraulic grade line, resulting in a pressure less than atmospheric and requiring a vacuum within the conduit to start flow. A siphon utilizes atmospheric pressure to effect or increase the flow of water through a conduit. An inverted siphon might be used to carry storm water flow under an obstruction such as a sanitary sewer.

Site: The entire area included in the legal description of the parcel(s) of land on which development has been proposed or is being constructed; or the controlled area where runoff originates.

Site Triangle: The imaginary triangular area formed at a street corner by projecting the curb lines of the two intersecting streets to where the two projected lines would cross. From that intersecting point, one measures twenty-five (25) feet back along both curbs and then the two (2) end points are then connected. Within this imaginary triangle, no visual obstructions taller than three (3) feet are allowed.

Sliding Scale Option Small Lot: In the AG2.5, CR and FR zoning Districts, individual small Lots ranging in size from two and a half (2.5) to less than 45% of Original Parent Parcel size which are through the Sliding Scale Option Subdivision. to five (5) acres which can only be created through the Sliding Scale Option Subdivision. In the AG2.5, CR and FR zoning Districts, individual small Lots ranging in size from two and a half (2.5) to five (5) acres which can only be created through the Sliding Scale Option Subdivision Option.

Small cell facility: (1) a personal wireless service facility (as defined by the Federal Telecommunications Act of 1996, as in effect on July 1, 2015); or, (2) a wireless service facility that satisfies the following requirements: (A) each antenna, including exposed elements, has a volume of three (3) cubic feet or less; (B) all antennas, including exposed elements, have a total volume of six (6) cubic feet or less; (C) the primary equipment enclosure located with the facility has a volume of seventeen (17) cubic feet or less. For purposes of part (2)(C) of this definition, the volume of the primary equipment enclosure does not include the following equipment that is located outside the primary equipment enclosure: electric meters; concealment equipment; telecommunications demarcation boxes; ground based enclosures; backup power systems; grounding equipment; power transfer switches; and cut-off switches.

Small cell network: A collection of interrelated small cell facilities designed to deliver wireless service.

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

Smoke: Small gas borne particles resulting from incomplete combustion, consisting predominantly but not exclusively of carbon, ash, and other combustible material, that form a visible plume in the air.

Smoke Shop: Any business whose principal product line for retail sale is vape and vape-related products, tobacco and tobacco-related products, hemp and hemp-related products, and/or CBD and CBD-related products.

Social Service Uses: Any community serving activity, other than those separately defined herein, conducted by a non-profit organization which provides a service to a segment of the community's population having needs as a result of specific circumstances, such as low income, illness, developmental disability, and the like.

Soil: All unconsolidated mineral and organic material of any origin.

Soil and Water Conservation District: A political subdivision established under IC 14-32.

Soil Survey: The National Cooperative Soil Survey Project by the United States Department of Agriculture, Soil Conservation Service (now Natural Resources Conservation Service) in cooperation with Purdue University.

Solar Farm: A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV) or other conversion technology, for the primary purpose of wholesale sales of generated electricity.

Sound: Vibrations that travel through the air or another medium and can be heard when they reach a person's or animal's ear.

Sound Pressure Level: In decibels, twenty (20) times the logarithm to the base 10 of the ratio of the magnitude of a particular sound pressure to the standard reference pressure. The standard reference pressure is twenty (20) micronewtons per square meter ($\mu\text{N}/\text{m}^2$).

Special District (SD): Designation assigned to areas that, by their function, disposition, or configuration, cannot conform to one of the Character Zones or Sectors. Examples of areas in Monroe County's rural community areas include quarries or other mineral resource extraction and processing activities, public utilities such as a water or sewage treatment plant, or large parks and recreation facilities.

Special Exception: A use which may be permitted in certain zones subject to the conditions specified in the Zoning Ordinance.

Special Landscaping: Areas of tree planting, shrubs, or other landscape features serving a public purpose and maintained by the County. (See also Buffer Landscaping and Screening).

Specimen Tree: A particularly impressive or unusual example of a species due to its size, shape, age, or any other trait that epitomizes the character of the species.

Spillway: A waterway in or about a hydraulic structure, used for the release of excess water.

Spring: An outflow of subterranean water.

Spring Cave: A cave with a flow of water from the entrance.

Spite Strip: An unbuildable, usually narrow, strip of land situated between a property line and a proposed road or street right-of-way, the primary purpose of which is to prohibit access to the street or right-of-way from the adjacent property.

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

Stable: A structure and/or land use in or on which horses are kept primarily for breeding, boarding, training and/or giving lessons.

Stacked Unit Structure: A group of two (2) or more dwelling units attached through the ceiling or floor with one physically located above the other.

State Acts: Such legislative Acts of the State of Indiana as they affect these regulations.

State Plane Coordinates System: A system of plane coordinates, based on the Transverse Mercator Projection for the Western Zone of Indiana, established by the United States Coast and Geodetic Survey for the State of Indiana.

Steady State Vibration: A vibration which is continuous, as from a fan, compressor, or motor.

Stealth Design: Stealth Design shall include those design and construction techniques used to disguise WCF and Support Structures and/or conceal an Antenna Array. Examples include, but are not limited to, rooftops, flagpoles, light poles, bell and clock towers, signs, water towers, silos, steeples, and chimneys.

Stilling Basin: A basin used to slow water down or to dissipate its energy.

Stockyard: A place where livestock is assembled and at which place facilities are maintained for the handling of such livestock either for purchase or sale at competitive bidding, or purchase by the owners operating the stockyards and such places shall be deemed to include concentration points where livestock is assembled for the purpose of redistribution or resale by means other than competitive bidding, but such places shall not be deemed to include sale barns.

Storage Duration: The length of time that water may be stored in a storm water control facility, computed from the time water first begins to be stored.

Storm Sewer: A closed conduit for conveying collected storm water.

Storm Water Drainage System: All methods, natural or man-made, used for conveying storm water to, through or from a drainage area to any of the following: conduits and appurtenant features; canals; channels; ditches; streams; culverts; streets; or pumping stations.

Storm Water Pollution Prevention Plan: A plan developed to minimize the impact of storm water pollutants resulting from construction activities.

Storm Water Quality Measure: A practice or a combination of practices, to control or minimize pollutants associated with storm water run-off.

Storm Water Runoff: The water derived from rains falling within a tributary basin, flowing over the surface of the ground or collected in channels or conduits.

Straight Truck: A straight truck is any single vehicle with a gross vehicle weight rating (GVWR) of 26,001 pounds or more.

Stream/vegetation Interface Line: The line where the unvegetated streambed meets streamside vegetation. Where plants are widely dispersed, this line shall begin where vegetation covers 75 percent of the ground plane.

Street, Public: A land right-of-way that provides the principal means of access to abutting property. Rights-of-way for utility, pedestrian, or bicycle easements are not considered streets. An improved land right-of-way that provides the principal means of access to abutting property.

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

Street, Classification: For the purpose of providing for the development of the streets, highways, and rights-of-way in the County, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, and right-of-way, and those located on approved and filed plats, have been designated on the Official Map of the County or Thoroughfare Plan and classified therein. The classification of each street, highway, and right-of-way, is based upon its location in the respective zoning Districts of the County and its present and estimated future traffic volume and its relative importance and function as specified in the County Comprehensive

Plan and/or its Thoroughfare Plan component. The required improvements shall be measured as set forth for each street classification on the Official Map.

Street Frontage: The distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

Street, Non-dedicated: Any street that is intended for private uses, that is not a maintenance responsibility of the County and that meets the minimum design and construction standards set forth or incorporated in these regulations.

Street Right-of-Way Width: The distance between property lines measured at right angles to the center line of the street.

Strip Development: A multi-lot project where building Lots front an existing road.

Stripping: Any activity which significantly disturbs vegetated or likewise stabilized soil surface, including clearing and grubbing operations.

Structural Alteration: Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

Structural Clay Products: Establishments primarily engaged in manufacturing brick and structural clay tile, ceramic wall and floor tile, clay firebrick and other heat-resisting clay products, and so forth.

Structure: Any construction or any production or piece of work that is artificially made or built up or that is composed of parts joined together for occupancy, use, or ornamentation, whether installed on, above, or below the surface of a parcel of land (e.g., without limitation, buildings, roads, culverts, fences, etc.). An object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks and overhead transmission lines. Anything constructed or erected that requires location on or in the ground or is attached to something having a location on or in the ground.

Structure, Commercial. Structures categorized as commercial under Chapter 815 based on construction applicability and use.

Structure, Residential. Structures categorized as residential under Chapter 815 based on construction applicability and use.

Structure, Residential Accessory. Structures categorized as accessory to residential uses under Chapter 815 based on construction applicability and use.

Subdivider: Any person who, having a proprietary interest in land, causes it, directly or indirectly, to be divided into a subdivision.

Subdivision: The division of a lot of record into two (2) or more Lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, allocation, distribution, transfer, hold for investment or development, either on the installment plan or upon any and all other plans, terms, and conditions, including re-subdivision. Subdivision includes the division or development of land zoned for residential and nonresidential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument.

Subdivision, Administrative: A subdivision of land that is specifically exempted from the preliminary and final plat approval procedures and requirements of the Subdivision Control Ordinance. An administrative subdivision must be one of the following types of division:

16. A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;

17. A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property;
18. A division of land for federal, state, or local government to acquire street right-of-way;
19. A division of land for the transfer of a tract or tracts between adjoining Lots provided that no additional principal use building sites are created by the division. The Lots created shall have only one principal use building on each site (See Principal Building); and
20. A division of land into cemetery plots for the purpose of burial of corpses.

Subdivision Agent: Any person who represents or acts for or on behalf of a subdivider or developer in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services, and who is not involved in developing, marketing, or selling real property in the subdivision.

Subdivision Improvement Agreement: A document which establishes the contractual relationship between the Developer of a subdivision and the County for the completion and maintenance of the required improvements in accordance with these regulations.

Subdivision, Major: Any division of land including but not limited to subdivisions of five (5) or more Lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.

Subdivision, Minor: Any subdivision containing not more than four (4) Lots in which all Lots have at least 50 feet of frontage on an existing street that is an improved right-of-way maintained by the County (or other local government) or by a 50' wide access easement, and not involving:

21. Any new street,
22. The extension of municipal facilities for non-residential use,
23. The creation of any public improvements other than sidewalk or street trees, and
24. Conflict with the Comprehensive Plan, Official Zone Map, Zoning Ordinance, or this ordinance.

Subdivision, Nonresidential: A subdivision intended for nonresidential use.

Subdivision Review Committee: A committee established by the Commission to provide technical services to the Commission in the administration of these regulations.

Subdivision, Sliding Scale Option: In the AG2.5, CR and FR zoning Districts, an optional method of subdivision which establishes a parent parcel remainder and up to three (3) sliding scale small Lots.

Subdivision, Traditional: A subdivision utilizing the major, minor, or administrative subdivision methods established by these regulations rather than utilizing the Sliding Scale Option subdivision provisions.

Subject Property: The land, building or structure concerning which an application for a permit, certificate, review, or other determination authorized by the Zoning Ordinance or the Subdivision Control Ordinance, has been filed.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

Substantial modification of a wireless support structure: The replacement of a wireless support structure and/or the mounting of a wireless facility on a wireless support structure in a manner that: (1) increases the height of the wireless support structure by the greater of: (A) ten percent (10%) of the original height of the wireless support structure; or, (B) twenty (20) feet; (2) adds an appurtenance to the wireless support structure that protrudes horizontally from the wireless support structure more than the greater of: (A) twenty (20) feet; or, (B) the width of the wireless support structure at the location of the appurtenance; (3) increases the square footage of the equipment compound in which the wireless facility is located by more than two thousand five hundred (2,500) square feet; or, (4) any improvement that results in a structure which fails to meet the General Standards and Design Requirements for Wireless Communication Facilities set forth in Chapter 834 of this Ordinance. The term does not include the following: (1) Increasing the height of a wireless support structure to avoid interfering with an existing antenna; (2) Increasing the diameter or area of a wireless support structure to: (A) shelter an antenna from inclement weather; or (B) connect antenna to the wireless support structure by cable.

Subsurface Drainage: A system of pipes, tiles, conduits, or tubing installed beneath the ground surface used to collect groundwater from individual parcels, Lots or building footings.

Support Structure: Any structure designed and constructed specifically to support an Antenna Array, and may include a monopole, self-supporting (lattice) tower, guy-wire support tower and other similar structures. Any device used to attach an Attached WCF to an existing building or structure shall be excluded from this definition.

Long Term Shelter²⁹⁴: A dwelling where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of persons requiring medical, correctional, or other mandated supervision; or a protective environment to avoid past or likely future violence, whose right to live together is not protected by the federal Fair Housing Act Amendments, and as amended and interpreted by the courts, and that does not meet the definition of another use in the CDO. This use includes:

25. An owner-occupied or nonprofit residential dwelling for the exclusive use of at least two, but not more than eight persons, who together with staff, live as a single housekeeping unit and who do not require 24-hour medical or nursing care.
26. A shelter for persons experiencing temporary homelessness.
27. A domestic violence shelter, which is a public or private building or structure housing residents for the purpose of the rehabilitation or special care for victims of domestic violence or emotional or mental abuse.

Surface Drainage: A system by which the stormwater runoff is conducted to an outlet. The term encompasses the proper grading of parking Lots, streets, driveways, yards, etc., so that stormwater runoff is removed without ponding and flows to a drainage swale, open ditch or storm sewer.

Swallow Hole: The terminus of a sinking stream; the throat where the stream is diverted into subterranean routes or passages.

T

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

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

²⁹⁴ Definition from Bloomington UDO for consistency purposes

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

Tavern: A place of business where alcoholic beverages are sold to be drunk on the premises. The establishment may also sell some food items for consumption on the premises.

Temporary Care Facility: A facility designed to allow persons needing temporary special supervision or care to live together in a homelike, non-institutional setting in order to conduct their lives in the least restrictive environment possible in a manner most like that of persons not needing special supervision or care.

Temporary Improvement: Improvements built and maintained by a subdivider during construction of the subdivision and intended to be replaced by a permanent improvement prior to release of the letter of credit²⁹⁵, or turnaround improvements at the ends of stub streets intended to be replaced when the adjoining area is developed and the through street connection made.

Temporary Use/ Seasonal Activity: Any sale made by a person, firm or corporation engaging in the temporary business of selling seasonal products or engaging in events either retail or outdoor in nature, on property owned or leased by the person, firm, or corporation. The following list identifies the kinds of temporary / seasonal activity:

- Outdoor art or craft show or exhibit;
- Christmas tree sales;
- Fireworks sales;
- Car Tent sales;
- Events including food trucks; Outdoor public, religious, patriotic, or historic Assembly or exhibit, including a festival, benefit, fund raising event, or similar use that typically attracts a mass audience;

For temporary uses that are not listed above, the Director shall determine whether an unlisted temporary seasonal activity use should be classified as a temporary seasonal activity. This determination shall be based upon the similarities and differences with the above listed uses and an Assessment of the proposed temporary seasonal activity's compatibility with the zoning district and surrounding land uses.

Temporary Stabilization: The covering of soil to ensure its resistance to erosion, sliding, or other movement. The term includes vegetative cover, 4 anchored mulch, or other non-erosive material applied at a uniform density of 70 percent across the disturbed area.

Temporary Use: A use established for a fixed period of time, not to exceed 2 consolidated months out of the calendar year, with the intent to discontinue such use upon the expiration of such time that does not involve the construction or alteration of any permanent structure(s). Temporary uses include, but are not limited to, model home sales offices, construction trailers, temporary dwellings, seasonal activities, rodeos, etc. Temporary uses are granted ILPs under temporary seasonal activity permits.

Temporary WCF: Any portable Antenna Array or Attached WCF that is designed for temporary placement and does not require the construction of a Support Structure.

Terminal Sinkhole: The lowest sinkhole in a sinkhole cluster to which any surface water overflowing from other sinkholes in the cluster will flow.

Terra Cotta: An establishment involved in manufacturing glazed or unglazed fired clay use specifically for statuettes and vases and architectural purposes, such as for roofing, facing and relief ornamentation.

Textiles: Establishments engaged in preparing fiber and the subsequent manufacturing of yarn, thread, braids, twine, and cordage; manufacturing broad woven fabric, narrow woven fabric, knit fabric and carpets and rugs from yarn; dyeing and finishing fiber, yarn, fabric and knit apparel; coating, waterproofing

²⁹⁵ Removed bond language

or otherwise treating fabric; integrated manufacturing of knit apparel and other finished articles from yarn; and manufacturing felt goods, nonwoven fabrics and miscellaneous textiles.

Textile Machinery: Establishments primarily engaged in manufacturing machinery for the textile industries, including parts, attachments, and accessories.

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

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

Tile: An establishment primarily engaged in manufacturing tile.

Thoroughfare Plan: See Official Zone Map.

Tiled Drain: A tiled channel that carries surplus water and that was established under or made subject to any drainage statute or ordinance.

Tiny Home: Temporary structure on wheels.

Topographic Plat: A plat drawing with contour lines (delineating elevation) superimposed over the subdivision lot and street layout that indicates existing and proposed contours and other site features, such as structures, drainage ways, proposed changes in drainage features, etc.

Tourist Home or Cabin: A residential structure leased under a short term lodging agreement to accommodate eight (8) or fewer guests that are furnished to the public. Only one tourist home or cabin is permitted per legal lot of record. This use is non-owner occupied.

Tower: A lattice-type structure, guyed or freestanding, that supports one or more Antennas.

Toxic Substance: Any gas, liquid, solid, semisolid substance or mixture of substances, which if discharged into the environment could, alone or in combination with other substances likely to be present in the environment, cause or threaten to cause bodily injury, illness, or death to members of the general public through ingestion, inhalation, or absorption through any body surface. In addition, substances which are corrosives, irritants, strong sensitizers, or radioactive substances shall be considered toxic substances for the purpose of this regulation.

Tracking: The deposition of soil that is transported from one location to another by tires, tracks of vehicles, or other equipment.

Tractor (semi-tractor): A tractor is a motor vehicle designed and used primarily for drawing or propelling trailers, semitrailers, or vehicles of any kind and are registered with a semi-tractor license plate.

Traffic Impact Analysis: A study and analysis of how a given use, plan or development will affect traffic in the surrounding area (circulation patterns, amount of vehicle trips generated, amount of vehicles, etc.).

Trained Individual: An individual who is trained and experienced in the principles of storm water quality, including erosion and sediment control as may be demonstrated by state registration, professional certification, experience, or completion of coursework that enable the individual to make judgements regarding storm water control or treatment and monitoring.

Solid Waste Transfer Station: Includes "Remote Garbage/Rubbish Removal Facility" and is further defined by 329 IAC 11-2-47, as amended. A facility at which solid waste is transferred from a vehicle or container to another vehicle or container for transportation or from one (1) mode of transportation to another, including the transfer of a trailer, container, or waste from rail to road transportation.

- The term does not include the following:

- Collection container for solid waste.
- The transfer of solid waste at the point of generation.
- A recycling facility that receives distinct and recognizable solid waste items that do not require substantial further processing and are delivered back to manufacturing companies and reused. Based on a calendar quarter, a recycling facility must have not more than ten percent (10%), by volume of the solid waste that passes through the facility ultimately taken for final disposal.
- Curbside satellite collection vehicles used for collecting residential waste, which are small, motorized vehicles, or the equivalent, with bins or containers that once full are deposited into larger solid waste collection vehicles or containers.

Transfer or Storage Terminal: An establishment primarily engaged in furnishing local and long distance trucking and storage services, including parking and storage areas for vehicles used in the operation of the terminal.

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

Transitional Lot: A specified lot or Lots, adjoining a specified lot, or Lots, in another district. The "transitional" identification is used when special transitional regulations are applied to deal with possible conflicts of uses at district boundaries. Transitional buffer yards may be imposed at these locations to act as a buffer between uses.

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

Tree: A large, woody plant having one or several self-supporting stems or trunks and numerous branches; may be classified as deciduous or evergreen. Any object of natural growth.

Tree Protection: Measures taken, such as temporary fencing and the use of tree wells, to protect existing trees from damage or loss during and after project construction.

Tributary: Contributing storm water from upstream land areas.

Truck Stop/Travel Plaza: A development oriented to the service of trucks, including the sale of fuel to truck drivers, and provision for support facilities for truck drivers. They may also be utilized by non-truck traffic and the interstate traveler. Business activities which are customarily accessory and clearly incidental and subordinate to the truck stop or travel plaza, may include but not be limited to: scales, truck wash, tire repair and sales, barber shop, restaurant with or without alcohol service, shower facility, convenience store, truckers lounge (for services such as television/exercise/internet access etc.), motel/hotel, laundry, chain rental, vehicle fuel and consumer propane bottle dispensing. The facility may allow for the temporary, daily, or overnight parking (excluding for the loading and unloading of cargo) of commercial motor vehicles which are en-route to or from a destination along an interstate freeway system, for free or for a fee that may be independent of any other use on the premises. The term "truck" shall mean a commercial vehicle driven by a 'truck driver' who is required to have a Class "A" CDL (Commercial Driver's License) license or equivalent.

Trucking Terminal: A terminal facility used by highway-type, property-carrying vehicles, which may include truck maintenance facilities.

U

Understory: Assemblages of natural low-level woody, herbaceous, and ground cover species that exist in the area below the canopy of the trees.

Understory Tree: A tree that would occupy the understory of a forest in a natural ecological situation and that is typically referred to as an ornamental tree (e.g., without limitation, red bud, hazel, holly, and dogwood).

Unnecessary Hardship: See Hardship.

Unregulated Safety Relief Valve: A safety relief valve used and designed to be actuated by high pressure in the pipe or vessel to which it is connected, and which is used and designed to prevent explosion or other hazardous reaction from pressure buildup, rather than being used and designed as a process pressure blowdown.

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

Urban Area: An area subject to utility services as shown on the Urban Services Boundary Map or an area within 660 feet of utility service facilities as shown on the Urban Services Boundary Map.

Urban Area: As defined by IC 36-7-4-1103 as amended. All lands or Lots used for residential purposes where there are at least eight (8) residences within any quarter mile square area, and other lands or Lots that have been or are planned for residential areas contiguous to the municipality.

Urban Services Boundary: The boundary of a region within which public sewer services are generally available.

Urbanization: The development, alteration, or improvement of any parcel of land for residential, commercial, industrial, institutional, recreational, or public utility purposes.

Use: Any purpose for which a structure or a tract of land may be designated, arranged, intended, maintained, or occupied; also, any activity, occupation, business, or operation carried on, or intended to be carried on, in a structure or on a tract of land.

Use, Nonconforming: Any use of land, building or structure which use is not permitted in the zoning district in which the use is located.

Use, Permitted: Any use of land, building or structure which use is permitted in the zoning district in which the use is located.

Use, Principal: The main use of land, building or structure as distinguished for a subordinate or accessory use.

Used Merchandise (Antiques): A place of business where works of art, pieces of furniture, or decorative objects, made during an earlier period, are the main items offered for sale.

Used Merchandise (Flea Market): An open-air market for secondhand articles and antiques.

Used Merchandise (General): A store primarily engaged in the retail sale of used merchandise, antiques and secondhand goods, such as clothing, furniture, musical instruments, cameras, phonographs, and so forth.

Utility, Major: Public or private infrastructure serving the general community and possibly having on-site personnel. Major utilities include the following uses: Electric or gas generation plant.

Utility, Minor: Public or private infrastructure serving a limited area with no on-site personnel. Minor utilities include, but are not limited to, the following uses as examples: On-site stormwater retention or detention facility; Neighborhood-serving cable, telephone, gas or electric facility; Water and wastewater pump station or lift station; Electrical substation; Utility service.

Utility pole: A structure that is owned or operated by public utility, communications service provider, municipality, electric membership corporation, or rural electric cooperative and that is designed and used

to carry lines, cables, or wires for telephony, cable television, or electrical transmission, or to provide lighting. The term does not include a wireless support structure or an electrical transmission tower.

Utility Service Facility: Electrical switching facilities and primary substations, and other services which are necessary to support principal development and involve minor structures such as lines and poles. This definition excludes generating plants.

Utility Structure: Any structure owned and/or operated by a public utility regulated by the Utilities Regulatory Commission (URC), excepting all WCF and/or Support Structures.

V

Variance: A deviation from any term or standard contained in the Zoning Ordinance authorized by the Board of Zoning Appeals. A deviation from any term or standard contained in the Zoning Ordinance, Subdivision Control Ordinance, or RCZO which is authorized by the Board or the Commission, as appropriate. A variance is the parent term for two categories: a warrant, and an exception, which are different kinds of variances. A variance is granted at a public hearing by the Board of Zoning Appeals. An important distinction is made when considering a variance determined to be allowed as a practical difficulty or hardship and denied as a privilege.

Vegetation, Native: Any plant species with a geographic distribution indigenous to all or part of Monroe County. Plant species that have been introduced by man are not native vegetation.

Veterinary Service, Small Animal: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases or injuries to small animals; includes household pets, such as dogs, cats, and birds that are admitted for examination and medical treatment. The use does not include medical care for large animals or livestock.

Veterinary Service, Large Animal: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases or injuries to all size animals. Such an establishment may include accessory boarding facilities provided they are located inside the building. Larger animals and livestock such as, but not limited to, horses, cows, sheep and pigs are permitted in this classification as well as small animals, including household pets.

Viable: When referring to a tree, shrub, or other type of plant, is a plant that, in the judgement of the zoning inspector, can sustain its own life processes, unaided by man, for a reasonable period of time.

Vibration: A reciprocating motion transferred through the earth, both in horizontal and vertical planes.

Voluntary Abandonment of Nonconforming Use: Any cessation or interruption of a pre-existing nonconforming use that is not necessitated by litigation or a dispute over the right to possession of property. However, any such interruption shall be considered voluntary unless the parties make a good faith effort to promptly resolve the dispute or terminate the litigation.

Volunteer: One who enters into any service of his own free will or offers himself for any service or undertaking without remunerative compensation.

Vulnerable Land: Natural features where human activities degrade characteristics of the feature resulting in harm to the feature whether it is fauna, flora, or human life. Vulnerable Land includes floodplains, karst, steep slopes, riparian areas, wetlands, poor soils, threatened species habitat, critical water supply watersheds as well as potential and existing reservoirs. Vulnerable Land also includes land for which there is a public expectation of a long-term sustainable use for a specific purpose. This category of Vulnerable Land includes historic sites, public open spaces, potential reservoirs to assure our potable water supply, our best agricultural and forest land, drainage ways, mineral resources, and transportation corridors.

W

Warehousing and Distribution Activities: Establishments involved in storing, stocking, or distributing of merchandise or commodities. Includes “Cold Storage Plant” use.

Warrant: A type of variance decision permitting a practice that is not consistent with a specific provision of this overlay but is justified by hardship. This is generally a minor deviation from the standards and is granted by the Hearing Officer or BZA.

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

Watches and Clocks: Establishments primarily engaged in manufacturing watches, watch cases, clocks, mechanisms for clockwork operated devices and clock and watch parts, including those engaged in assembling watches and clocks from purchased movements and cases.

Watercourse: A lake, river, creek, stream, wash, channel, or other topographic feature, on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Watershed: See Drainage Area.

Water surface elevation: For purposes of Chapter 808, means the height, in relation to the North American Vertical Datum of 1988 (NAVD 88) or National Geodetic Vertical Datum of 1929 (NGVD) (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Water System, Private: A plumbing system for providing potable water to a lot or parcel of property that is not constructed, installed, maintained, operated, and owned by a municipality, a taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose. A private water system is typically a well drilled to serve a single lot.

Water System, Public: A conduit for water that is constructed, installed, maintained, operated, owned, or defined as a public water system by a municipality, taxing district or a corporation or organization possessing a "Certificate of Territorial Authority" issued by the Indiana Utilities Regulatory Commission and established for that purpose.

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

Wireless Communications Overlay (WCF) District: The character of the Wireless Communications Overlay (WCF) District is defined as that which is intended for wireless communications uses, including but not limited to: placement of wireless communications facilities, antenna arrays, support structures, and equipment facilities as needed to provide wireless communications services. ITS purpose is to identify those areas that are designated for wireless communications facilities as permitted uses, encourage collocation of facilities, discourage the proliferation of towers, and accommodate the needs of wireless communications services providers. Conditions placed on permitted and conditional uses are designed to promote the purpose of the district and promote public health, safety and welfare. The geographical extent of the WCF overlay is defined on the Monroe County Zoning Maps.

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

Wet Bottom Detention Basin (retention basin): A detention basin that is designated to retain a permanent pool of water after it has performed its planned detention function during or immediately following a storm event.

Wet Weather Spring or Rise: An intermittent spring that discharges storm waters.

Wetlands: Those areas inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation specifically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. This term does not include lands having the following general diagnostic environmental characteristics:

- **Vegetation:** the prevalent vegetation consists of plant species that are typically adapted for life only in aerobic soils. These mesophytic and/or xerophytic macrophytes cannot persist in predominantly anaerobic soil conditions.
- **Soils:** soils, when present, are not classified as hydric, and possess characteristics associated with aerobic conditions.
- **Hydrology:** although the soil may be inundated or saturated by surface water or ground water periodically during the growing season of the prevalent vegetation, the average annual duration of inundation or soil saturation does not preclude the occurrence of plant species typically adapted for life in aerobic soil conditions.

Winery: An agricultural processing facility, accessory to a vineyard, orchard, or apiary, used for the commercial purpose of processing grapes, other fruit products, or vegetables to produce wine or similar spirits. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery and warehousing. Retail sales and tasting facilities of wine and related promotional items may be permitted as part of the winery operations. A winery shall provide at least two of the following four activities on site: crushing, fermentation, bulk aging/storing, and bottling. Includes facilities processing cider and mead.

Wired Communication Services (formerly Telephone and Telegraph Services): A facility for the transmission of writing, signs, signals, pictures, and sounds of all kinds by aid of wire, cable, or other like connection between the points of origin and reception of the transmission, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to the transmission. Examples include telephone networks, cable television or internet access, and fiber-optic communication.

Wireless Communications: Any wireless services as defined in the Federal Telecommunications Act which includes FCC licensed commercial wireless telecommunications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and other similar services that currently exist or that may in the future be developed.

Wireless Communications Facilities (WCF): Any unstaffed facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, transmission cables, equipment facilities, and a Support Structure.

Wireless communication facility or wireless facility: The set of equipment and network components necessary to provide wireless communications service. The term does not include a wireless support structure.

Wireless support structure: A freestanding structure designed to support wireless facilities. The term does not include a utility pole or an electrical transmission tower.

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

Woodlands, Existing: Existing trees and shrubs of a number, size, and species that accomplish the same general function as new plantings.

Woodlot: A tree-covered area to be kept in an undeveloped state in the Planned Residential Overlay Districts, having a minimum area of 0.50 acres, and having predominantly complete tree crown coverage

resulting from trees having a caliper of five (5) inches or greater, and having a dimension at its narrowest point of at least one-fourth (1/4) of its largest dimension. This term does not include a tree line of trees in a narrow row.

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

Y

Yard: A space on the same lot with a principal building, such space being open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachment* and accessory buildings are expressly permitted.

Yard Factor: The length in feet of a given yard (measured at the yard's mid-point, for a yard with varying width and depth) divided by 100, for the purpose of determining landscaping requirements.

Yard, Front: A yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to the right-of-way line and that right-of-way line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the right-of-way line.

Z

Zone Lot: A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

Zoning Map: See Official Zone Map.

Zoning Ordinance: The County ordinance setting forth the regulations controlling the use of land in the County Jurisdictional Area, also referred to as the "Monroe County Zoning Ordinance," or any other relevant zoning ordinance.

- Grading/erosion definitions from section 816-3
- Subdivision definitions chapter 852
- Sliding scale definitions 862-2