

# MONROE COUNTY ORDINANCE REVIEW COMMITTEE



**September 13, 2021**

**Virtual:** <https://monroecounty->

[in.zoom.us/j/84961227024?pwd=ZUISOUQweHVTOHVVLNmVUaHdxVERjUT09](https://monroecounty-in.zoom.us/j/84961227024?pwd=ZUISOUQweHVTOHVVLNmVUaHdxVERjUT09). If calling in,  
dial 312-626-6799 and enter the Meeting ID: 849 6122 7024 and Password: 346950 when  
prompted.

**5:30 P.M.**

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

Monroe County Planning Department  
Held Virtually

When: September 13 at 5:30 PM

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

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

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

Password: 346950

September 13, 2021

5:30 pm

**ADMINISTRATIVE BUSINESS: NONE.**

**OLD BUSINESS: NONE.**

**NEW BUSINESS:**

**TOPICS FOR DISCUSSION:**

- 1. 2101-ZOA-01      Amendment to the Monroe County Zoning Ordinance: PAGE 3**  
**Chapter 807- Signs**  
**Chapter 801 – Definitions**  
Amendments to the definitions and sign ordinance proposed.  
**Contact: [lwilson@co.monroe.in.us](mailto:lwilson@co.monroe.in.us)**
  
- 2. ZOA-21-8            Amendment to the Monroe County Zoning Ordinance: PAGE 58**  
**Chapter 815- Site Plans (Certified Site Plans)**  
Amendment to require certified site plans for development. **Contact:**  
**[lwilson@co.monroe.in.us](mailto:lwilson@co.monroe.in.us)**
  
- 3. ZOA-21-10        Amendment to the Monroe County Zoning Ordinance: PAGE 62**  
**Chapter 815- Site Plans (Phasing)**  
Amendment to allow for commercial development phasing. **Contact:**  
**[lwilson@co.monroe.in.us](mailto:lwilson@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](mailto:apurdie@co.monroe.in.us), as soon as possible but no later than forty-eight (48) hours before the scheduled event.

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

The meeting will be open to the public.

## CHAPTER 807

### ZONING ORDINANCE: SIGNS

#### 807-1. Purpose and Intent

The purpose and intent of this chapter is to promote public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscretionary sign standards and requirements, including the following purposes and objectives:

- (1) providing guidelines for the placing, number, size and general characteristics of all signs throughout the County Jurisdictional Area;
- (2) encouraging the effective use of signs as a means of communication within the County Jurisdictional Area;
- (3) maintaining and enhancing the aesthetic environment and the County's ability to attract tourism and other sources of economic development and growth;
- (4) improving pedestrian and traffic movement and safety (e.g., maintaining appropriate sight distances at intersections and reducing distractions);
- (5) minimizing the possible adverse effect of signs on nearby public and private property (e.g., the adverse effect of obstructing natural scenic vistas);
- (6) enabling and promoting the fair and consistent enforcement of these sign restrictions;
- (7) promoting the general purposes set forth in the Zoning Ordinance and the land use planning goals set forth in the Comprehensive Plan;
- (8) establishing an efficient permit system to expeditiously approve the location and design of signs, subject to the standards and the permit procedures of this ordinance;
- (9) allowing certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits;
- (10) prohibiting all signs not expressly permitted by this ordinance;
- (11) restricting the continued existence of abandoned or nonconforming signs unless in compliance with the terms of this article and to eliminate, over time, all nonconforming signs;
- (12) encouraging signs that are well-designed and compatible with their surroundings and with the buildings to which they are appurtenant, and encourage signs that are integrated with and harmonious to the buildings and sites they occupy; and,
- (13) recognizing that the size of signs that provide adequate identification in residential and in pedestrian oriented business areas differ from those that are necessary in vehicular-oriented areas where traffic is heavy, travel speeds are greater, and required setbacks are greater than in residential and pedestrian

areas.

**807-2. Applicability and Message Substitution**

A sign may be erected, placed, established, painted, created, or maintained in the County Jurisdictional Area only in conformance with the standards, procedures, exemptions, and other requirements of this Chapter and with other Monroe County ordinances and resolutions.

A noncommercial message of any type may be substituted, in whole or in part, for any commercial message or any other noncommercial message, subject to the same regulations that apply to such signs. Substitution of message may be made without any additional approval or permitting.

**807-3. Permits**

After the effective date of the ordinance codified in this Chapter, and except as otherwise provided, no person shall erect, repair, or relocate any sign as defined herein without first obtaining a permit from the Administrator.

- (A) Application for permit: Application for the permit shall be made in writing, in duplicate, upon forms approved by the Administrator, and shall contain the following information:
- (1) Name, address, and telephone number of applicant;
  - (2) Address or location, if no address, of building, structure, or land on which the sign is to be erected, repaired, or relocated;
  - (3) A scale drawing of the sign, showing the elevation of the sign, the face(s) composing the sign, the position of lighting or other extraneous devices, and any other components of the sign.
  - (4) A site plan showing the position of the proposed sign and the public roadway(s) to which the sign's message is to be directed and from which the sign will be measured for height conformity, as well as any existing signage, on any building or land and its position in relation to nearby buildings or structures and to any private or public street or highway right-of-way.
  - (5) Written consent of the owner of the building, structure, or land on which the sign is to be erected in the event the applicant is not the owner thereof.
  - (6) The fee, as determined by the Plan Commission Rules of Procedure.

~~The Administrator may not issue a permit for the relocation of an off-premise advertising sign pursuant to Section 807-5, unless the Board has approved the requested sign relocation as a conditional use in accordance with Chapter 813.~~

- (B) Land Use Certificate: The planning staff shall examine the plans, specifications,

and other data submitted with the application to determine whether the sign is a legal pre-existing, non-conforming use and was constructed in accordance with the applicable design standard in effect at the time of permitting, and, if necessary, the building or premises upon which it is proposed to erect the sign. If the proposed sign is in compliance with all of the requirements of this zoning ordinance including without limitation, all conditions and commitments, if any, of an applicable conditional use approval, a land use certificate shall be issued.

(C) Exemptions: The following signs shall be exempted from the permit provisions of 807-3, but shall still be subject all other provisions set forth in this chapter:

(1) Any sign of not more than one and one-half (1-1/2) square feet in area; provided, that no more than one sign shall be permitted per zone lot;

~~(2) Any governmental sign;~~

~~(3) Sculptures, fountains, mosaics and design features which do not incorporate advertising or identification;~~

(4) ~~(2)~~ Temporary ~~noncommercial~~ signs or devices meeting the following criteria:

a) Each zone lot shall be allocated a total of ~~thirty-two (32)~~ eight (8) square feet of temporary signs or devices unless superseded by State Statute

b) Temporary signs or devices may be located no less than ten (10) feet from any other sign or structure;

c) Freestanding temporary signs or devices may not exceed six (6) feet in height;

d) External or internal illumination of temporary signs or devices is prohibited.

However, if banners, streamers, pennants, balloons, propellers, strung light bulbs, or similar devices are used as the temporary signs or devices they may only be displayed for a period of no longer than forty-eight (48) hours during any one (1) calendar month period.

#### 807-4. Lawful Nonconforming Signs

Lawful, pre-existing, nonconforming signs may not be expanded, altered, or relocated, with the following two exceptions:

(A) Maintenance. Subject to Section 803-2 of this ordinance, ordinary maintenance or upgrade to allow new material for the face of the sign, trim, existing lighting of the sign, and any features necessary to allow safe message replacement is permitted. Maintenance may include the replacement of supports with the same type of material and in the same size, number, and configuration as in the original sign supports. For example, wood supports may be replaced with wood supports, but wood supports may not be changed from wood to iron, to aluminum, to steel, to composite metal, or to any other type of material.

Replacement of supports shall be subject to the requirements of Section 807-3.

~~(B) Off-Premise Advertising Sign Relocation. Off-premise advertising sign relocations are prohibited except 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:~~

~~(1) The new location is on the same zoning lot or within a LB, CA, GB, LI, IL, IG, or HI district if the new location is on a different zoning lot;~~

~~(2) 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 in the manner set forth in Section 807-6(F)(1);~~

~~(3) The off-premise sign as relocated shall be at least 300 feet from the nearest off-premise sign, except on limited-access highways, where the distance to the nearest sign shall be 500 feet. 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;~~

~~(4) The relocated off-premise sign shall be subject to the front, side, and rear building setback requirement of the district in which it is being relocated;~~

~~(5) The off-premise sign to be relocated must be a pre-existing, lawful, nonconforming sign.~~

~~(6) In addition to the foregoing requirements, off-premise sign relocations are subject to the relevant conditional use requirements, standards, and procedures set forth in Chapter 813. For purposes of Chapter 813, sign relocations shall be processed pursuant to 813-9 or, if within the former two-mile fringe area, pursuant to 813-10(B)(25). Pursuant to Chapter 803, 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 an off-premise 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 an off-premise sign relocation.~~

## 807-5.

### Placement Prohibitions

The following prohibitions shall apply in all districts:

- (A) No sign shall be erected or maintained in any form or at any location where it may obstruct or in any way interfere with the view of or be confused with any approved traffic control device or where it may obstruct or in any way interfere with the minimum sight-distance necessary to promote traffic safety.
- (B) On any corner lot, no sign which obstructs sight lines at elevations between two and one-half (2 2) feet and ten (10) feet above the crown of the adjacent roadway shall be placed or maintained within a triangular area of twenty-five (25) feet along each of the intersecting streets, to be measured from the property line.

- (C) No sign shall be placed in any public right-of-way except publicly owned traffic-control and transit signs.
- (D) No sign, either freestanding or mounted on a building, shall project into the public right-of-way.
- (E) No sign shall be mounted on a roof or extend above the eave or parapet of a building wall.
- (F) No sign shall be affixed to trees, fence posts, or utility poles.

**807-6. General Sign Regulations**

All signs shall conform to the following regulations:

- (A) Illumination: Illuminated signs are permitted, subject to the following:
  - 1) The source of illumination for externally illuminated signs shall be located at the top of the sign and directed downward toward the sign face and must be shielded from view of oncoming traffic;
  - 2) The source of illumination for internally illuminated signs must be completely enclosed within a translucent sign unit, or, if attached to the sign face as a design element, may be provided only by translucent tubes, tubing, bulbs or fixtures.
  - 3) Illuminated signs may not produce heat or glare in such a manner as to constitute a nuisance (e.g., shining into a residential building) or a traffic hazard (interfering with a driver's vision); and,
  - 4) The source of illumination may not flash, shine intermittently, or be used to create a strobe effect.

(B) Prohibited Signs:

The following signs are prohibited:

- (1) Portable signs ~~are prohibited.~~
- (2) All animated or changeable copy signs (including ~~digital-changeable signs~~~~billboards~~), or signs which move by mechanical means or by the movement of air are prohibited.
- (3) Temporary signs or devices consisting of a series of banners, streamers, pennants, balloons, propellers, strung light bulbs, or similar devices are prohibited, except as allowed in 807-3 (C) (4).
- (4) Snipe Signs
- ~~(5) Off-Premise Commercial Signs, except as allowed in 807-4 (B)(JN1).~~

- (C) Maintenance: All signs must be kept clean, neatly painted, and free from all hazards, such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in a safe condition so as not to be detrimental to the public health or safety.
- (D) Total sign allocations for the zoning districts set forth in the table 7-1 must be based upon the building mass and street frontage standards described below:

Table 7-1

Applicable Zoning Ordinance	Zoning Districts
<del>City of Bloomington UDO — Former AIFA (2010)</del>	<del>CL, CG, CA, IN, QY</del>
Ch. 833 – Former Fringe	CL, CA, IL, IG, BP, I, AP, Q
Ch. 802 – Zones and Permitted Uses	LB, GB, LI, HI, ME, PB, IP, REC

- (1) Location, size, and variety of all signs existing upon a zoning lot are included in the total sign allocations.
- (2) Total sign area permitted for any business or industrial premises shall be two (2) square feet of sign area for each one (1) linear foot of building fronting on a public street, or one (1) square foot of sign for each one (1) linear foot of property fronting a publicly maintained right-of-way, whichever is greater.
- ~~(3) One pole or ground sign with a maximum permitted sign surface area of sixty (60) square feet shall be permitted for each street frontage.~~
- (4) Notwithstanding other provisions of these regulations, no premises within any commercial or industrial zoning district may be restricted to less than seventy-five (75) square feet of sign area nor shall any premises be permitted to display more than six hundred (600) square feet of sign area per zoning lot of record, except as provided below in Subsection H. No individual sign shall be more than 285 sq ft. One pole or ground sign with a maximum permitted sign surface area of sixty (60) square feet shall be permitted for each street frontage subject to the total lot allocation.
- (5) Computation of area of individual signs:
  - (a) The area of a sign face (which is also the area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, ellipse, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when the fence or wall otherwise meets Zoning Ordinance regulations and is clearly incidental to the display itself.
  - b) The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed



back to back, so that both faces cannot be viewed from any point at the same time, and when the sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of the largest face.

- (E) Sign allocations for the zoning districts set forth in the table 7-2 must be based upon the standard described below:

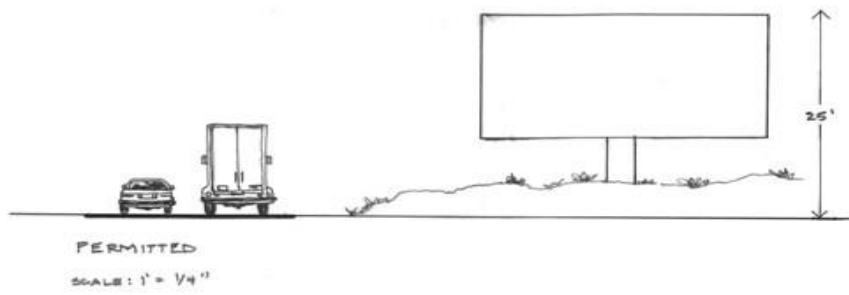
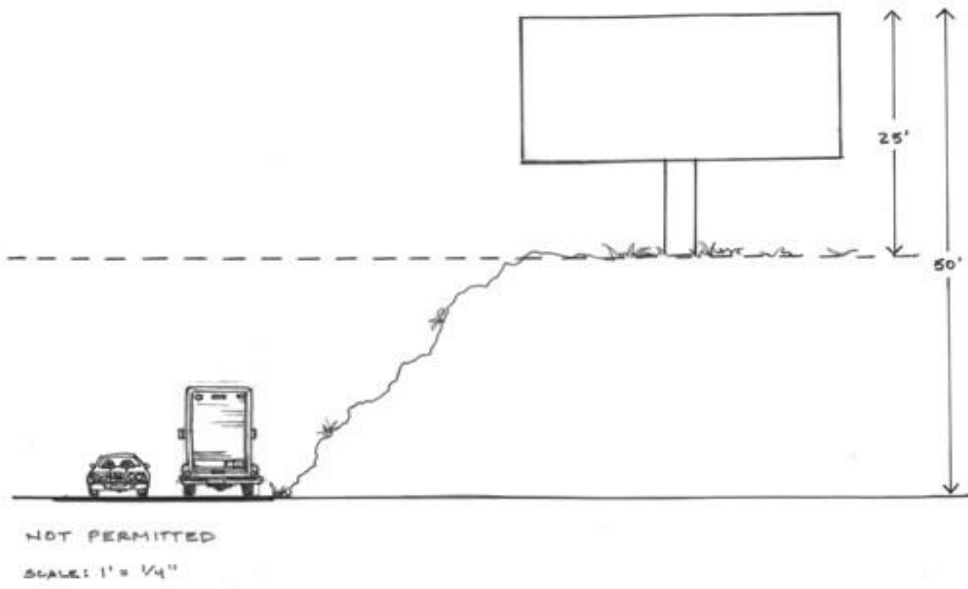
Table 7-2

Applicable Zoning Ordinance	Zoning Districts
City of Bloomington UDO — Former AIFA (2010)	RE, RM, RS, MH
Ch. 833 – Former Fringe	RE 2.5, RE1, RS2, RS 3.5, RS 4.5, RT7, RM7, RM15
Ch. 802 – Zones and Permitted Uses	AG/RR, FR, CR, ER, LR, SR, MR, HR, UR

Total sign area subject to permit requirements shall not exceed thirty-two (32) square feet per lot of record.

- (F) Height and setback of signs:

(1) No sign shall exceed twenty-five (25) feet in height. Sign height shall be measured from the highest point on the sign or sign structure to the base of the sign, ~~or to the crown of the public road(s) at which the sign's message is directed (i.e., the road or roads from which the sign's message can be readily viewed and comprehended), whichever measurement yields the greatest height (see illustrations below).~~



- (2) All signs shall conform to the side and rear yard requirements for buildings as set forth in Monroe County Code Chapter 804.
  - (3) Signs shall have a minimum setback of ten (10) feet from the street right-of-way. However, signs may be placed less than ten (10) feet, but no less than five (5) feet, of the street right-of-way provided that the bottom edge of the sign face support shall be at least nine (9) feet above the ground; vision beneath the sign must be clear except for the supporting structure; and, the maximum permitted area of the sign shall be reduced by fifty (50%) percent. Setbacks shall be measured horizontally from the vertical plane of the edge of the sign nearest to the right-of-way.
- (G) Special regulations in all districts:
- (1) A marquee sign:
    - (a) shall provide a minimum of ten feet of clearance above the surface over which it projects and shall not otherwise interfere with the reasonable use of the surface;
    - (b) may not be wider than the building from which it projects; and,
    - (c) may not extend below or above the vertical face of the marquee.
- (H) Shopping Centers. Regardless of the district in which it is located, the following regulations shall apply to property which is developed for or occupied by a shopping center.
- (1) Signs for individual stores or business establishments within a shopping center must be located on the front exterior wall of the tenant's space and are limited to one and six-tenths (1.6) square feet of sign area for each one (1) linear foot of front exterior wall length.
  - (2) Independently placed buildings or buildings with corner locations are limited on each side or rear wall to one-half the amount of sign area permitted on the front wall, or to one and two-tenths (1.2) square feet of sign area for each linear foot of building on the side or rear of the building, whichever is less.
  - (3) In addition to signs permitted for individual establishments within a shopping center, general shopping center signs ~~bearing the name of the planned commercial development~~ will be permitted on the basis of one sign for each fifty-thousand (50,000) square feet of gross building floor area within the development, with a total limit of four ~~general shopping centerpole~~ signs. ~~These signs must be limited to the name of the development, except that signs not exceeding thirty-six (36) square feet may be allowed for individual commercial enterprises as part of the main sign.~~ The total area of each general shopping center sign shall not exceed two hundred forty (240) square feet in area or one hundred twenty (120) square feet per side of a double-sided sign.

[end of chapter]

## CHAPTER 801

### ZONING ORDINANCE: DEFINITIONS

#### 801-1. 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; and,
  - (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."

#### 801-2. Definitions

The following definitions generally apply to the provisions of this ordinance. However, several chapters (e.g., 802, 807, 808, 809, 810, and 837) of this ordinance contain specific definitions which apply to certain terms that are used primarily in those chapters.

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

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

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

**Accessory Equipment** means 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 Use.** A subordinate use customarily incidental to and located on the same lot with the principal use.

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

**Addition** (to an existing structure) means 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.

**Administrative Approval** means the zoning approval that the Administrator or the Administrator's designee is authorized to grant after Administrative Review.

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

**Administrative Subdivision.** See Subdivision, Administrative.

**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 and in accordance with Monroe County Code Chapter 824.

**Adult Oriented Business.** An adult arcade, adult media store, adult retail store, adult cabaret, adult motel, adult motion picture theater, adult theater, lingerie modeling studio, massage parlor, sexual encounter establishment, escort agency, or semi-nude model studio as defined by Chapter 837 of this ordinance. 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 or research; or the practice of massage in any licensed hospital, or by a licensed physician, surgeon, chiropractor, or osteopath, or by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor, or osteopath, or by trainers for any amateur, semiprofessional, or professional athlete or athletic team or school (including schools with students 18 years of age and older, e.g., college or university) athletic program.

**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 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, horticulture, forestry, dairying, sugar making, aquaculture, viticulture, poultry, and exotic animals.

**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.

**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.

**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 exceed 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.

**ANSI.** See American National Standards Institute.

**Antenna** means 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 and bathroom facilities.

**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.

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

**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.

**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.

**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.

**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.

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

**Base station** means 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.

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

**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 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."

**Bond.** Any form of financial guaranty including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Commission.

**Bufferyard (Landscape Buffer).** A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

**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.

**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 Coverage.** See Lot Coverage.

**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 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.

**Building, Principal.** See Principal Building.

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

**Bulk.** Bulk is the term used to determine the size of lots; the size and placement of buildings



or structures, and the location of same with respect to one another, and includes the following:

- (A) size and height of buildings;
- (B) location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
- (C) gross floor area of buildings in relation to lot area (floor area ratio);
- (D) all open spaces allocated to buildings;
- (E) amount of lot areas and lot width provided per dwelling unit.

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

**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.

**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.

**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.

**Carrier on Wheels or Cell on Wheels ("COW") or Mobile Station** means 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.

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

**Center Line.** 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.

**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.

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

- (A) Any change from a residential use to any non-residential use;
- (B) Any change from one residential land use to another, any increase in the number of units, and any increase in the number of bedrooms for any unit;
- (C) Any change from one use to another use having a higher requirement for off-street parking as specified in Chapter 806;
- (D) Any establishment of a use on a previously unused site, or the inclusion of a new use in addition to an existing use;
- (E) Any use which requires conditional use approval; and
- (F) Any change from one class of use to another class of use or any change from a use listed in the class of use table to any use not listed or any change from a use not listed in the class of use table to any other use not listed in the table.

**Classes of Use**

Class A

Antiques	Florists Shops
Apparel	Gift Shop
Appliance Stores, small	Hardware
Arts and Crafts	Jewelry
Auto Parts/Supplies, New	Offices
Bicycle Shops	Pet Shops (Domestics)
Books, Newsstands	Sporting Goods

Class B

Bakery	Liquor Store
Dairy Products	Used Merchandise Sales
Drugstore, Sundry	Variety Store
Grocery and Meats	Video Rental

Class C

Auto/Truck/Marine Sales and Rental  
 Farm Equipment  
 Mobile Home Sales

Class D

Appliance Repair, small	Furniture Repair
Automobile Repair	Hotel/Motel
Bed and Breakfast	

Class E

Business Service	Personal Service
Laundry and Dry Cleaning	Printing (Job, Service)

Class F

Amusement Arcades  
 Bars and Taverns  
 Eating, Drinking, Restaurant

Class G

Apparel Manufacturing  
 Beverage Bottling

Clocks and Scientific Equipment Manufacturing  
Drugs, Pharmaceutical, and Medical Equipment Manufacturing  
Electronic Equipment Manufacturing  
Musical Instruments  
Printing, Newspapers  
Research Laboratories

Class H

Bakery, Dairy Products, Confectionery  
Furniture Manufacturing  
Grain Mills Manufacturing  
Machinery Tool and Die  
Metal Fabrication  
Millwork, Veneer, Sawmills

**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.

**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.

**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.

**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.

**Cluster Subdivision.** A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining area is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture.

**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).

**Collocation** means 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 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 Use.** See Business.

**Commission.** 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.

**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** means 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.

**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.

**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, 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 nonasbestos insulation.

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

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

**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** means 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.

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

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

**Cul-de-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.

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

**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.

**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 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.

**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.

**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 whom causes the land to be developed, and/or the person whom develops land.

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

- (1) construction, reconstruction, or placement of a structure or any addition to a structure;
- (2) 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;
- (3) installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- (5) mining, dredging, filling, grading, excavation, or drilling operations;
- (6) construction and/or reconstruction of bridges or culverts;
- (7) storage of materials; or
- (8) 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.

**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 applied 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.

**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.

**Drives, 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.

**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.

**Dry Bottom Detention Basin.** 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.

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

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

**Dwelling Unit.** One or more rooms, including a kitchen and bathroom, located within a building providing complete living facilities for one family or containing facilities and



equipment for living, sleeping, cooking and eating.

**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.** 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.

**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.

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

**Elevation Certificate** is a certified statement that verifies a structure's elevation information.

**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.

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

**Encroachment**, for purposes of Chapter 808, means 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.

**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.

**Equipment Compound** means 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.

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

**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.

**Escrow.** A deposit of cash with the Commission in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be held by the County Auditor.

**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.

**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.

**Facade.** 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.

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

**Family.** A "family" consists of one or more persons each related to the other by blood, marriage, or adoption (including foster children), together with such relative 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 not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and a single housekeeping unit. A family includes any domestic servants and not more than one (1) gratuitous guest residing with the family; such servants shall be included in the unrelated person limitation of this definition, and shall not be in addition thereto.

**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 use to prevent further deterioration of soil and water resources.

**Faster Meter Response.** The dynamic characteristics specified as "FAST" 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.

**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.

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

**Final Plat Approval.** Plan Commission approval of a final plat of a subdivision the construction of which has been completed or substantially completed.

**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.

**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:

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

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

**Floodplain** means 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.

**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.

**Footing Drain.** A drain pipe 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 side of a lot abutting on a street or way 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 lots will be considered to front on both intersecting streets.

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

**Front Yard.** 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.

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

**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.

**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.

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

**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.

**Grading.** The stripping, cutting, filling, spreading or stockpiling of soil or earth on a tract, parcel or lot to create new grades.

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

**Gross Floor Area.** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, computed as follows.

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

- (1) the ground floor area when any portion of the basement or ground floor used for a dwelling, business, or commercial purpose except for home occupation;
- (2) elevator shafts and stairwells at each floor;
- (3) floor space (including any basement floor space) used for mechanical equipment (except equipment, open or closed, located on the roof);
- (4) penthouses;
- (5) attic space having headroom of seven feet, ten inches or more;
- (6) interior balconies and mezzanines;
- (7) enclosed porches; and,

(8) floor area devoted to accessory uses. Space devoted to off-street parking or loading shall not be included in the floor area. The floor area of structures devoted to bulk storage of materials shall be computed by counting each ten feet or height, or fraction thereof, as being equal to one floor.

(B) For determining off-street parking and loading requirements, the sum of the following areas:

- (1) floor space devoted to the principal use of the premises, including accessory storage areas located within selling or working space such as counters, racks, or closets;
- (2) any basement floor area devoted to retailing activities; and,
- (3) floor area devoted to the production or processing of goods or to business or professional offices. For this 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.

**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.

**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.

**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.

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

- (A) Arises from the strict application of this ordinance to the conditions of a particular, existing parcel of property;
- (B) Effectively deprived the parcel owner of all reasonable economic use of the parcel; and
- (C) Is clearly more significant than compliance cost or practical difficulties.

**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.

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

**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, Building.** The vertical distance from the average grade level adjoining the building: to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between the eaves and the ridge for gable, hip and gambrel roofs.

**Height, Bulk, Area and Density Requirements.** Those regulations and standards concerning minimum lot areas, maximum height of structures, minimum lot widths and depths, minimum front, side, and rear yard setbacks, maximum lot coverage, and other such regulations and standards concerning the design and placement of structures on a parcel or lot.

**Height, WCF.** The vertical distance of a WCF or Support Structure, as measured from the ground elevation at the base of the WCF or Support Structure to the top of the structure, including Antenna Array(s).

**Highway, County.** Any street which is under the jurisdiction of the Monroe County Highway

Department.

**Highway, Limited Access.** A freeway, or expressway, providing for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right to access to or from the same, except as such points and in such manner as may be determined by the public authority having jurisdiction over such a highway.

**Highway, State.** Any street which is under the jurisdiction of the Indiana Department of Highways.

**Historic 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.

**Historic Preservation Board of Review.** The Monroe County Historic Preservation Board of Review.

**Historic structure** means any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

**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.

**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."

**Immediate Sinkhole Drainage Area.** Any area that contributes surface water directly to the sinkholes, not including areas that contribute surface water indirectly to a sinkhole (e.g. by streams).

**Impact.** An earth borne vibration generally produced by two (2) or more objects striking each other so as to cause separate and distinct pulses.

**Impact Areas.** Areas defined and mapped by the Drainage Board which are unlikely to be easily drained.

**Impervious.** A material through which water cannot pass, or through which water passes with difficulty.

**Impervious Lot Coverage.** The percentage of a lot's area covered by any building or structure or any impermeable surface other than water bodies.

**Improvement Location Permit.** A permit certifying that the site plans of a proposed building, structure, site improvement or use of land have been examined for compliance with all requirements of this ordinance.

**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.

**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 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.

**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.

**Inlet (Storm Water Inlet).** An opening into a storm sewer system through which surface storm water runoff enters the system.

**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 for 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.

**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.

**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.

**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 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).

**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.

**Area 4.** Two tracts of land totaling 1,605 acres as designated on the Environmental Constraints/Lake Watershed Overlay Zone map, which shall be designated for higher density development subject to conditions as given in these regulations.

**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.

**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.

**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.** 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.

**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.

**Lateral Storm Sewer.** A sewer to which inlets are connected but to which no other storm sewer is connected.

**Legal Drain.** Any drain moving in excess of 30 cubic feet per second during a 10 year storm.

**Light Equipment.** Motorized equipment weighing six tons or less.

**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.

**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.

**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.

**Lot Area.** The area of horizontal plane bounded by the vertical planes through front, side and rear lot lines.

**Lot, Corner.** A lot situated at the intersection of two (2) streets. A corner lot has a front yard on each abutting street. Corner lots must observe the minimum front yard setback from both streets, and observe the minimum side yard setback from the remaining property lines.

**Lot Coverage.** The percentage of the lot area that is covered by the building or structure, exclusive of open courts, terraces or decks. See Floor Area and Open Space.

**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 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, 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** means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

**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.

**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 or subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**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.

**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.

**Market value** means 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.

**Master Plan.** See Comprehensive Plan.

**Minor Drainage System.** A drainage system that carries runoff from an area of less than one square mile.

**Minor modification** means 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 requirement and is eligible for administrative review and approval.

**Minor Subdivision.** See Subdivision, Minor.

**Mobile Home.** A single family residential unit with all of the following characteristics:

- (A) designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachments to outside systems;
- (B) designed to be transported after fabrication on its own wheels;
- (C) arriving at the site where it is to be occupied as a dwelling complete, conventionally designed to include major appliances, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like; and,
- (D) designed for removal to and installation or erection on other sites.

**Modular Home.** Any single family unattached manufactured home that is without wheels and chassis but that is designed for transportation on streets after fabrication.

**Monopole** means 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.

**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.

**Municipal Sewage Disposal System.** See Public Sewage Disposal System.

**Municipal Water System.** See Public Water System.

**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.

**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 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

**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.

**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.

**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.

**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.

**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.

Opacity Percent	Ringelmann No.
100.5	
201	
301.5	
402	
603	
804	
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.

**Ordinance.** Any legislative action, however denominated, of a local government which has the force of law.

**Ordinary Maintenance** means 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.

**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.

**Original Parent Parcel.** The lot prior to the utilization of the Sliding Scale Option subdivision method.

**Outfall.** The point or location at which storm water runoff discharges from a sewer or drain. The term also applies to the outfall sewer of channel which carries the storm runoff to the point of outfall.

**Owner.** Any person or other legal entity having legal title to or significant proprietary interest in the land subject to a zoning determination under these regulations.

**Owners Association.** See Condominium Association or Homeowners Association.

**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.

**Parent Parcel Remainder-** The largest lot created under the Sliding Scale Option subdivision method.

**Park.** A tract of land, designated and used by the public for active and passive recreation.

**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.

**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 Lot.** An improved surface upon which passenger vehicles are parked, and at which a fee may be charged.

**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.

**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.

**Permit authority** means 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.** An individual, firm, limited liability company, corporation, association, fiduciary or governmental entity.

**Pesticide.** A chemical substance used to kill a plant or animal that is a nuisance or harmful to humans.

**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.

**Plat.** A map indicating the subdivision or resubdivision of land filed or intended to be filed for record with the County Recorder.

**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.

**Plant Community.** A natural association of plants that are dominated by one or more prominent species, or a characteristic physical attribute.



**Practical Difficulties**, for variance purposes, means a significant development limitation that:

- (A) arises from conditions on the property that do not generally exist in the area (i.e., the property conditions create a relatively unique development problem);
- (B) precludes the development or use of the property in a manner, or to an extent, enjoyed by other conforming properties in the area;
- (C) Cannot be reasonably addressed through the redesign or relocation of the development/building/structure (existing or proposed); and,
- (D) May not be reasonably overcome because of a uniquely excessive cost of complying with the standard.

**Preferred Frequencies.** Those frequencies in Hertz preferred for acoustical measurements which, for the purposes of this regulation, consist of the following set of values: 20, 25, 31.5, 40, 50, 63, 80, 100, 125, 160, 200, 250, 315, 400, 500, 630, 800, 1000, 1250, 1600, 2000, 2500, 3150, 4000, 5000, 6300, 8000, 10,000, 12,500.

**Preliminary Approval.** An approval (or approval with conditions imposed) granted to a subdivision by the Commission after having determined in a public hearing that the subdivision complies with the standards prescribed in this ordinance.

**Preliminary Plat.** The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Commission for approval.

**Primary Area.** The portion of a Historic District in which historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares and/or neighborhoods are located.

**Primary 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.

**Probation**, for purposes of Chapter 808, is a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

**Prominent Discrete Tone.** Sound, having a one-third octave band sound pressure level which when measured in a one-third octave band at the preferred frequencies, exceeds the arithmetic average of the sound pressure levels of the two (2) adjacent one-third octave bands on either side of such one-third octave band by:

- (a) 5 dB for such one-third octave band with a center frequency from 500 Hertz to 10,000 Hertz, inclusive. Provided, such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band or;

- (b) 8 dB for such one-third octave band with a center frequency from 160 Hertz to 400 Hertz, inclusive. Provided, such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band or;
- (c) 15 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.

**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 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 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.

**Qualified Geologist.** A person who has met or exceeded the minimum geological educational requirement 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.

**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.

**Reach.** Any length of watercourse, channel or storm sewer.

**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. The rear yard of a corner lot shall be designated on the preliminary plat.

**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.

**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.

**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.

**Release Rate.** The amount of storm water released from a storm water control facility per unit of time.

**Replacement** means 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 in order 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 similar to 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).

**Residential Neighborhood.** 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.

**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.** 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.

**Retention.** The permanent on-site storage of storm water.

**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 or not 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.

**Rise Pit.** A spring characterized by an upwelling of water, which may be permanently flowing or intermittent.

**Road(s).** See Street(s).

**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.

**Rural Area.** An area that may not be classified as an urban area.

**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.

**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.

**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 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.

**Sectionalizing or Phasing.** A process whereby an Applicant seeks final approval on only a portion of a plat which has been granted preliminary approval.

**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.

**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 (3) mutually perpendicular planes. The seismograph may measure displacement and frequency, particle velocity, or acceleration.

**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.

**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.

**Sewage.** The water-carried waste derived from ordinary living processes, including, but not limited to, human excreta and waste water 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.

**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.

**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.

**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 ~~is intended to 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."

**Sign, Animated.** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

**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. [This definition encompasses a digital or electronic sign formats.](#) 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 that 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, Off-Premises.** A sign which directs attention to a business, commodity, service or entertainment not conducted, sold or offered on the premises where the sign is located, or which business, commodity, service or entertainment forms only minor or incidental activity upon the premises where the sign is displayed.~~

~~**Sign, On-Premises.** A sign which advertises or directs attention to a business, commodity, or service conducted, offered, or sold on the premises, or directs attention to the business or activity conducted on the premises.~~

**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; [umbrellas used for advertising](#); balloons used as signs; 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 of time 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 window panes or glass and is visible from the exterior of the window.

**Single-Family Attached Structure.** A group of two (2) or more 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.

**Single-Family Detached Structure.** A freestanding single-family dwelling unit.

**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 AG/RR, 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.

**Small cell facility** means: (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; back up power systems; grounding equipment; power transfer switches; and cut-off switches.

**Small cell network** means a collection of interrelated small cell facilities designed to deliver wireless service.

**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.

**Soil.** All unconsolidated mineral and organic material of any origin.

**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 particular needs as a result of specific circumstances, such as low income, illness, developmental disability, and the like.

**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.** An oscillation in pressure in air.

**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 Exception.** A use which may be permitted in certain zones subject to the conditions specified in the Zoning Ordinance.

**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

**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.

**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 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.** 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.

**Street, Dead-end.** A street or a portion of a street with only one (1) vehicular-traffic outlet.

**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 Right-of-Way Width.** The distance between property lines measured at right angles to the center line of the street.

**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.

**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.).

**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 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, Administrative.** A subdivision of land that is specifically exempted from the preliminary and final plat approval procedures and requirements of the Subdivision Control Ordinance. An administrative subdivision must be one of the following types of division:

~~(A) A division of land into two (2) or more tracts of which all tracts are at least five (5) acres in size; (Repealed by Ordinance 2015-02)~~

**(B)** 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;

**(C)** 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;

**(D)** A division of land for federal, state or local government to acquire street right-of-way;

**(E)** 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,

**(F)** A division of land into cemetery plots for the purpose of burial of corpses.

**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:

- 1) any new street,
- 2) the extension of municipal facilities for non-residential use,
- 3) the creation of any public improvements other than sidewalk or street trees, and
- 4) conflict with the Comprehensive Plan, Official Zone Map, Zoning Ordinance, or this ordinance.

**Subdivision, Nonresidential.** A subdivision intended for nonresidential use.

**Subdivision, Sliding Scale Option.** In the AG/RR, 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** means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement** means 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 means 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.

**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.

**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 performance bond, 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.** A use established for a fixed period of time, 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. Temporary uses are regulated as special exceptions.

**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.

**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.

**Tower** means 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.

**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.).

**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.

**Tree.** A large, woody plant having one or several self-supporting stems or trunks and numerous branches; may be classified as deciduous or evergreen.

**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.

**Understory.** Assemblages of natural low-level woody, herbaceous, and ground cover species that exist in the area below the canopy of the trees.

**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.

**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 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.

**Utility pole** means 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 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.

**Variance.** A deviation from any term or standard contained in the Zoning Ordinance authorized by the Board of Zoning Appeals.

**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.

**Viable.** When referring to a tree, shrub, or other type of plant, is a plant that, in the judgement of the zoning inspector, is capable of sustaining 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.

**Watercourse** means 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.

**WCF Overlay.** See Chapter 802.

**Wet Bottom Detention Basin** (retention basin). A detention basin that is designated to retain a permanent pool of water after it has performed its planned detention function during or immediately following a storm event.

**Wet Weather Spring or Rise.** An intermittent spring that discharges storm waters.

**Wetlands.** Those areas inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation specifically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. This term does not include lands having the following general diagnostic environmental characteristics:

- (A) Vegetation: the prevalent vegetation consists of plant species that are typically adapted for life only in aerobic soils. These mesophytic and/or xerophytic macrophytes cannot persist in predominantly anaerobic soil conditions.
- (B) Soils: soils, when present, are not classified as hydric, and possess characteristics associated with aerobic conditions.
- (C) Hydrology: although the soil may be inundated or saturated by surface water or ground water periodically during the growing season of the prevalent vegetation, the average annual duration of inundation or soil saturation does not preclude the occurrence of plant species typically adapted for life in aerobic soil conditions.

**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 communication facility or wireless facility** means 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** means a freestanding structure designed to support wireless facilities. The term does not include a utility pole or an electrical transmission tower.

**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.

**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 encroachments 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.

**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."

**[end of chapter]**

**CHAPTER 815**

**ZONING ORDINANCE: SITE PLAN REVIEW**

**815-1. Purpose**

The purpose of the site plan review procedure set forth in this chapter is to regulate the development of structures and sites in a manner which considers the following concerns and, where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances. The principal areas of concern are:

- (A) 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 run off, etc.).
- (B) The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;
- (C) The adequacy of water supply, waste disposal methods and protection from pollution of surface or ground water; and,
- (D) The protection of natural, environmental, historic, or archaeological features on the site under review and in adjacent areas.

**815-2. Site Plan Review Requirement**

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 Administrator. Site plan review shall also be required for the resumption of any use discontinued for more than six (6) consecutive months or for the expansion of any existing use.

[Applicable standards of 815-3:](#)

<a href="#">All Non-Residential, Multi-Family Sites</a>	<a href="#">New Residential Principal Use Structures Only</a>	<a href="#">Residential Accessory Structures</a>
<a href="#">ALL</a>	<a href="#">A, B, C, D, F, I, K, L, P, Q, R, S,</a>	<a href="#">A, B, D, F, I, R, S</a>

[Some site development may require a certified site plan at the administrator's discretion if they contain an environmental constraint\(s\), if there are questions regarding lot boundaries, easements, or other limitation\(s\) to buildable area.](#)

**815-3. Site Plan Review Process**

- (A) 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 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)** the name and address of the owner and developer, engineer, surveyor, architect;
  - (b)** the location of the project by public way, township and section;
  - (c)** the legal description of the subject property;
  - (d)** a map including date, scale 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;
  - (e)** the nature and intensity of the operations involved in, or conducted in connection with the project;
  - (f)** the site layout of the project including the location, size, arrangement and capacity of the area to be used for yards, setbacks, and buildings, vehicular access, parking, and loading;
  - (g)** the names of public ways giving access to the subject property and the location, width and names of existing platted public ways, railroads, parks, utility easements and other public open spaces associated with the project;
  - (h)** the layout of proposed public ways, their names and width, and the width of alleys, walkways, paths, lanes and easements;
  - (i)** the location, dimensions and design of all signage for the project;
  - (j)** the location, height, intensity, direction of illumination and bulb type (i.e., florescent, sodium incandescent, etc.). of all external lighting fixtures;
  - (k)** a landscape plan showing 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;
  - (l)** the contours with spot elevations of the finished grade and the directions of storm water runoff;
  - (m)** the layouts of proposed lots with their numbers and dimensions;
  - (n)** the land use density factors;
  - (o)** outside storage and/or product display area if allowed;

- (p) [Certified Site plan and](#) a subscribed statement of an engineer or architect, licensed by the State of Indiana, certifying that the proposed activity will satisfy the performance standards of Chapter 802 of this ordinance, [will be required for all commercial development, as well as any new principal use for residential development.](#);
  - (q) construction plans, if any;
  - (r) erosion control/grading plan, if any; and,
  - (s) 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, private sewage disposal system permit from the Monroe County Health Department, etc.).
- (B) The Administrator shall consider and evaluate such application and associated site plan, and thereupon render a decision in writing, which decision shall consist of either:
- (1) 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;
  - (2) 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
  - (3) Approval of the site plan subject to any conditions, modifications and restrictions as required by the Administrator which will ensure that the project meets the general, design and performance standards set forth in this ordinance.
- (C) Site plans submitted to the Administrator under this chapter shall become a permanent public record.

**815-4. General Standards for Review**

The Administrator shall review the site plan and supporting documents, taking into consideration the following general standards for site plan approval:

- (A) Compatibility with surrounding land uses;
- (B) Availability and coordination of sanitary sewer, water, storm water drainage, and other utilities as deemed appropriate;
- (C) 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:
  - (1) the design and location of proposed street and highway access points and sidewalks to minimize safety hazards and congestion;

- (2) the capacity of adjacent existing streets and highways to safely and efficiently handle traffic projected to be generated by the proposed development; and,
  - (3) the coordination of entrances, streets, sidewalks and internal traffic circulation facilities in the site plan with existing and planned streets and adjacent developments.
- (D) Compliance with the performance standards set forth in Section 802-5 of this ordinance and any general standards provided in this ordinance.

**[end of chapter]**

## CHAPTER 815

### ZONING ORDINANCE: SITE PLAN REVIEW

#### 815-1. Purpose

The purpose of the site plan review procedure set forth in this chapter is to regulate the development of structures and sites in a manner which considers the following concerns and, where necessary, requires modification of development proposals to eliminate or minimize potential problems and nuisances. The principal areas of concern are:

- (A) 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 run off, etc.).
- (B) The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;
- (C) The adequacy of water supply, waste disposal methods and protection from pollution of surface or ground water; and,
- (D) The protection of natural, environmental, historic, or archaeological features on the site under review and in adjacent areas.

#### 815-2. Site Plan Review Requirement

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 Administrator. Site plan review shall also be required for the resumption of any use discontinued for more than six (6) consecutive months or for the expansion of any existing use.

#### 815-3. Site Plan Review Process

- (A) 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 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) the name and address of the owner and developer, engineer, surveyor, architect;
    - (b) the location of the project by public way, township and section;

- (c)** the legal description of the subject property;
- (d)** a map including date, scale 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;
- (e)** the nature and intensity of the operations involved in, or conducted in connection with the project;
- (f)** the site layout of the project including the location, size, arrangement and capacity of the area to be used for yards, setbacks, and buildings, vehicular access, parking, and loading;
- (g)** the names of public ways giving access to the subject property and the location, width and names of existing platted public ways, railroads, parks, utility easements and other public open spaces associated with the project;
- (h)** the layout of proposed public ways, their names and width, and the width of alleys, walkways, paths, lanes and easements;
- (i)** the location, dimensions and design of all signage for the project;
- (j)** the location, height, intensity, direction of illumination and bulb type (i.e., florescent, sodium incandescent, etc.). of all external lighting fixtures;
- (k)** a landscape plan showing 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;
- (l)** the contours with spot elevations of the finished grade and the directions of storm water runoff;
- (m)** the layouts of proposed lots with their numbers and dimensions;
- (n)** the land use density factors;
- (o)** outside storage and/or product display area if allowed;
- (p)** a subscribed statement of an engineer or architect, licensed by the State of Indiana, certifying that the proposed activity will satisfy the performance standards of Chapter 802 of this ordinance;
- (q)** construction plans, if any;
- (r)** erosion control/grading plan, if any; and,
- (s)** 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, private sewage disposal system permit from the

- (B) The Administrator shall consider and evaluate such application and associated site plan, and thereupon render a decision in writing, which decision shall consist of either:
  - (1) 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;
  - (2) 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
  - (3) Approval of the site plan subject to any conditions, modifications and restrictions as required by the Administrator which will ensure that the project meets the general, design and performance standards set forth in this ordinance.
- (C) Site plans submitted to the Administrator under this chapter shall become a permanent public record.

**815-4.**

**General Standards for Review**

The Administrator shall review the site plan and supporting documents, taking into consideration the following general standards for site plan approval:

- (A) Compatibility with surrounding land uses;
- (B) Availability and coordination of sanitary sewer, water, storm water drainage, and other utilities as deemed appropriate;
- (C) 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:
  - (1) the design and location of proposed street and highway access points and sidewalks to minimize safety hazards and congestion;
  - (2) the capacity of adjacent existing streets and highways to safely and efficiently handle traffic projected to be generated by the proposed development; and,
  - (3) the coordination of entrances, streets, sidewalks and internal traffic circulation facilities in the site plan with existing and planned streets and adjacent developments.
- (D) Compliance with the performance standards set forth in Section 802-5 of this ordinance and any general standards provided in this ordinance.

**815-5. Proposed addition to Chapter 815 to allow phasing of large projects**

**815-5. Phasing**



(A) The purpose of this section is to facilitate the establishment of larger, more complex projects with significant infrastructure requirements by establishing a procedure which allows applications proposed consistent with the requirements of this title to complete infrastructure and other improvements in phases. Proposed phasing plans will be reviewed and adopted in a manner which ensures that each phase is self-sufficient and is not dependent on subsequent phases to fulfill infrastructure requirements and other conditions of approval. Phased development which is approved consistent with the requirements of this section may proceed with a minimum of additional review, unless otherwise specified in this chapter or ordinance.

**(B) Applicability.**

Phased development plans may be considered for those proposed projects which meet the following requirements:

(1) The proposed project includes a land area of five acres or greater.

**(C) Phasing plan required.**

Applications for site plan approval which propose to complete the required infrastructure improvements in phases must include a preliminary phasing plan. A final phasing plan which incorporates all required conditions of approval and details infrastructure improvements and sequencing of the phases must be submitted before any ground disturbing activities.

(1) Preliminary phasing plans must be submitted concurrently with the land use application.

Preliminary phasing plans must include the following information:

a. Illustrative maps for each proposed phase which clearly mark in heavy lines the boundaries of the subject phase, the size (in acreage) of the phase area, label the phase alphabetically (to avoid confusion with lot numbers), and depict roads, lots, infrastructure (including stormwater facilities), easements, dedications and open space which are included within the subject phase. The plan must also illustrate those proposed improvements which mitigate impacts associated with the unbuilt portions of the project which are not located within the boundaries of the subject phase. Previously established phases, including roads, lots, infrastructure, easements, dedications, and open space, should be shown on the map shaded or gray-scaled. All phasing maps must be drawn at the same scale.

b. A narrative description or table which describes each phase and its associated improvements. In addition, the narrative or table must demonstrate that each phase would comprise a “stand-alone” development which, should no subsequent phases be constructed, would meet or exceed the standards of this title and all other conditions of approval. The narrative should also

describe the proposed timeline for completion of the entire project and any proposals to bond for required unbuilt or yet-to-be-constructed improvements.

(2) The final phasing plan must be submitted to the Planning Department before any ground disturbing activity, and must include the following:

a. Illustrative maps for each proposed phase which clearly mark in heavy lines the boundaries of the subject phase, label the phase alphabetically (to avoid confusion with lot numbers), and depict roads, lots, infrastructure, easements, dedications and open space which are included within the subject phase. The plan must also illustrate those proposed improvements which mitigate impacts associated with the unbuilt portions of the project which are not located within the boundaries of the subject phase. Previously established phases, including roads, lots, infrastructure, easements, dedications, and open space, should be shown on the map shaded or gray-scaled. All phasing maps must be drawn at the same scale. The final phasing plan map should be drawn at the same scale as the preliminary plat map.

b The final narrative description or table which describes each phase and its associated improvements. The final narrative must also include the proposed timeline for completion of the entire project and any proposals to bond for required unbuilt improvements.

**(D) Approval.**

The administrator may approve phasing plans only if the phasing plan does not erode the intent of the criteria for approval of the site plan. In addition, phasing plans must be reviewed to ensure that they meet or exceed the following criteria:

(1) Each proposed phase must provide required open space, recreation facilities, landscaping, parking, utilities, and/or dedications for public use concurrent with development. In cases where construction of a proportionate fair share improvement is not feasible or would result in incomplete facilities which do not mitigate the impacts of the phase, construction of the entire improvement is required;

(2) All required off-site improvements which mitigate impacts associated with the subject phase must be completed before final approval of that phase;

(3) All phases must be stand-alone or proposed in sequential order. No proposed phase can begin before the completion of the preceding phase if a proposed phase is dependent on the completion of a preceding phase. Dependent phases may include such required approvals and/or conditions, including, but not limited to: the looping of roads and utilities; the provision of fire flow; and the mitigation of transportation, recreation and/or public services impacts. Landscaping and parking improvement must be provided within each phase as required;

(4) Phases must be constructed in the manner approved in the phasing plan to ensure orderly and planned development. Phases must be planned to ensure the efficient construction of adjacent future phases (those phases immediately next to the subject phase, sharing a common boundary line), and to ensure that phased development does not allow for leapfrog development;

(5) Infrastructure improvements which are required to serve the entire project may be constructed within a nonadjacent phase.

**[end of chapter]**