

**ZONING ORDINANCE
OF
MORGAN COUNTY**

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No Zoning from 2/24/97
until 11/10/2001
UPDATED 1/21/2011

Zoning Ordinance of Morgan County

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1 ORDINANCE # _____

2 **ZONING ORDINANCE**

3
4 **1-1 A PART OF THE MASTER PLAN FOR MORGAN COUNTY**

5
6 An ordinance establishing a Zoning Ordinance for Morgan County, Indiana and providing for the administration,
7 enforcement, and amendment thereof, in accordance with the provisions of State Laws and the repeal of all
8 ordinances in conflict herewith.

9
10 Whereas, State Laws empower Morgan County, Indiana to enact a Zoning Ordinance and to provide for its
11 administration, enforcement and amendments, and

12
13 Whereas, The Commissioners for Morgan County, Indiana pursuant to the provisions of State Statutes, appointed a
14 County Plan Commission to recommend the boundaries of the various original districts and appropriate regulations
15 to be enforced therein, and

16
17 Whereas, The Morgan County Plan Commission has divided the County into districts and has prepared regulations
18 pertaining to such districts in accordance with a comprehensive plan so that adequate light, air, convenience of
19 access, and safety from floods, fire, and other danger may be secured; that congestion in the public streets may be
20 lessened or avoided; that property values may be preserved; that the public health, safety, comfort, convenience and
21 general welfare may be promoted; and

22
23 Whereas, the Morgan County Plan Commission has given reasonable consideration, among other things to the
24 character of the districts and their peculiar suitability for particular uses with a view to preserving the value of
25 buildings and encouraging the most appropriate use of land throughout Morgan County; and

26
27 Whereas, the Morgan County Plan Commission has given due public notice of hearings relating to zoning districts,
28 regulations, and restrictions, and has held such public hearings; and

29
30 Whereas, all requirements of IC 36-7-4, with regard to the preparation of this ordinance have been met;

31
32 Now, therefore, be it ordained by Morgan County, Indiana:

33
34 **1-2 TITLE**

35
36 This ordinance shall be known and may be cited as the
37 **"ZONING ORDINANCE OF MORGAN COUNTY, INDIANA"**

38
39 **1-2-1 JURISDICTION**

40 This ordinance applies to all un-incorporated areas of Morgan County that are not now subject to the zoning
41 jurisdiction of another governmental unit. This ordinance also applies within the incorporated area of the Town of
42 Paragon.

43
44 **1-3 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS**

45
46 In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements
47 adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this
48 ordinance are at variance or in any other conflict with the requirements of any other lawfully adopted rules,
49 regulations, ordinances, deed restrictions, or covenants, the most restrictive, or that imposing the higher standard,
50 shall govern.

51
52 **1-4 SEVERABILITY CLAUSE**

53
54 Each Chapter, Section, Paragraph, or Sub-paragraph or a part whenever divisible, of this Code of Zoning Ordinance
55 is declared to be severable, and the invalidity of any Chapter, Section, or divisible part thereof, shall not be
56 construed to effect the validity of any other Chapter, Section, or part thereof in this Ordinance.

1 **1-5 REPEAL OF CONFLICTING ORDINANCE, EFFECTIVE DATE**

2
3 All previously enacted Zoning Ordinances are hereby repealed. This ordinance shall take effect as provided by law and in
4 accordance with I.C. 36-7-4-610. **PASSED BY THE COUNTY COMMISSIONERS OF MORGAN COUNTY,**
5 **INDIANA ON THE _____ DAY OF _____ 2001**

6
7
8
9 _____
10 **PRESIDENT COUNTY COMMISSIONERS**

11
12 _____
13 **MEMBER**

14
15 _____
16 **MEMBER**

17
18 **ATTEST:**

19 _____
20
21 **AUDITOR**
22 **MORGAN COUNTY**

23
24 **1-6 GENERAL PURPOSE**

25
26 Be it ordained by the Board of Commissioners of the Morgan County, Indiana that there be and there is hereby
27 established a Plan Commission for Morgan County, Indiana. To promote the orderly development of its
28 governmental units and environs, for the purpose of improving the present health, safety, convenience, and welfare
29 of the citizens of Morgan County, Indiana. To the end that highway systems be carefully planned, that new
30 community centers grow only with adequate highways, utilities, health, educational, and recreational facilities. That
31 the needs of agriculture, industry, and businesses be recognized in future growth. That residential areas provide
32 healthy surrounding for family life, and that growth of the said Morgan County, Indiana is commensurate with and
33 promotive of the efficient and economical use of public funds. Said Plan Commission shall serve in an advisory
34 capacity to the County Executive of Morgan County, Indiana and shall have such regulatory power affecting the
35 public welfare of the citizens of Morgan County, Indiana as are not otherwise controlled, and such other power as
36 may from time to time be granted to carry out the purpose of this ordinance.

37
38 **1-7 PLAN COMMISSION MEMBERS**

39
40 **1-7-1 NUMBER OF MEMBERS; ADVISORY PLAN COMMISSION**

41 Said Morgan County, Indiana, Advisory Plan Commissions shall consist of nine (9) members as follows:

- 42
43 (A) One (1) member appointed by the County Executive from its membership (Commissioners);
44
45 (B) One (1) member appointed by the Fiscal Body from its membership (Council);
46
47 (C) The County Surveyor or qualified deputy;
48
49 (D) The County Extension Educator;
50
51 (E) Five (5) Citizen Members, appointed by the County Executives (Commissioners), of whom no more than three
52 (3) may be of the same political party and all five (5) must live in the unincorporated area.
53
54

1 **ADVISORY PLAN COMMISSION**

2
3 **1-7-2 ORGANIZATION**

4
5 (A) At the first meeting each calendar year, the Commission shall elect from its Members a Chairman, Vice
6 Chairman and Secretary.

7
8 (B) Meetings shall be conducted pursuant to I.C. 5-14-1.5-1et seq. (Open Door Law).

9
10 (C) Meetings shall be held monthly. Only the Chairman or fifty (50) percent of the membership may only call
11 special meetings.

12
13 **1-7-3 POWER AND DUTIES**

14
15 TO EFFECTUATE THE PURPOSE OF THIS ORDINANCE, THE MORGAN COUNTY PLAN COMMISSION
16 SHALL HAVE THE POWER AND DUTIES AS OUTLINED IN IC 36-7-4-201 et seq., AS AMENDED FROM
17 TIME TO TIME.

18
19 **1-8 ENFORCEMENT**

20
21 It is the intent of this ordinance that all questions of enforcement shall be first presented to the Plan Director, and
22 that such questions shall be presented to the Board only on appeal from the decision of the Plan Director, and that
23 recourse from the decision of the Board shall be to the courts as provided by law. Nothing in this Ordinance shall
24 prevent any official of Morgan County, Indiana from appealing a decision of the Board to the Courts as provided in
25 Indiana Law. Any such appeal shall be made within thirty (30) days of the Board's written decision.

26
27 **1-9 BOARD OF ZONING APPEALS**

28
29 **1-9-1 ORGANIZATION**

30
31 (A) The Board of Zoning Appeals for Morgan County, Indiana is hereby established in accordance with I.C.
32 36-7-4-901, I.C. 36-7-4-902 of the State of Indiana and all acts now or hereafter amendatory thereto.

33
34 (B) The Board of Zoning Appeals shall consist of five (5) members as follows:

- 35
36 1. Three (3) citizen members appointed by the Executive Body (Commissioners) of the County of whom one must
37 be a member of the Plan Commission and two (2) must not be members of the Plan Commission.
38
39 2. One (1) Citizen Member appointed by the Fiscal Body (County Council) of Morgan County, who must not
40 be a member of the Plan Commission;
41
42 3. One (1) citizen member appointed by the Advisory Plan Commission who must be a member of the Plan
43 Commission, who must be a county agent or a citizen member of the Plan Commission other than the
44 Member appointed under subdivision 1.

45
46 (C) The Board shall meet at regular scheduled monthly meetings or at the call of the Chairman.

47
48 (D) All meetings shall be open to the public, except those that are exempt by State Law.

49
50 (E) At the first meeting of the calendar year, the Board shall elect from its members a Chairman and a Vice
51 Chairman.

52
53 (F) All procedure for the Board of Zoning Appeals shall be in accordance with the rules outlined in 36-7-4-900.
54
55
56

1 **POWERS AND DUTIES**

2
3 **THE BOARD OF ZONING APPEALS SHALL HAVE THE POWER TO EFFECTIVELY**
4 **CARRY OUT THEIR DUTIES AS FOLLOW:**

5
6 (A) Hear and determine appeals from and review any order, requirement, decision or determination made under this
7 Ordinance, by the Plan Director;

8
9 (B) Permit and authorize contingent uses and special exceptions subject to, and within the limitations prescribed by
10 the provisions of this Ordinance;

11
12 (C) Approve or deny, upon written application in specific cases, variances from the terms of this Ordinance. Such
13 Variances may be approved only upon written determination by the Board of the findings set forth in IC
14 36-7-4-918.4-5 as may be amended from time to time.

15
16 (D) In exercising its power, the Board may reverse or affirm, wholly or in part, or may modify the order,
17 requirement, decision, or determination appealed from as, in its opinion, ought to be done in the premises; and to
18 that end have all powers of the official, person, or entity from whom or which the appeal is taken. In approving a
19 Special Exception, or Variance, the Board may also impose such reasonable conditions regarding the location,
20 character and other features of the proposed building, structure, or use, with which the appeal or application before it
21 is concerned, as it may deem advisable in the furtherance of the purpose of this Ordinance and the protection of the
22 public convenience and welfare. Such conditions may include a requirement for the recordation of a written
23 instrument in a form acceptable to the Board, binding the present and sequence owners of the parcel of land affected
24 and all parties having an interest therein to the terms of such conditions.

25
26 **1-9-3 AUTHORITY AND JURISDICTION**

27
28 (A) This ordinance which was enacted pursuant to Indiana home rule and planning enabling legislation (Indiana
29 Code, Titles 36-1-3-4 and the 36-7-4-600 series, as amended) authorizes the Morgan County Plan Commission to
30 enforce and regulate this ordinance for all of the unincorporated areas in Morgan County not within the jurisdiction
31 of a city or town plan commission organized under IC 36-7-4.

32
33 **1-10 DUTIES OF PLAN DIRECTOR**

34
35 (A) With the advice of legal counsel;

36
37 1. Upon finding that any of the provisions of this Ordinance are being violated, he shall notify that person
38 responsible for the violation (s), on site or by certified mail ordering the action necessary to correct such
39 violation (s). If on site notification is given, a follow-up report shall be sent within seventy (72) hours by
40 certified mail stating what violation (s) has occurred.

41
42 2. Order discontinuance of illegal uses of land, buildings or structures.

43
44 3. Order removal of illegal buildings or structures or illegal additions or structural alteration.

45
46 4. Order discontinuance of any illegal work being done. (See STOP WORK ORDER in
47 definition section 1-12 this ordinance in accordance with I.C. 36-7-4-1001).

48
49 (B) Issue Improvement Location Permits and Certificate of Occupancy and such other similar Administrative duties
50 as are permissible under the Law.

51
52 (C) Take other action authorized by the Ordinance to ensure compliance with or to prevent violation(s) of this
53 Ordinance as outlined in section 3-7-1 of this ordinance.

1 **1-11 APPLICATION AND INTERPRETATION**

2
3 (A) For the purpose of these regulations, certain numbers, abbreviations, terms, words, and phrases used herein shall
4 be used, interpreted, and defined as set forth in this article.

5
6 (B) Whenever any words and phrases used herein are not defined herein but are defined in the state laws regulating
7 the creation and function of various planning agencies, any such definition therein shall be deemed to apply to such
8 words and phrases used herein, except when the content otherwise requires.

9
10 (C) For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows;

- 11
12 1. The word "person" includes an individual, firm, association, organization, partnership, trust, company,
13 corporation or any other legal entity.
14
15 2. The masculine includes the feminine.
16
17 3. The present tense includes the past and future tense, the singular number includes the plural.
18
19 4. The word "shall" is a mandatory requirement, the word "may"
20 are a permissive requirement, and the word "should" is a preferred requirement.
21
22 5. The word "used" or "occupied" includes the words
23 "intended, arranged, or designed to be used or occupied".
24

25 (D) All other words not herein defined in this Ordinance shall be interpreted according to the plain meaning of the
26 word described therein. It shall not be construed against Morgan County, the applicant or the aggrieved party.
27

28 **1-12 DEFINITIONS**

29
30 **ABANDONMENT:** A non-conforming use shall be considered abandoned when; (1) The use of the property is
31 replaced by a conforming use; (2) or the building or premises are left vacant for six (6) months, and most of the
32 equipment and furnishings have been removed and not replaced. This definition applies **only** to nonconforming uses.
33

34 **ABANDONED VEHICLE:** Shall mean a vehicle at least six (6) model years old, un-licensed or mechanically
35 inoperable, and left on private property continuously in a location visible from public property for more than six (6)
36 months.
37

38 **ACCESS:** A way or means of approach to provide physical entrance to a property.
39

40 **ACCESS EASEMENT:** Authorization by a property owner for the use by others as a means of approach and/or
41 ingress and egress to provide physical entrance and exit to and from a property, lot, parcel, or tract of land.
42

43 **ACCESS ROAD:** Shall mean a road or easement that provides access to a parcel of land, and that is a minimum of
44 twelve (12) feet in width.
45

46 **ACCESSORY USE, RESIDENTIAL:** A subordinate use that relates to the same lot as a primary use and is used
47 other than for human occupancy. Accessory use for dwellings shall consist of garage, carport, storage building,
48 swimming pool, or similar use compatible to family dwelling.
49

50 **ACCESSORY USE, COMMERCIAL:** A subordinate use that relates to the same lot as a primary use and is used
51 other than the primary use. An accessory use shall be in the same category as the primary (i.e.), residential, retail
52 business, food, government, etc. Whenever two different uses occur, it shall be considered two primary uses and
53 each must be considered a primary use.
54

1 **ADULT ENTERTAINMENT BUSINESS:** An adult entertainment business is any business that includes one or
2 more of the following:
3

4 **ADULT BOOKSTORE:** An establishment having as a preponderance of its stock in trade or its dollar volume in
5 trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes,
6 disks, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized
7 by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical
8 areas.
9

10 **ADULT CABARET:** A nightclub, bar theater, restaurant or similar establishment which frequently features live
11 performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers,
12 where such performances are distinguished or characterized by an emphasis on specified sexual activities or by
13 exposure of specified anatomical areas or which regularly feature films, motion pictures, video cassettes, slides or
14 other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or
15 description of specified anatomical areas of observation by patrons.
16

17 **ADULT DRIVE-IN THEATRE:** An open lot or part thereof, with appurtenant facilities, devoted primarily to the
18 presentation of motion pictures, films, theatrical productions, and other forms of visual productions, for any form of
19 consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation
20 time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting,
21 describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.
22

23 **ADULT LIVE ENTERTAINMENT ARCADE:** Any building or structure which contains or is used for
24 commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or
25 screened area or booth a series of live dance routines, strip performances or other gyrational choreography which
26 performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of
27 specified anatomical areas.
28

29 **ADULT MINI MOTION PICTURE THEATER:** An enclosed building with a capacity of more than five (5) but
30 less than fifty (50) persons, used for presenting films, motion pictures, video cassettes, slides or similar photographic
31 reproductions in which a preponderance of the total presentation time is devoted to the showing of materials which
32 are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specific sexual
33 activities or specified anatomical areas of observation by patrons therein.
34

35 **ADULT MOTEL:** A hotel, motel or similar establishment offering public accommodations for any form of
36 consideration which primarily provides patrons, upon request, with closed-circuit television transmissions, films,
37 motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized
38 by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
39

40 **ADULT MOTION PICTURE ARCADE:** Any place to which the public is permitted or invited wherein coin or
41 slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or
42 other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one
43 time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or
44 describing specified sexual activities or specified anatomical areas.
45

46 **ADULT MOTION PICTURE THEATER:** An enclosed building with a capacity of fifty (50) or more persons
47 used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a
48 preponderance of the total presentation time is devoted to showing of materials which are distinguished or
49 characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified
50 anatomical areas for observation by patrons therein.
51

52 **ADULT SERVICE ESTABLISHMENT:** Any building, premises, structure or other facility, or any part thereof,
53 under common ownership or control, which provides a preponderance of services involving specified sexual
54 activities or display of specified anatomical areas.

1 **ADULT SEXUAL ENCOUNTER ESTABLISHMENT:** An establishment where two or more persons
 2 congregate, associate, or consort in connection with specified sexual activities or the exposure of specified
 3 anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist,
 4 psychiatrist, or similar professional person licensed by the state engages in sexual therapy.
 5

6 **AGRICULTURE:** Means an activity for profit, but not limited to:

7 (a) The raising of trees, vines and crops of any kind;

8 (b) The maintaining, breeding and raising of poultry and livestock of any kind;

9 (c) The harvesting, curing, processing, packaging, shipping, packing, storing and selling of agricultural products
 10 for profit produced on the premises.
 11

12 **AGRICULTURE BUILDING:** Means an approved structure utilized for the conduct of farming operation for the
 13 purpose of housing farm animals, feed, and farm equipment, but does not include dwelling or garage.
 14

15 **AIRCRAFT:** Means a contrivance intended for use or designed for navigation of or flight in the air or outer space,
 16 by humans, including missiles and all hobby planes.
 17

18 **AIRPORT:** Means any area which is used or intended to be used for takeoff and landing of aircraft, including
 19 helicopters and any appurtenance area, which are used or intended to be used for airport buildings or facilities,
 20 including open spaces, taxiways, and tie down areas.
 21

22 **ALLEY:** Means a right-of-way other than a street, road, crosswalk, or easement that provides secondary access for
 23 the special accommodation of the abutting property.
 24

25 **AMUSEMENT CENTER:** Means an establishment where the business is to provide entertainment for recreation
 26 such as bowling, pool, billiards, video games or other similar games or devices.
 27

28 **AMUSEMENT PARK:** Means a commercial establishment where the business is any outdoor activity used for
 29 recreation purpose.
 30

31 **APARTMENT HOUSE:** Means the same as dwelling, containing three (3) or more units or efficiency apartments
 32 where more than one (1) different family resides.

33 **ARCHERY RANGE:** Means a place indoor or outdoor where the public may participate in the art of shooting bow
 34 and arrow.
 35

36 **AUTOMATIC CAR WASH:** Means a building or portion thereof, where automobiles are washed by mechanical
 37 devices of any kind.
 38

39 **AUTOMOBILE BODY SHOP:** Means a building where minor or major repair is made to a vehicle that has been
 40 wrecked, damaged or in need of restoration because of element deterioration. Paint booths shall be in accordance
 41 with state guidelines. Hold area shall be completely enclosed by a six (6) foot privacy fence.
 42

43 **AUTOMOBILE DEALERSHIP:** Means a lot where a franchise for new and used vehicles are sold and serviced.
 44

45 **AUTOMOBILE HOLD AREA:** Means a fenced or enclosed area where wrecked, damaged or impounded vehicles
 46 are in storage or kept for a period of time waiting for insurance, title, police release or being held as abandoned
 47 vehicle, or other disposition.
 48

49 **AUTOMOBILE PARTS STORE:** Means a building where automobile parts and accessories are sold and only
 50 minor maintenance is performed.
 51

52 **AUTOMOBILE REPAIR SHOP:** Means a building that is completely enclosed, where major or minor repairs are
 53 made to vehicles. All vehicles on hold lot shall be licensed or held in a hold area completely enclosed by a six (6)
 54 foot privacy fence.

1
2 **AUTOMOBILE SALES LOT:** Means a lot arranged, designed or used for the display for sale of operable motor
3 vehicles where no substantial repair work is done. This shall not include trucks rated over one (1) ton.
4

5 **AUTOMOBILE SALES AND SERVICE LOT:** Means a lot in which new or operable used vehicles are sold and
6 no more than twenty (20) percent of the trade is dedicated to minor repair.
7

8 **AUTOMOBILE TIRE SALES AND REPAIR SERVICE:** Shall mean a building where new and used tires are
9 sold or repaired. All used or discarded tires shall be stored inside a six (6) foot privacy fence.
10

11 **BED AND BREAKFAST:** Means a residential building converted to a lodging house available to transients and
12 which serves the morning meal. A portion of the premises may be used by the person for a social or literary
13 purpose, provided that the social or literary use does not exceed more than twenty-five (25) guests.
14

15 **BILLBOARD:** See Sign, Outdoor Advertising.
16

17 **BLOCK:** Means an area that abuts a street and lies between two (2) adjoining streets or barriers such as a railroad
18 right-of-way or a waterway.
19

20 **BOARD:** Means the Morgan County Board of Zoning Appeals.
21

22 **BOARDING HOUSE:** Means a building available to transients, in which lodging and meals are regularly provided
23 for compensation, for at least three (3), but not more than fifteen (15) persons.
24

25 **BUILDING:** Means a roofed structure for the shelter, support, enclosure or protection of persons, animals or
26 property.
27

28 **BUILDING AREA:** Means a lot or parcel of land where a building may be constructed, and where all building
29 requirements can be met and authorized by the Zoning Ordinance. Only one (1) dwelling is authorized on any
30 building lot.
31

32 **BUILDING DETACHED:** Means a building having no structural connection with another building.
33

34 **BUILDING HEIGHT:** Means the vertical distance measured from the adjoining street center-line grade at a point
35 opposite the principal frontage of the building to the highest point of the ceiling of the top story, in the case of a flat
36 roof; to the deck line of a mansard roof; and to the main height level between the eaves and ridges of a gable, hip or
37 gambrel roof. The building may be measured from the average elevation of the finished lot grade at the front of the
38 building.
39

40 **BUILDING LINE:** The line nearest the street and across a lot establishing the minimum open space to be provided
41 between buildings and specified structures and street lines.
42

43 **BUILDING LOT:** Means a parcel of land that has been divided into a lot by subdivision or metes and bounds, and
44 approved by the Plan Commission for the purpose of building some type of structure. Only one (1) dwelling shall be
45 authorized on any building lot.
46

47 **BUILDING, MAIN:** Means a building constituting the principal use on the lot. Only one (1) principal use building
48 may be placed on any lot or parcel of land. All other buildings must be subordinate to the main building. (See
49 accessory uses this chapter)
50

51 **BUILDING, NON-CONFORMING:** Means a legally existing building which fails to comply with the regulations
52 set forth in this Ordinance applicable to the district in which such building is located.
53

54 **BUSINESS:** Means the purchase, sale or exchange of goods, or service, or the maintenance for profit of offices or
55 recreational or amusement enterprises.

1
2 **BUSINESS DISTRICT:** Means B1, B2, and B3 Districts.
3

4 **BUSINESS, WHOLESALE:** Means a business establishment that generally sells commodities, including but not
5 limited to perishable or flammable, in large quantities or by the piece, to retailers, jobbers, other wholesale
6 establishments or manufacturing establishments. The commodities are basically for further resale, for use in the
7 fabrication of a product, or for use by business service.
8

9 **CAMPGROUND:** Means an area of land used or designed to be used to accommodate three (3) or more camping
10 units, including cabins, tents, travel trailers, or other camping outfits, and occupied for fourteen (14) days or less.
11

12 **CARPORT:** Means a structure with roof which is unenclosed or partly enclosed, attached to a dwelling or other
13 structure, or unattached for the purpose of providing protection for a motor vehicle or other goods.
14

15 **CEMETERY:** Means land used for the burial of the dead and dedicated for cemetery purposes including
16 columbium, crematory, mausoleum, or mortuary operated in conjunction with and on the same tract as the cemetery.
17

18 **CERTIFICATE OF OCCUPANCY:** Means a certificate issued by the Plan Director stating that the Occupancy
19 and uses of the land or a building or structure referred to therein complies with the provisions of this ordinance. See
20 certificate of occupancy 2-4 this ordinance.
21

22 **CHILD CARE CENTER:** Means a building where four (4) or more children receive childcare from a provider:

- 23 (a) while unattended by a parent, legal guardian, or custodian;
24 (b) for regular compensation; and
25 (c) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days
26 per year excluding intervening Saturdays, Sundays, and holidays. The term includes a building where
27 the provider has applied for a license under IC 12-17.2-4.
28

29 **CHILD CARE HOME:** Means a residential structure in which at least four (4) children (not including the children
30 for whom the provider is a parent, stepparent, guardian, custodian or other relative), but not more than twelve (12)
31 children including the children for whom the provider is a parent, stepparent, guardian, custodian or other relative,
32 all of whom are less than eleven (11) years of age, at any time receive child care from the provider:
33

- 34 (a) While unattended by a parent, legal guardian or custodian;
35 (b) For regular compensation; and
36 (c) For more than (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per
37 year, excluding intervening Saturdays, Sundays, and holidays.
38

39 **CHILDREN'S HOME OR CHILD CARING INSTITUTION:** Means any children's home, orphanage,
40 institution or other place maintained or conducted by any group or person engaged in receiving and caring for
41 dependent, neglected, handicapped children or children in danger of becoming delinquent, or in operating for gain a
42 private business of boarding children who are unattended by parent or guardian, or person in loco parentis, except
43 licensed foster homes.
44

45 **CHURCH:** A building together with its accessory buildings and uses, where persons regularly assemble for
46 religious worship and is maintained and controlled by a religious body organized to sustain public worship.
47

48 **CLINIC:** Means an establishment in which patients are admitted for study or treatment of a disease, disorder or
49 disability, and in which service by at least two (2) physicians, dentists or chiropractors is provided.
50

51 **CLUB:** Means a building or portion thereof or premise owned or operated by a person for social, literary, political,
52 educational or recreational purpose primarily for the exclusive use of members and guests, including the sale of
53 alcoholic beverages.
54

1 **COMPREHENSIVE PLAN:** A plan recommended by the Plan Commission and adopted by the County
 2 Commissioners, in accordance with the laws of the State of Indiana, for the promotion of public health, safety,
 3 morals, convenience, order, the general welfare and for the sake of efficiency and economy in the process of
 4 development, under IC 36-7-4-500 et. seq.

5
 6 **COMMERCIAL VEHICLE:** Means any vehicle rated over one (1) ton, used for commercial use including but not
 7 limited to tractor-trailer, dump trucks, and school buses.

8
 9 **COMMISSION:** Means the Morgan County Advisory Plan Commission.

10
 11 **COMMON COUNCIL:** Means the Morgan County Council.

12
 13 **CONDOMINIUM:** The division of building and the related land into horizontal property interest meeting the
 14 requirements of and controlled by Indiana statutes for condominiums under IC 32-1-6.

15
 16 **CONFINEMENT FEEDING:** Shall mean feeding of animals grown for food, fur or pleasure purposes in lots,
 17 pens, ponds, sheds, or buildings where feed is supplied to them by means other than grazing. For the purpose of this
 18 Ordinance, the "Confinement Feeding" shall be limited to the confined feeding of (1) 300 or more cattle; (2) 600 or
 19 more swine or sheep, or (3) 30,000 or more fowl. These numbers have been established by P.L. 175, act of the 1971
 20 Indiana General Assembly. In the event that said Act is amended, this ordinance shall be deemed amended so that it
 21 is in conformity with said Act.

22
 23 **CONVENIENCE STORE:** Shall mean a retail business where gas, bread, dairy products and other small
 24 convenient items are sold.

25
 26 **CORRECTIONAL FACILITY:** Means a building or structure used to house prisoners who may be incarcerated
 27 for a given period of time.

28
 29 **CUL-DE-SAC:** Means a local street with only one (1) outlet and having a terminus of one hundred (100) feet
 30 minimum diameter right-of-way for the safe and convenient reversal of traffic movement, including public safety
 31 vehicles.

32
 33 **DAY CARE CENTER:** An agency, organization, or private individual providing care for more than seventeen (17)
 34 children not related by blood or marriage to, or not the legal wards or foster children of, the attendant adult. See
 35 Child Care Center.

36
 37 **DEPENDENCY:** A mobile home that is used adjunct to a main dwelling for a limited length of time.

38
 39 **DISCARDED USED PROPERTY:** Means paper, trash, household furniture or appliances, vehicle parts, wood
 40 products, metal, or other similar products.

41
 42 **DISTRICT OR ZONES:** Means an area within which there are uniform regulations governing the use, height, area,
 43 size, and intensity of the use of building and land and open space about the buildings. (See Districts section 2-1)

44
 45 **DOG POUND:** Means a parcel of land where animals are kept in a structure or outside pens for the purpose of
 46 providing care, shelter, and confinement while waiting for ownership claim, quarantine or other confinement.

47
 48 **DRIVE-IN RESTAURANT:** Means a building or structure in which food and/or drink are primarily prepared for
 49 sale and human consumption under one or more of the following conditions;

- 50 (a) within vehicles on the premises with such structure;
 51 (b) on the premises outside of such structure;
 52 (c) take-out restaurants for human consumption off the premises;
 53 (d) access driveway to window for pickup orders.
 54

- 1 **DRIVEWAY:** Means that minimum area of land required to provide reasonable access from the street to the
2 dwelling, as determined by the County Highway Department.
3
- 4 **DRY-CLEANERS:** Means a place where material such as clothes, drapery or other similar products is dropped off
5 for cleaning or processing.
6
- 7 **DUMP, OPEN:** Means any premises or portion thereof used for the disposal or storage of garbage, sewage, trash,
8 refuse, waste material of any kind, junk, discarded machinery, vehicles or vehicle parts thereof, offal, dead animals,
9 or hazardous materials by abandonment, discarding, burial, incineration, or any means and whatever purpose which
10 does not conform to the requirement and specification as set forth in this ordinance.
11
- 12 **DWELLING:** Means a place or part of building that is used primarily as a place of abode, but not including a hotel,
13 motel, bed and breakfast, lodging house, boarding house, or tourist home as defined in this ordinance.
14
- 15 **DWELLING, CAREGIVER:** A second dwelling unit located on a lot in a zoning district which permits only one
16 (1) single family dwelling as a matter of right and which is: (a) occupied by a family who provides weekly
17 assistance to the family residing in the permitted single family dwelling; and (b) approved by the Plan Director or
18 the Board of Zoning Appeals, as provided in this ordinance.
19
- 20 **DWELLING, CARERECEIVER:** A second dwelling unit located on a lot in a zoning district which permits only
21 one (1) single family dwelling as a matter of right and which is: (a) occupied by a family who receives weekly
22 assistance from the family residing in the permitted single family dwelling; and (b) approved by the Plan Director or
23 the Board of Zoning Appeals, as provided in this ordinance.
24
- 25 **EASEMENT:** Means an authorization granted by the property owner for the use by another of any designed use or
26 interest of his property for clearly specified purpose(s).
27
- 28 **ENLARGEMENT, OR TO ENLARGE:** Enlargement means an addition to the floor area of an existing building
29 and increase in the size of any structure, and increase in that portion of a tract of land occupied by an existing use.
30 To enlarge is to make an enlargement.
31
- 32 **FAMILY:** Means one (1) or more persons living as a single housekeeping unit, but not including a group occupying
33 a hotel, motel, club, nursing home, dormitory or fraternity or sorority house.
34
- 35 **FARM, DWELLING:** Shall mean a residential dwelling on a parcel of land of three (3) acres or more zoned
36 Agriculture.
37
- 38 **FARM, GENERAL:** Means an area which is used for growing of the usual farm products such as vegetables, fruit
39 trees, and grain, and their storage facilities, as well as the usual farm poultry and farm animals such as horses, cattle,
40 sheep, and swine.
41
- 42 **FAST-FOOD ESTABLISHMENT:** Means a drive-in or other fast food establishment permitting consumption of
43 or carry out from the premises, or consumption on the premises without table service, waiters, or buffet service.
44
- 45 **FENCE:** Means a barrier intended to prevent escape or intrusion, or to mark a boundary.
46
- 47 **FITNESS CENTER:** Means a structure used for the development of the body or mind which may include fitness
48 equipment, spas, suntan booths, swimming pool, track, and any other activity used in developing the body.
49
- 50 **FIREWORKS BUSINESS:** Means a place or booth where fireworks, such as a roll of paper containing an
51 explosive set off as a noisemaker or celebration, are kept, stored or sold.
52
- 53 **FLEA MARKET:** Means the retail sale of new or used merchandise from individually rented space of land or
54 structure that is open for business more than twice in any one (1) calendar year.

- 1
2 **FLOOD PLAIN:** Means the area adjoining the river or stream that has been or may hereafter be covered by flood
3 water from the regulatory flood.
4
- 5 **FLOODWAY:** Means the channel of the river or stream and those portions of the flood plain adjoining the channel
6 which are reasonably required to efficiently carry and discharge the peak flow of the regulatory flood of any river or
7 stream shown on the floodway-flood boundary maps of the Federal Insurance Administration.
8
- 9 **FLOOD FRINGE:** Means those portions of the flood hazard area lying outside the floodway, shown on the
10 floodway-flood boundary maps of the Federal Insurance Administration.
11
- 12 **FOUNDATION:** Means the supporting member of a wall or structure.
13
- 14 **FOWL:** Means a domestic cock or hen, or any of several domesticated or wild birds.
15
- 16 **FUNERAL HOME:** Means a dwelling or structure used and occupied by a professional licensed mortician for
17 burial preparation and funeral services.
18
- 19 **FUR BEARING PROPERTY:** Means the raising or keeping of fur bearing animals for the purpose of sale,
20 collecting pelts to be used in manufacturing of clothing, or for food supply.
21
- 22 **GRAVEL MINING:** The extraction of aggregate from a subsurface, pit, stream, or river for sale or for commercial
23 use and/or sale to the public.
24
- 25 **GROUND FLOOR AREA:** Means the area of a building in square feet as measured in a horizontal plane, at the
26 ground level within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, and
27 exterior stairways.
28
- 29 **GROUP HOME:** Shall mean a facility occupied by ten (10) or less persons which may be licensed by State or
30 Local Government to provide a family-like and long term living environment to individuals who are not related to
31 the head of household and who are developmentally disabled, mentally ill, aged, blind, deaf, or in need of adult
32 supervision; which provides room and board and other services in accordance with their individual needs and
33 alternative family programs; and semi-independent living programs as defined by IC 12-17.4-5. A group home not
34 may be located within three thousand (3,000) feet of any other similar facility in any residential area.
35
- 36 **HALFWAY HOUSE:** Shall mean a facility occupied by ten (10) or less persons to provide a family-like and short
37 term (under six months) living environment to individuals who are not related to the head of household for
38 rehabilitation and are in need of supervision, which provides room and board. No halfway house may be within
39 three thousand (3,000) feet of any other similar facility in any residential area.
40
- 41 **HAZARDOUS WASTES:** A solid, liquid or combination thereof which because of its quantity, concentration or
42 physical, chemical, or infectious characteristics, may cause or increase mortality, illness or damage to human and/or
43 animal health or pose potential for damage to the environment, or any material which meets the definition of
44 hazardous waste as defined in IC 13-11-2-99.
45
- 46 **HEIGHT:** Means with respect to a building, the vertical distance measured from elevation of the finished grade of
47 the ground to the highest point of the roof. With respect to other than buildings, measured to the highest point of the
48 structure.
49
- 50 **HOME OCCUPATION:** Means a use conducted entirely within an enclosed dwelling, employing only the family
51 inhabitants thereof, which is clearly incidental and secondary to residential occupancy and does not change the
52 character thereof. Uses which are specifically excluded from the definition of "home occupation" include: the
53 storage and display of merchandise not produced by such home occupation, any activity involving any building
54 alterations, window display, machinery, or outdoor storage. Dancing and band instrument instruction, nursing

1 homes, tea rooms, tourist homes, animal hospitals, kennels, automobile repair and body shops, and retail
 2 businesses, trade, or sale of items not produced on the premises shall not be considered home occupations, except as
 3 outlined in section 3-1. (See Home Occupation section 3-1 this ordinance.)

4
 5 **HOME PROFESSIONAL OFFICE:** Means a portion of a dwelling used as a professional office by occupants of
 6 the dwelling, which use does not change the residential character of the dwelling. Some examples of professional
 7 office may be accountant, bookkeeper, surveyor, insurance salesman, attorney, and other similar uses. (See signs
 8 section 2-15-3 this ordinance.)

9
 10 **HOME WORKSHOP:** Means a use conducted entirely within a dwelling or in an accessory building located on the
 11 same lot, parcel, or tract of land as the dwelling, provided the home workshop is clearly incidental and secondary to
 12 the use of the property for residential purposes and does not change the character thereof or having any exterior
 13 evidence. Some examples of home workshops may be seamstress, woodcraft, interior decorator, arts and crafts, one
 14 chair beauty shop, or barber shop, and other similar uses.

15
 16 **HOSPITAL:** Means a place that provides overnight medical or surgical facilities, and which cares for the sick or
 17 injured persons.

18
 19 **HOSPITAL, ANIMAL:** Means a place with overnight facilities for the medical or surgical care for sick or injured
 20 animals.

21
 22 **HOTEL OR MOTEL:** Means a building or group of buildings, in which lodging is provided and offered to the
 23 public for compensation.

24
 25 **IMPACT ZONE:** Means a geographic area designated where a monetary charge is imposed on new development
 26 by a unit to defray or mitigate the capital cost of infrastructure that is required as outlined in IC 36-7-4-1307 thru
 27 1342.

28
 29 **IMPROVEMENT:** Means any building, structure, work of art, or other object constituting a physical alteration of
 30 real estate or change of use.

31
 32 **IMPROVEMENT LOCATION PERMIT:** Means a permit issued by an official of Morgan County, who has the
 33 responsibility for enforcing the Zoning Ordinance and authorizing an improvement

34
 35 **INDUSTRIAL DISTRICT:** Means I-1, I-2, and I-3 Districts as defined in this ordinance; heavy/light
 36 manufacturing.

37
 38 **INDUSTRIAL PARK:** Shall mean an area of land used or designed for several manufacturing businesses that are
 39 located on the same or divided parcel of land.

40
 41 **JUNK:** Includes but is not limited to: scrap metals and their alloys, bones, rags, used cloth, rubber, rope, tinfoil,
 42 bottles, chemicals, and plastic, (discarded) old or used machinery, tools, appliances, fixtures, utensils, lumber, boxes
 43 or crates, pipe or pipe fittings, used tires, and manufactured goods that are worn, deteriorated or obsolete so as to
 44 make them unusable in their existing condition.

45
 46 **JUNKYARD:** Means a place, usually outdoors, where waste, junk, or discarded used property other than organic
 47 matter are accumulated and /or stored, including two (2) or more unlicensed or inoperable vehicle(s).

48
 49 **KENNEL:** A place where eight (8) or more dogs, six (6) months of age or older are housed, at least fifty (50) feet
 50 from property lines. (*As amended by Amendment No. 4, October 20, 2003*)

51
 52 **LANDFILL:** SEE SANITARY FILL or PRIVATE LANDFILL

53
 54 **LAUNDROMAT:** Means a business that provides washer, dryer, dry-cleaning, and /or ironing machines for hire to
 55 be used by the customers on the premises.

- 1
2 **LOADING SPACE:** Means an off-street space, at least ten (10) feet wide and fifty (50) feet long, with a minimum
3 height clearance of fourteen (14) feet, for the temporary parking of a commercial vehicle while loading or unloading
4 merchandise or material, and which abuts on a street or other appropriate means of access.
5
- 6 **LODGE:** Means a social, fraternal, or service oriented organization primarily for the use of its members.
7
- 8 **LOT:** Means a parcel, tract, or area of land accessible by means of a street or place abutting upon a street or
9 easement.
10
- 11 **LOT, CORNER:** Means a lot at the junction of and abutting two (2) intersecting or intercepting streets. (See figure
12 1 for sketch).
13
- 14 **LOT, COVERAGE:** Means the percentage of the lot area that is occupied by pavement, buildings, or structures.
15
- 16 **LOT, INTERIOR:** Means a lot other than a corner lot.
17
- 18 **LOT, THROUGH:** Means a lot fronting on two (2) parallel, or approximately parallel streets and includes lot
19 frontage on both a street and a watercourse or lake.
20
- 21 **LOT, WIDTH:** Means the distance between the side lot line as measured on the building line.
22
- 23 **LOT LINE, FRONT:** Means the line separating the lot from the street. A corner lot shall be deemed to have only
24 one (1) front. The front yard shall be deemed to mean the area from the front edge of the dwelling to the street.
25
- 26 **LOT LINE, REAR:** Means on an interior or corner lot, the lot line, that is opposite the front lot line and farthest
27 from it. Except for a triangular or other irregularly shaped lot, it shall mean the line ten (10) feet long, parallel to the
28 front lot line, and wholly within the lot, that is farthest from the front lot line. A through lot has no rear lot line.
29
- 30 **LOT LINE, SIDE:** Means a lot line other than front or rear lot line.
31
- 32 **LOT, SETBACK LINE:** Means the distance between a street right-of-way, property line or structure that shall be
33 kept free from any construction.
34
- 35 **MANUFACTURED HOME:** A single-family dwelling unit designed and built in a factory, installed as a
36 permanent residence, which bears a seal certifying that it was built in compliance with the federal Manufactured
37 Housing Construction and Safety Standards Law of 1974 (U.S. C. 5401 et seq.) (The HUD Law).
38
- 39 **MANUFACTURING PLANT:** The processing and converting of any unfinished or finished materials or products,
40 or any of these into article or substance of different character, or for a different purpose. Also, industries furnishing
41 labor in the case of manufacturing or the refinishing of manufacturing articles.
42
- 43 **MINERAL EXTRACTION:** Means (1) mining or quarrying, and (2) removal of earth materials.
44
- 45 **MINI-WAREHOUSE:** Means a structure or enclosed storage area containing individually rented or owned
46 compartments or stalls for storage only.
47
- 48 **MOBILE HOME:** Means a vehicle including the equipment sold as part of a vehicle, that is constructed for use as
49 a conveyance upon public streets or highways by either self-propelled or non-self-propelled means, is designed,
50 constructed, or reconstructed, or added to by means of an enclosed addition or room, to permit the occupancy as a
51 dwelling for at least one (1) person, is used and occupied as a dwelling, and does not have a foundation other than
52 wheels, jacks, skirting, or other temporary supports..
53
- 54 **MOBILE HOME DWELLING:** A movable, detached dwelling unit, designed for long term occupancy (more than
55 forty five (45) days), built on a chassis at a factory, with or without a permanent foundation, and consisting of a
56 complete package with major appliances, plumbing, and electrical facilities prepared for appropriate connections. It
57 is synonymous with trailer home.

1
2 **MOBILE HOME PARK:** Means an area of land on which two (2) or more mobile homes are regularly
3 accommodated with or without charge, including any buildings or other structure, fixture, or equipment that is used
4 or intended to be used in providing the accommodation.
5

6 **MOBILE HOME SPACE:** Means an area of land within a Mobile Home Park with a minimum of eight thousand
7 8,000 square feet for the placement of one (1) mobile home which is designed for the exclusive use of occupants.
8 The minimum distance between any part of a mobile home including any addition shall be ten (10) feet.
9

10 **MODULAR HOME:** Means a dwelling unit built entirely off-site under jurisdiction of Indiana Public Law #360
11 and complies with CABO 1 & 2 Family Dwelling Codes as adopted by the State of Indiana.
12

13 **MOTOR VEHICLE:** Shall include automobiles, trucks, tractors, trailers, semi-trailers, motorcycles, scooters,
14 buses, and farm implements whether self-propelled or designed to be pushed, pulled, or carried by another motor
15 vehicle.
16

17 **MUSEUM:** An establishment operated as a repository or a collection of nature, scientific, or literary, or historical
18 curiosities, or objects of interest, or works of art, not including the regular sale or distribution of the objects
19 collected.
20

21 **NON-CONFORMING USE:** Means a building, structure, or use of land existing at the time of enactment of this
22 ordinance, which does not conform to the regulations of the district or zoning in which it is situated. A
23 non-conforming use shall abate and cease to exist one hundred eighty (180) days from the time that the use is
24 changed or abandonment of a structure, whichever occurs first. (See 2-11 this Ordinance) Non-conforming uses
25 existing prior to adoption of this document must be documented by the Board of Zoning Appeals within one (1) year
26 of the signing of this ordinance by the County Commissioners.
27

28 **NUISANCE:** Shall mean the doing of an unlawful act, or the omitting to perform a duty, or the suffering or
29 permitting any condition, or the thing to be or exist, which act, omission, condition, or thing either:
30

- 31 (a) injures or endangers the comfort, repose, health, or safety of others;
- 32 (b) unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage any public
33 or private street, highway, sidewalk, stream, ditch or drainage, or;
- 34 (c) in any way, including through the spread of loud noises across property lines to affect residential
35 property owners, renders other persons insecure in life, or the use of property, or; essentially interferes
36 with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of
37 others.
- 38 (d) Any violation of the Morgan County Zoning Ordinance, Morgan County, Indiana.
39

40 **NURSERY SCHOOL:** Means a place where five (5) or more children are kept for the purpose of providing
41 supplemental parental care, including day nursery, day care home for children, and kindergarten, including a nursery
42 school as outlined in IC 20-5-16.
43

44 **NURSING HOME:** Means a health facility for the care of four (4) or more individuals, an institution for the care of
45 children or the aged or infirm, or a place of rest for those suffering bodily disorders, and licensed under IC 16-28-2;
46 but not including facilities for surgical care or institutions for the care and treatment of mental illness, alcoholism, or
47 narcotics addiction.
48

49 **OCCUPANCY, CHANGE OF:** Means the change or use of the building, structure, or land. (See Improvement
50 Location Permit 2-3 this ordinance)
51

52 **OFFICE RESEARCH (OR) DISTRICT:** shall mean an area of land used or designed for offices, research and
53 development and technology park and light manufacturing only.
54

55 **OFFICIAL ZONING MAP:** Means a graphic illustration of zoning boundaries and classifications.
56

1 **OIL WELL:** Means the drilling or extracting of petroleum minerals off a parcel of land for private or commercial
 2 use, and related storage and equipment.
 3

4 **PACKAGE STORES:** Means an establishment primarily offering for sale intoxicating beverages and accessory
 5 merchandise, and where no consumption of said intoxicating beverages is permitted on the premises.
 6

7 **PARKING LOT:** Means a parcel of land other than a street, devoted to parking spaces for motor vehicles.
 8

9 **PARKING SPACE:** Means an area enclosed or unenclosed sufficient in size to store one (1) vehicle, not less than
 10 nine (9) feet wide and twenty (20) feet long.
 11

12 **PERMANENT PERIMETER ENCLOSURE:** Shall mean a permanent perimeter structural system of concrete
 13 block completely enclosing the space between the floor joists of the home and the ground.
 14

15 **PERMANENT FOUNDATION:** Shall mean any structural system for transposing loads from a structure to the
 16 earth at a depth below the established frost line without exceeding the safe-bearing capacity of the supporting soil.
 17

18 **PERSON:** Includes a corporation, firm, partnership, association, organization, or any group that acts as a unit or
 19 legal entity.
 20

21 **PET:** Shall mean a domesticated animal kept for pleasure rather than utility.
 22

23 **PLAN DIRECTOR:** Means an officer, employee, or agent of the Morgan County, who has the authority to enforce
 24 this Ordinance for the Morgan County Plan Commission and the Board of Zoning Appeals.
 25

26 **PLANNED UNIT DEVELOPMENT:** A tract of land at least five (5) acres in area, under single, corporation, firm,
 27 partnership, or association ownership that is planned and developed as an integral unit in a single development
 28 operation or a definitely programmed series of development operations, according to an approved outline
 29 development plan and a preliminary site plan. (See plan unit development this ordinance).
 30

31 **PLAT:** Means a map or chart that shows a division or parcel of land that is intended to be filed or recorded.
 32

33 **POOL, PRIVATE:** Any constructed pool or portable private pool used for swimming, wading, or recreation, over
 34 twenty-four (24) inches in depth of water with a top water surface exceeding 150 square feet and which is used for a
 35 pool in connection with a family dwelling unit and is available only to the family of the householder and his private
 36 guests.
 37

38 **PRIME FARMLAND:** Shall mean land best suited for food, feed, forage, fiber, and oilseed crops which produces
 39 the highest yields with minimal input of energy and economic resources, and farming it results in the least damage
 40 to the environment. Soil type and distance shall play a major role in defining prime farmland. Prime Farm shall be
 41 labeled as A1 district and other uses outside of agriculture use are discouraged.
 42

43 **PRIMARY BUILDING:** Means a building in which the principal use of the lot on which it is located is conducted,
 44 including a building that is attached to such a building in a substantial way, such as by a roof. With respect to
 45 residential use, it means the main dwelling. No more than one (1) primary building shall be authorized on any lot.
 46

47 **PRIMARY USE:** Means the primary purpose or function that a lot serves or is intended to serve.
 48 No lot, parcel, or division of land shall have more than one (1) primary use.
 49

50 **PRIVATE GARAGE:** Means a detached accessory building or a portion of the main building, for the housing of
 51 vehicles of the occupants of the dwelling, including carports.
 52

53 **PRIVATE LANDFILL:** Shall mean an area or lot in which clean fill is dumped to raise the topo of the ground such
 54 as low area or ravines. Clean fill shall mean bricks, block, concrete, stone, fill dirt, and road demolition waste,
 55 except that portion which is painted, untreated wood and brush, used tin, and fencing. No hazardous material such

1 as plastic, asphalt or asbestos roofing, and tires, or other material that would contaminate the area is permitted.
 2 There shall be a six (6) inch topsoil cover over all fills. No fills shall be in any drainage area that would cause
 3 drainage problems to street, roads, or property.

4
 5 **PRIVATE SANITARY WASTEWATER SYSTEM:** Means a system designed of connecting pipes to a tank,
 6 distribution box, and leach field for the purpose of carrying away sewage waste and approved by the Morgan County
 7 Health Department.

8
 9 **PRIVATE RECREATIONAL DEVELOPMENT:** Means a parcel of land where most of the area is devoted to
 10 rides for entertainment such as roller-coaster, merry-go-rounds, water-slides, or other similar uses.

11
 12 **PROCESSING PLANT:** Means a building or area where animals such as cattle, hogs, deer, fowl or fur bearing
 13 animals are killed, skinned, processed, or packaged.

14
 15 **PROFESSIONAL OFFICE:** Means any building or portion thereof used or intended to be used, but not limited to
 16 an office for lawyer, architect, engineer, land surveyor, licensed insurance agent, real estate broker, accountant,
 17 physicians, surgeons, dentists, and other similar professions.

18
 19 **PUBLIC BUILDING:** Means any building held, used, or controlled for public purposes by any department or
 20 branch of the government, state, county or municipal.

21
 22 **PUBLIC GARAGE:** Means any garage operated for profit, for the purpose of parking vehicles.

23
 24 **PUBLIC SANITARY WASTEWATER SYSTEM:** Means a system constructed, installed, maintained, operated,
 25 and owned by the city, county, taxing district, regional sanitary district, utilities or which may be under the
 26 jurisdiction of the Indiana Utility Regulatory Commission, which carries sewage for treatment.

27
 28 **PUBLIC OWNED USE:** Means the use of any premise by the public Body, Board, Commission or Authority, such
 29 as a Municipal, County, State or Federal government, or any agency or department thereof for a governmental or
 30 proprietary purpose. This shall also include public streets, alleys and parks.

31
 32 **PUBLIC UTILITIES:** Shall mean towers, water tower, sub station, microwave towers, sewage treatment plant,
 33 electric plants, utilities control buildings, new water sewage lines and other similar uses. It shall not mean repair of
 34 existing lines or towers. Also has the meaning set forth in Indiana Code 8-1-2-1.

35
 36 **RECREATIONAL VEHICLE (RV):** Means a vehicle primarily designed as temporary living quarters for
 37 recreational camping, that travels either with its own motor power or mounted on or towed by another powered
 38 vehicle. Recreational vehicle shall mean boats, campers, and ATV (all terrain vehicles) or other similar vehicles
 39 used for recreation. For the purpose of this ordinance a vehicle used to transport racecars or other similar use shall
 40 not be defined as a recreational vehicle.

41
 42 **RECREATIONAL VEHICLE CAMPSITE:** Means an area of land on which three (3) or more recreational
 43 vehicles are regularly accommodated with or without charge, including any buildings or other structure, fixture, or
 44 equipment that is used or intended to be used in connection with providing accommodations day or overnight.

45
 46 **RECREATIONAL VEHICLE SALES LOT:** Means a lot arranged or designed or used for the display of
 47 recreational vehicles for sale.

48
 49 **RECREATIONAL VEHICLE STORAGE AREA:** Means a place where two or more unoccupied recreational
 50 vehicles are regularly accommodated with charge.

51
 52 **RENTAL PROPERTY:** Means a dwelling, building, or land that is not owned by the person that occupies the
 53 property but who may be responsible to maintain the upkeep of the property.

- 1 **RESIDENTIAL DISTRICT:** Means a Residential District as defined in this ordinance.
2
- 3 **RESTAURANT:** Means a building structure in which food and drinks are prepared primarily for sale and
4 consumption within such structure, primarily by table service, waiters, or buffet service, and including incidental
5 take out service (See definition of drive-in restaurant).
6
- 7 **RETAIL SALES AND SERVICES:** Means department stores, variety stores, drug and sundry store, restaurants,
8 grocery stores, hardware stores, furniture and floor covering stores, stationery stores, shoe sales or repair shops,
9 leather and luggage shops, bakeries, and other similar use that deal in retail sales or services.
10
- 11 **ROADSIDE STAND:** Mean a temporary structure or vehicle used for the display of merchandise, goods or articles
12 that are sold to the public. (See Miscellaneous restriction 2-13-2 this Ordinance)
13
- 14 **ROADSIDE PRODUCE STAND:** Means a temporary structure designed or used for the display of agriculture and
15 related products, the majority of which are produced on the premises, and sold at a seasonal or temporary period of
16 time not to exceed one hundred twenty (120) days in a one (1) year period.
17
- 18 **RUMMAGE SALE:** Means the sale of used or new articles, no more than four (4) times during a calendar year,
19 each sale not to exceed seven (7) days in length, and including garage, porch, yard, and other designated sales.
20
- 21 **SANITARY LANDFILL:** Means any zoned lot used primarily for disposal (by abandonment, discarding, dumping,
22 reduction, burial, incineration, or other means and for whatever purpose) of garbage, trash, refuse, waste material of
23 any kind, junk, discarded machinery, vehicles or parts thereof, but not sewage, or animal waste. (See classification
24 restrictions).
25
- 26 **SANITARY SEWER:** Means a pipe or conduit designed for carrying any combination of water carried wastes from
27 residences, businesses, commercial buildings, public use, and industries, together with such ground, surface, and
28 storm water as may be present, but which are not intentionally admitted.
29
- 30 **SANITARY TRANSFER STATION:** Means a building or enclosed area where discarded used property or
31 garbage is brought in and transferred to other vehicles such as dumpster or hold bin for a period of time waiting to
32 be disposed of in a safe manner.
33
- 34 **SATELLITE DISH:** Means a directional microwave antenna having a concave shape used for television or radio
35 frequency.
36
- 37 **SCHOOL:** Means a place for systematic instruction in any branch or branches of knowledge.
38
- 39 **SCHOOL, TRADE OR BUSINESS:** Means a secretarial or business school or college (when not publicly owned),
40 or not owned or conducted by or under the sponsorship of a religious, charitable or nonprofit organization. A school
41 conducted as a commercial enterprise for teaching instrumental music, dancing, barbering, hairdressing, or drafting,
42 or for teaching business, industrial or technical arts.
43
- 44 **SHOPPING CENTER:** Means a group of continuous retail stores, originally planned and developed as a single
45 unit immediate adjoining off street parking facilities.
46
- 47 **SEMI-PUBLIC SANITARY SEWER:** Means a pipe or conduit designed for carrying any combination of water-
48 carried-wastes from ten or more residences, businesses, commercial buildings, public use, and industries, together
49 with such ground, surface, and storm water as may be present, but which are not intentionally admitted. Ownership
50 of a semi-public sanitary sewer may be through a public utility, a neighborhood association, or a developer.
51
- 52 **SERVICE STATION:** Means any building, structure or land used for the sale or offering for sale at retail of any
53 automobile fuel, oils, or accessories including lubrication or washing of automobiles, and replacement for
54 installation of minor parts and accessories.

1
2 **SIGN:** Means an identification, description, illustration, or device which is affixed to or represented directly or
3 indirectly upon a building, structure, or land and which directs attention to a concept, product, place, activity,
4 service, person, institution, or business.

5
6 **SIGN, OUTDOOR ADVERTISING:** A structural poster panel or painted sign, either freestanding or attached to a
7 building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to
8 the activities on the premises upon which it stands.

9
10 **SIGN, TEMPORARY:** Means the same as a sign, except it is not on a permanent structure.

11
12 **SLAUGHTERHOUSE:** Means a commercial establishment where animals are butchered.

13
14 **SPECIAL EXCEPTION:** Means an authorized use that is designated as such by Table 2-3I, as being permitted in
15 the district concerned, if it meets special conditions, and upon application is specifically authorized by the Board of
16 Zoning Appeals. The board may place added restrictions on the property for safety, health, or general welfare of the
17 community.

18
19 **SPECIFIED ANATOMICAL AREAS:** Means “obscene” as defined in IC 35-49-2-1. This term includes less than
20 completely or opaquely covered human genitals, pubic region, buttock and female breasts below a point
21 immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely
22 and opaquely covered.

23
24 **SPECIFIED SEXUAL ACTIVITIES:** Sexual conduct, being actual or simulated, normal or perverted acts of
25 human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact in an act of apparent sexual
26 stimulation or gratification, with a person’s clothed or unclothed genitals, pubic area or buttocks, or the breasts of a
27 female; or any sadomasochistic abuse or acts including animals, or any latent objects in an act of apparent sexual
28 stimulation or gratification.

29
30 **STOP WORK ORDER or STAY OF WORK:** Shall mean a lawful order given by the Administrator or official
31 who has the duty to enforce this ordinance. **Stop Work** shall mean any or all work that is in progress will cease
32 immediately and will not continue until released by the Administrator or official of the Plan Commission or Board
33 of Zoning Appeals. **Stay of Work** shall be in accordance with I.C. 36-7-4-1001 or I.C. 36-7-4-1002.

34
35 **STORAGE:** Means the keeping, maintaining or housing of goods, articles, equipment, or other valuables that can or
36 will be used in the future.

37
38 **STREET FEEDER:** Means a street designed to facilitate the collection of traffic from local street and to provide
39 circulation within the neighborhood area, and convenient ways to reach secondary streets.

40
41 **STREET, LOCAL:** Means a street designed primarily to provide access to abutting property.

42
43 **STREET, PRIMARY:** Means a street designed for high volume traffic.

44
45 **STREET, PUBLIC:** Means a street established for or dedicated to the public use.

46
47 **STREET (ROAD):** Means a right-of-way other than an alley, dedicated or otherwise legally established to public
48 use, usually affording the principal means of access to abutting property. A street may be designated as a highway,
49 thoroughfare, parkway, boulevard, road, avenue, lane, drive, or other appropriate names.

50
51 **STREET, SECONDARY:** Means a street designed to facilitate the collection of traffic from feeder streets and
52 usually located on the neighborhood boundaries.

53
54 **STRUCTURE:** Means anything constructed or erected that requires location on or in the ground, or attachment to
55 something having a location on or in the ground. A structure shall mean any structure that protrudes above ground
56 level. (As amended August 16, 2004)

- 1
2 **STRUCTURAL CHANGE:** Means a change, or repair in a supporting member of a building, such as a foundation,
3 bearing wall or partition, column, beam or girder, or in the exterior wall, or the roof.
4
- 5 **SUBDIVISION:** See subdivision ordinance definitions.
6
- 7 **SWIMMING POOL** Means an above or in ground pool, which holds water, used for private or commercial
8 swimming or recreational purpose.
9
- 10 **TAVERN:** Includes but not limited to establishments commonly known as bars, grills, cafes, taverns, and night-
11 clubs, and where intoxicating beverages are sold and primarily consumed on the premises.
12
- 13 **TEMPORARY USE:** Means a use of land, building, or structure not intended to be of permanent duration.
14
- 15 **THEATER:** Means a structure used for dramatic, operatic, motion pictures, or other performance, for admission to
16 which entrance money is received.
17
- 18 **TOURIST HOME:** Means a building in which not more than five (5) guest rooms are used to provide or offer
19 overnight accommodation to transient guests for compensation.
20
- 21 **TOWER, RADIO, TV, CELLULAR PHONE, MICROWAVE:** Shall mean any structure that supports a
22 microwave dish or an antenna for communication services, and that is more than fifty (50) feet in height.
23
- 24 **TRUCK TERMINAL:** Means an establishment where three (3) or more trucks for hire are stored or parked, along
25 with service of fuel, fuel oil, minor or major repair.
26
- 27 **TRUCK SALES LOT:** Means a lot arranged, designed, or used for sales of trucks over one (1) ton in size where no
28 service or repair is done.
29
- 30 **TRUCK SERVICE CENTER:** Means a business especially for the servicing of trucks, with incidental operations
31 similar to those permitted for automobile service stations.
32
- 33 **USE:** Means the employment or occupation of a structure or land for a person's service, benefit, or enjoyment.
34
- 35 **VARIANCE:** Means a special authorization, which is granted under section 2-8 to deviate from the ordinance.
36
- 37 **VARIANCE, AREA:** Means an authorization granted by the Board of Zoning Appeals involving matters such as
38 setback lines, frontage requirements, height limitations, lot size restrictions, density regulations, and yard
39 requirements, and shall follow the land.
40
- 41 **VARIANCE, USE:** Means an authorization granted by the Board of Zoning Appeals which permits a use of a
42 building or land other than which is prescribed by the Zoning Ordinance. Use Variance **shall not** follow the land
43
- 44 **VIDEO RENTAL SHOP:** Means a business that rents or leases movies or movie equipment.
45
- 46 **VISION CLEARANCE:** Means a triangular space at an intersection, free from any kind of obstruction to vision
47 between the height of three (3) and eight (8) feet above the established grade. Determined by a diagonal line
48 connecting two (2) points, measured twenty (20) feet equal distance from the street corner along each property line.
49
- 50 **WORK TRAILER:** Means a mobile trailer designed to move upon a highway, to be used as a temporary office,
51 storage, or break room on a construction site while construction is being done.
52
- 53 **YARD, FRONT:** Means a yard extending across the full width of the lot, unoccupied other than by steps, walks,
54 terraces, driveways, lamp posts, shrubs, and similar structures, the depth of which is the least distance between the

1 nearest street right-of-way and the front line of the building. The front yard shall be determined by the location of
2 the main entrance of the structure.

3
4 **YARD, REAR:** Means a yard that extends across the full width of a lot and is bounded on the rear by the rear lot
5 line, and the depth of which is the least distance between the rear lot line and the rear of the principal building.

6
7 **YARD, SIDE:** Means a yard between the principal building and the adjacent side lot line, that extends from the
8 front yard, or street right-of-way where there is no front yard, to the rear yard, and the width of which is the least
9 distance between the side lot line and the adjacent side of the building.

10
11 **ZONING MAPS:** Means maps initially designated as “Zone Maps Set Number One”, located and on display in the
12 office of the Morgan County Plan Commission, including any amendments thereto, showing the districts within the
13 jurisdiction of the Ordinance.

1 **2-1 DISTRICTS**

2
3 The zone maps previously defined are, pursuant to I.C. 36-7-4-610(c), incorporated herein by reference
4 and declared to be part of the ordinance. The zone maps show the boundaries of and area covered by the
5 following districts. The zone maps shall be kept available for public inspection at the Plan Commission
6 Office.

7
8 The zoning districts provided for in this Ordinance are correlated to the zone maps previously defined by
9 the conversion chart maintained, located and on display at the Morgan County Plan Commission. (As
10 added by Amendment No. 3, June 2002).

11
12 AGRICULTURE – ONE (A-1)

13
14 **A-1 DISTRICT:** shall be classified as farmland, to preserve and protect the decreasing supply of
15 farmland by controlling the indiscriminate infiltration of urban development into agriculture areas. Areas
16 zoned A-1 shall be maintained for primary uses such as growth of crop and the raising of livestock.

17
18 For the purpose of this section, the term “Subdivision” shall mean: a division of any parcel of land, by
19 any method or instrument, for any purpose whatsoever, into two or more parcels, sites, units or lots, any
20 one of which is less than twenty (20) acres in area.

21
22 The following Subdivisions are expressly exempt from the requirements of the Morgan County
23 Subdivision Control Ordinance.

- 24
25 A. A division of land for the transfer of a tract or tracts to correct errors in an existing legal
26 description;
- 27
28 B. A division of land between adjoining parcels, tracts, or lots for the purpose of establishing an
29 agreed boundary or straightening an existing boundary line;
- 30
31 C. A division of land for the purpose of creating open space, parking space, or space for accessory
32 use buildings adjacent to a Principal Use Building, provided that the division does not create an
33 additional principal use building site;
- 34
35 D. A division of land pursuant to an allocation of land in the settlement of a decedent’s estate or a
36 court decree for the distribution of property;
- 37
38 E. A division of land for federal, state, or local government to acquire street right-of-way for public
39 purposes;
- 40
41 F. A division of land into cemetery plots for the purpose of burial of corpses.
- 42
43 G. A division of any parcel to create not more than two (2) new parcels of record, subject to the
44 following conditions and restrictions:
- 45
46 1. Each parcels, including the remainder of the original parcel, shall be not less than thirty
47 thousand (30,000) square feet in area;
- 48 2. Each parcel shall meet the setback requirements of the applicable zoning district;
- 49 3. Each parcel shall be not less than ninety (90) feet in width and gain access from an
50 existing public rd; (As amended by Amendment No. 9 December 13, 2004)

- 1 4. Any subsequent subdivision of parcels created under this subsection shall be subject to
 2 the requirements of the Subdivision Control Ordinance. Further, the parcel(s) created
 3 under this subsection shall be included for determining the total number of lots when
 4 making an application for a minor or major plat for the subsequent division of the parcels.
 5 5. Each parcel is not created from any portion of any previously approved exempt division.
 6 (As amended by Amendment No. 9 December 13, 2004)

7
 8 Also note Setback Requirements in Section 2-1.

9
 10 **AGRICULTURAL RESTRICTIONS:**

11
 12 (A) Semi-trailers shall not be used for billboard or advertisement in any agriculture area;

13
 14 (B) Farm animals kept, raised, or maintained on any property zoned agriculture that is less than three (3) acres shall
 15 meet accessory use guidelines for land-to-animal ratio in compliance with that recommended by the County
 16 Extension Educator and approved by the Morgan County Board of Health;

17
 18 (C) Confinement Feeding Operation that has less than 10 acres shall have a Special Exception approved by the
 19 Board of Zoning Appeals and shall meet the guidelines set forth in table 2 and 3 of this ordinance. Confinement
 20 Feeding Operation that has more than ten (10) acres shall meet the guidelines set forth in tables 2 and 3 but shall not
 21 require Board's approval.

22
 23 Agriculture – One (A-1)

24
 25 **A-1 Development Standards:** All uses permitted in the A-1 District shall conform to the following development
 26 standards:

27
 28 Minimum Lot Area – Thirty thousand (30,000) square feet of area. Provided, however, that if a private sanitary
 29 wastewater treatment system is used, there shall be room for repair in the event of the failure of the installed
 30 treatment system. (As amended August 16, 2004)

31
 32 Minimum Lot Width at required setback – one hundred twenty-five (125) feet.

33
 34 Minimum Street Frontage – each lot shall have at least ninety (90) feet in width and gain access from an existing
 35 public road.

36
 37 Minimum Setback Line and Yard Requirements – a minimum setback line and yard shall be provided as follows;

- 38 a. Front yard – thirty-five (35) feet from the right-of-way line of all public or private streets.
 39 b. Side Yard – twenty-five (25) feet.
 40 c. Rear Yard – thirty (30) feet.

41
 42 Minimum Open Space – eighty-five (85) percent of lot area.

43
 44 Maximum Building Height – The maximum height of all structures shall be unlimited, provided that for each
 45 additional foot over fifty (50) feet in height one (1) additional foot shall be added to the required setback line and
 46 yard requirements.

47
 48 The minimum Main Floor Area for single-family dwellings, exclusive of garages, carports, and open porches shall
 49 be nine hundred fifty (950) square feet.

50 The minimum Main Floor Area for multiple-story single-family dwellings shall be six hundred (600) square feet,
 51 provided that the total floor area shall be at least nine hundred fifty (950) square feet.

52
 53 All parking requirements shall be in accordance with the parking requirements outlined elsewhere this Ordinance.

54 Residential – One District (R-1)

1
2 **Statement of Purpose:**
3

4 The R-1 District is intended for use in those areas of Morgan County on which the natural systems are
5 suitable for residential development, conducive to estate development, and where it is desirable to permit
6 only low-density development (such as adjacent to flood plains, aquifers, conservation areas, etc.).
7

8 **Permitted R-1 Uses** – The following uses shall be permitted within the R-1 District. Only one (1)
9 primary use shall be permitted per lot:
10

11 1. **Primary Uses:**
12

- 13 a. Single Family Resident;
- 14 b. Residential Facility for the Developmentally Disabled;
- 15 c. Residential Facility for the Mentally Ill;
- 16 d. Child Care Home (that is used as the primary residence of the person who
17 operates the Child Care Home); or,
- 18 e. Neighborhood or County Park.

19
20 2. **Temporary Uses** (Subject to the provisions of Section 2-16)

21 3. **Accessory Uses** (including the raising of farm animals or other animals on the real estate,
22 provided that a land-to-animal ratio is maintained in compliance with that recommended by the
23 County Extension Educator and approved by the Morgan County Board of Health).

24 4. **Home Occupations.**

25 5. **Special Exception Uses** (Subject to the provisions of Section 2-7):
26

- | | | |
|----|---|---------------|
| 27 | Antique Store | Group Home |
| 28 | Bed & Breakfast | Public Pool |
| 29 | Supervised Living Facility | Religious Use |
| 30 | Utility Substation | |
| 31 | Caregiver, Care-receiver, or Caretaker Dwelling | |
| 32 | Child Care Home (that is not used as the primary | |
| 33 | residence of the person who operates the Child Care Home) | |

34
35 **R-1 Development Standards:** – All uses permitted in the R-1 District shall conform to the following
36 development standards:
37

38 **Minimum Lot Area** – (one) 1 acre.

39 Provided, however, that if a private sanitary wastewater treatment system is used, there shall be room for repair in
40 the event of the failure of the installed treatment system.
41

42 **Minimum Lot Width at required setback** – one hundred twenty-five (125 feet).
43

44 **Minimum Street Frontage** – each lot shall have at least seventy- five (75) of street frontage and gain
45 access from said street, except that lots which gain access only along the terminus portion of a cul-de-sac
46 shall only be required to maintain a minimum street frontage of fifty (50) feet along the terminus portion
47 of the street.
48

49 **Minimum Setback Line and Yard Requirements** – a minimum setback line and yard shall be provided as
50 follows:

- 51 a. Front Yards – thirty-five (35) feet from the right-of-way line of all public or private streets.
- 52 b. Side Yards – twenty-five (25) feet.

1 c. Rear Yards – thirty (30) feet.
2

3 Minimum Open Space – eighty-five (85) percent of lot area.
4

5 Maximum Building Height – The maximum height of all structures shall be unlimited, provided that for
6 each additional foot over fifty (50) feet in height one (1) additional foot shall be added to the required
7 setback line and yard requirements.
8

9 Minimum Main Floor Area for Single Family dwellings, exclusive of garage, carports, and open
10 porches shall be nine hundred fifty (950) square feet. The minimum main floor area for multiple-story
11 single family dwellings shall be six hundred (600) square feet, provided that the total floor area shall be
12 at least nine hundred fifty (950) square feet.
13

14 All parking requirements shall be in accordance with the parking requirements outlined in section 3-3
15 of this Ordinance.
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1 Residential – Two District (R-2)
2

3 **Statement of Purpose:**
4

5 The R-2 District is intended for use in transitional areas. There are no specific requirements for the
6 placement of this district other than to carry out the single family density patterns expressed by the
7 Comprehensive Plan for Morgan County. Under most circumstances, public water and sewer should be
8 present, but are not mandatory for development in this district.
9

10 **Permitted R-2 Uses** – The following uses shall be permitted within the R-2 District. Only one (1)
11 use shall be permitted per lot:
12

13 **1. Primary Uses:**
14

- 15 a. Single family Resident;
- 16 b. Residential facility for the Developmentally Disabled;
- 17 c. Residential Facility for the Mentally Ill;
- 18 d. Child Care Home (that is used as the primary residence of the person who
19 operates the Child Care Home); or,
- 20 e. Neighborhood or County Park.
21

22 **2. Temporary Uses** (Subject to the provisions of Section 2-16)

23 **3. Accessory Uses** (including the raising of farm animals or other animals on the real estate, provided
24 that a land-to-animal ratio is maintained in compliance with that recommended by the County
25 Extension Educator and approved by the Morgan County Board of Health).
26

27 **4. Home Occupations.**

28 **5. Special Exception Uses** (Subject to the provisions of Section 2-7):

29	Antique Store	Group Home
30	Bed & Breakfast	Public Pool
31	Supervised Living Facility	Religious Use
32	Utility Substation	Golf Course
33	Fire Station	Police Station
34	Caregiver, Care-receiver, or Caretaker Dwelling	
35	Child Care Home (that is not used as the primary	
36	residence of the person who operates the Child Care Home)	
37		

38 **R-2 Development Standards** – All uses permitted in the R-2 District shall conform to the following
39 development standards:
40

41 Minimum Lot Area – twenty-four thousand (24,000) square feet.
42

43 Provided, however, that if a private sanitary wastewater treatment system is used, there shall be room for repair in
44 the event of the failure of the installed treatment system.
45

46 Minimum Lot width at required setback – ninety (90) feet.
47

48 Minimum Street Frontage – Each lot shall have at least forty-five (45) feet of street frontage and gain
49 access from said street, except that lots which gain access only along the terminus portion of a cul-de-sac
50 shall only be required to maintain a minimum street frontage of thirty-five (35) feet along the terminus
51 portion of the street.
52

1 Minimum Setback and Yard Requirements – A minimum setback line and yard shall be provided as
2 follows:

- 3 a. Front Yards – thirty-five (35) feet from the right-of-way line of all public or private streets.
4 b. Side Yards – fifteen (15) feet.
5 c. Rear Yards – thirty (30) feet.

6
7 Minimum Open Space – seventy-five (75) percent of lot area.

8
9 Maximum Building Height:

- 10 a. Single family— fifty (50) feet.
11 b. Single family Accessory Buildings – thirty-five (35) feet.

12
13 Minimum Main Floor Area for Single Family Dwellings, exclusive of carports, garages, and open
14 porches shall be nine hundred fifty (950) square feet. The minimum main floor area for multiple-story
15 single-family dwellings shall be six hundred (600) square feet, provided that the total floor area shall
16 be at least nine hundred fifty (950) square feet.

17
18 All parking requirements shall be in accordance with the parking requirements outlined in section 3-3
19 of this Ordinance.
20

1 Residential -- Three District (R-3)

2
3 **Statement of Purpose:**

4
5 The R-3 District is intended for transitional areas of low-density single family residential development.
6 Land in this district should have good access to roads, be relatively flat in topography, and be rather
7 closely associated with community facilities such as schools, parks, shopping areas, etc. The provision of
8 public water or sewer facilities is mandatory for development within this district. In the case of a two-
9 family dwelling, public water and either a separate septic system for each family unit or public sewer
10 facilities of each unit shall be required. (*As amended by Amendment No. 2, March 11, 2002*)

11 **Permitted R-3 Uses** – The following uses shall be permitted within the R-3 District. Only one (1)
12 primary use shall be permitted per lot:

13
14 **1. Primary Uses:**

- 15
16 a. Single family dwelling and two (2) family dwellings;
17 b. Residential Facility for the Developmentally Disabled;
18 c. Residential facility for the Mentally Ill;
19 d. Child Care Home (that is used as the primary residence of the person who operates the the
20 Child Care Home); or,
21 e. Neighborhood or County Park.

22 **2. Temporary Uses** (Subject to the provisions of Section 2-16).

23 **3. Accessory Uses.**

24 **4. Home Occupations.**

25 **5. Special Exception Uses** (Subject to the provisions of Section 2-7):

26	Antique Store	Religious Use
27	Bed & Breakfast	Public Pool
28	Supervised Living Facility	Police Station
29	Utility Substation	
30	Fire Station	
31	Caregiver, Care-receiver, or Caretaker Dwelling	
32	Child Care Home (that is not used as the primary	
33	residence of the person who operates the Child Care Home)	
34		
35		

36 **R-3 Development Standards**-All uses permitted in the R-3 District shall conform to the following
37 development standards:

38
39 **Minimum Lot Area** – eighteen thousand (18,000) square feet.

40
41 Provided however, that attachment to public or semi-public water or sanitary sewer facilities shall be mandatory for
42 development in this district. If a private sanitary wastewater sanitary treatment is used, there shall be room for
43 repair in the event of the failure of the installed treatment system.

44
45 **Minimum Lot width at required setback** – seventy-five (75) feet

46
47 **Minimum Street Frontage** – Each lot shall have at least forty (40) feet of street frontage and gain access
48 from said street, except that lots which gain access only along the terminus portion of a cul-de-sac shall
49 only be required to maintain a minimum street frontage of thirty-five (35) feet along the terminus portion
50 of the street.

1 Minimum Setback line and Yard Requirements – a minimum setback line and yard shall be
2 provided as follows:

- 3 a. Front Yards – thirty-five (35) feet from the right-of-way line of all public or private streets.
- 4 b. Side Yards – ten (10) feet.
- 5 c. Rear yards – thirty (30) feet.

6 Minimum Open Space – seventy (70) percent of lot area.

7
8 Maximum Building Height:

- 9 a. Primary Building – fifty (50) Feet.
- 10 b. Accessory Building – thirty-five (35) Feet.

11
12 Minimum Main floor Area for Dwellings, exclusive of garage, carports, and open porches:

- 13 a. Single Family shall be nine hundred fifty (950) square feet minimum main floor area for
14 multiple-story single-family dwellings shall be six hundred (600) square feet, provided that
15 the total floor area shall be at least nine hundred fifty (950) square feet.
- 16 b. Two (2) Family Dwelling – seven hundred (700) Square Feet per unit
- 17 c. If either a Single Family Dwelling or Two (2) Family Dwelling is greater than one (1) story,
18 six hundred (600) square feet, provided that the total floor area shall be at least the
19 minimum established above.

20
21 All parking requirements shall be in accordance with the parking requirements outlined in section 3-
22 3 of this Ordinance.
23

1 Residential -- Four District (R-4)
2

3 **Statement of Purpose:**
4

5 The R-4 District is intended for areas of medium to high-density single family residential
6 development. Land in this district requires good access to roads, should be relatively flat in
7 topography, and should be closely associated with community facilities such as schools, parks,
8 shopping areas, etc. The provision of public water and sewer facilities is mandatory for
9 development within this district.
10

11 Permitted R-4 Uses – The following uses shall be permitted within the R-4 District. Only (1) one
12 primary use shall be permitted per lot:
13

14 **1. Primary Uses:**
15

- 16 a. Single Family Dwelling;
- 17 b. Two (2) Family Dwelling;
- 18 c. Residential Facility for the Developmentally Disabled;
- 19 d. Residential facility for the Mentally Ill;
- 20 e. Child Care Home (that is used as the primary residence of the person who operates
21 the Child Care Home); or,
- 22 f. Neighborhood or County Park.
23

24 **2. Temporary Uses** (Subject to the provisions of Section 2-16).

25 **3. Accessory Uses.**

26 **4. Home Occupations.**

27 **5. Special Exception Uses** (Subject to the provisions of Section 2-7:
28

- | | |
|---|----------------------------|
| 29 Bed & Breakfast | Golf Course |
| 30 Fire Station | Police Station |
| 31 Public Pool | Religious Use |
| 32 Utility Substation | Supervised Living Facility |
| 33 Child Care Center | Child Care Ministry |
| 34 Child Care Home (that is not used as the primary residence of the person who
35 operates the Child Care Home) | |
| 36 Caregiver, Care-receiver, or Caretaker Dwelling | |

37
38 **R-4 Development Standards** – All uses permitted in the R-4 District shall conform to the
39 following development standards:
40

41 Minimum Lot Area: Single Family Dwelling – eight thousand (8,000) Square Feet

42 Two (2) Family Dwelling – ten thousand (10,000) Square Feet

43 Provided, however, that attachment to public or semi-public water and sanitary sewer facilities shall be
44 mandatory for development in this district.
45

46 Minimum Lot Width at Required Setback: Single Family Dwelling – fifty (50) Feet.

47 Two Family Dwelling – seventy-five (75) Feet.
48

1 Minimum Street Frontage – each lot shall have at least:

- 2 a. Single Family Dwelling – twenty-five (25) Feet,
- 3 b. Two (2) Family Dwelling – thirty-five (35) Feet,

4
5 Of street frontage, and gain access from the said street.

6
7 Minimum Setback Line and Yard Requirements – A minimum setback line and yard shall be providing as
8 follows:

- 9 a. Front Yards – twenty-five (25) feet from the right-of-way line of all public or private streets.
- 10 b. Side Yards – five (5) feet.
- 11 c. Rear Yards – twenty-five (25) feet.

12
13 Minimum Open Space – sixty (60) percent of lot area.

14
15 Maximum Building Height:

- 16 a. Primary Building – fifty (50) Feet.
- 17 b. Accessory Buildings – thirty-five (35) Feet.

18
19 Minimum Floor Area, exclusive of garage, carports, and open porches:

- 20 a. Single Family Dwelling – nine hundred (950) Square Feet. Minimum for multiple-story single-
21 family dwellings shall be six hundred (600) square feet, provided that the total floor area shall
22 be at least nine hundred fifty (950) square feet.
- 23 b. Two (2) Family Dwelling – five hundred forty (540) Square Feet per unit

24
25
26 All parking requirements shall be in accordance with the parking requirements outlined in section 3-3
27 of this Ordinance.

1 Residential – Duplex/Transitional (D-1)
2

3 **Statement of Purpose:**
4

5 The D-1 District is intended for areas of low or medium density two (2) family residential
6 development. Land in this district should have good access to roads, be relatively flat in topography,
7 and be rather closely associated with community facilities such as schools, parks, shopping areas, etc.
8 The provision of public sewer facilities is mandatory for development within this district.
9

10 **Permitted D-1 Uses:** The following uses shall be permitted within the D-1 District. Only one (1)
11 primary use shall be permitted per lot:
12

13 **1. Primary Uses:**
14

- 15 a. Two (2) Family Dwelling;
- 16 b. Residential Facility for the Developmentally Disabled;
- 17 c. Residential Facility for the Mentally ill;
- 18 d. Child Care Home (that is used as the primary residence of the person who operates the
19 Child Care Home); or,
- 20 e. Neighborhood or County Park.
21

22 **2. Temporary Uses** (Subject to the provisions of Section 2-16).

23 **3. Accessory Use.**

24 **4. Home Occupations.**

25 **5. Special Exception Uses** (Subject to the provisions of Section 2-7):
26

27 Caretaker Dwelling	Religious Use
28 Fire Station	Police Station
29 Public Pool	Utility Substation
30 Supervised Living Facility	Child Care Center
31 Child Care Home (this is not the primary residence of the person who operates the Child 32 Care Home). 33	

34 **D-1 Development Standards:** – All uses permitted in the D-1 District shall conform to the following
35 development standards:
36

37 **Minimum Lot Area** – eighteen thousand (18,000) Square Feet.

38 Provided however, that attachment to public or semi-public sanitary sewer facilities shall be mandatory for
39 development in this district.
40

41 **Minimum Lot Width at required Setback** – one hundred (100) feet.
42

43 **Minimum Street Frontage** – Each lot shall have at least forty-five (45) feet of street frontage and gain
44 access from said street, except that lots which gain access only along the terminus portion of a cul-de-
45 sac shall only be required to maintain a Minimum Street Frontage of thirty-five (35) feet along the
46 street.
47

48 **Minimum Setback Line and Yard Requirements** – A minimum setback line and yard shall be
49 provided as follows:

- 50 a. Front Yards – thirty-five (35) feet from the right-of-way line of all public or private street.
- 51 b. Side Yards – five (5) feet.
- 52 c. Rear Yards – thirty (30) feet.

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Minimum Open Space – seventy (70) percent of lot area.

Maximum Building Height:

- a. Primary Building – fifty (50) feet.
- b. Accessory Building – thirty-five (35) feet.

Minimum Floor Area for each dwelling, exclusive of garage, carports, and open porches, is five hundred forty (540) square feet per unit.

All parking requirements shall be in accordance with the parking requirements outlined in section 3-3 of this Ordinance.

Residential – Apartment District, Maximum Eight (8) Units per Acre (A-8).

Statement of Purpose:

The A-8 District is intended for the medium to high-density development of multi-family dwellings. The district may be located in suburban areas well served by major thoroughfares, sanitary sewers, water, schools, and park facilities. This district may serve as a transitional or buffer use between more dense single or two (2) family districts and commercial or industrial areas. The provision of public water and sewer facilities is mandatory for development in this district.

Permitted A-8 Uses – The following uses shall be permitted within the A-8 District. Only one (1) primary use shall be permitted per lot:

1. Primary Uses:

- a. Multifamily Dwellings;
- b. Residential Facility for the Developmentally Disabled;
- c. Residential Facility for the Mentally ill;
Child Care home;
- d. Nursing Home;
- e. Child Care Center, Child Care ministry;
- f. Public or Private Schools; or,
- g. Neighborhood or County Park.

2. Temporary Uses (Subject to the provisions of Section 2-16).

3. Accessory Uses.

4. Home Occupations.

5. Special Exception Uses (Subject to the provisions of Section 2-7):

- | | |
|----------------------------|--------------------|
| Fire Station | Police Station |
| Public Pool | Religious Use |
| Caretaker Dwelling | Utility Substation |
| Supervised Living Facility | |

A-8 Development Standards – All uses permitted in the A-8 District shall conform to the following development standards:

Maximum Project Gross Density – Eight (8) dwelling units per acre.

Minimum Project Area – There shall be no minimum project area provided that attachment to public or semi-public water and sanitary sewer facilities shall be mandatory for development in this district.

Minimum Street Frontage – Each project shall have at least 125 feet of street frontage and gain access from said street.

Minimum Setback Line and Perimeter Yard Requirements – a minimum setback line and perimeter yard shall be provided along all the property lines of the project as follows:

- a. Front Yards – thirty-five (35) feet from the right-of-way line of all public or private streets.
- b. Side Yards – forty (40) Feet.
- c. Rear Yards – forty (40) Feet.

1 Minimum Yards Around Buildings Containing Dwelling Units: In projects containing two (2) or
2 more buildings, interior yards around buildings containing dwelling units shall be provided as
3 follows:

- 4 a. The greater of: fifteen (15) feet; or ten (10) feet plus one (1) additional foot for each ten (10)
5 feet of aggregate length of any wall or side of a building.
6 b. Permitted accessory buildings or uses shall maintain an interior yard of five (5) feet.
7 c. The distance between buildings shall be the sum of each applicable minimum yard between
8 buildings.
9 d. Interior yards shall be measured perpendicular to the building or structure at all points.
10 e. The interior yards shall not overlap any required perimeter yards.

11 Maximum Building Height:

- 12 a. Primary Building – fifty (50) feet but not to exceed two (2) stories containing a dwelling unit
13 units.
14 b. Accessory building – thirty-five (35) feet.

15 Minimum Floor Area for Multi-Family Dwellings, exclusive of garage, carport, or open porches:

- 16 a. One (1) story unit – five hundred forty (540) square feet.
17 b. Greater than one (1) story unit –four hundred fifty (450) square feet, provided that the total
18 floor area shall be at least five hundred (540) square feet.
19
20
21

22 All parking requirements shall be in accordance with the parking requirements outlined in section 3-3
23 of this Ordinance.
24

1 Residential – Mobile Dwelling District (MD)
2

3 **Statement of Purpose:**
4

5 The MD District allows for the development of a planned mobile dwelling project. The special
6 characteristics of mobile dwellings, as opposed to conventional housing (such as compactness of the
7 dwelling unit, site accommodation requirements, etc.), are recognized as requiring special district
8 considerations.
9

10 **Permitted MD Uses** – The following uses shall be permitted within the MD District. Only one (1)
11 permitted use shall be permitted per lot:
12

13 **1. Primary Uses:**
14

- 15 a. Mobile Dwelling Projects, including mobile dwellings and manufactured homes for single
- 16 family use and occupancy;
- 17 b. Residential Facility for the Developmentally Disabled;
- 18 c. Residential Facility for the Mentally Ill; or,
- 19 d. Neighborhood or County Park.
20

21 **2. Temporary Uses** (Subject to the provisions of Section 2-16).

22 **3. Accessory Uses**, including:

- 23 a. Manager's office and apartment;
- 24 b. Project maintenance and equipment storage facility;
- 25 c. Common recreation and service buildings, structures and areas, including laundry
- 26 facilities;
- 27 d. Common or individual storage areas; and
- 28 e. Parking areas and carports.
29

30 **4. Home Occupations.**

31 **5. Special Exception Uses** (Subject to the provisions of Section 2-7):

32 Religious Use.
33

34 **MD Development Standards:** – All uses permitted in the MD District shall conform to the following
35 development standards.
36

37 Utility Service – The provision of water and sewer service by a public utility or a municipally owned
38 utility as defined in Indiana Code 8-1-2-1 is mandatory.
39

40 Minimum Project Area – The minimum project area shall be fifteen (15) acres.
41

42 Maximum Project Density – A project shall not exceed five (5) units per acre.
43

44 Minimum Street Frontage – Each project shall have at least one hundred twenty (120) feet of street
45 frontage and gain access from said street.
46

47 Minimum Lot Size and Lot Width for individual dwelling units – Each individual lot shall contain a
48 minimum of eight thousand (8,000) square feet of area and have a minimum lot width of forty (40) feet.
49
50

1 Minimum Setback Line and Perimeter Yard Requirements for a mobile dwelling project – A
2 minimum setback line and perimeter yard shall be provided along all perimeter yards of the project as
3 follows:
4

- 5 a. Front Yards – thirty-five (35) feet from the right-of-way line of all public or private streets.
- 6 b. Side yards – forty (40) feet.
- 7 c. Rear Yards – forty (40) feet.

8
9 Minimum Yards for Individual Lots Containing Dwelling Units:

10
11 Individual lots shall provide setback lines and yards as follows:

- 12 a. Front Yards – twenty-five (25) Feet.
- 13 b. Side Yards – five (5) Feet.
- 14 c. Rear Yards – twenty-five (25) Feet.

15
16 Permitted accessory buildings for each dwelling shall not encroach into any yard and shall maintain an
17 interior yard of six (6) feet from the dwelling located on the lot.

18 All yards shall be measured perpendicular to the building or structure at all points.

19
20 Maximum Building Height:

21
22 Management offices, common recreation, and service buildings – thirty (30) feet.
23 Dwelling units and Accessory Buildings – twenty-five (25) feet.

24
25 Minimum Main Floor Area for dwellings, exclusive of garage, carports, and open porches – nine
26 hundred sixty (950) square feet. Minimum main floor area for multiple-story single-family dwellings
27 shall be six hundred (600) square feet, provided that the total floor area shall be at least nine hundred
28 fifty (950) square feet.

29
30 Storage – an open storage area shall be provided within the project boundaries for the purpose of
31 storing all travel trailers, campers, boats, and other recreational vehicles owned by project residents.
32 The open storage area required for the project shall be computed on a minimum basis of two hundred
33 (200) square feet per dwelling site. Such storage shall be located or screened so as to not be directly
34 visible from any public right-of-way.
35

36 Open Space – Open space, playground space, or recreational area shall be maintained, separate from
37 any required perimeter yards, in an amount equal to five-hundred (500) square feet for each of the first
38 twenty (20) lots for dwelling units and two-hundred fifty (250) square feet for each additional lot for
39 dwelling units.
40

41 Parking Requirements – Mobile Dwelling projects must comply with parking requirements as set out in
42 section 3-3 of this ordinance, and in addition, must comply with the following standards:

- 43 a. There shall be no dead-end streets less than twenty-four (24) feet in width and in excess of one
44 hundred fifty (150) feet in length for vehicle traffic.
- 45 b. Auto parking spaces may be included on the mobile dwelling lot or on-street in front of the mobile
46 dwelling lot.
- 47 c. Any turn-around to eliminate dead-end streets shall have a diameter of at least sixty (60) feet.
- 48 d. One-way streets shall be at least twelve (12) feet wide and two-way streets shall be at least
49 twenty-four (24) feet wide.
- 50 e. Overflow parking shall be provided at a rate of one (1) space for each three (3) mobile dwelling
51 lots.

1 **B-1 COMMERCIAL**

2
3 **Statement of Purpose:**

4
5 The B-1 District is designed to permit a complete range of convenience business uses required to support the
6 residents of an immediate neighborhood. This district is not intended for those businesses that draw significant
7 numbers of customers from beyond the neighborhood boundary. This district does not allow for those businesses
8 that require substantial outdoor display, sale areas, storage of merchandise, or outdoor operations.
9

10 **Development Standards:**

11
12 Minimum Public Street Frontage – each lot or integrated center shall have at least one hundred (100) feet of frontage
13 on a public street and shall gain access from said street.
14

15 Required Front Setback Line and Yard Requirements – a minimum setback line and yard shall be provided as
16 follows:
17

- 18 a. Required Front Yard – twenty-five (25) feet from the right-of-way line of all public streets.
19
20 b. Required Front Transitional Yard – thirty-five (35) feet from the right-of-way line of all public streets (a
21 transitional yard is one which borders on a neighboring lot with a different zoning designation).
22

23 Required Side and Rear Setback Lines and Yard Requirements – A side and rear setback shall be provided along lot
24 lines as follows:
25

- 26 a. Required Side and Rear Yards – Zero (0) feet in depth measured from and paralleling the lot line.
27
28 b. Required Side and Rear Transitional Yards – twenty-five (25) feet in depth measured from and
29 paralleling the lot line (A transitional yard is one which borders on a neighboring lot with a different
30 zoning designation).
31

32 Use of Required Yards – All required yards and required transitional yards shall be landscaped with grass and
33 shrubbery, trees, or hedge, or in combination with other suitable ground cover materials, and shall remain as open
34 space free from structures except where expressly permitted below:
35

- 36 a. Required Front Yards and Front Transitional Yards may include driveways, pedestrian walks, flag poles,
37 fences, screening devices, and similar structures, but shall not include parking areas, outdoor displays, or
38 outdoor storage.
39
40 b. Required Side and Rear Yards may include interior access driveways, parking areas, and outside storage.
41 display or operations as provided for below.
42
43 c. Required Side and Rear Transitional Yards may include pedestrian walks, fences and screening devices,
44 but shall not include any parking areas, interior access driveways, outdoor display, or outdoor storage.
45

46 Maximum Building Height shall be fifty (50) feet, not to exceed two (2) stories of useable floor space.
47

48 Outdoor Storage, Display or Operations (except off-street parking, off-street loading and delivery, and drive-through
49 customer service windows) shall be conducted within enclosed building, except that the display or sale of
50 merchandise is permitted, provided that such display or sale:
51

- 52 a. Is accessory to the primary use;
53 b. Has a total square foot area not exceeding five (5) percent of the total gross floor area of the primary use;
54 c. Will be located immediately adjacent to the primary structure; and,
55 d. Does not utilize any required off-street parking or loading space or facility.
56

1 **B-2 COMMERCIAL**

2
3 **Statement of Purpose:**

4
5 The B-2 District is designed to provide for the development of major businesses and shopping centers intended to
6 serve a large population base ranging from several neighborhoods to the entire county. These centers may feature
7 large traffic generators such as department stores and required access from major thoroughfares. While shopping
8 centers are usually characterized by indoor operations, certain outdoor operations, and sales activities are permitted.
9

10 **Development Standards:**

11
12 Minimum Public Street Frontage – each lot or integrated center shall have at least three hundred (300) feet of
13 frontage on a public street and shall gain access from said street.
14

15 Required Front Setback Line and Yard Requirements – a minimum setback line and yard shall be provided as
16 follows:
17

- 18 a. Required Front Yard –ten (10) feet from the right-of-way line of all public streets.
19
20 b. Required Front Transitional Yard – forty (40) feet from the right-of-way line of all public streets (a
21 transitional yard is one which borders on a neighboring lot with a different zoning designation).
22

23 Required Side and Rear Setback Lines and Yard Requirements – a side and rear setback shall be provided along lot
24 lines as follows:
25

- 26 a. Required Side and Rear Yards – Zero (0) feet in depth measured from and paralleling the lot line.
27
28 b. Required Side and Rear Transitional Yards – 40 feet in depth measured from and paralleling the lot line
29 (a transitional yard is one which borders on a neighboring lot with a different zoning designation).
30

31 Use of Required Yards – All required yards and required transitional yards shall be landscaped with grass and
32 shrubbery, trees, or hedge, or in combination with other suitable ground cover materials, and shall remain as open
33 space free from structures except where expressly permitted below:
34

- 35 a. Required Front Yards and Front Transitional Yards may include driveways, pedestrian walks, flag poles,
36 fences, screening devices, and similar structures, but shall not include parking areas, outdoor displays, or
37 outdoor storage.
38 b. Required Side and Rear Yards may include interior access driveways, parking areas, and outside storage,
39 display, or operations as provided for below.
40 c. Required Side and Rear Transitional Yards may include pedestrian walks, fences and screening devices,
41 but shall not include any parking areas, interior access driveways, outdoor display, or outdoor storage.
42

43 Maximum Building Height shall be fifty (50) feet, not to exceed two (2) stories of useable floor space.
44

45 Outdoor Storage, Display or Operations (except off-street parking, off-street loading and delivery, and drive-through
46 customer service windows) shall be conducted within enclosed building, except that the display or sale of
47 merchandise is permitted, provided that such display or sale:
48

- 49 a. Is accessory to the primary use;
50 b. Has a total square foot area not exceeding five (5) percent of the total gross floor area of the primary
51 use;
52 c. Will be located immediately adjacent to the primary structure; and,
53 d. Does not utilize any required off-street parking or loading space or facility.
54

1 **B-3 COMMERCIAL**

2
3 **Statement of Purpose:**

4
5 B-3 DISTRICTS Means Commercial uses located away from residential uses normally on a major highway that
6 provides high volume merchandise, sales, or services. These areas are mainly major retail, repair or service of
7 merchandise; small assembly businesses may be authorized in these areas. Parking shall be in accordance with
8 parking requirement outline in chapter 3-3.

9
10 The B-3 District is intended to provide specific areas for retail uses which feature major outdoor storage or display
11 areas for sizeable merchandise and the outdoor parking and storage of trucks, materials, or equipment essential to
12 the operation of these uses. Because of the character and intensity of these uses, this district should be located on
13 major business thoroughfares. Due to the intensity of uses, this district should not be located in close proximity to
14 residential or buffer uses.

15
16 **Development Standards:**

17
18 Minimum Public Street Frontage – each lot or integrated center shall have at least three hundred (300) feet of
19 frontage on a public street and shall gain access from said street.

20
21 Required Front Setback Line and Yard Requirements – a minimum setback line and yard shall be provided as
22 follows:

- 23
24 a. Required Front Yard – ten (10) feet from the right-of-way line of all public streets.
25 b. Required Front Transitional Yard – forty (40) feet from the right-of-way line of all public streets (a
26 transitional yard is one which borders on a neighboring lot with a different zoning designation).

27
28 Required Side and Rear Setback Lines and Yard Requirements – a side and rear setback shall be provided along lot
29 lines as follows:

- 30
31 a. Required Side and Rear Yards – Zero (0) feet in depth measured from and paralleling the lot line.
32 b. Required Side and Rear Transitional Yards – forty (40) feet in depth measured from and paralleling the
33 lot line (a transitional yard is one, which borders on a neighboring lot with a different zoning
34 designation).

35
36 Use of Required Yards – All required yards and required transitional yards shall be landscaped with grass and
37 shrubbery, trees, or hedge, or in combination with other suitable ground cover materials, and shall remain as open
38 space free from structures except where expressly permitted below:

- 39
40 a. Required Front Yards and Front Transitional Yards may include driveways, pedestrian walks, flag poles,
41 fences, screening devices, and similar structures, but shall not include parking areas, outdoor displays, or
42 outdoor storage.
43 b. Required Side and Rear Yards may include interior access driveways, parking areas, and outside storage,
44 display, or operations as provided for below.
45 c. Required Side and Rear Transitional Yards may include pedestrian walks, fences and screening devices,
46 but shall not include any parking areas, interior access driveways, outdoor display, or outdoor storage.

47
48 Maximum Building Height shall be fifty (50) feet, not to exceed two (2) stories of useable floor space.

49
50 Outdoor Storage, Display or Operations (except off-street parking, off-street loading and delivery, and drive-through
51 customer service windows) shall be conducted within enclosed building, except that outdoor display or sale of
52 merchandise is permitted, provided that such display or sale:

- 53
54 a. Is accessory to the primary use;
55 b. Is not located in any required yards or required transitional yards;

- 1 c. Will not be located between the front lot line and the front of the building on the site, except that the
- 2 outdoor display of automobiles, trucks, tractors, boats, or buses shall be permitted between the required
- 3 front yard or transitional front yard and the front of the building; and,
- 4 d. Does not utilize any required off-street parking or loading space or facility.
- 5

1 **I-1 INDUSTRIAL**

2
3 **Statement of Purpose:**

4
5 The I-1 District is intended to provide for research laboratories, associated offices, office/warehouse uses and other
6 light industrial operations which do not require the outdoor storage of raw materials, manufactured products, or
7 other materials, and which do not involve the storage of volatile or hazardous materials. Uses located in this district
8 are those whose external, physical affects are relatively clean and quiet and do not have noxious or offensive
9 characteristics, such as emission, smoke, dust, fumes, gas, vapors, odors, pollutants, noises, or vibrations, beyond
10 the confines of the building. This district should be located with good accessibility to thoroughfares, railroads, or
11 other means of transportation, as well as a broad range of infrastructure and utilities. This district is intended to
12 serve as a buffer use between higher density residential areas and more intense commercial or industrial areas.
13

14 **Development Standards:**

15
16 Minimum Public Street Frontage – each lot or industrial park shall have at least three hundred (300) feet of frontage
17 on a public street and shall gain access from said street.
18

19 Required Front Setback Line and Yard Requirements – a minimum setback line and yard shall be provided as
20 follows:
21

- 22 a. Required Front Yard – thirty-five (35) feet from the right-of-way line of all public streets.
23 b. Required Front Transitional Yard – forty (40) feet from the right-of-way line of all public streets (a
24 transitional yard is one, which borders on a neighboring lot with a different zoning designation).
25

26 Required Side and Rear Setback Lines and Yard Requirements – a side and rear setback shall be provided along lot
27 lines as follows:
28

- 29 a. Required Side and Rear Yards – Ten (10) feet in depth measured from and paralleling the lot line.
30 b. Required Side and Rear Transitional Yards – Thirty (30) feet in depth measured from and paralleling the
31 lot line (a transitional yard is one which borders on a neighboring lot with a different zoning designation).
32

33 Use of Required Yards – All required yards and required transitional yards shall be landscaped with grass and
34 shrubbery, trees, or hedge, or in combination with other suitable ground cover materials, and shall remain as open
35 space free from structures except where expressly permitted below:
36

- 37 a. Required Front Yards and Front Transitional Yards may include driveways, pedestrian walks, flag poles,
38 fences, screening devices, and similar structures, but shall not include parking areas, outdoor displays, or
39 outdoor storage.
40 b. Required Side and Rear Yards may include interior access driveways, parking areas, and outside storage,
41 display, or operations as provided for below.
42 c. Required Side and Rear Transitional Yards may include pedestrian walks, fences and screening devices,
43 but shall not include any parking areas, interior access driveways, outdoor display, or outdoor storage.
44

45 Maximum Building Height shall be unlimited, provided that the minimum required setbacks shall be increased by
46 one (1) foot for each three (3) additional feet, or part thereof, of building or structural height above thirty-five (35)
47 feet.

48 Outdoor Storage, Display or Operations (except off-street parking, off-street loading and delivery, and drive-through
49 customer service windows) shall be conducted completely within enclosed buildings. There shall be no outside
50 storage or display permitted in the I-1 District.
51
52
53

1
2 **I-2 Industrial**

3
4 **Statement of Purpose:**

5
6 **I-2 DISTRICTS** Means industrial area used for manufacturing, assembling, wholesale, or storage. These areas are
7 normally located on the outskirts of City or Town where little or no urban development has or will occur. These
8 areas shall be clean, quiet and free of hazardous or objectionable elements, operated entirely within enclosed
9 structures. Storage areas shall be enclosed with six (6) to eight (8) foot wood or chain link fence.

10
11 The I-2 District is designed to provide intermediate intensity, clean industrial uses, such as assembly, warehousing,
12 and distribution facilities which do not involve the storage of volatile or hazardous materials. Uses located in this
13 district are those whose external, physical affects are relatively clean and quiet and do not have noxious or offensive
14 characteristics, such as emission, smoke, dust, fumes, gas, vapors, odors, pollutants, noises, or vibrations beyond the
15 confines of the building. Uses located in this district may require limited amounts of outdoor storage of raw
16 materials, pre-manufactured products, or other materials. This district requires good access to major thoroughfares,
17 railroads, or other means of transportation, as well as a broad range of infrastructure and utilities. Because of the
18 nature of the uses permitted in this district, it should not be located adjacent to residential areas.

19
20 **Development Standards:**

21
22 Minimum Public Street Frontage – each lot or industrial park shall have at least three hundred (300) feet of frontage
23 on a public street and shall gain access from said street.

24
25 Required Front Setback Line and Yard Requirements – a minimum setback line and yard shall be provided as
26 follows:

- 27
28 a. Required Front Yard – twenty- five (25) feet from the right-of-way line of all public streets.
29 b. Required Front Transitional Yard – fifty (50) feet from the right-of-way line of all public streets (a
30 transitional yard is one which borders on a neighboring lot with a different zoning designation).

31
32 Required Side and Rear Setback Lines and Yard Requirements – a side and rear setback shall be provided along lot
33 lines as follows:

- 34
35 a. Required Side and Rear Yards – zero (0) feet in depth measured from and paralleling the lot line.
36 b. Required Side and Rear Transitional Yards – forty (40) feet in depth measured from and paralleling the
37 lot line (a transitional yard is one, which borders on a neighboring lot with a different zoning
38 designation).

39
40 Use of Required Yards – All required yards and required transitional yards shall be landscaped with grass and
41 shrubbery, trees, or hedge, or in combination with other suitable ground cover materials, and shall remain as open
42 space free from structures except where expressly permitted below:

- 43
44 a. Required Front Yards and Front Transitional Yards may include driveways, pedestrian walks, flag poles,
45 fences, screening devices and similar structures, but shall not include parking areas, outdoor displays, or
46 outdoor storage.
47 b. Required Side and Rear Yards may include interior access driveways, parking areas, and outside storage,
48 display, or operations as provided for below.
49 c. Required Side and Rear Transitional Yards may include pedestrian walks, interior access driveways,
50 outdoor display, or outdoor storage, fences and screening devices, but shall not include any parking areas

51
52
53 Maximum Building Height shall be unlimited, provided that the minimum required setbacks shall be increased by
54 one (1) foot for each three (3) additional feet, or part thereof, of building or structural height above 35 feet.
55

1 Outdoor Storage, Display, or Operations (except off-street parking, off-street loading and delivery, and drive-
2 through customer service windows) is permitted, provided that such display or sale:

- 3
4 a. Is accessory to the primary use;
5 b. Has a total square foot area not exceeding twenty-five (25) percent of the total lot area;
6 c. Will be located immediately adjacent to the primary structure;
7 d. If located within five-hundred (500) feet of a residential district, be enclosed with a permanent screening
8 device of at least six (6) feet in height, but not more than eight (8) feet in height, made of a material that
9 will obstruct vision into said storage area. At no time shall goods, merchandise, materials, or equipment
10 stored within the permanent screening device exceed the height of the screening device; and,
11 e. Does not utilize any required off-street parking or loading space or facility.
12
13
14

1 **OR – Office Research**

2
3 **Statement of Purpose:**

4
5 OR – Office Research is to provide areas along interstate highways and other arterials for non-retail commercial and
6 limited industrial activity, all conducted entirely indoors.

7
8 The OR District – is intended to provide specified areas for Office Research and Development and light
9 manufacturing. Parking requirements are outlined in chapter 3-3.

10
11 **Development Standards:**

12
13 Minimum Public Street Frontage – each lot or industrial park shall have at least three hundred (300) feet of frontage
14 on a public street and shall gain access from said street.

15
16 Required Front Setback Line and Yard Requirements – a minimum setback line and yard shall be provided as
17 follows:

- 18
19 a. Required Front Yard – ten (10) feet from the right-of-way line of all public streets.
20 b. Required Front Transitional Yard – fifty (50) feet from the right-of-way line of all public streets (a
21 transitional yard is one which borders on a neighboring lot with a different zoning designation).
22

23 Required Side and Rear Setback Lines and Yard Requirements – a side and rear setback shall be provided along lot
24 lines as follows:

- 25
26 a. Required Side and Rear Yards – zero (0) feet in depth measured from and paralleling the lot line.
27 b. Required Side and Rear Transitional Yards – fifty (50) feet in depth measured from and paralleling the
28 lot line (a transitional yard is one, which borders on a neighboring lot with a different zoning
29 designation).
30

31 Use of Required Yards – All required yards and required transitional yards shall be landscaped with grass and
32 shrubbery, trees, or hedge, or in combination with other suitable ground cover materials, and shall remain as open
33 space free from structures except where expressly permitted below:

- 34
35 a. Required Front Yards and Front Transitional Yards may include driveways, pedestrian walks, flagpoles,
36 fences, screening devices, and similar structures, but shall not include parking areas, outdoor displays, or
37 outdoor storage.
38 b. Required Side and Rear Yards may include interior access driveways, parking areas, and no outside
39 storage or display.
40 c. Required Side and Rear Transitional Yards may include pedestrian walks, fences and screening devices,
41 but shall not include any parking areas, interior access driveways, outdoor display, or outdoor storage.
42

43 Maximum Building Height shall be unlimited, provided that the minimum required setbacks shall be increased by
44 one (1) foot for each three (3) additional feet, or part thereof, of building or structural height above thirty-five (35)
45 feet.

46
47 **PUD PLAN UNIT DEVELOPMENT**

48
49 **PUD DISTRICTS** Means an area of five (5) acres or more under single ownership, corporation, firm, or partnership
50 planned and developed as an integral unit in a single development which consists of residential and business,
51 business and industrial, but shall not consist of industrial and residential. (See Plan Unit Development this
52 Ordinance). All requirements shall be met according to the guideline set forth in section (3-6) of this ordinance.
53

54 **FP FLOOD PLAIN**

1 **FP DISTRICT** Means areas that are in the flood hazard areas outside floodways that could cause damage to
2 structures due to high water.

3
4 **FF FLOOD FRINGE**

5
6 **FF DISTRICT** Means the areas outside of the floodway or flood plain that could be subject to high water damage.
7 No structure may be built in these areas unless the first floor is two (2) feet above the flood hazard area.

8
9 **2-1-1 DISTRICTS IN GENERAL**

10
11 **(A)** The boundaries of the District established are shown on the Zoning Maps, which are part of this Ordinance.
12 Districts shall only be changed by amending this Ordinance.

13
14 **(B)** When the exact boundaries of a district are uncertain, they shall be determined by use of the Zone Map.

15
16 **(C)** When a right-of-way is vacated, the districts adjoining each side are respectively extended to the center of the
17 area so vacated.

18
19 **(D)** If a district divides a lot frontage on a street, a restriction that applies to the front of the lot shall apply to the
20 entire lot.

21
22 **2-2 PRIMARY USES-SEE TABLE TWO OF THIS ORDINANCE**

23
24 THE FOLLOWING TABLE SHALL BE USED TO DETERMINE WHEN A USE IS AUTHORIZED IN A
25 DISTRICT **SEE TABLE TWO OF THIS ORDINANCE:**

26
27 **(A)** IF THE USE IS MARKED WITH **(X)** THIS SHALL MEAN THE USE IS AUTHORIZED IN THAT
28 DISTRICT.

29
30 **(B)** A USE MARKED WITH **(S)** MEANS THAT A **SPECIAL EXCEPTION** IS REQUIRED FROM THE
31 BOARD OF ZONING APPEALS.

32
33 **(C)** A USE MARKED WITH **(HO)** SHALL BE AUTHORIZED AS A **HOME OCCUPATION** PROVIDED ALL
34 REQUIREMENT IN SECTION 3-1 IS MET.

35
36 **(D)** A USE MARKED **(SP)** MEANS THERE ARE **SPECIAL REQUIRES** THAT MUST BE MET.

37
38 **(E)** A USE MARKED WITH **(*)** MEANS SPECIAL REQUIREMENT SET BY **DNR AND FLOOD PLAIN**
39 **ORDINANCE.**

40
41 **(F)** WHENEVER THERE ARE **(**)** **SPECIAL INSTRUCTION** MUST BE MET.

42
43 **(G)** A USE NOT FOUND IN THE PRIMARY USE TABLE SHALL USE THE MOST SIMILAR USE AND
44 HAVE THE SAME RESTRICTION AS THE SIMILAR USE.

45
46 **2-3 IMPROVEMENT LOCATION PERMITS**

47
48 **(A)** No building or other structure shall be erected, moved, added to, or structurally altered unless the Morgan
49 County Plan Commission office has issued an Improvement Location Permit. No structural change in use of a
50 building or land shall be made without an Improvement Location Permit issued by the Morgan County Plan
51 Commission Office. Improvement Location Permit shall be issued only upon finding that the proposed use complies
52 with the requirements of this Ordinance or upon written order from the Board of Zoning Appeals granting a
53 Variance, Appeal, or Special Exception.
54

1 **(B)** Whenever an Improvement Location Permit for a dwelling is issued the Plan Director shall insure that the
 2 septic permit has been issued or the Health Officer has authorized an approved system before an Improvement
 3 Location Permit is issued.

4
 5 **(C)** The application for an Improvement Location Permit shall be submitted to the Plan Commission Office and
 6 signed by the owner or applicant attesting to the accuracy of all information. Each application shall clearly state that
 7 the permit shall expire and be revoked if work has not begun within sixty (60) days or been substantially completed
 8 within two (2) years after the date issued, unless an extension has been granted by the Plan Commission Office.
 9 “Work on an Improvement Location Permit for a manufactured home or mobile home dwelling shall be completed
 10 within one (1) year.” *(As amended by Amendment No. 4, October 20, 2003)* “Work pursuant to an Improvement
 11 Location Permit for an electrical permit or accessory structure permit shall be completed within one (1) year.” *As
 12 amended by Amendment No. 19, January 2, 2007)*
 13

14 **(D)** An applicant applying for an Improvement Location Permit shall furnish the Plan Commission Office with the
 15 following information:

- 16
- 17 1. Name, address, and phone number of applicant;
- 18 2. Legal description of property;
- 19 3. Existing, and/or proposed use;
- 20 4. The location and size of all improvements, existing, and proposed;
- 21 5. Location of all adjacent streets and alleys;
- 22 6. Estimated cost of improvement;
- 23 7. Plot plan showing the size and shape of lot to be built on;
- 24 8. Drainage plan for the area (if required).
- 25

26 **(E)** No improvement location permit shall be issued for any commercial use unless the State Administrative
 27 Building Council has approved all plans.
 28

29 **(F)** As a condition of issuing an Improvement Location Permit, the Plan Director may require the relocation of any
 30 structure or entrance or exit if necessary in the interest of safety or public welfare of the community.
 31

32 **(G)** Any person filing for an Improvement Location Permit shall be required to disclose the identity of his
 33 contractor.
 34

35 **(H)** All plans filed with the Plan Commission Office shall be public records and shall be maintained by the Plan
 36 Commission Office as permanent records.
 37

38 **(I)** No Improvement Location Permit shall be required for the following use or structures.

- 39
- 40 1. Bird baths and birdhouses;
- 41 2. Detached storage sheds (200 Square feet or less), built without foundation
- 42 3. Curbs;
- 43 4. Paving driveway;
- 44 5. Lamp post;
- 45 6. Mailboxes on post;
- 46 7. Walks;
- 47 8. Pole lines, hydrants, and telephone booths;
- 48 9. Retaining walls less than three (3) feet in height;
- 49 10. Trees, shrubs, plants, and flowers provided that visibility is not obstructed;
- 50 11. Fences and hedges not to exceed four (4) feet in height within the front yard and six (6) feet in height
 51 within the side and back yard. Fences shall not be closer than eighteen (18) inches from any sidewalk
 52 or alley.
- 53 12. Other similar uses.

54 *(As amended by Amendment No. 4, October 20, 2003)*
 55

1 (J) Any person filing for an Improvement Location Permit shall at the same time apply for a Certificate of
 2 Occupancy that shall be certified by the Plan Director upon completion before the structure is used or occupied.

3
 4 (K) Any Person that offers for sale, products from a vehicle, tent, booth, or other means shall have an Improvement
 5 Location Permit Issued from the Morgan County Plan Commission Office for the duration of the sale. One (1) to
 6 seven (7) days shall be ten (\$10.00) dollars; eight (8) to fourteen (14) days shall be twenty \$20.00 dollars; fifteen
 7 (15) to ninety (90) days shall be fifty (\$50.00) dollars. No permit shall be issued for more than ninety (90) days.
 8 Permits shall only be issued in a business or industrial area. Permits shall not be required for the operation of a
 9 Roadside Produce Stand in an Agriculture District.

10
 11 (L) RIGHT TO FARM Any applicant for an Improvement Location Permit for a non-agriculture land use as a
 12 primary use on any real estate located in or adjacent to the AG and R1 districts and any land which is the subject of
 13 a petition for a zone map change from the AG or R1 districts to any other district shall be required to sign a form
 14 prescribing that The owner acknowledges that the subject real estate is in or adjacent to an area zoned for agriculture
 15 land uses, including but not limited to, the production of animal or plant life, including forestry, pasturing or yarding
 16 of livestock, and planting, growing, cultivating, harvesting, and storing crops for human or livestock consumption.
 17 The owner of the subject real estate hereby agrees: to waive any and all objection to any such agriculture land use on
 18 any real estate zoned for such uses within one (1) mile of any boundary of the subject real estate and that such
 19 agriculture land uses, including but not limited to, associated odors, dust, pollen, noise, lights, hours of operation,
 20 weed control applications, pest control applications, and similar procedures related to the normal operation of such
 21 agricultural land uses, do not constitute a nuisance, public or private, provided that there is no significant change in
 22 the hours of operation or the type of agriculture land uses and the agriculture land uses would not have been a
 23 nuisance at the time the agriculture land uses began operation. This agreement does not limit such owner's rights
 24 under other applicable laws in the event of negligence in the operation of said agriculture land uses.

25
 26 (M) An Improvement Location Permit (ILP) issued under authority of this Ordinance may be renewed, at the
 27 discretion of the Morgan County Plan Director, for a period not to exceed one calendar year (365 days). The fee for
 28 renewal of such ILP shall be twenty-five percent (25%) of the fee in effect at the time of renewal for similar types of
 29 improvements. Subsequent renewals must be approved by authority of the Morgan County Board of Zoning
 30 Appeals. (As amended August 16, 2004)

31 32 **2-4 CERTIFICATE OF OCCUPANCY**

33
 34 It shall be unlawful to use, occupy, or permit the use, or occupancy of any building, or premises, or both, or part
 35 thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use of structure
 36 until a Certificate of Occupancy has been issued by the Plan Director. The Certificate of Occupancy shall state that
 37 the proposed use of the building or land conforms to the requirements of this Ordinance and that the Plan Director
 38 has inspected the property and attested to that fact.

39
 40 (A) Certificate of Occupancy shall not be issued until culverts have been installed under driveways where needed.

41
 42 (B) No Certificate of Occupancy shall be issued until all work has been completed. No person shall occupy any
 43 dwelling without having an approved Sanitary Sewage System.

44 45 **2-5 TEMPORARY CERTIFICATE OF OCCUPANCY**

46
 47 A Temporary Certificate of Occupancy may be issued by the Plan Director for a period not to exceed six (6) months
 48 pending completion of modifications in order to comply with this Ordinance.

49 50 **2-6 SCHEDULE OF FEES, CHARGES AND EXPENSES**

51
 52 In order to defray administrative costs, the following fees are to be paid by the applicant at the time of filing a
 53 petition or upon issuance of a permit. The schedule of fees shall be posted in the Office of the Plan Director. Until
 54 all applicable fees, charges, and expenses have been paid, no action shall be taken on any application or appeal.

55
 56 Any person who does not timely obtain an Improvement Location Permit under Section 2-3 and pay the fee imposed

1 by this section, shall pay a late fee of 3 times the applicable Improvement Location Permit fee in order to obtain
2 said permit. *(As amended by Amendment No. 20, August 31, 2007)*
3

4 THE FOLLOWING FEES, CHARGES AND EXPENSES ARE HEREBY ESTABLISHED:
5

6	PETITION FOR AMENDMENT TO ZONING ORDINANCE		
7	OR MAPS	\$400.00	
8	CERTIFICATE OF OCCUPANCY	NO CHARGE	
9	APPEALS	\$200.00	
10	SPECIAL EXCEPTION	\$400.00	
11	USE VARIANCE	\$300.00	
12	AREA VARIANCE	\$300.00	
13	PLAN UNIT DEVELOPMENT	\$1,000.00	\$20.00 per acre
14	SUBDIVISIONS	\$25.00 PLUS \$2.00 PER LOT	

15
16

IMPROVEMENT LOCATION PERMIT FEES
(As amended December 10, 2001; January 12, 2004 Amendment # 5)

EFFECTIVE MARCH 1ST 2004

Residential Structures

	Base Fee	Additional Fee¹
One and Two Family Dwelling	\$175.00	.10 per sq. ft. over 1,500 sq. ft.
Manufactured Home	\$175.00	.10 per sq. ft. over 1,500 sq. ft.
Multi-family dwellings	\$200.00	\$100.00 per unit
Relocation of dwelling	\$175.00	.10 per sq. ft. over 1,500 sq. ft.
Addition	\$100.00	.10 per sq. ft. over 1,000 sq. ft.
Remodel	\$75.00	.10 per sq. ft. over 1,000 sq. ft.
Accessory Structure	\$50.00	.06 per sq. ft. over 1000 sq. ft.
Electric Permit	\$50.00	None
Plumbing Permit	\$50.00	None
Swimming Pool	\$100.00	None
Re-inspection	\$50.00	None

Commercial, Non-Residential Structures

	Base Fee	Additional Fee¹
New Construction	\$350.00	.10 per sq. ft. over 1,000 sq. ft.
New Addition	\$250.00	.10 per sq. ft. over 1,000 sq. ft.
Remodel	\$250.00	.10 per sq. ft. over 1,000 sq. ft.
Accessory structure	\$250.00	.06 per sq. ft. over 1,500 sq. ft.
Relocation	\$250.00	.10 per sq. ft. over 1,000 sq. ft.
Demolition (per structure)	\$150.00	None
Swimming Pool	\$150.00	None
Electric, Plumbing, HVAC	\$100.00	None
Re-inspection	\$100.00	None

¹ Per square foot charge shall apply to: all levels of construction, basements, garages, etc.

1 **2-7 SPECIAL EXCEPTIONS**
2

3 **(A)** The Board of Zoning Appeals may permit a Special Exception after a public hearing only in the specified
4 districts indicated in table one (1) of the primary uses. In the exercise of its approval, the Board may impose, such
5 additional conditions regarding the location, character, and other features of the proposed building or structure or
6 use as it may deem advisable in the furtherance of the purpose of this Ordinance
7

8 **(B)** Upon approval for the Special Exception, the Plan Director shall issue an Improvement Location Permit.
9

10 **(C)** Upon a finding by the Board that the Special Exception with additional special requirements may be issued, the
11 Board shall order the Plan Director to issue an Improvement Location Permit for the Special Exception, providing
12 the applicant agrees in writing to such additional special requirements.
13

14 **(D)** If a finding by the Board that the Special Exception is not consistent with the spirit, purpose, or intent of this
15 Ordinance, may substantially or permanently injure the appropriate use of the neighboring property, or will not serve
16 the public convenience or welfare, the Board shall disapprove the Special Exception.
17

18 **(E)** The board may table the application for a Special Exception and refer it to the Plan Director or committee with a
19 request for further information, review, and recommendations to the Board.
20

21 **2-7-1 SPECIAL EXCEPTION-EXISTING USES**
22

23 An existing use which is listed herein as a Special Exception and which is located in a district in which such Special
24 Exception may be permitted is a conforming use, however, any expansion of such Special Exception involving the
25 enlargement of the building structure, or the land area devoted to such use shall be reviewed by the Plan Director for
26 compliance and may be subject to Board procedure described in this section.
27

28 **2-7-2 SPECIAL EXCEPTION-TIME LIMIT**
29

30 A Special Exception grantee by the Board shall expire six (6) months after the hearing at which it is granted unless
31 the use for which the Special Exception was sought has commenced. In the event new construction is required in
32 order to commence the use for which the Special Exception was sought, an Improvement Location Permit shall be
33 obtained by the applicant within six (6) months after the Special Exception has been granted, and, in such case, the
34 applicant shall have one (1) year from the granting of the improvement location permit in which to commence the
35 use for which the special exception was sought.
36

37 **2-7-3 SPECIAL EXCEPTION APPROVAL**
38

39 A Special Exception shall be an authorized use in a district provided that all requirements can be met and the Board
40 of Zoning Appeals finds that the use will not be unduly detrimental to the surrounding property.
41

42 All requirements shall be completed prior to any operation of that use being started.
43

44 The uses may be permitted as a Special Exception in districts as outlined in Table Two of the Primary Use Chart.
45 The restriction in Table Three shall be considered the minimum requirements and the Board may make any other
46 reasonable restrictions they feel necessary to protect that district. If a use is not listed in Table Two the Board must
47 consider the use and restriction. The Board may place reasonable restrictions on the property to ensure that an
48 unnecessary hardship or nuisance is not created on surrounding property. In granting a Special Exception the board
49 shall take in consideration the restriction outlined in Table Two along with other restrictions in a fair and unbiased
50 decision.
51

52 (a) The special exception will not create an unnecessary hardship on surrounding property.

53 (b) The special exception will not devalue the surrounding property.

54 (c) The special exception will not set a precedent for that district.
55
56
57

1 **2-7-4 SPECIAL EXCEPTION REQUIREMENTS**

2
3 All parking requirements shall be in accordance with the parking requirements outlined in section 3-3 of this
4 Ordinance.

5
6 All Special Exception shall conform to the following restrictions:

7
8 (a) Lights shall be placed in such a way that they do not infringe upon the rights of adjacent property owners

9
10 (b) Parking areas shall be a minimum of (10) ten feet away from any other residential dwelling.

11
12 (c) No unsafe, uncomfortable, or offensive vibrations, noise, visual effects, odors, or air pollutants that would cause
13 hazard to the health or general welfare of the surrounding area shall be allowed to radiate across lot lines.

14
15 (d) Any use listed as a special exception in Table Two shall meet the requirement for Minimum Lot Size, Setbacks,
16 Parking Requirements, Entrances, Exits, Fencing and Screening in Table Three of this ordinance. Any use that
17 subjects local roads to a noticeable increase in the number of vehicles which travel on the local roads, or which
18 increases the number of vehicles with a weight substantially greater than the average vehicle on the road, may be
19 subject to requirements to install acceleration lanes, deceleration lanes, and/or passing lanes on the road in order to
20 maintain safe driving conditions. The County Engineer must approve such road changes and/or improvements.

21
22 (e) No loading berth may be closer than fifty (50) feet from any residential dwelling.

23
24 (f) All areas, which are used for outside storage shall be screened or fenced with no less than six (6) foot woven
25 fence or screen.

26
27 (g) No more than one (1) entrance or exit shall be authorized with a use unless approved by the board.

28
29 (h) Buildings within the following areas may be located no closer to exterior roads than distances prescribed below;

30		
31	1. Golf Course	Fifty (50) feet
32	2. Industrial Parks	Seventy Five (75) feet
33	3. Mobile Home Parks and Travel Trailer Parks	Fifty (50) feet
34	4. Outdoor Recreational Parks	Seventy Five (75) feet
35	5. Campgrounds	Fifty (50) feet
36	6. Junk Yards	One Hundred (100) feet
37	7. Fairgrounds	One Hundred (100) feet
38		

1 **2-8 VARIANCES**
2

3 (A) The Board of Zoning Appeals may authorize upon appeal in specific cases such Variances from the terms of this
4 Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of
5 the provisions of this Ordinance would result in unnecessary hardship. No non-conforming use of neighboring land,
6 structures, or buildings in the same district and no permitted or non-conforming use of land, structure, or buildings
7 in other district shall be grounds for issuance of a Variance. Variances shall not be granted on the grounds of
8 convenience or profit, but only where strict application of the provisions of this Ordinance would result in
9 unnecessary hardship.

10
11 (B) A Variance from the terms of this Ordinance shall not be granted by the Board of Zoning Appeals unless and
12 until a written application for the Variance is submitted to the Plan Director and the Board of Zoning Appeals
13 containing:

- 14
15 1. Name, Address, and Phone Number of applicant(s);
16 2. Legal description of the property;
17 3. Description of nature of Variance requested;
18 4. Public notice is given in accordance with subsection "D" of this section.
19

20 (C) A Use Variance in according with **IC 36-7-4-918.4** shall not be granted unless the Board makes specific
21 findings of facts based directly on the particular evidence presented to it, which supports conclusion that all of the
22 standards and conditions imposed by the following subsection have been met by the applicant(s):
23

- 24 1. The approval will not be injurious to the public health, safety, morals, and general welfare of the
25 community;
26 2. The use and value of the area adjacent to the property included in the Variance will not be affected in a
27 substantially adverse manner;
28 3. The need for the Variance arises from some condition peculiar to the property involved;
29 4. The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the
30 property for which the Variance is sought; and
31 5. The approval does not interfere substantially with the comprehensive plan adopted under this Ordinance.
32 6. An Area Variance needs only to meet the requirements in accordance with IC 36-7-4-918.5 and of C1, C2,
33 C4, and C5 above.
34

35 (D) Before holding the public hearing, notice of such hearing shall be given in a local newspaper of general
36 circulation of Morgan County at least ten (10) days before the date of said hearing. The notice shall set forth the
37 date, time, and location of the public hearing, and the nature of the proposed appeal or Variance.
38

39 (E) The applicant shall pay the cost for all publication for an appeal or variance.
40

41 (F) Before holding the public hearing, written notice of such hearing shall be mailed to all adjoining property
42 owners by first class mail at least ten (10) days before the hearing. This notice shall contain the same information as
43 required of the notice published in the local newspaper.
44

45 (G) Within ten (10) days after the public hearing, written notice shall be sent to the applicant stating that the
46 Variance or Appeal has been approved, approved with supplementary conditions, or disapproved. If the Appeal or
47 Variance is disapproved the Board of Zoning Appeals shall state reason for the denial.
48

49 (H) No Variance shall be granted in an R-1, R-2, R-3, or R-4 district allowing alcohol beverages to be sold on any
50 premise.
51
52
53
54

1 **2-9 ENFORCEMENT PROCEDURES**

2
3 (A) The Plan Director may place a Stop Work Order on any person, firm, or property who is in violation of the
4 Subdivision or Zoning Ordinance. Any Person who is affected by this order may appeal the decision to the Board of
5 Zoning Appeals within thirty (30) days of this order. However, the work stay shall remain until the Plan Director or
6 official releases the stop work order.

7
8 (B) It is the intent of this ordinance that all questions of enforcement shall be first presented to the Plan Director.
9 Such question shall be presented to the Board only on appeal from the decision of the Plan Director, and that
10 recourse from the decision of the Board shall be to the Courts as provided by law. Nothing in this Ordinance shall
11 prevent any official of Morgan County, Indiana from appealing a decision of the Board to the Courts as provided in
12 Indiana Law. Any such appeal shall be made within thirty (30) days of the Board's written decision.

13
14 (C) Any person who starts construction without obtaining an Improvement Location Permit may be charged a late
15 filing fee equal to the permit fees, not to exceed one hundred (\$100.00) dollars.

16
17 **2-10 APPEALS**

18
19 (A) A decision of the Plan Director enforcing this ordinance may be appealed to the Board of Zoning Appeals by
20 any person who is adversely affected by the decision. When an appeal is taken to the Board, upon the denial of an
21 application for an Improvement Location Permit, for a use not specifically stated or implied elsewhere in these
22 regulations, and not listed, the Board shall refer the matter of the proposed use to the Plan Commission for
23 consideration as an Amendment to this Ordinance;

24
25 (B) On an appeal under subsection (A), the Board may affirm the decision of the Plan Director; or the Board may
26 reverse and place any conditions different than the decision of the Plan Director as it is empowered to do according
27 to law.

28
29 (C) Any decision of the Board may be appealed to the Circuit or Superior Courts of Morgan County within thirty
30 (30) days from the date the decision or order of the Board of Zoning Appeals.

31
32 (D) Any final decision as defined by case law of the Plan Commission may be appealed to the Board of Zoning
33 Appeals or directly to the Circuit or Superior Courts of Morgan County within thirty (30) days from the date of the
34 Plan Commission decision.

35
36 **2-10-1 APPEAL PROCEDURES**

37
38 (A) Any appeal of the Plan Director's decision shall be made in writing to the Board of Zoning Appeals within (30)
39 thirty days from the date of the Plan Director's decision.

40
41 (B) All appeals to the Board shall follow the guidelines listed in the following paragraphs 1 and 2:

- 42
43 1. Be submitted in duplicate copies, stating reason of appeal; and,
44 2. Submit name, address, phone number and legal description of the property.

1 **2-11 NON-CONFORMING USE**

2
3 (A) A lawful use of a building or premises, existing at the time of passage of this Ordinance, may continue although
4 such use does not conform to all the provisions of this Ordinance. (*As amended by Amendment No. 4, October 20,*
5 *2003*)

6
7 (B) A non-conforming use may be changed to any other use of greater restrictions, provided no structural changes
8 are made in the building. Whenever a non-conforming use is changed to a conforming use that use shall not be
9 changed to a non-conforming use.

10
11 (C) No additional building shall be erected upon any premise devoted to a non-conforming use unless the use can
12 conform to the regulation of this Ordinance.

13
14 (D) A non-conforming structure may be repaired provided no structural changes are made or unless the structural
15 change would bring the structure into conformance with this Ordinance.

16
17 **2-11-1 AMORTIZATION OF NON-CONFORMING USES OR BUILDINGS**

18
19 (A) Whenever a non-conforming use has been discontinued for a period of six (6) months, such use shall not
20 thereafter be re-established and used thereafter unless it shall be in conformance with this Ordinance.

21
22 (B) Any non-conforming billboard or advertising structure not attached to a building, lawfully existing upon the
23 effective date of this Ordinance, shall be discontinued on or before five (5) years after the effective date of this
24 Ordinance. Must come into compliance by obtaining a permit and posting 3” numbers on sign.

25
26 (C) All temporary billboards or advertising structures shall be removed within ninety (90) days from the effective
27 date of this Ordinance.

28
29 **2-12 RESTRICTIONS**

30
31 **2-12-1 SETBACK REQUIREMENTS**

32
33 The regulations set by this Ordinance within each District shall be the minimum setback requirements and shall
34 apply uniformly to each class or kind of structure or land use, unless otherwise specified in other parts of this
35 Ordinance.

36
37

<u>PRIMARY USE</u>	<u>PRIMARY STREET</u>	<u>SECONDARY STREET</u>	<u>LOCAL STREET</u>
FRONT YARD	50	35	25
REAR YARD	25	25	25
SIDE YARD	10	10	10

38
39
40
41
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43

<u>ACCESSORY USE</u>	<u>PRIMARY STREET</u>	<u>SECONDARY STREET</u>	<u>LOCAL STREET</u>
FRONT YARD	50	35	25
REAR YARD	5	5	5
SIDE YARD	3	3	3

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52 **2-12-2 SETBACK: VISION CLEARANCE AT INTERSECTION**

53
54 (A) At the intersection of a corner lot, the triangular space determined by two (2) lot lines at the corner and by a
55 diagonal line connecting the two (2) points on those lines that are twenty (20) feet respectively from the corner shall
56 be free of any obstruction to vision between the height of three (3) feet to eight (8) feet above the established grade

57
58 (B) No lot located in a subdivision or town used as a residential or commercial use shall have grass or weed that
59 exceeds eight (8) inches in height.

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(C) No driveway or entrance shall be placed on any county road, street, or state highway that does not have a minimum visual clearance in both directions acceptable under state standards.

2-12-3 ACCESSORY BUILDINGS

No accessory building shall be erected in any required setback area, and no separate accessory building shall be erected within five (5) feet of any other building unless a one (1) hour fire wall has been installed on both buildings and approved by the Plan Commission Office. Accessory buildings may not be used as dwellings unless approved by the Plan Commission.

2-12-4 PRIMARY USE

When buildings occupy more than fifty (50) percent of the lots in a block, the minimum front yard setback shall be the average setback of those buildings, unless otherwise noted in this Ordinance.

2-12-5 THROUGH LOT

A Through Lot shall have a front yard set back on each abutting street.

2-12-6 CORNER LOT

A Corner Lot shall have one (1) front setback which shall be the street in which the address is provided, however, the side lot facing the other street shall have a minimum setback of ten (10) feet for all structure. If a structure is closer to the front lot line than the minimum setback, the side setback shall increase by one (1) foot for each foot closer.

2-12-7 MEASUREMENT

All setbacks shall be measured from the edge of the right-of-way.

2-12-8 SETBACK FENCES AND HEDGES

1. Fences and hedges shall be at least eighteen (18) inches from sidewalks and alley. It is recommended that fences are erected at least one (1) inch inside the side property line and post is placed inside toward the property. It shall be the property owner’s responsibility to assure they do not encroach on someone else’s property. No fences shall be erected on right-of-way. No fence running along a street shall be higher than four (4) feet in any residential area.

2. Solid wall fences and fences greater than six (6) feet in height shall require approval from the Plan Director to insure they do not interfere with the safety or general welfare of the community.

3. If a fence is erected as a partition boundary fence, the cost will be apportioned between the owners as per I.C. 32-10-9-2.

2-12-9 LOT COVERAGE

No lot may exceed the following lot coverage with buildings, unless otherwise noted in this Ordinance:

DISTRICT	A1	B1	B2	B3	I1	I2	I3
	30	80	80	80	80	80	80

2-12-10 LOT FRONTAGE

Lots of record or individually held prior to the passage of this Ordinance may be smaller in width than the numbers prescribed in this Ordinance, however, setbacks should be maintained as to any construction commenced after the adoption of this Ordinance.

1
2 **2-12-11 LOT SIZE**

3
4 No dwelling shall be erected on any lot that does not have the minimum square footage prescribed in this Ordinance.

5
6 Lots of records or individually held prior to the passage of this Ordinance may be smaller in area than numbers
7 prescribed above provided they are approved by the Morgan County Health Department and can provide sufficient
8 area to support an individual sewage disposal system.

9
10 **2-12-12 HEIGHT RESTRICTIONS**

11
12 Except as herein provided, no building or structure shall be erected, altered, enlarged, or reconstructed so that the
13 height exceeds the following height limit within the district listed. If not listed herein, height restrictions for districts
14 may be found in the Development Standards of specific districts.

15
16

DISTRICT	MAXIMUM HEIGHT
17 18 A1 -----	One Hundred (100) feet
19 20 PUD -----	Fifty (50) feet
21 22 FF, FP, FW -----	Ninety (90) feet

23

24 **2-12-13 HEIGHT RESTRICTION EXCEPTIONS**

25
26 **(A)** In an I1, I2, I3 and B3 District, television aerials, electrical transmission and communication poles, towers,
27 steeples, flagpoles, chimneys, smokestacks, water towers, grain elevators, silos, and other similar structures may be
28 erected to a height not to exceed two hundred fifty (250) feet, however, for each foot above fifty (50) feet, side yard
29 setbacks shall exceed one (1) foot for each five (5) feet in height and FAA lighting is installed above one hundred
30 fifty (150) feet.

31
32 **(B)** In A-1, towers and other similar structure may be authorized to a height no greater than two hundred fifty (250)
33 feet provided that for every foot above one hundred fifty (150) feet the side setback is extended by one (1) foot for
34 each five (5) feet in height above one hundred fifty (150) feet.

35
36 **(C)** No structure shall be erected that will interfere with FAA flight restrictions.

37
38 **2-13 RESTRICTIONS**

39
40 **2-13-1 COMMERCIAL DISTRICT**

41
42 In order to maintain a safe and economic community, the following restrictions shall apply to all Commercial
43 Districts:

44
45 **(A)** No merchandise shall be displayed across sidewalks or protrude more than three (3) feet from any building that
46 would interfere with the pedestrian's right-of-way. During community events such as circus days, heritage days, or
47 other community events merchandise may be displayed on sidewalks. However, these merchandises shall not block
48 the pedestrian's right-of-way.

49
50 **(B)** Auto repair shop, body shop and other similar shops shall not store or maintain unlicensed or dismantled
51 vehicles on the premises more than seventy-two (72) hours unless said vehicle is stored inside an enclosed building
52 or a fenced-in storage lot.

1 (C) Discarded used property, rubbish or trash shall be placed in dumpsters or waste containers, which shall be
2 disposed of at least once a week.

3
4 (D) Semi-trailers shall not be used as storage building for merchandise for more than seventy-two (72) hours on any
5 commercial lot.

6
7 (E) Temporary buildings shall not be used for commercial businesses unless authorized by the Plan Director.

8
9 (F) Banners, streamers or sales flags shall not be located on any site below the height of eight (8) feet and when
10 banners, streamers, or flags become distorted or in need of repair they shall be removed.

11
12 (G) Waste such as oil, grease, motor oil, anti-freeze, and other similar products shall be stored in proper containers
13 so they may be disposed of in a safe and proper manner not less than once a month.

14
15 (H) Manufactured or mobile homes shall not be used for commercial use unless approved by State Fire & Building
16 Safety Commission.

17
18 (I) Semi-trailers shall not be used as billboards or advertisement on commercial lots.

19
20 **2-13-2 MISCELLANEOUS RESTRICTIONS**

21
22 (A) These restrictions shall apply in all zoned districts and shall be considered a common nuisance:

- 23
24 1. any accumulation of stagnant water permitted or maintained on any lot or piece of ground;
25 2. dense smoke, noxious fumes, gas, soot, or cinders, in unreasonable quantities;
26 3. the obstruction of any public street, road, or sidewalk;
27 4. the obstruction of any dedicated easement or right-of-way;
28 5. the alteration of the flow of storm water to the detriment of surrounding property;
29 6. the discharge of any liquid onto the property of other persons including but not limited to the discharge of
30 any water as the result of the draining of a swimming pool or the operations of a sump pump.

31
32 **2-14 INDUSTRIAL AND COMMERCIAL DISTRICTS RESTRICTIONS**

33
34 **2-14-1 SMOKE**

35
36 (A) No light industrial, or commercial use may emit more than ten (10) smoke units per hour, per stack, or smoke in
37 excess of Ringelmann No.2. However, once during any twenty-four (24) hour period, for soot blowing, process
38 purging, and fire cleaning, each stack may emit an additional ten (10) smoke units, and during that time it may emit
39 smoke up to and including Ringelmann No.3.

40
41 (B) No heavy industrial use may emit more than thirty (30) smoke units per hour, per stack, or smoke excess of
42 Ringelmann No. 2, however, once during any six (6) hour period, for soot blowing, process purging, and fire
43 cleaning, each stack may be permitted an additional ten (10) smoke units and during that time it may emit smoke up
44 to and including Ringelmann No. 3.

45
46 (C) In this section, their term: "Ringelmann Numbers" means the number of the area on the Ringelmann chart that
47 most nearly matches the light-observing capacity of smoke. The Ringelmann chart is described in the U.S. Bureau of
48 Mines Information Circular 6888 or amendments, on which are illustrated graduated shades of gray for use in
49 estimating smoke density. Smoke below the density of Ringelmann No. 0 and Ringelmann No.1 shall be considered
50 as no smoke.

51
52 (D) Smoke unit means the number obtained when the smoke density in Ringelmann number is multiplied by the
53 time of emission in minutes. For the purpose of the calculation, a Ringelmann density reading shall be made at least
54 once a minute during which it is observed. The products so computed shall than be added to give the total number of
55 smoke units observed during the entire observation period.

1
2 **2-14-2 ODOR**

3
4 No industrial or commercial use may release an offensive odor that is detectable at or beyond the lot line.
5

6 **2-14-3 TOXIC MATERIAL**
7

8 For a light or heavy industrial use, the emission of toxic or noxious materials may not produce any concentration at a
9 residential or business district boundary line exceeding the percentage of the threshold limit values set forth by the
10 Federal Emergency Management Agency.
11

12 **2-14-4 GLARES AND HEAT**
13

14 No light, heavy industrial or commercial use may cause heat at the lot line so intense as to cause a public nuisance or
15 hazard. No such use may cause illumination at or beyond any residential district boundary in excess of 0.1-foot
16 candle.
17

18 As used in this section the term "Foot Candle" means a unit of illumination at all points that are one (1) foot from a
19 uniform point source of one (1) candlepower.
20

21 **2-14-5 VIBRATION**
22

23 No light, heavy industrial or commercial use may cause continuous earthborne vibration that can be measured at or
24 beyond the lot line boundary.
25

26 **2-14-6 NOISE**
27

28 No industrial or commercial use may produce a sound pressure level that can be detected beyond the boundary lot
29 line that would create a nuisance for surrounding area. Noise may be detected by using a sound level meter to
30 measure decibels.
31

32 **2-14-7 FIRE HAZARD**
33

34 Solid substances ranging from dry active burning to intense burning may be stored, used, or manufactured only
35 within completely enclosed walls and protected throughout by an automatic fire extinguishing system.
36

37 The storage, utilization, or manufacture of flammable liquids or materials which produce flammable vapors or gases
38 shall be permitted in accordance with the rules and regulation of the State Fire Marshal's Office, stating that the
39 plans and specifications for Light and Heavy Industrial Use complies with the rules and regulations of the State Fire
40 Marshal. These rules and regulation shall accompany the application for an Improvement Location Permit.
41

42 As used in this Ordinance the term "Free Burning" shall mean a rate of combustion described by a substance that
43 burns actively and easily supports combustion, and " Intense Burning" shall mean a rate of combustion described by
44 a substance that burns with a high degree of activity and is consumed rapidly.
45

46 **2-14-8 DETONATION MATERIAL**
47

48 No activity involving the storage, use, or manufacture of materials that decompose by detonation may be carried on,
49 except in accordance with the rules and regulation issued by the State Fire Marshal and State Administrative
50 Building Council. These materials include primary explosives such as Lead Azide, Lead Styphnate, Fulminates, and
51 Tetracene; High explosives such as TNT, RDX, HMX, PETN and PICRIC ACID; Propellants and their components
52 such as Nitrocellulose, Black Powder, Boron Hydrides, Hydrazine, and its derivatives; Pyrotechnics and Fireworks
53 such as Magnesium Powder, Potassium Chlorate, and Potassium Nitrate; Blasting Explosives such as Dynamite and
54 Nitroglycerin; unstable organic compounds such as Acetylides, Tetrazoles, and Ozonides; Strong Oxidizing. Agents
55 such as Liquid Oxygen, Perchlorates, Chlorates and Hydrogen Peroxide in concentrations greater than thirty (35)

1 percent; and Nuclear Fuels, Fissionable Material and products and reactor elements such as Uranium 235 and
2 Plutonium 239.

3
4 **Restrictions that apply to Industrial Uses shall apply to General Business Uses when used for manufacturing.**

5
6 **2-14-9 STORAGE AREAS**

7
8 All storage areas shall be enclosed with a minimum of six (6) foot fence surrounding the entire storage areas. The
9 Plan Director may require a solid wall fence in area that is close to residential areas or would cause a common
10 nuisance in any district.

11
12 **2-15 SIGN STANDARDS**

13
14 **INTENT.** The intent of this Section is to further the goals of the Comprehensive Plan; avoid the proliferation
15 of signage; encourage signs to be compatible with the scale of buildings and the surrounding features; maintain
16 and enhance the aesthetic environment of the County; eliminate potential hazards to motorists and pedestrians
17 resulting from signs; and promote the health, safety, and welfare of the residents of Morgan County.

18
19 **2-15-1 GENERAL SIGN STANDARDS APPLICABLE TO ALL ZONING DISTRICTS**

20 **GENERAL REQUIREMENTS.** Except as otherwise provided in this Section, it shall be unlawful for
21 any person to erect, construct, enlarge, move or convert any sign within the jurisdiction of the Morgan
22 County Plan Commission, or cause the same to be done without first obtaining a sign permit. The
23 following general sign standards apply to all signs within the jurisdiction of the Morgan County Plan
24 Commission.

- 25 **1. Sign Permit Review for Permanent Signs.** The following procedure applies to Permanent Sign /
26 Improvement Location Permit Review.
- 27 **a. Application.** Application for a sign permit. A permit shall be filed with the Director
28 and shall be accompanied by any information the Director determines is necessary to
29 assure compliance with this Ordinance, including but not limited to:
- 30 **1)** Clear and legible drawings with descriptions showing the location of the sign
31 that is the subject of the permit.
- 32 **2)** An indication of all existing and anticipated signs on the same property.
- 33 **3)** A dimensioned drawing showing the size of the sign area and the height of the
34 sign.
- 35 **4)** Mounting details.
- 36 **5)** There should be a signed contract from the real estate owner along with an
37 agreement stating maintenance upkeep for assigned responsibility.
- 38 **6)** If a State permit is required than a copy of permit must be submitted to the
39 Morgan County Plan Commission at time of application.
- 40 **b. Effect of Sign Permit Issuance.** A sign permit issued under the provisions of this
41 Section shall not be deemed to constitute permission or authorization to maintain an
42 unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful
43 sign.
- 44 **c. Expiration.** A sign permit shall become null and void if work has not been completed
45 within six (6) months of the date the permit is issued.
- 46
- 47 **2. Measurement.** The sign area shall be calculated by multiplying the maximum vertical
48 dimension by the maximum horizontal dimension including the extreme limits of characters,
49 lettering or figures. The sign height shall be measured from the grade at the edge of the adjacent
50 right-of-way to the highest point of the sign, and include any poles or other supports unless
51 otherwise specified in the Section. In no case shall sign height be measured from the top of any
52 berm or other artificial grade.

- 3. Double-Faced Signs. For all signs permitted by this Section, a double-sided sign may be erected. Only the sign area of one (1) of the two (2) sides shall be considered the sign area of the entire sign. However, the two sides shall be identical and shall be placed back-to-back, and the maximum distance between the two (2) sides shall not exceed two (2) feet at any point.
- 4. Inspection. Signs for which a permit is required may be inspected periodically by the Director for compliance with this Section.
- 5. Removal of Sign. The Director may order the removal of any sign erected or maintained in violation of this Section, at the cost of the property owner, consistent with the provisions of Section 2-9 Enforcement Procedures, and Section 3-7 Remedies and Penalties.
- 6. Maintenance. All signs, including frame and supporting structures (front and rear), shall be properly installed and maintained in a state of good repair. When it becomes apparent to the Plan Director or his assignee that any display has been improperly constructed, or has been abandoned, or becomes unsightly or unsafe because of improper maintenance, such display shall be made to conform to all regulations herein or shall be removed at owner’s expense within thirty (30) days after written notification from the Plan Director. There shall be a signed contract from the real estate owner along with an agreement stating maintenance upkeep for assigned responsibility.
- 7. Abandoned Sign Structures. A sign structure, including all poles, frames, supports, and other structural, electrical, mechanical, and other elements, shall be removed by the owner of the premises upon which it is located if it is unused for a period of six (6) months or greater.
- 8. Lighting. No sign shall be illuminated so that it impairs, distracts, or otherwise interferes with the safety or effectiveness of moving traffic or obscures traffic devices, signs, or signals. Adjoining property owners or occupants should not be adversely affected by extreme illumination or glare caused by sign lighting. No sign shall have flashing lights of any kind. Adopting by referring to the Illuminating Engineering Society of North America (IESNA). TM-11-00 as provided in table 1 below, with the suggestion that lighting zone E2 values be used as a standard. Billboard to viewer distances are proposed to be as provided in table 2 below.

TABLE 1		
Eye Illuminance Limits (Light Produced by Billboard, above Ambient)		
Zone		Eye Illuminance Limit (fc)
E1	Very low ambient electric light	0.1
E2	Low ambient electric light	0.3
E3	Medium ambient electric light	0.8
E4	High ambient electric light	1.5

TABLE 2		
Proposed Viewer Distance Values, D		
Billboard Size	Billboard Dimensions (ft)	D ft.
Small	11x22	150
Medium	10.5x36	200
Large	14x48	250
Very Large	20x60	350

- 9. Changeable Message Signs. Signs displaying electronically changing or animated messages are permitted, provided that a changeable message sign shall only be permitted to replace an existing, conforming off premises sign as of January 20, 2009. Such signs shall not create a traffic hazard to vehicular traffic on thoroughfares along which the sign is oriented.
- 10. Digital/Changeable Message Sign Lighting. Signs with changeable copy are permitted with copy changes no more than once each fifteen (15) seconds. Light produced by a digital billboard should not exceed 0.3 Footcandles over ambient light levels. Measurement should be

1 taken utilizing a Footcandle meter from the following distances (perpendicular to the face of
2 the digital billboard):

- 3 a. Posters: 150 feet
- 4 b. 10'6x36 Bulletins: 200 feet
- 5 c. 14x48 Bulletins: 250 feet
- 6 d. 20x60 Bulletins: 350 feet

7
8 The measurement distances are based on the average minimum viewing distances for type of
9 billboard. Digital billboards must have automatic dimming capability. A digital billboard must
10 be able to automatically adjust as ambient light levels change. An automatic light sensing
11 device (such as photocell or similar technology) should be utilized for adjusting the digital
12 billboard's brightness. Sunset-sunrise tables and manual methods of controlling brightness are
13 not acceptable as a primary means of controlling brightness. The brightness standard requires
14 the use of a Footcandle meter (also known as a "Lux meter"; ~\$100-1000). A Footcandle meter
15 measures the amount of light arriving at the meter (illuminance), as opposed to an absolute
16 measurement of the amount of light emanating from a light source or light sources (luminance).
17 A Footcandle is a measure of lumens (light rays) that fall on one square foot area; Lux is the
18 metric equivalent of a Footcandle.

- 19 **11. Penalty for Violation.** Any person who violates Section 2-15 shall upon conviction be fined not
20 less than ten (\$10.00) dollars and not more than two thousand five hundred (\$2,500.00) dollars,
21 per each day the violation exists.
- 22 **12. Ground / Monument Sign Structure.** Sign structure shall be constructed of decorative brick,
23 stone, or other masonry, wood or metal.
- 24 **13. Spacing.** No sign may be closer, in any direction, to any other outdoor advertising display on
25 the same side of the street or highway than: five hundred (500) feet on non-limited state
26 highways, on thousand (1000) feet on interstate or limited access state highways (I-70 and four-
27 lane portions of State Highways 67 and 37;), or within five hundred (500) feet on interstate
28 entrance or exit ramps; or within five hundred (500) feet of an intersection. No sign shall be
29 placed where it interferes, obscures or distracts motorist's attention to intersections, traffic signs,
30 or signals; or within one hundred (100) feet of adjoining agricultural or residential areas unless a
31 letter of consent is obtained from the adjoining property owners.
- 32 **14. Setbacks.** Sign shall be placed a minimum of ten (10) feet from any public right-of-way and
33 any other property line. Any corner lots shall be located outside of the Sight Visibility Triangle
34 per Section 2-12-2.
- 35 **15. Permits.** No off-premise outdoor advertising display shall be constructed without a permit
36 approved by the Plan Commission and issued by the Plan Director. All outdoor advertising
37 display permits shall be issued for a period of five (5) years and are to be renewed in five (5)
38 year intervals.
- 39 **16. Fees.** Table 4.1 Permitted Sign Fees:
40 0-150 sf = \$200.00
41 151 – 450 sf = \$350.00
42 451 – 1000 sf = \$750.00
43 1001 + sf = \$950.00
44 A sign under 120 sf must have permit number in three (3) inch bold lettering, must be placed on
45 the front of the display. A sign over 120 sf must have permit number in five (5) inch bold
46 lettering, must be placed on the front of the display. A renewal fee of one hundred (\$100)
47 dollars to be paid every five (5) years.
- 48 **17. Variance.** A variance to these provisions may be sought from the Board of Zoning Appeals.
- 49 **18.** All signs shall comply with requirements as shown in following Tables 4.1 and 4.2 and such
50 tables may be added by amendments from time to time.

51
52 **2-15-2 EXEMPT SIGNS.**

53 The following signs are exempt from all provisions of the Ordinance if in compliance with the conditions
54 specified for each. No permit shall be required.

- 1 1. Integral Identification Features. Names of buildings, date of erection, monumental citations,
2 commemorative tablets and the like when carved into stone, concrete or similar material or made
3 of bronze, aluminum, or other permanent type construction and made an integral part of the
4 structure.
- 5 2. Setbacks. Sign shall be a placed a minimum of ten (10) feet from any public right-of-way and any
6 other property line. Any corner lots shall be located outside of the Sight Visibility Triangle per
7 Section 2-12-2.
- 8 3. Public Signs. Public signs erected by or on the order of public officer(s) in the performance of
9 public duty, such as signs to promote safety, no trespassing, or traffic signs; memorial plaques;
10 signs of historical interest; and signs directing people to public facilities.
- 11 4. Utility Marker Signs. Utility signs necessary to mark cables and lines for public and private
12 utilities unless such signs are determined to be a hazard by the Director.
- 13 5. Real Estate Signs. Real estate signs, provided they are not located in the right-of-way, do not
14 exceed more the two (2) per parcel, and do not exceed a sign area of nine (9) square feet per sign
15 in single-family residential zoning districts.
- 16 6. Real Estate Development Signs. Thirty-two (32) square feet per sign in all zoning districts. In
17 addition, each subdivision (defined as the area included in each primary and preliminary plat) shall
18 be permitted one (1) real estate development sign, not exceeding thirty-two (32) square feet in sign
19 area.
- 20 7. Emergency Signs. E911 address sign markers.
- 21 8. Sponsorship Signs. Sponsorship signs, such as those located inside little league ball diamonds and
22 at other athletic and community facilities, provided such signs are, in the opinion of the Director,
23 oriented to those visiting and using the facility.
- 24 9. Pennant. Pennants, streamers and any combination of such signs, provided that they are not
25 located in a right-of-way and their use is temporary and does not exceed thirty (30) days in any
26 calendar year.
- 27 10. Banners. One banner shall be permitted per business that does not exceed thirty-two (32) square
28 feet in area and shall be limited to thirty (30) days total in any calendar year.
- 29 11. Construction Signs. Signs posted on construction sites, provided that they are not located in the
30 right-of-way, do not exceed more than two (2) per property, do not exceed nine (9) square feet per
31 sign in single-family residential zoning districts and thirty-two (32) square feet per sign in all other
32 zoning districts, and are removed upon completion of construction activity.
- 33 12. Directional Signs. Off-premise directional signs provided they are no more than six (6) feet in
34 height and nine (9) square feet in area. They shall be setback a minimum of two (2) feet from all
35 public rights-of-way. Directional signage shall not incorporate corporate branding.
- 36 13. Advertising Inflatable Objects. Inflatable objects, provided that they are not located in a public
37 right-of-way, do not exceed more than one (1) per property or business use (whichever is greater)
38 at any time, no single inflatable object exceeds ten (10) feet in height, and no property or business
39 use (whichever is greater) makes use of any inflatable sign or signs more than seven (7)
40 consecutive days two (2) time per calendar year.
- 41 14. Window Signs. Window signs that are less than ten percent (10%) of the window area and with
42 individual letters less than three (3) inches in size.
- 43 15. Political Signs. Campaign signs not to exceed a sign area of thirty-two (32) square feet.
- 44
- 45 16. Farms Signs (seed signs or livestock signs). Must be less than five (5) square feet.

46 **2-15-3 TEMPORARY SIGNS**

- 47
- 48
- 49 1. Temporary signs may be placed on a property for special events and yard sales not to exceed
50 seven (7) days; however, no temporary sign may be placed on a property more than six (6)
51 times in one (1) calendar year.
- 52 2. Temporary signs may not be placed on any portion of sidewalks, street right-of-way, or alley.

- 1 3. All temporary signs that are presently in place shall have thirty (30) days to remove signs
2 from premises from the date of this Ordinance, unless otherwise in compliance with this
3 Ordinance.
- 4 4. No person, firm, or business shall place more than one (1) temporary sign on any lot unless
5 said lot has more than one hundred fifty (150) feet road frontage. The minimum distance
6 between each sign shall be one hundred (100) feet with a maximum of three (3) temporary
7 signs.
8 a. Illumination. The sign shall not be illuminated.
9 b. Height and Area. The sign shall not exceed nine (9) square feet in area or four (4)
10 feet in height from ground level.
11 c. Setback. The sign shall be placed a minimum of ten (10) feet from any public right-
12 of-way and any other property line.
13 d. Types of Temporary Signs. In no instance shall this provision be interpreted as
14 temporarily or permanently permitting any sign prohibited by Section 2.15.5.
15 e. Portable Signs. Signs on skids or wheels advertising for the business on which
16 premise the sign is located may be displayed for one hundred eighty (180) days per
17 calendar year. Signs can be no larger than 40 sq.ft. in size. Any firm doing business
18 in Morgan County, which furnishes or rents portable signs may be required, at
19 request of the Plan Director, to provide dates of installation and location of portable
20 signs, to ensure compliance with the 180 day limit.
- 21 5. Non-profit organizations that have IRC501(c)(3) designation can advertise for special events
22 not to exceed 30 days in a calendar year with maximum sign size being 18 square feet.
- 23 6. Government units can advertise for special events not to exceed 14 days in a calendar year,
24 with maximum sign size being 9 square feet.

26 2-15-4 PROHIBITED SIGNS

27 The following types of signs are expressly prohibited in all zoning districts.

- 28 1. Animated Signs. Signs that utilize any flashing images or lights, motion picture, laser, or
29 visual projection of images or copy in conjunction with any business or advertisement.
- 30 2. Emissions. Signs that emit audible sound, odor or visible matter.
- 31 3. Imitation of Official Signs. Signs that purport to be, are in imitation of, or resemble an
32 official traffic sign or signal or which bear the words "Stop", "Slow", "Caution", "Danger",
33 "Warning", or similar words.
- 34 4. Imitation of Emergency Vehicles. Signs that may be construed as a light of an emergency or
35 road equipment vehicle.
- 36 5. Visual Impairment. Signs that hide any traffic or roadway sign signal or devise from view, or
37 that interfere with the Sight Visibility Triangle as described in Section 2-12-2 of this
38 Ordinance.
- 39 6. Encroachment. Signs that are located in any right-of-way including those posted on utility
40 poles or street signs.
- 41 7. Obstruction. Signs that obstruct any door, fire escape, stairway, or any opening intended to
42 provide entrance or exit for any structure.
- 43 8. Vehicle Signs (Semi-Trailers). Signs placed on vehicles or semi-trailers parked on public or
44 private property primarily for the purpose of displaying the sign. Prohibited signs do not
45 include those displayed on vehicles parked for the purpose of lawfully making deliveries or
46 random sales or service. Prohibited signs do not include vehicles which are customarily used
47 for transporting persons or properties, and vehicles parked at a driver's place of residence
48 during non-business hours or for incidental purposes.
- 49 9. Poster Signs. Posters, placards and other similar signs attached to light poles, gas station
50 canopy supports, trees, and elsewhere outdoors that are not included as permitted temporary
51 or permanent signs as described by this Section.
- 52 10. Permanent Roof-Mounted Signs. Signs that are mounted to the roof of a structure or are
53 mounted to the wall of a structure and extend higher than that wall.

1
2
3
4 **2-15-5 RESIDENTIAL SIGN STANDARDS**
5

- 6 **A. APPLICABILITY.** These sign standards shall be applicable to single and multifamily
7 residential districts.
8
- 9 **B. SUBDIVISION / FACILITY ENTRY SIGNS.** One double-faced or two single-sided
10 ground / monument type signs are permitted at each entrance to a subdivision, apartment
11 complex, or other residential development as specified in Section 2-15-1-10. A permit shall
12 be required.
- 13 1. Sign Area. Sign area shall not exceed two hundred (200) square feet.
 - 14 2. Height. Sign height shall not exceed six (6) feet measured from ground level. In no
15 case may mounding or other alterations of the grade at right-of-way be used as a
16 point of reference for measuring sign height. See Section 2-15-1-2.
 - 17 3. Setback. Signs shall be placed a minimum of ten (10) feet from any public right-of-
18 way and any other property line. Each sign structure shall not encroach into the
19 right-of-way of any public street and shall be located outside of the Sight Visibility
20 Triangle per Section 2-12-2. Entry signs placed in the right-of-way of a public
21 street such as in the median of a boulevard shall be prohibited unless approved by the
22 County Engineer and the Morgan County Board of Zoning Appeals.
 - 23 4. Features. Ground / monument entry signs shall generally incorporate design features
24 into the structure such as decorative brick or stone walls, lighting and landscaping.
25
- 26 **C. GENERAL SIGNS.** Every property shall be permitted signs that meet the following
27 standards. No permit shall be required.
- 28 1. Dimensions. Signs with the exception of “yard cards” shall be no greater than six (6)
29 square feet in area or four (4) feet in height. (Do not make exception for yard cards;
30 this would be like “Go Fighting Wildcats” or “Support our Troops”).
 - 31 2. Setback. No sign shall be located in a public right-of-way or closer than ten (10) feet
32 to any other property line.
- 33 (Sign Photo and sign note: General Sign Note: The general sign provisions are intended to
34 accommodate political signs, contractor signs, “yard cards” and other similar types of signs.)
35
- 36 **D. IDENTIFICATION / HOME OCCUPATION SIGNS.** Whenever an authorized home
37 occupation or variance has been granted in a residential area, a sign that does not exceed four
38 (4) square feet shall be authorized advertising that business. The sign shall be mounted on a
39 four (4) inch square post not to exceed five (5) feet in height, located no closer than three (3)
40 feet from the front property line. No illuminating advertising sign or other devices shall be
41 authorized.
42
- 43 **E. MODEL HOME / TEMPORARY SALES FACILITY SIGNS.** Wall, awning, or ground
44 signs shall be permitted on the lot of the sales facility and limited to an aggregate square
45 footage not exceeding thirty-two (32) square feet of sign area. In addition, individual model
46 homes may have one (1) sign not to exceed four (4) square feet. Such signs shall be placed a
47 minimum of ten (10) feet from the right-of-way and ten (10) feet from adjacent property lines,
48 and in a manner consistent with Section 2-12-2 Sign Visibility Triangle of this Ordinance.
49

50 **2-15-6 NON-RESIDENTIAL SIGN STANDARDS: PLANNED UNIT DEVELOPMENT (PUD)**
51

- 52 **A. APPLICABILITY.** These sign standards shall be applicable to the Planned Unit
53 Development (PUD) district.
54

1 **B. SIGNS FOR GROUND FLOOR USES.** The signs for ground floor uses shall meet the
 2 following standards. The standards shall also apply to any business use occupying multiple
 3 floors, including the ground floor. A permit shall be required unless otherwise specified in
 4 this Section.

5
 6 1. Sign Area. The aggregate sign area shall be equivalent to one and one-half square
 7 feet for every one linear foot per tenant or owner frontage on a public right-of-way or
 8 private street.

9 a. In no instance shall the aggregate sign area for any tenant / business use
 10 exceeds one hundred (100) square feet in area.

11 2. Number of Signs. No more than one (1) of each sign permitted below shall be
 12 allowed per street frontage for ground floor uses. The total sign area shall not
 13 exceed the aggregate square footage.

14 3. Setbacks. Sign shall be placed a minimum of ten (10) feet from any public right-of-
 15 way and any other property line. Any corner lots shall be located outside of the
 16 Sight Visibility Triangle per Section 2-12-2.

17 4. Sign Types Permitted. Any combination of the following signs may be used for each
 18 use as long as they are consistent with the total area allowed per use, the total
 19 number of signs permitted per use, and the other development standards listed in the
 20 Section:

21 a. Wall signs,

22 b. Awning signs,

23 c. Projecting and suspended signs,

24 d. Window signs,

25 e. Changeable Copy / Time & Temperature signs, and weather

26 f. Ground / monument signs.

27
 28 5. Development Standards by Sign Type. Development standards for each type of sign
 29 are as follows:

30 a. Wall Sign. Wall signs shall be located on the façade of the primary
 31 building.

32 b. Awning Sign. The sign area shall not exceed fifty percent (50%) of the
 33 awning area. The lowest point of the awning shall not be closer than
 34 eight and one-half (8.5) feet above the adjacent grade.

35 c. Projecting and Suspended Sign. No projecting and suspended sign shall,
 36 at its lowest point (except for the supporting building, structure, or
 37 column), be less than eight and one-half (8.5) feet above grade level. A
 38 maximum of one (1) sign per frontage on a public or private street shall
 39 be permitted per business. Projecting and suspended signs shall not
 40 exceed five (5) square feet, nor project more than four (4) feet from the
 41 building. Proof of insurance shall be required.

42 d. Window Signs. Window signs shall not exceed twenty-five percent
 43 (25%) of the window area.

44 e. Changeable Copy / Time & Temperature Signs / Weather. Is a sign
 45 where the message can be changed electronically. The signs shall be
 46 counted toward the aggregate sign area.

47 f. Ground / Monument Signs. One (1) ground sign per lot is permitted and
 48 shall not exceed thirty-two (32) square feet in sign area and shall not
 49 exceed six (6) feet in height. An increase in square footage may be
 50 allowed for multiple tenant usage up to twenty-five percent (25%) per
 51 tenant.

52
 53 **C. SIGNS FOR UPPER-FLOOR USES.** Signage for upper-floor uses shall be permitted in
 54 addition to ground floor uses, subject to the following standards. In addition to the provisions

below, upper-floor uses are permitted window signs consistent with Section 2-15-2. This applies to multi-tenant uses.

1. Upper-Floor Uses. If the upper-floors of any structure are occupied by a single use that is separate and distinct from any that is located on the ground floor, that use shall be permitted wall signs not exceeding one square foot of sign area for every one (1) linear foot of building frontage, with a maximum square footage of fifty (50) square feet. The wall sign shall be located on the structure between the eaves, cornice or other roof element and the top of windows on the uppermost floor.

D. SIGNS FOR RESIDENTIAL USES. Residential uses located within a Planned Unit Development (PUD) district shall be permitted signs consistent with the provisions of Section 2-15-6 Residential Sign Standards. Suspended, awning and projecting and suspended signs are encouraged and shall not exceed five (5) square feet in area.

E. ILLUMINATION. Reference Section 2-15-1 Lighting.

2-15-7 NON-RESIDENTIAL SIGN STANDARDS: AGRICULTURE, COMMERCIAL AND INDUSTRIAL DISTRICT

- A. APPLICABILITY.** These sign standards shall be applicable to the agriculture, commercial and industrial zoning districts.
- B. SIGNS PERMITTED.** The sign standards provided in the Permitted Signs table shall apply to all signs and properties as indicated. A permit for each sign shall be required unless otherwise specified by this Section.
 1. Sign Area. Aggregate sign area per tenant shall be not more than two (2) square feet per one (1) lineal foot of building frontage on a public right-of-way or private street. Sign area shall not exceed two hundred (200) square feet.
 2. Setbacks. Sign shall be placed a minimum of ten (10) feet from any public right-of-way and any other property line. Any corner lots shall be located outside of the Sight Visibility Triangle per Section 2-12-2.
 3. Sign Types Permitted. Any combination of the signs indicated in the Permitted Signs table may be used as long as the aggregate area does not exceed the total allowed per use and the sign is consistent with the other development standards provided by the table or listed in this Section.
 4. Development Standards by Sign Type. Development standards for each type of sign are as follows:
 - a. **Wall Sign.** The aggregate sign area shall not exceed two (2) square feet per one (1) lineal foot of tenant frontage on a public right-of-way of private street. Signs for secondary frontages shall be calculated at a rate of one (1) square foot per one (1) lineal foot of the façade and shall not be deducted from the aggregate sign area. Wall sign shall not exceed seventy-five percent (75%) of the signable area.
 - b. **Awning Sign.** Awning signs shall not exceed fifty percent (50%) of the principal face of the awning, which at its lowest point shall not be closer than eight and one-half (8.5) feet above the adjacent grade. Awning signs shall be deducted from the aggregate sign area.
 - c. **Projecting and Suspended Sign.** No projecting and suspended sign shall, at its lowest point (except for the supporting building, structure, or column), be less than eight and one-half (8.5) feet above grade level. A maximum of one (1) sign per frontage on a public or private street shall be permitted per tenant. Projecting and suspended signs shall not exceed five (5) square feet nor project more than four (4) feet from the building. These signs shall be deducted from the aggregate sign area. Proof of liability insurance shall be required.

- 1 d. Ground / Monument Sign. Single and multi-tenant ground signs shall be
2 placed a minimum of ten (10) feet from the public right-of-way. Ground sign
3 area is based on the total area of the face used to display the signage not
4 including the supporting structure. Ground signs shall not exceed thirty-two
5 (32) square feet in area or eight (8) feet in height. Signs greater than twenty-
6 five (25) square feet shall be setback a minimum of twenty (20) feet.
- 7 e. Changeable Copy / Time & Temperature Signs. The signs shall be counted
8 toward the aggregate sign area.
- 9 f. Multi-Tenant Joint Signs. Structures and / or centers under one ownership
10 containing multiple businesses may be allowed one (1) monument or
11 freestanding pole sign for the structure or center for the joint use of all tenants
12 for which the facility is designed, including any out lots. Multi-tenant signs
13 may be permitted on increase in maximum square footage up to twenty-five
14 (25%) per tenant. The sign shall be setback a minimum of ten (10) feet from
15 all public rights-of-way as determined by the Thoroughfare Plan or by actual
16 right-of-way width, whichever is greater.
- 17 g. Window Signs. Window signs that do not exceed twenty-five (25%) of the
18 ground floor window area shall be permitted. Window sign area shall be
19 counted toward the aggregate.
- 20 h. Off Premise and Billboard Signs. Off premise and billboard signs shall be
21 permitted only by the Morgan County Plan Commission and only in B3 &
22 Industrial Districts.
- 23 i. Single Pole Sign. Single Pole signs may be allowed by special exception
24 within one thousand (1,000) feet of an interstate interchange.

25
26 5. Illumination. Reference Section 2.15.1 Lighting.

27
28 C. **SIGNS FOR RESIDENTIAL USES.** Residential uses located within the agriculture,
29 commercial, and industrial districts shall be permitted signs consistent with the provisions of
30 Section 2-15-6 Residential Sign Standards.

31
32 D. **ILLUMINATION.** Reference Section 2.15.1 Lighting.

33
34 **2-16 RESTRICTION COMMUNICATION TOWERS**

35
36 **PURPOSE:** This ordinance creates the framework for wireless communications regulations so that wireless
37 communications facilities can be sited in a manner which: provides comprehensive service to the community;
38 protects the community from clutter and design; is compatible with existing and future land use; encourages
39 facilities to be located in areas least disruptive to residential areas; and, improves the appearance of the community,
40 safeguards and enhances property values, protects public and private investment in buildings and open spaces.

41
42 **LOCATION:** Wireless Communication Towers shall be authorized in A-1, B-3, I-1, I-2, I-3, and shall require a
43 Special Exception from the Board of Zoning Appeals.

44
45 **EXISTING TOWERS:** Any tower which is legally established on the effective date of this Ordinance may be used
46 for wireless communication facilities, as long as the height is not increased, nor the location of the tower is changed.

47
48 **HEIGHT RESTRICTION:** No tower may be at a height greater than two hundred fifty (250) feet in A-1 Zoned
49 district. No tower shall be at a height greater than two hundred (200) feet in I-1, I-2, or I-3 Zoned Districts, and no
50 tower shall be at a height greater than one hundred fifty (150) feet in a B-3 Zoned District.

51
52 **DISTANCE:** Wireless communication facilities tower may not be located within one-half (1/2) mile from any other
53 wireless communication tower, nor within five hundred (500) hundred feet of any residential dwelling. No tower
54 shall be within three hundred (300) feet of any state or county road measured from the right-of-way line.

1
2 **PROVISIONS FOR MORE THAN ONE USER:** Sufficient land shall be secured by the initial WCF tower
3 provider to reserve adequate area for more than one (1) equipment structure. All towers shall be designed and
4 constructed so that more than one (1) wireless communication company may attach equipment to the tower. When
5 applying for an Improvement Location Permit the owner of the tower shall provide assurance that the tower is
6 available for use by other wireless communication providers.

7
8 **GUY ANCHORAGES:** Any guy anchorages shall not be located less than ten (10) feet from the property line in
9 which the tower is located.

10
11 **MAINTENANCE:** Where multiple users of a site are involved, the owner of the site shall be responsible for the
12 installation and maintenance of landscaping and upkeep of the site.

13
14 **SIGN PROHIBITED:** No lettering, symbols, images, trademarks, signs, or advertising of any kind shall be placed
15 on, or affixed to, any part of the tower or structure, other than as required by Federal Aviation Administration, by
16 Federal Communication Commission or other agency regulations, or as required to protect public health and safety.

17
18 **EQUIPMENT STRUCTURE FOR WIRELESS COMMUNICATION TOWER:** Equipment structure shall be
19 located in compliance with the specific accessory structure requirement for the district in which the site is located,
20 however no equipment structure shall be larger than five hundred (500) square feet in area, with a maximum height
21 of fifteen (15) feet.

22
23 **SPECIAL EXCEPTION:** Where wireless communication towers are permitted by Special Exception, an
24 application for the wireless communication facility must be filed with the Board of Zoning Appeals. A public
25 hearing and notice to adjoining property owners is required in accordance with the rules of procedure of the Board.

26
27 The Board may grant the Special Exception, only if the following conditions are met:

- 28
29 (A) The grant will not be injurious to the public health, safety, morals, convenience, or general welfare.
30 (B) The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining
31 property and the surrounding community.
32 (C) The grant will assure that the design of the wireless communication tower is compatible with the
33 surrounding area.
34 (D) The grant is consistent with the 1996 Telecommunication Act.
35 (E) The grant is consistent with the statement of purpose set forth in this ordinance and does not interfere
36 with the comprehensive plan of the county.

37
38 **IMPROVEMENT LOCATION PERMIT:** If the Board of Zoning Appeals grants the Special Exception the
39 following items shall be furnished to the Plan Director:

- 40
41 (A) Site plans of the area drawn to scale.
42 (B) A description of the Wireless Communication Tower and its design.
43 (C) Documentation, establishing the structural integrity of the Tower.
44 (D) A statement that the Tower meets the standards of the American National Standards Institute.
45 (E) A statement regarding the availability of another Wireless Communication Facility provider to use the
46 tower as required in section above.
47 (F) Proof of Ownership of the proposed site, or property owner's consent to use the site for Wireless
48 Communication Facility.
49 (G) FAA release.
50 (H) Site location of all towers within one half (½) mile of this location.

51
52 **DEFINITIONS:**
53

1 (A) **ACCESSORY:** A subordinate structure, building, or use that is customarily associated with the
 2 primary use, for the purpose of this ordinance, shall mean Tower.

3
 4 (B) **ANTENNA:** A device used to collect or broadcast electromagnetic waves, including both directional
 5 antennas, such as panels, and microwave dishes.

6
 7 (C) **SIGN:** Any structure, fixture, placard, announcement, declaration, device used to advertise or promote
 8 any business, product, goods, activity, services, or any interest.

9
 10 (D) **TOWER:** A structure designed and intended to support one (1) or more antenna. This term includes
 11 lattice-type structure, either guyed or self supporting, and monopolies, which are self-supporting pole type
 12 structures, tapering from base to top and supporting a fixture designed to hold one (1) or more antennae.

13
 14 **TOWER REMOVAL:** Any tower, which ceases to be used for a period of one (1) year, shall be removed. Before
 15 obtaining an Improvement Location Permit for a Tower an applicant who is not also the owner of the property must
 16 provide recordable evidence of a written agreement between the Wireless Communication Facility Operator and the
 17 property owner that the WCF Operator has agreed to remove the tower as required and further granting a right of
 18 access of the tower to the Morgan County Plan Commission to enforce the cause to remove the tower. All past users
 19 of the tower and the owner of the property upon which the tower is located shall be jointly and severally liable for
 20 the cost incurred by Morgan County Plan Commission in accomplishing the removal.

21 22 **2-17 TEMPORARY USE STRUCTURES**

23 24 **2-17-1 Temporary Use Structures and Buildings – Exemption**

25
 26 Temporary use structures and buildings that are in compliance with the provision of this Section shall obtain a
 27 permit from the Plan Director's office.

28 29 **2-17-2 Permitted Temporary Uses**

30
 31 By way of example only, permitted temporary uses include: construction trailers or sales offices; seasonal retail
 32 sales; and, rummage, garage, porch, yard or other designated sales of new or used articles, no more than four (4)
 33 times during the calendar year, each sale not to exceed seven (7) days in length. *(As amended by Amendment No. 4,*
 34 *October 20, 2003)*

35 36 **2-17-3 Duration**

37
 38 Temporary Use structures and buildings shall be permitted for a period not to exceed one (1) year. The Plan
 39 Director may renew the temporary permit for an additional six (6) months upon showing of good cause. Any
 40 additional request for renewal or extension shall be by petition to the Board of Zoning Appeals.

41 42 **2-17-4 Compliance with Development Standards**

43
 44 Any temporary use, structure, or building shall comply with all appropriate development standards and setback
 45 requirements in the zoning district in which the temporary use, structure, or building is located.

46 47 **2-17-5 Cessation of Use**

48
 49 All structures, buildings, or debris associated with the temporary use shall be removed from the site immediately
 50 upon completion or cessation of the temporary use or expiration of the time period set forth in this section.

51 52 **2-17-6 Additional Requirements for Temporary Seasonal Retail Sales Use**

53
 54 Any temporary seasonal retail sales use, structure, or building shall also comply with the following regulations:

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1
2 (A) The use or structure shall comply with all setback requirements for a primary building on the site.

3 (B) A minimum of three (3) off-street parking spaces shall be provided on-site for the temporary seasonal retail sales
4 use.

5 (C) The location of the temporary seasonal retail sales use and its required amount of parking spaces shall not
6 interfere with any required parking spaces or safe and efficient flow of vehicular and pedestrian traffic around the
7 parking lot for the primary, permanent use of the site.

8 (D) Temporary seasonal retail sales uses shall not exceed one hundred eighty (180) days in duration in any calendar
9 year for any one (1) applicant.

10
11 **2-17-7 Additional Requirements for Emergency Dwellings**

12
13 An emergency dwelling may be permitted as a temporary use on any lot on which a single family or two (2) family
14 dwelling is a permitted use provided that:

15 (A) An application for an Emergency Dwelling Use Permit is made within six (6) months after the date of the
16 emergency; and,

17 (B) The Emergency Dwelling shall be removed from the property within one hundred eighty (180) days from the
18 date of the Certificate of Occupancy for the permanent dwelling.

19 (C) An Emergency Dwelling use permit may be issued for a temporary residence (being either a manufactured or
20 mobile dwelling) on a building lot when an applicant has applied for a building permit and is in the process of
21 building or repairing a single family dwelling unit on the same lot.

22 (D) An Emergency Dwelling Use Permit for a temporary residence shall be issued for a period not to exceed
23 eighteen (18) months. The Plan Director upon showing of good cause may renew the permit for an additional six (6)
24 month period.

25 (E) Upon expiration of the Emergency Dwelling Use Permit, the temporary residence and all appurtenances thereto
26 shall be removed from the building lot within one hundred eighty (180) days.

27 (F) All Emergency Dwellings shall have an approved water supply, sewage disposal system, and utility connections,
28 where appropriate, which shall be provided and maintained in accordance with the standards of either the Morgan
29 County Board of Health or the Indiana State board of Health.

30
31
32 **2-17-8 Temporary Use Permit Fee**

33
34 Permit Fee: When a Temporary Use Permit is issued by the Morgan County Plan Director the fee shall be twenty-
35 five dollars (\$25.00) and is in addition to all other required permits for utilities and sewage disposal systems. Fee
36 for any renewal shall be twenty-five dollars (\$25.00). There is no fee for Emergency Dwelling Permits.

37
38
39
40 **3-1 HOME OCCUPATION**

41 Home Occupation shall be categorized as follows:

42 **CLASS A Home** Offices which do not involve supplies or client business visits to the premises or the use of
43 equipment or processes on the premises of the home occupation which may adversely affect nearby dwelling units
44 or properties through noise, vibrations, odors, fumes, fire hazard, light glare, electrical or radio wave interference.

45 **CLASS A shall** be allowed in all Residential and Agriculture Districts.

46
47
48 **CLASS B Home** Occupation, which includes limited supplies and clients and will not cause an adverse affect on the
49 surrounding properties or dwellings within the district. Example of **CLASS B** Home Occupation shall be one (1)
50 chair beauty shop, music lessons, ceramics classes, professional office, phone services, and similar occupation.
51 Home Occupation shall not be allowed in apartment building unless approved in a designated area.

1
2
3 **3-1-1 RESTRICTIONS**
4

5 The following restrictions shall apply to all Home Occupations:

6
7 (A) The Home Occupation shall be conducted only by the people who are residents of the dwelling.
8

9 (B) The Home Occupation shall be clearly incidental and subordinate to the residential use and shall under no
10 circumstances change the Residential Character of the dwelling.
11

12 (C) The floor area devoted to the Home Occupation shall not exceed twenty-five (25) percent of the floor area of the
13 dwelling unit. However, up to three hundred (300) square feet in an attached or detached garage of the dwelling or
14 an accessory building may be used for the home occupation in lieu of floor space within the dwelling unit. Home
15 Occupation shall not be authorized in apartments or mobile homes.
16

17 (D) There shall be no changes in the outside appearance of the premises other than one (1) non-illuminated sign, not
18 to exceed four (4) square feet. The sign may be mounted flat against the wall of the building or mounted on a post
19 located on the premises.
20

21 (E) All display of products and storage of materials or supplies used in the Home Occupation shall be done in
22 enclosed building and space limitations of paragraph (C) above.
23

24 (F) No vehicular traffic shall be generated by the Home Occupation in greater volumes that would normally be
25 expected in a residential neighborhood and any need for parking generated by the conduct of the Home Occupation
26 shall be met off the street and on the premises but, other than the front yard.
27

28 (G) The Home Occupation shall not adversely affect the habitability or value of the surrounding properties nor alter
29 the essential residential character of the neighborhood.
30

31 (H) Any violation of these regulations may result in an automatic revocation of any Home Occupation permit, in
32 addition to any other remedy for such violations provided in this Ordinance or by law.
33

34 (I) Engagement in a Home Occupation in accordance with this ordinance shall not be deemed to be a change of
35 zoning nor official expression of opinion as to the proper zoning for the particular property.
36

37 **3-2 HOME WORKSHOP**
38

39 The following restriction shall apply to Home Workshop;
40

41 (A) Home workshops may not exceed more than five hundred (500) square feet of gross floor space. They shall
42 not have anyone employed. Home workshops may not create any noise, odor, or other nuisances beyond the
43 premises that could cause a hazard to public health, safety, or welfare.
44

45 (B) No outside storage of material shall be permitted for home workshop operations.
46

47 (C) Products produced from home workshop shall not be displayed for sale at the location of the home
48 workshop.
49

50 **3-3 PARKING**
51

52 **3-3-1 MINIMUM REQUIREMENTS**
53

1 The following off-street parking spaces shall be provided and satisfactorily maintained by the owner for each
 2 building which is hereafter erected or at the time any structure is enlarged or increased in capacity or at the time the
 3 use of the property is hereafter changed, off street parking spaces shall be provided as follows:
 4

5 **(A)** Each Automobile Parking Space shall be not less than nine (9) feet by twenty (20) feet in area.
 6

7 **(B)** For any place of assembly without fixed seats at least one (1) parking space for each one hundred thirty (130)
 8 square feet of gross floor area thereof.
 9

10 **(C)** For any auditorium, gymnasium, stadium, church, or theater, or any similar place of assembly, at least one (1)
 11 parking space for each four (4) seats based on maximum seating capacity, including fixed or movable seats.
 12

13 **(D)** For any automatic car wash three (3) parking space for each wash lane.
 14

15 **(E)** For banks, finance institutions, office buildings, professional buildings, library, museum, welfare institution or
 16 similar use at least one (1) parking space for each two hundred (200) square feet of gross floor area thereof.
 17

18 **(F)** Funeral homes shall have a minimum of thirty (30) parking spaces.
 19

20 **(G)** For barber shops or beauty shops at least two (2) parking spaces per barber or beautician using the shop.
 21

22 **(H)** For bowling alleys at least four (4) parking space for each bowling lane.
 23

24 **(I)** For shopping center, department store, super market, at least one (1) parking space for each two hundred (200)
 25 square feet of gross floor area thereof.
 26

27 **(J)** For commercial retail stores with less than ten thousand (10,000) square feet of gross floor area, one (1) parking
 28 space for each one hundred (100) square feet of gross feet area thereof.
 29

30 **(K)** For any eating or drinking establishment or other similar use where customers are seated and served within a
 31 building, one (1) parking space for each one hundred (100) square feet of gross floor area plus ten (10) addition
 32 spaces.
 33

34 **(L)** For furniture store, household appliance store or mechanical trades display store and other similar use at least
 35 one (1) parking space for each eight hundred (800) square feet of gross floor area thereof.
 36

37 **(M)** For high school, college, trade school, business school and other similar use one (1) parking space for each
 38 seven (7) students enrolled.
 39

40 **(N)** For hospital, sanitarium, sanatorium, convalescent home, or other similar use, one (1) parking space for each
 41 three (3) beds.
 42

43 **(O)** For hotel, motel, boarding house, dormitory, fraternity house or other similar use, one (1) parking space per
 44 sleeping room.
 45

46 **(P)** For launderette, laundromat, self-service laundry, washateria or other similar use one (1) parking per three (3)
 47 washing machines.
 48

49 **(Q)** For any manufacturing, processing, warehousing, storage, or other similar industrial or commercial
 50 establishment not specifically set out in the subsections, one (1) parking space per each employee on duty at any
 51 given time, plus sufficient spaces to park all company-owned or leased motor vehicles, semi-tractors and trailers.
 52

53 **(R)** For medical clinic or similar use at least three (3) parking spaces per doctor or dentist using the facility, plus one
 54 (1) parking space per two (2) employees.
 55

1 (S) For mobile home court at least two (2) parking spaces per mobile home space.
2

3 (T) For each single family dwelling two (2) parking spaces per dwelling.
4

5 (U) For apartments and other similar use two (2) parking spaces per unit.
6

7 (V) For mixed uses in the same building or structure, the total requirement for off-street parking shall be the sum of
8 the requirements of the various uses. One (1) use shall not be considered as providing required parking facilities for
9 the other unless approved by the Plan Director.
10

11 (W) For government buildings such as post office, courthouse, personal services there shall be one (1) parking space
12 for each employee plus a minimum of ten (10) spaces for customers.
13

14 **3-3-1 MINIMUM REQUIREMENT** 15

16 (A) All parking spaces provided pursuant to this Ordinance shall be on the same lot with the building or use, except
17 that the Board, after a public hearing, may permit the parking spaces to be on any lot within three hundred (300) feet
18 of the building.
19

20 (B) The distance to any parking space area as herein required shall be measured between the nearest point of the
21 off-street parking facilities and the nearest point of the building of said parking facilities it is to serve.
22

23 (C) All parking facilities shall be accessible from a public street or alley.
24

25 **3-3-2 LOADING AND UNLOADING ZONES** 26

27 (A) All commercial or business use shall provide and maintain loading and unloading zones for receiving and
28 shipping of material and merchandise.
29

30 (B) Loading and unloading spaces shall be a minimum of twelve (12) feet by fifty (50) feet with fourteen (14) feet
31 clearance in height. Loading and unloading zones may not be part of the requirement for off-street parking.
32

33 (C) In the event the loading and unloading is within one hundred (100) feet of a residential district or within twenty-
34 five feet (25) of a residence the loading zone shall be screened.
35

36 (D) Loading and unloading may be permitted in the downtown area provided that traffic is not obscured more than
37 five (5) minutes and no traffic hazard exists.
38

39 **3-3-3 PARKING AREA IMPROVEMENTS** 40

41 (A) All land hereafter that is placed in use for off-street parking and all driveways thereto shall be paved or surfaced
42 with materials and in the manner which meets such minimum specifications prescribed by the Morgan County
43 Engineer's Office.
44

45 (B) All land used for off-street parking shall not use any part of the street, alley, or sidewalk for parking.
46

47 (C) Any light used to illuminate land used for off-street parking shall be installed and maintained so as to reflect the
48 light away from residential areas and streets.
49

50 **3-4 MOBILE HOMES AND MANUFACTURED HOMES** 51

52 **3-4-1 PERMANENT OCCUPANCY DISTRICTS”** (As amended by Amendment No. 4 October 20, 2003) 53

54 All mobile homes or manufactured homes that are placed on a lot other than a mobile home court shall be
55 constructed after January 1, 1981, and conform to the following restrictions:
56

57 (A) Shall have at least nine hundred fifty (950) square feet of occupied space as manufactured;
58

1 (B) Shall be placed on a permanent underfloor foundation; this foundation shall be in accordance with figure six
2 (6) of this ordinance:

3
4 (C) The home shall be securely anchored with a minimum of six (6) tiedowns;

5
6 (D) Shall have wheels removed and tow-in-hitch shall be skirted or removed;

7
8 (E) Shall meet the same setback requirements as other residential uses within that district;

9
10 (F) Anyone adversely affected by these conditions may appeal to the Board of Zoning Appeals through the proper
11 procedure as outlined in section 2-10-1 of this Ordinance:

12
13 (G) Any addition to mobile homes or manufactured homes shall be as manufactured or built according to the One
14 (1) and Two (2) Family Housing Code.

15
16 **3-4-2 (B) TEMPORARY OCCUPANCY (ANY DISTRICT)**

17
18 (A) A mobile home, travel trailer, work trailer, or storage van may be utilized as a contractor's office, watch-man's
19 shelter, or tool or equipment storage on a site and only during the period of construction project. This shall not be
20 used as living or sleeping quarters.

21
22 (B) A mobile home may be placed on a lot while construction of a dwelling is in progress if approved by the Plan
23 Director, however, the mobile home shall be removed within thirty (30) days from completion of the dwelling or
24 within eight (8) months whichever is the least.

25
26 (C) Temporary mobile homes may be smaller than permanent occupancy but no less than five hundred (500) square
27 feet of occupied space as manufactured. All requirements of this Ordinance and other Ordinances of the county with
28 respect to setbacks lot coverage, waters, and sanitary disposal shall be met.

29
30 (D) Permanent foundation shall not be required for temporary mobile homes, however; there shall be a minimum of
31 six (6) tie-downs installed.

32
33 (E) A mobile home is permitted as dependency, with an existing permanent dwelling unit, provided that all the
34 requirements of 2-16, Temporary Use Structure, this ordinance, are met: The dependency mobile home may connect
35 to the same septic system of the permanent dwelling if permitted by the Board of Health.

36
37 (F) A mobile home is permitted as an accessory use with an existing permanent dwelling unit, provided the parcel
38 has more than twenty (20) acres and is used as farmland and the mobile home meets the requirements of 3-4-1(A),
39 and the use is approved by the Plan Director.

40
41 **3-5 MOBILE HOME COURTS**

42
43 (A) When a Special Exception is granted by the Plan Commission for a Mobile Home Court the following shall
44 apply:

- 45
46 1. All plans shall be approved by the state Building and Fire Commission;
- 47 2. All streets shall be adapted to the topography and shall have suitable alignment and gradient for safety
48 of traffic, satisfactory surface and ground water drainage, and uniformly graded and compacted;
- 49 3. No mobile home may be placed on any lot within the mobile home court until all construction has been
50 completed and a Certificate of Occupancy has been issued;
- 51 4. All buildings within a mobile home Court other than the mobile home shall have an Improvement
52 Location Permit. This shall include unattached garages, storage buildings larger than eighty (80)
53 Square feet, and maintenance buildings.
- 54
55
56

1
2
3
4 **3-6 PLAN UNIT DEVELOPMENT ORDINANCE**
5

6 The purpose of this section is to provide for regulations regarding uses of land. A Plan Unit Development shall be
7 considered a Zoning District when approved and all maps shall reflect this area as such. This ordinance shall be
8 adopted as part of the Zoning Ordinance in accordance with IC 36 -7-4-1504 through IC 36-7-4-1513.
9

10 **3-6-1 GENERAL**
11

12 It shall be the policy of Morgan County to promote progressive development of land and construction thereon by
13 encouraging Planned Unit Developments: A PUD shall meet the same requirement as subdivision with the exception
14 that this is a mixture of residences and businesses, and different types of residences and businesses within the same
15 area. Building within the PUD shall be constructed in accordance with the one (1) and two (2) family dwelling code,
16 the Uniform Building Code, and Indiana Fire Prevention and Building Safety Code.
17

18 **3-6-2 A PLAN UNIT DEVELOPMENT SHALL CONFORM TO THE FOLLOWING:**
19

20 (A) A minimum parcel area of five (5) acres is required for a Plan Unit Development.
21

22 (B) There shall be at least ten (10) percent of the land area in the development provided for open space which is not
23 covered by buildings, parking spaces, driveways, or streets. No more than fifty (50) percent of this open space shall
24 be covered by water.
25

26 (C) All utilities, including communication and electric systems, shall be placed underground within the limitations
27 of the development.
28

29 (D) The design and designation of private streets shall be subject to the approval of the Plan Commission. All streets
30 dedicated for public uses shall be constructed in accordance with specification as outlined in the Morgan County
31 Subdivision Control Ordinance and shall meet the minimum requirement for county specs.
32

33 (E) There shall be established a Home Owner's Association and its By-Laws and other similar deed restrictions
34 which provide for the control and maintenance of all common areas, recreation facilities, or open space and shall
35 meet with the approval of the Plan Commission.
36

37 (F) The Development Plan shall include a sanitary sewer system connected to a public sewer system, if available
38 within a reasonable distance of five hundred (500) feet from the project. If public facilities are not available, a
39 private facility may be authorized if approved by the County Board of Health.
40

41 (G) The Development Plan may provide for a mixture of residential and commercial uses or commercial and
42 industrial uses, however, the development shall not have a mixture of residential and industrial uses.
43

44 (H) Whenever possible the development shall utilize landscaping and existing woodlands as buffers to screen
45 lighting, parking areas, loading and unloading areas, and other features within the development and adjoining
46 districts.
47

48 (I) The Development Plan shall include a common water supply and distribution system, either public or private,
49 which shall meet the approval of both the Plan Commission and the Local Board of Health, and shall be built at no
50 expense to the local government.
51

52 (J) All building designs and location shall be subject to approval by the Plan Commission. No building may be
53 located within twenty (20) feet of another building unless approved by the Commission.
54

1 **(K)** If any open space or recreational facility is to be used solely by the residents of the project, adequate
 2 provisions shall be made for assessments against the property within the project so that such facilities can be
 3 properly maintained and operated.

4
 5 **(L)** The Plan Commission may waive certain conditions of the Plan Unit Development, such as setbacks,
 6 underground electrics, height, lighting, sign, and other requirements that would not interfere with health, safety or
 7 convenience of the development of surrounding area.

8
 9 **3-6-3 PROCEDURES FOR FILING A PLAN UNIT DEVELOPMENT:**

10
 11 **(A)** The applicant shall submit three (3) copies of preliminary site plans to the Plan Commission, which shall
 12 include, but not be limited to, the following information:

- 13
- 14 1. Name(s), address (s), and telephone number of all owners.
- 15 2. Legal description of the property.
- 16 3. Zoning classification of all property surrounding the development. Each primary use of building within the
- 17 development shall be classified as commercial, industrial, or residential.
- 18 4. Adjoining property owners, including names and address.
- 19

20 **(B) Site plan shall show the following information:**

- 21
- 22 1. Contours at vertical intervals of two (2) feet.
- 23 2. Street, right-of-ways, and easements: location, widths and purposes.
- 24 3. Set back lines: All front setbacks shall be no less than thirty (30) feet from the right-of-way. Rear setbacks
- 25 shall be no less than ten (10) feet from the rear property line.
- 26 4. Building lines.
- 27 5. Building coverage.
- 28 6. Tract boundary lines showing dimensions, bearings, angles, monuments, and references survey markers. All
- 29 markers and monuments shall be the same as subdivision points.
- 30 7. Buildings, recreation areas, landscaping, and parking areas.
- 31 8. Name and address of developer, engineer, or surveyor who prepared the plan.
- 32 9. Outdoors lighting.
- 33 10. Height, scale, material, and style of improvement.
- 34 11. Signs.
- 35 12. North point dates and scale.
- 36 13. Signature block for Plan Commission, Developer, and Engineer.
- 37
- 38 14. Location map in upper left corner.
- 39 15. All drainage and utilities.
- 40 16. Other requirements considered appropriate by the Commission.
- 41 17. Other features or conditions which affect the PUD favorably or adversely.
- 42

43 **3-6-4 APPROVAL OF PLAN UNIT DEVELOPMENT.**

44
 45 **(A)** Upon compliance with sub section A, B, and C, the Plan Director shall note, in writing, on the preliminary plans
 46 his unofficial agreement or disagreement. The Plan Director may make recommendations to relocate buildings,
 47 streets, or entrances.

48
 49 **(B)** Upon compliance with subsection A, B, and C the Plan Director shall submit the Plan to the Plan Commission.

50
 51 **(C)** The applicant shall file with the Plan Commission no later than fifteen (15) days prior to the Plan Commission
 52 Meeting.

53
 54 **(D)** The applicant shall give notice to the local Newspaper as outlined in IC 5-3-1-2 and IC 5-3-1-4 at least ten (10)
 55 days before the meeting. The applicant shall incur the cost.

1
2 (E) The applicant shall submit three (3) copies of the development plan along with any other supporting documents
3 to the Commission. The Commission shall carefully consider the plans and recommendations of the Plan Director.
4 The Plan Commission may approve, disapprove, or amend the development plan.
5

6 (F) If the Plan Commission approves the plan, the chairman and secretary shall sign the plan and no changes shall be
7 made unless approved by the commission.
8

9 (G) If the Commission disapproves the PUD the applicant may not re-submit the plan for a period of three (3)
10 months unless the Commission votes unanimously to rehear the case.
11

12 (H) If the Commission makes recommended changes, the plans may not be signed until all changes have been made.
13

14 **3-6-5 FINAL APPROVAL**

15
16 (A) Once preliminary approval has been granted by the Plan Commission, final approval may be granted by a
17 Hearing Committee consisting of the following members provided no changes have been made that were not
18 approved by the Commission:
19

- 20 1. President of Plan Commission;
- 21 2. Plan Director;
- 22 3. County Surveyor;
- 23 4. Two (2) members of the Plan Commission other than the president;
- 24 5. One (1) member of the legislative body (County Commissioners).
25

26 (B) Preliminary approval by the Commission expires upon the expiration of a three (3) year period immediately
27 following that approval, unless all parts of the phase have been platted and recorded.
28

29 (C) Three copies of Final Approval Plans shall be submitted to the Commission on twenty-four (24) by thirty (30),
30 five (5) mils, Single Mat Mylar print.
31

32 (D) The PUD may be submitted in phases however, the Commission must approve each phase.
33

34 (E) Should changes be made from preliminary approval, to the final approval a public hearing shall be required for
35 secondary approval.
36

37 (F) After final approval has been granted, all plans shall be recorded in the Morgan County Recorder's Office and
38 no changes may be made without the approval of the commission.
39

40 **3-7 VIOLATION**

41 **3-7-1 REMEDIES AND PENALTIES**

42
43
44 (A) Whenever the Plan Director determines that any person, firm, corporation or Municipal Corporation, are
45 violating or believed to have violated the County Zoning Ordinance, a Cease and Desist order shall be served by a
46 notice by certified mail of said nuisance, containing:
47

- 48 1. The location of the nuisance;
- 49 2. The description of what constitutes the nuisance;
- 50 3. A statement of acts necessary to abate the nuisance.
51

52 (B) Within ten (10) days from receipt of notice, such offender shall correct said nuisance or show what steps have
53 been or will be taken to correct said nuisance.
54

1 (C) All violations of this ordinance shall be punishable by a fine of not less than ten (\$10) dollars and not more
 2 than three hundred (\$300) dollars a day (each twenty-four (24) hours) for each day the violation exists after the first
 3 ten (10) days subject to the provision of IC 36-01-3-8 or acts amended thereof. Violators shall be responsible for the
 4 Plan Commission's attorney fees.

5
 6 (D) The erection, construction, enlargement, conversion, moving, or maintenance of any building which is
 7 continued, operated, or maintained contrary to any of the provisions of this Ordinance, is hereby declared to be in
 8 violation of this ordinance and unlawful. The Commission or enforcement officer may institute a suit for injunction
 9 in the Morgan County Circuit or Superior Court to restrain any person from violating the provisions of this
 10 Ordinance. The Commission or Enforcement Officer may also institute a suit for mandatory injunction directing any
 11 person, firm, or corporation to remove a structure erected or located in violation of the provision of this Ordinance.

12
 13 (E) Whenever a person is in violation of any part of the Zoning Ordinance or Subdivision Control Ordinance and
 14 court action is required and the Commission or Enforcement Officer is successful in its suit, the respondent shall pay
 15 the cost of such action, including reasonable attorney fees to be allowed by the court. Any property owner who may
 16 be especially damaged by any violation of this Ordinance may also institute such action.

17
 18 (F) The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other
 19 remedies provided by law.

20
 21 (G) Any person starting construction or Change of Use without an Improvement Location Permit may be charged a
 22 late filing fee of one hundred (\$100.00) dollars plus permit fees.

23
 24 (H) If a building contractor receives notice of violating on Zoning or Subdivision Ordinance three (3) times in a
 25 three hundred sixty-five (365) day period, he shall be ineligible to receive an Improvement Location Permit for one
 26 (1) year from the date of the third violation. A contractor may appeal the decision made by the Plan Director to the
 27 Board of Zoning Appeals within thirty (30) days from receipt of any notice as outlined in section 2-10-1 of this
 28 Ordinance.

29 30 **3-8 RESTRICTION**

31
 32 THIS ORDINANCE SHALL NOT BE DEEMED TO RESTRICT IN ANY WAY THE
 33 AUTHORITY GIVEN BY THE LAW OF THE STATE OF INDIANA TO SIMILAR
 34 BOARDS FORMED FOR SIMILAR PURPOSE

35
 36 THE FOLLOWING TABLE SHALL BE USED TO DETERMINE WHEN A USE IS AUTHORIZED IN A
 37 DISTRICT **SEE TABLE TWO OF THIS ORDINANCE:**

38
 39 (A) IF THE USE IS MARKED WITH (X) THIS SHALL MEAN THE USE IS AUTHORIZED IN THAT
 40 DISTRICT.

41
 42 (B) A USE MARKED WITH (S) MEANS THAT A **SPECIAL EXCEPTION** IS REQUIRED FROM THE
 43 BOARD OF ZONING APPEALS.

44
 45 (C) A USE MARKED WITH (HO) SHALL BE AUTHORIZED AS A **HOME OCCUPATION** PROVIDED ALL
 46 REQUIREMENT IN SECTION 3-1 IS MET.

47
 48 (D) A USE MARKED (SP) MEANS THERE ARE **SPECIAL REQUIRES** THAT MUST BE MET.

49
 50 (E) A USE MARKED WITH (*) MEANS SPECIAL REQUIREMENT SET BY **DNR AND FLOOD PLAIN**
 51 **ORDINANCE.**

52
 53 (F) WHENEVER THERE ARE (**) **SPECIAL INSTRUCTION** MUST BE MET.
 54

1 (G) A USE NOT FOUND IN THE PRIMARY USE TABLE SHALL USE THE MOST SIMILAR USE AND
2 HAVE THE SAME RESTRICTION AS THE SIMILAR USE
3
4
5
6
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9
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26
27
28
29

TABLE 1

THESE RESTRICTIONS SHALL BE THE MINIMUM ALLOWED FOR SPECIAL EXCEPTION

A. Minimum Lot Size

1. 0
2. 30,000 Sq. ft.
3. 1 Acre
4. 2 Acres
5. 5 Acres
6. 10 Acres
7. 15 Acres
8. 40 Acres
9. 80 Acres
10. 320 Acres

B. Minimum Setbacks

	Front	Rear	Side
1.	0	0	0
2.	0	10	25
3.	0	20	20
4.	50	25	20
5.	100	50	50
6.	100	100	100
7.	150	25	20
8.	150	150	150
9.	300	300	300
10.	500	100	100
11.	1000	100	100

C. Minimum Setback from Residential Dwelling

1. 10 Feet
2. 20 Feet
3. 50 Feet
4. 75 Feet
5. 100 Feet
6. 300 Feet
7. 500 Feet
8. 660 Feet
9. 1000 Feet
11. 1320 Feet

D. Minimum Distance From Residential District

1. 50 Feet
2. 100 Feet
3. 500 Feet
4. 1000 feet

E. Minimum Distance From Loading Berth to Resident

1. 75 Feet
 2. 100 Feet
 3. 500 Feet
 4. 1000 Feet
-

F. Fence or Screening

1. 4 Feet Wire Mesh
 2. 6 Feet Wire Mesh
 3. 8 Feet Wire Mesh
 4. 4 Feet Solid Wall
 5. 6 Feet Solid Wall
 6. 8 Feet Solid Wall
 7. Screen Hedging to Hide View
-

G. Maximum Number Entrances from any Street

1. 1
 2. 2
 3. 3
-

H. Minimum Distance from Church , School or Town

1. 500
 2. 1000
 3. 1320
-

I. Parking Spaces Required

1. 1 Per 125 Sq. Ft. of Floor Space
2. 1 Per 200 Sq. Ft. of Floor Space
3. 1 Per 500 Sq. Ft. of Floor Space
4. 1 Per 1000 Sq. Ft. of Floor Space
5. 1 Per 5000 Sq. Ft. of Floor Space
6. 1 Per Employee Per Shift
7. 1 Per each 2 Employee
8. 1 Per each 3 Employee
9. 1 Per 4 Public Seats
10. 1 Per unit
11. 1 Per Sleeping unit
12. 1 Per 6 Seats
13. 1 Per active Member
14. Adequate for the use

TABLE 2 AUTHORIZED USES

PRIMARY USE DISTRICTS	AG	R1	R2	R3	R4	D1	A8	MD	B1	B2	B3	I1	I2	I3	OR	PUD	FP	FF
RESIDENTIAL																		
APARTMENT					X	X	X		X	X						X		
BED & BREAKFAST	S	S	S	S					X	X	X					X		
BOARDING HOUSE							S		X	X	X					X		
COMMUNITY HOUSE			X						X	X	X					X		
DWELLING DUPLEX						X	X		X	X	X					X		
DWELLING MULTI FAMILY						X	X		X	X	X					X		X*
DWELLING SINGLE FAMILY	X	X	X	X	X			X	X	X	X					X		X*
DWELLING FARM	X																	
FRATERNITY HOUSE									X	X	X					X		
HALFWAY HOUSE			S	S	S	S	S		X	X	X					X		
HOTEL/MOTEL											X					X		
MANUFACTURED HOME	X	X	X	X	X			X	SP	SP	SP					SP		SP*
MANUFACTURED HOME TYPE II								X	X	X	X					X		X*
MANUFACTURED HOME TYPE III								X	X	X	X					X		X*
MOBILE HOME	X							X	SP	SP	SP					SP		SP*
NURSING HOME					S	S	S		X	X						X		
ORPHANAGE HOME							S		X	X								
SENIOR CITIZEN HOME									X	X						X		
SUBDIVISION RESIDENTIAL		X	X						X							X		X*
PLAN UNIT DEVELOPMENT		S	S				S		S	S	S	S	S	S		X	S*	S*
SPECIAL SERVICE RESIDENT			S						S	S								
RETAIL BUSINESS																		
ADULT ENTERTAINMENT														S				
AMUSEMENT CENTER										S	X	X						
ANTIQUA SHOP									S	S	X	X				X		
APPLIANCE SHOP										X	X	X						
BAIT & GUN SHOP											X	X				X		X*
BICYCLE SHOP										X	X	X				X		
BOAT SALES											X	X	X					X*
BOOK & STATIONARY									X	X	X	X				X		
CAMERA & PHOTO SHOP									X	X	X	X				X		
CARPET FLOOR SALES										X	X	X	X			X		
COMPUTER CENTER										X	X	X						
CLOTHING STORE										X	X					X		
DEPARTMENT STORE										X	X					X		
DRUG STORE									X	X	X					X		
FIREWORKS											X	X	X					
FLORIST SHOP									S	X	X					X		

	AG	R1	R2	R3	R4	D1	A8	MD	B1	B2	B3	I1	I2	I3	OR	PUD	FP	FF
RETAIL BUSINESS	AG	R1	R2	R3	R4	D1	A8	MD	B1	B2	B3	I1	I2	I3	OR	PUD	FP	FF
FURNITURE STORE										X	X	X	X			X		
GIFT & NOVELTY SHOP									X	X	X	X				X		
HARDWARE SHOP										X	X	X				X		
JEWELRY SHOP									X	X	X	X				X		
LIQUOR STORE										X	X					X		
OFFICE SUPPLIES									X	X	X	X				X		
PAWN SHOP										X	X	X				X		
PAINT/WALLPAPER SHOP										X	X	X				X		
SHOE & LEATHER GOODS									X	X	X					X		
SPORTING GOODS										X	X	X				X		
VARIETY SHOP										X	X	X				X		
FOOD	AG	R1	R2	R3	R4	D1	A8	MD	B1	B2	B3	I1	I2	I3	OR	PUD	FP	FF
BAKERY SHOP									X	X	X	X				X		
CANDY, NUT & CONFECTION									X	X	X					X		
CATERING SERVICE									X	X	X					X		
COFFEE SHOP									X	X	X					X		
CONVENIENCE STORE									X	X	X					X		
DAIRY PRODUCTS									X	X	X					X		
DELICATESSEN									X	X	X					X		
DINNER THEATER											X					X		
DRIVE-IN-RESTAURANT										X	X					X		
GROCERY STORE>5,000SQFT										X	X	X						
GROCERY STORE<5,000SQFT									X	X	X					X		
HEALTH FOOD STORE									X	X	X					X		
ICE CREAM SHOP									X	X	X					X		
MEAT & FISH SHOP									X	X	X					X		
RESTAURANT										X	X				X	X		
SUPERMARKET											X	X				X		
ENTERTAINMENT	AG	R1	R2	R3	R4	D1	A8	MD	B1	B2	B3	I1	I2	I3	OR	PUD	FP	FF
ARCHERY RANGE											X	X	X	X		X		X*
BAR & LOUNGE											X	X	X			X		
BILLIARDS & POOL HALL											X	X	X			X		
BOWLING ALLEY											X	X	X			X		
CAMPGROUND	S										S		S				S*	S*
COUNTRY CLUBS	S										X					X		
DANCE HALL											X					X		
FAIRGROUNDS	S										S	S	S				S*	S*
GO CART TRACK												S	X					
GOLF COURSE	S										X	X	X			X	X*	X*
GOLF DRIVING RANGE	S										X	X	X			S	X*	X*
LODGE OR PRIVATE CLUB										X	X	X				X	S*	S*
MARINA											X	X					S*	S*
MINIATURE GOLF COURSE											X	X				X	X*	X*
MUSEUMS/ART GALLERY									X	X	X	X			X	X		

	AG	R1	R2	R3	R4	D1	A8	MD	B1	B2	B3	I1	I2	I3	OR	PUD	FP	FF
ENTERTAINMENT																		
PRIVATE RECREATION DEV.											S	S	S			S	X*	X*
RACE TRACK											S	S	S					
RECREATIONAL ENTERPRISE											S	S	S			S	X*	X*
SEASONAL LODGE											X					X	X*	X*
SHOOTING RANGE INDOOR											S	S	X				S*	S*
SHOOTING RANGE OUTDOOR	S										S	S	S				S*	S*
SKATING RINK											X	X				X		
STADIUM ATHLETIC FIELD	S										S	S	X			X		
SWIMMING POOL COMMUNITY									X	X	X	X	X			X	X*	X*
SWIMMING POOL PRIVATE	X	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X*	X*
TENNIS COURT COMMUNITY									X	X	X	X	X	X		X		
THEATER INDOOR										X	X	X	X			X		
THEATER OUTDOOR										X	X	X				X		
TRAVEL TRAILER PARK											S	X	X			S	S*	S*
PERSONAL SERVICES	AG	R1	R2	R3	R4	D1	A8	MD	B1	B2	B3	I1	I2	I3	OR	PUD	FP	FF
ACCOUNTING	HO	HO	HO						X	X	X	X	X			X		
AIRPORT	S										S	S	S	S				
AUCTIONEER OFFICE	HO	HO	HO						X	X	X	X	X			X		
BANK/FINANCE SERVICE									X	X	X	X	X		X	X		
BOOKKEEPING	HO	HO	HO						X	X	X	X	X			X		
BONDSMAN	HO	HO	HO						X	X	X	X	X			X		
CHILDCARE CENTER									X	X	X							
CONSUMER CREDIT REPORTING															X			
COLLECTION AGENCY															X			
DANCE STUDIO									S	X	X	X				X		
EMPLOYMENT SERVICE									S	X	X	X	X		X	X		
HOME CHILDCARE	S	S	S						S	S	S							
INSURANCE OFF.		HO	HO						X	X	X	X						
INTERIOR DECORATOR	HO	HO	HO						S	X	X	X	X			X		
LAW OFFICE									X	X	X	X	X		X	X		
MUSIC LESSONS	HO	HO	HO						X	X	X					X		
PHOTO STUDIO/LAB									X	X	X	X			X	X		
PROFESSIONAL OFFICE	HO	HO	HO						X	X	X	X	X		X	X		
STOCKBROKER OFFICE									X	X	X	X			X	X		
TRAVEL AGENCY									X	X	X	X						
MISCELLANEOUS SERVICES	AG	R1	R2	R3	R4	D1	A8	MD	B1	B2	B3	I1	I2	I3	OR	PUD	FP	FF
BARBER SHOP		HO	HO						X	X	X	X	X			X		
BEAUTY SHOP		HO	HO						X	X	X	X	X			X		
CAR RENTAL										X	X	X						

MISCELLANEOUS SERVICES	AG	R1	R2	R3	R4	D1	A8	MD	B1	B2	B3	I1	I2	I3	OR	PUD	FP	FF
COIN OPERATED LAUNDRY									X	X	X	X				X		
COMMUNICATIONS															X			
COMPUTER PROGRAMMING															X			
DATA PROC.ESS. & COMPUTER SERV.															X			
COURIER SERVICE EXCEPT BY AIR															X			
DOG POUND	S										X	X	X					
ELECTRICAL REPAIR SHOP											X	X						
EQUIPMENT RENTAL											X	X	X					
FUNERAL HOME									X	X	X							
HEALTH SPA & TANNING									X	X	X	X				X		
KENNEL	S									S	S	X	X					
MORTUARY											X	X						
PET SHOP											X	X						
PRINT/COPY SHOP										X	X	X	X					
ENGINEERING/ RESEARCH DEVELOPMENT & TESTING SERVICE															X			
SHOE REPAIR									X	X	X	X				X		
TELEPHONE COMMUNICATION LOCAL															X			
TENT SALE									SP	SP	SP	SP						
TRANSPORTATION SERVICES																		
UPHOLSTERY SHOP											X	X	X					
WATCH/JEWELRY REPAIR									X	X	X	X				X		
MEDICAL SERVICES	AG	R1	R2	R3	R4	D1	A8	MD	B1	B2	B3	I1	I2	I3	OR	PUD	FP	FF
AMBULANCE SERVICE									X	X	X	X	X			X		
BLOOD BANK										X	X	X				X		
CLINICS									X	X	X	X				X		
CONVALESCENT HOMES						X	X		X	X	X					X		
DOCTORS OFFICE									X	X	X	X	X			X		
EYE CLINIC									X	X	X	X	X			X		
HOSPITAL										X	X	X				X		
MEDICAL/DENTAL LAB									X	X	X	X	X		X	X		
VETERINARY CLINIC										S	X	X				X		
GOVERNMENT SERVICES	AG	R1	R2	R3	R4	D1	A8	MD	B1	B2	B3	I1	I2	I3	OR	PUD	FP	FF
ADMINISTRATION/ HUMAN RESOURCE PROGRAMS															X			
HIGHWAY/STREET DEPARTMENT												X	X					
ADMINISTRATION OF ECONOMIC PROGRAMS															X			
INTERNATIONAL AFFAIRS															X			

GOVERNMENT SERVICES	AG	R1	R2	R3	R4	D1	A8	MD	B1	B2	B3	I1	I2	I3	OR	PUD	FP	FF
ADMINISTRATION OF ENVIRONMENTAL QUALITY & HOUSING PROG.															X			
LICENSE BRANCH									X	X	X	X						
GOVERNMENT BUILDINGS									X	X	X	X	X		X	X		
JAIL/PENAL INSTITUTIONS												S	S					
MILITARY RECRUITING OFF.															X			
POLICE & FIRE DEPARTMENT	S			S	S	S	X	X	X	X	X	X	X		X	X		
POSTAL SERVICES									X	X	X	X			X	X		
PUBLIC PARKS	X	X	X						X	X	X	X			X	X	X*	X*
PUBLIC UTILITIES	S	S	S	S	S	S	S	S	S	S	S	S	S	S				
NON-PROFIT SERVICES	AG	R1	R2	R3	R4	D1	A8	MD	B1	B2	B3	I1	I2	I3	OR	PUD	FP	FF
CHAMBER OF COMMERCE									X	X	X					X		
CHARITABLE ORG.									X	X	X	X				X		
CHURCH/TEMPLE	S	S	S	S	S	S	S	S	X	X	X					X		
CIVIC/SOCIAL CENTER									X	X	X					X		
LABOR UNION HALL										X	X	X	X			X		
POLITICAL ORG.									X	X	X	X	X			X		
PRIVATE CLUB										X	X	X	X			X		
RELIGIOUS ORG.									X	X	X					X		
YMCA/YWCA										X	X	X	X			X		
EDUCATION SERVICES	AG	R1	R2	R3	R4	D1	A8	MD	B1	B2	B3	I1	I2	I3	OR	PUD	FP	FF
ART/MUSIC SCHOOL										X	X					X		
COLLEGE											X				X	S		
DAY/PRE SCHOOL	S			S	S	S	S		X	X	X					X		
ELEMENTARY SCHOOL	X			X	X	X	X		X	X	X							
HIGH SCHOOL	X			X	X	X	X		X	X	X							
JUNIOR COLLEGE										X	X				X	S		
TRADE/BUSINESS SCHOOL											X	X	X		X	S		
AGRICULTURE USES	AG	R1	R2	R3	R4	D1	A8	MD	B1	B2	B3	I1	I2	I3	OR	PUD	FP	FF
AG RESEARCH COMMERCIAL															X			
ANIMAL FARMS LABORATORY (RATS,MICE, GUINEA PIGS)															S			
COMMERCIAL GREEN HOUSE	X										X	X						
CONFINEMENT FEEDING	S*																	
FARM GENERAL CROPS	X																	
FARM EQUIPMENT SALE	X									S	S	X	X					
HAY, GRAIN, FEED STORE	X											X	X					

AGRICULTURE USES	AG	R1	R2	R3	R4	D1	A8	MD	B1	B2	B3	I1	I2	I3	OR	PUD	FP	FF
PLANT NURSERY	X											X	X					
ROADSIDE STAND AG PRODUCTS	X									SP	SP	SP						
SALE BARN LIVESTOCK	S											X	X					
ANHYDROUS AMMONIA	S												S	S				
GRAVEL PIT	S																S	S
LANDSCAPE COUNSELING & PLANNING																		
FORESTRY SERV.																		
INDUSTRIAL USES	AG	R1	R2	R3	R4	D1	A8	MD	B1	B2	B3	I1	I2	I3	OR	PUD	FP	FF
ASPHALT PLANT														S				
ASSEMBLY PLANT													X	X				
AUTO BODY SHOP											S	S	X	X				
AUTO/PICKUP TRUCK SALES											X	X	X					
AUTO CAR WASH										X	X	X	X	X				
AUTO HOLD AREA												S	S	X		X		
AUTO PART STORE										X	X	X	X	X				
AUTO SALES LOT										X	X	X	X					
AUTO REPAIR SERVICE											X	X	X	X				
AUTO SALES & SERVICES											X	X	X	X				
CEMETERY/ CREMATORY											X	X	X					
CHEMICALS & ALLIED PRODUCTS MANUFACTURING															X			
COLD STORAGE LOCKER											X	X	X	X				
COMMERCIAL PARKING LOT										X	X	X	X	X		X		
CONTRACTOR YARD											S	S	X	X				
EXPLOSIVES MANUF./STORAGE														S				
FABRICATED METAL PRODUCTS EXCEPT MACHINERY & TRANSPORTATION EQUIPMENT															X			
FUEL/OIL DEALER													X	X				
ICE PLANT													X	X				
INDUSTRIAL PARK													X	X	X	X		
INDUSTRIAL & COMMERCIAL MACHINERY & COMPUTER EQUIP MANUFACTURING															X			
JUNK YARD													S	S				
LAUNDRY PLANT													X	X				
LINEN SUPPLY											X	X	X	X				
LIQUIFIED PETROLEUM STORAGE												X	X					
LUMBER YARD													X	X				
MANUFACTURING PLANT											X		X	X	X			

INDUSTRIAL USES	AG	R1	R2	R3	R4	D1	A8	MD	B1	B2	B3	I1	I2	I3	OR	PUD	FP	FF
MEASURING/ ANALYZING & CONTROLLING INSTRUMENTS, PHOTO, MEDICAL, OPTICAL GOODS, WATCHES & CLOCKS															X			
MINERAL EXTRACTION	S													S				
MOBILE HOME COURT								S	S	S	S							
MOTORCYCLE SALES/SERVICE									X	X	X	X	X					
OIL WELL	X												X	X				
PARKING GARAGE										X	X	X	X	X				
PLAN UNIT DEV.	S	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X*	X*
PLASTIC PRODUCT MANUFACTURING															X			
PRINTING/PUBLI. & ALLIED INDUSTRY MANUFACTURING															X			
PRIVATE LAND FILL														S				
READY MIX PLANT														S				
RECYCLING PLANT														S				
RECYCLING TRANSFER STATION																S		
SANITARY TRANSFER STATION														S				
SAW MILL													S	X				
SEWAGE DISPOSAL PLANT													S	S				
SHOPPING CENTER										X	X	X	X			X		
SLAUGHTER PLANT																X		
STATIONS OPERATED BY OR FOR RAILWAY CO															X			
STATIONS OPERATED BY OR FOR LOCAL & INNERCITY BUS CO															X			
TOWERS													S	S				
TRACTOR TRAILER SALES													X	X				
TRACTOR TRAILER STORAGE													X	X				
TRUCK RENTAL											X	X	X	X				
TRUCK SALES/ SERVICE											S	S	X	X				
TRUCK TERMINAL											S	S	S	X				
WAREHOUSE GRAIN STORAGE	X											S	X					
WRECKER SERVICE											S	S	X	X				
WIRELESS COMMUNICATIONS FACILITY	S											S	S					
WAREHOUSE STORAGE											X	X	X	X				
WELDING SHOP													X	X				
WHOLESALE PRODUCT SALES	X										S	S	X	X				

SPECIAL EXCEPTION TABLE 3

Adult Entertainment Business	A1,B1,C8,G3,H2,I1
Airport	A9,B8,C9,D4,E4,F2,G3,H3,I14
Amusement Center	A6,B5,C6,F5,G2,I14
Anhydrous Ammonia Sales or Storage	A5,B8,C8,D3,E3,F2,G1,H2,I14
Animal Farms Laboratory	A1,B2,C5,D1,E2,G2,I6
Animal or Fowl Processing plant	A5,B5,C7,D3,E3,F2,G1,H1,I6
Antique Shop	A1,B1,E1,G1,I14
Asphalt Plant	A5,B6,C7,D3,E3,F2,G1,H2,I14
Auto Body Shop	A3,B4,C5,F7,G1,I14
Auto Hold Area	A3,B4,C5,F7,G1,I14
Auto Race Track	A6,B3,C9,D3,E3,F5,G1,H2,I14
Bed and Breakfast	A1,B1,C1,E1,G1,I11
Billboard	A1,B4,C5,D3
Boarding House	A1,B1,C1,E1,G1,I11
Campground	A5,B4,C6,D2,F2,G1,H1,I10
Cemetery or Crematory	A4,B2,C5,D2,F1,G1
Church or Temple	A2,B3,C3,G2
College	A4,B2,I14
Community House	A1,B1,C2,I11
Contractor Storage Yard	A4,B5,C5,F2,G1,H1,I14
County Club or Golf Course	A7,B5,C2,F1,G1,I14
Day Care or Home Child Care	A1,B1,C2,F1,G1,I14
Day or Pre-School	A1,B1,C2,F1,G1,I14
Dog Pound	A1,B5,C5,F2,G1,H1,I14
Explosives Manufactured or Storage	A4,B7,C5,D3,E5,F2,G1,H1,I6
Fair Ground	A7,B6,C6,D2,E3,F2,G1,H1,I14
Farm Confinement Feed Over 10 Acres	A6,B7,C9,D3,E4,F2,G1,H3,I14
Farm Confinement Feed Under 10 Acres	A1,B7,C8,D3,E4,F2,G1,H3,I14
Farm Equipment Sales	A4,B5,C5,D2,E2,F2,G1,I6
Florist Shop	A1,B1,E1,G1,I14
Food Processing Plant	A4,B5,C6,D2,E2,G1,I6
Fuel & Oil Dealer	A3,B5,C6,E2,F2,G1,H1,I6
Go Cart Track	A3,B5,C6,E2,F2,G1,I14
Golf Driving Range	A5,B6,C5,F2,G1,I14
Gravel Pit	A8,B8,C7,D3,E3,F7,G1,H2,I14
Halfway House	A3,B4,I14
Heliport	A5,B7,C7,D3,E3,F2,G1,H1,I14
Horse Race Track	A6,B6,C7,D3,E3,F2,G1,H1,I14
Industrial Park	A5,B4,C6,D2,E2,F2,G1,I6
Interior Decorator	A1,B1,E1,G1,I14
Jail or Correctional Inst.	A5,B5,C8,E5,F3,G1,H1,I2
Junior College	A4,B2,I14



Junk Yard	A6,B6,C9,D3,E4,F5,G1,H2,I14
Kennel	A1,B5,C5,F2,G1,H1,I14
Lodge or Private Club	A3,B4,C4,H1,I1
Manufacturing Plant	A3,B5,C5,E2,F6,G1,H1,I6
Marina	A6,B7,C9,D3,E3,F2,G1,H1,I6
Mineral Extraction	A6,B7,C9,D3,E3,F2,G1,H1,I6
Mobile Home	A1,B1,G1,I10
Mobile Home Court	A4,B4,F2,G1,I10
Nursing Home	A3,B1,C4,G1,I10
Oil Well	A5,B8,C9,E4,F2,G1,I14
Orphanage Home	A3,B1,C3,I14
Pet Shop	A1,B1,C4,F1,G1,I6
Plan Unit Development	A5,B2,G1,I3
Police & Fire Department	A1, B3,C4
Private Landfill	A3,B6,C6,F2,G1,I14
Private Recreational Development	A5,B5,C5,D2,E2,F2,G1,I14
Public Park	A1,B2,C3,F2,G1,I14
Public Utilities	A1,B4,C4,F2
Race Track	A6,B7,C9,D3,E4,F2,G1,H3,I14
Ready Mix Plant	A5,B5,C8,E4,F2,G1,I6
Recreational Enterprise	A5,B5,C6,E2,F2,G1,H1,I14
Recycling Plant	A3,B5,C7,E3,F2,G1,H1,I6
Recycling Transfer Station	A4,B5,C7,E3,F2,G1,H1,I6
Sale Barn, Livestock	A4,B5,C6,E3,F2,G1,H1,I6
Sanitary Transfer Station	A3,B5,C6,E2,F2,G1,H1,I6
Sawmill	A5,B6,C7,D3,F2,G2,H1
Seasonal Lodge	A1,B1,C4,F2,G1,I11
Sewage Disposal Plant	A3,B5,C8,E4,F2,G1,I6
Shooting Range Indoor	A1,B1,C5,I2
Shooting Range Outdoor	A3,B5,C6,F2,G1,I2
Slaughter House	A4,B5,C6,E3,F2,G1,H1,I6
Special Service Resident	A1,B1,
Stadium, Athletic Field	A5,B4,C6,F1,G1,I14
Theater Outdoor	A3,B5,C6,F6,I14
Towers, All	A1,B9,C6,D1,F3,G1
Trade & Business School	A4,B2,I14
Travel Trailer Park	A4,B5,C6,F2,G1,I10
Truck Sales and Service	A1,B4,C5,E2,F2,G1,I1
Truck Terminal	A3,B4,C5,E2,F2,G1,I14
Vehicle Hold Area	A4,B4,F2,F3,G1,I14
Veterinary Clinic	A3,B4,C6,I1
Warehouse Storage Grain	A4,C5,C6,E3,G1,I6
Wireless Communication Facility	A4,B9,C7,D2,F2,G1,
Wholesale Produce Terminal	A1,B4,C4,G1,I6
Wrecker Service	A1,B1,C4,G1,I1

