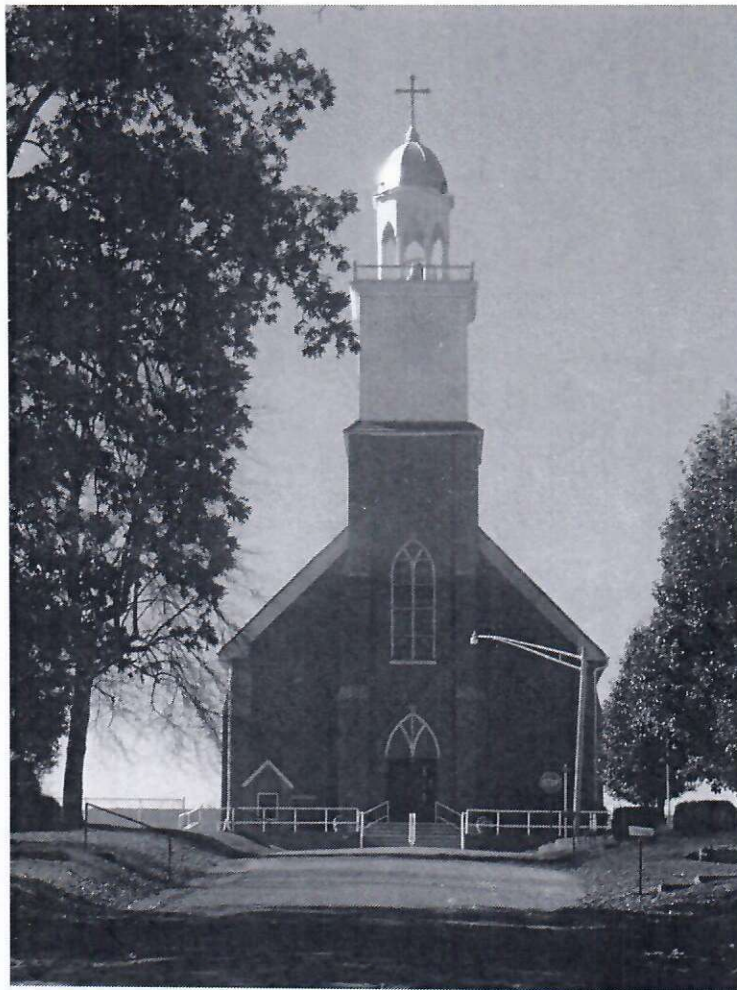
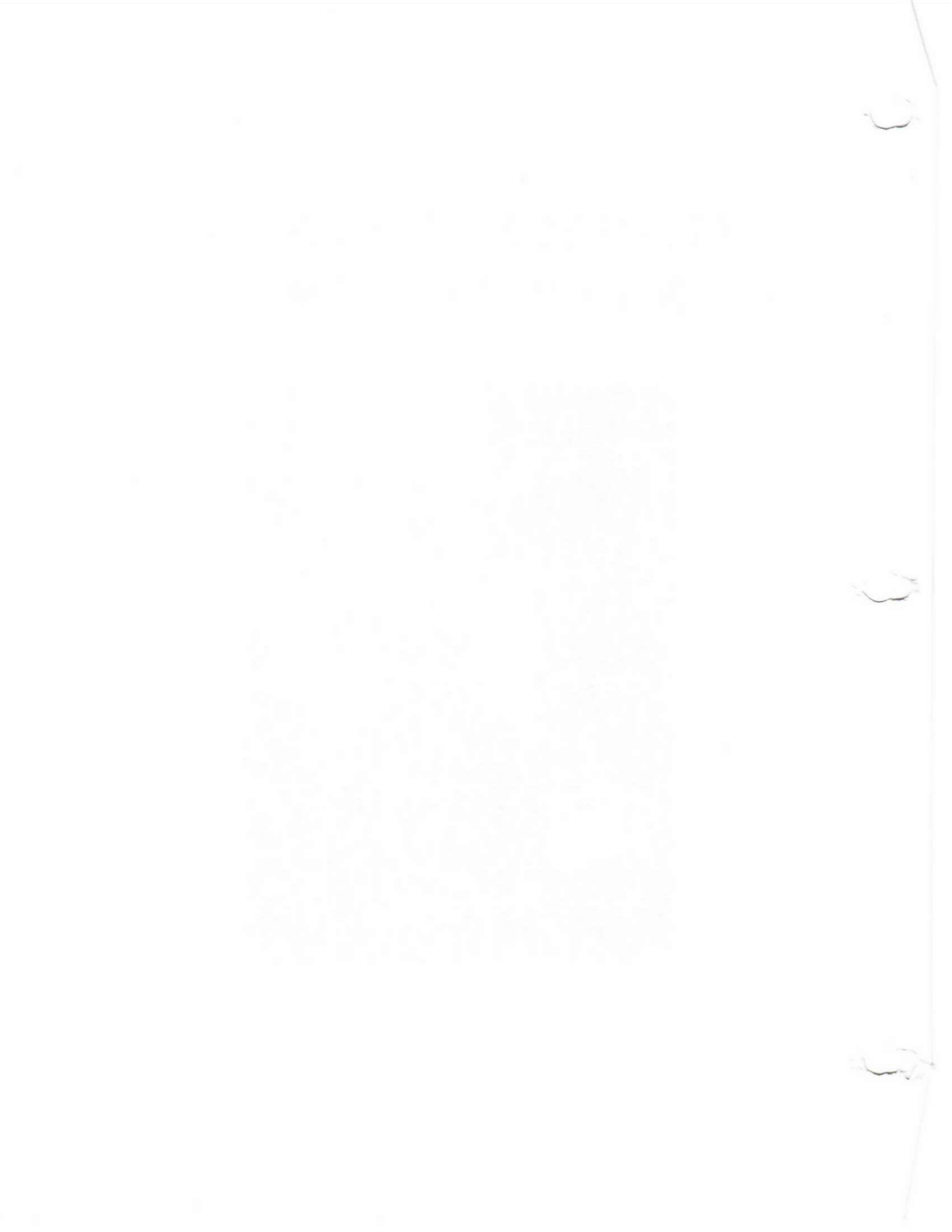


MONTGOMERY INDIANA ZONING ORDINANCE



Montgomery Town Hall
PO Box 57
370 N. Main Street
Montgomery, IN 47558



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SECTION 1

TITLE AND INTERPRETATION

1.1 SHORT TITLE

These regulations shall hereafter be referred to as the "Town of Montgomery Zoning Ordinance".

1.2 AUTHORITY

This Zoning Ordinance is adopted by the Town Council pursuant to its authority under Indiana Code section 36-7-4-600 et. seq., and other state and federal statutes as applicable.

1.3 INTENT AND PURPOSE

The purpose of this Zoning Ordinance is to regulate the use and development of land within the jurisdiction of the Town of Montgomery. It is intended to promote the public health, safety, comfort, morals, convenience, and general welfare, and more specifically to:

- A) Support the goals, objectives and policies of the Montgomery Comprehensive Plan and other plans adopted by the Town;
- B) Guide future growth and development in accordance with the Montgomery Comprehensive Plan;
- C) Reduce traffic congestion in public streets;
- D) Secure safety from fire, flood and other dangers;
- E) Provide adequate light and air;
- F) Prevent the overcrowding of land and avoid undue concentration of population;
- G) Provide for the efficient development of natural resources, agriculture, business and industry;
- H) Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements;
- I) Avoid scattered and uncontrolled development of land that would result in excessive expenditure of public funds for the supply of community services;
- J) Protect the historic and architectural heritage of the town;

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- K) Provide for performance standards for the emission of pollutants into the air, water, and ground;
- L) Protect the natural resources of the Town of Montgomery.
- M) Identify the approximate boundaries of zoning districts, by reference to the official zoning;
- N) Prohibit uses, buildings or structures incompatible with stated purpose of such districts;
- O) Create and establish standards to which the uses, buildings or structures within each district shall conform thereby restricting and regulating their location, construction, reconstruction or alteration;
- P) Regulate the intensity of the use of each lot by requiring open space areas around buildings and structures and, to provide adequate safety light and ventilation;
- Q) Designate and define the powers and duties of the bodies and/or officials administering and enforcing this Ordinance and the procedures by which this Ordinance is administered; and
- R) Prescribe penalties for the violation of the Ordinance.

1.4 INTERPRETATION

A) Public Provisions

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, those provisions which are more restrictive or impose higher standards shall govern.

B) Private Provisions

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than any easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations or the determinations of the Commission in enforcing these regulations, and the private provisions are not inconsistent with these regulations or determinations thereunder, then the private provisions shall be operative

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and supplemental to these regulations, or the determinations made thereunder. Private provisions can only be enforced privately.

1.5 SCOPE OF REGULATIONS

- A) All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all the regulations of this Ordinance as they apply to the zoning districts in which such buildings or uses of land shall be located.
- B) This ordinance shall not be construed as abating any action now pending under, or by virtue of, the prior existing zoning ordinance; or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue; or as affecting the liability of any person, firm, or corporation; or as waiving any right of the Town of Montgomery under any section or provision existing at the time of the effective date of this ordinance; or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the Town of Montgomery, except as shall be expressly provided for in this ordinance.
- C) All previously existing uses, lots and structures which do not comply with the regulations in this Ordinance and its amendments, shall be deemed legal nonconforming uses, lots, and structures and shall be subject to the regulations of Section 4.6.

1.6 SEVERABILITY CLAUSE

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any portion thereof, other than the portion declared to be invalid.

1.7 EXCLUSION

Nothing in this Chapter or in any rules, regulations or orders issued pursuant to this Chapter shall be deemed to restrict or regulate or to authorize any unit of government, legislative body, Plan Commission or Board of Zoning Appeals now or hereafter established, to restrict or regulate the exercise of the power of eminent domain by the state or by any state agency, or the use of property owned or occupied by the state or any state agency.

1.8 AMENDMENTS

For the purpose of providing for the public health, safety, and general welfare, the Town Council, on recommendation of the Plan Commission, may from time to time amend the text of this Ordinance and/or the zoning map(s) incorporated by reference in this Section. Public hearings on all proposed amendments shall be held in the manner prescribed by law.

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1.9 REPEAL OF PRE-EXISTING ZONING ORDINANCES

All previously enacted zoning and subdivision ordinances are hereby repealed.

1.10 EFFECTIVE DATE

This Ordinance was adopted on October 20, 2011 and became effective on June 4, 2012.

C

The following table shows the results of the experiment. The first column shows the initial concentration of the reactants, the second column shows the initial rate of reaction, and the third column shows the order of reaction with respect to each reactant.

Initial Concentration of Reactants	Initial Rate of Reaction	Order of Reaction
[A] = 0.1 mol dm ⁻³ , [B] = 0.1 mol dm ⁻³	0.01 mol dm ⁻³ s ⁻¹	1 with respect to A, 2 with respect to B
[A] = 0.2 mol dm ⁻³ , [B] = 0.1 mol dm ⁻³	0.04 mol dm ⁻³ s ⁻¹	1 with respect to A, 2 with respect to B
[A] = 0.1 mol dm ⁻³ , [B] = 0.2 mol dm ⁻³	0.04 mol dm ⁻³ s ⁻¹	1 with respect to A, 2 with respect to B
[A] = 0.2 mol dm ⁻³ , [B] = 0.2 mol dm ⁻³	0.16 mol dm ⁻³ s ⁻¹	1 with respect to A, 2 with respect to B

D

E

The following table shows the results of the experiment. The first column shows the initial concentration of the reactants, the second column shows the initial rate of reaction, and the third column shows the order of reaction with respect to each reactant.

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SECTION 2 DEFINITIONS

2.1 INTENT

For the purpose of this Section of the Ordinance, certain terms or words used herein shall be interpreted according to the rules and definitions of this Section, except when the context clearly indicates otherwise.

Whenever any words and phrases used herein are not defined but are defined in the State laws regulating the creation and function of various planning agencies, any such definition therein shall be deemed to apply to such words and phrases used herein except when the context otherwise requires.

All other words not herein defined, shall be defined according to any recent edition of a dictionary of the American language.

2.2 RULES

- A) Words used in the present tense include the future tense; words used in the future tense include the present tense; words used in the singular include the plural; and words used in the plural include words used in the singular.
- B) The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any legal entity.
- C) Words used in the masculine include the feminine; words used in the feminine include the masculine.
- D) The word "shall" is mandatory; the word "may" is permissive, and the word "should" is a preferred requirement.
- E) The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied."
- F) The word "lot" includes the words "plot" or "parcel."

2.3 DEFINITIONS

A

ABANDONMENT – The relinquishment of property or a cessation of the use of the property by the owner with the intention neither of transferring rights to the property to another owner nor resuming the use of the property.

ABUTTING – Physically touching or bordering upon; or sharing a common property line.

ACCESS – A way or means of approach to provide physical entry to a property.

ACCESS ROAD – A street designed to provide vehicular access to abutting property and to discourage through traffic.

ACCESSORY APARTMENT - A second dwelling unit either in or added to an existing single family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision in the accessory apartment for cooking, eating, sanitation, and sleeping. Accessory apartments shall be clearly subordinate to the primary use in both size and location.

ACCESSORY STRUCTURE - A structure that is subordinate to and located on the same lot as the principal structure, and which does not change or alter the character of the premises and which is not used for human occupancy. Accessory structures include such items as satellite dishes, garages, decks and fences.

ACCESSORY USE - A use subordinate to and located on the same lot as the principal structure, and which does not change or alter the character of the premises and which is not used for human occupancy.

ACRE – A measure of land area containing forty-three thousand five hundred and sixty (43,560) square feet.

ACREAGE, NET – Net acreage is defined as the area of the site less all unbuildable areas including, but not limited to, allocated street rights-of-way, wetlands, and permanent open space. In the case of private streets, the equivalent of public rights-of-way for these private streets shall be deducted from gross acreage. In the event that there is a question regarding the width and length of such equivalent rights-of-way, the Administrator shall render a determination.

ACTUAL CONSTRUCTION – Work done which is beyond the preparation stage and into that stage where the changes or additions are made permanent.

ADAPTIVE REUSE – The development of a new use for an older building originally designed for a special or specific purpose.

ADDITION – Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

ADMINISTRATOR - The official appointed and/or delegated the responsibility for the administration of these regulations by the Plan Commission and his or her designee.

ADVERTISING SIGN – See Sign, Advertising.

ADVISORY PLAN COMMISSION – A Plan Commission serving a single local government jurisdiction established as defined under the I.C. 36-7-1-2. The Plan Commission is an Advisory Plan Commission.

AGRICULTURE – The art or science of cultivating the ground, and raising and harvesting crops, also often including feeding, breeding and management of livestock; tillage, animal or poultry husbandry; farming; and the necessary accessory uses for packing, treating and storing the produce; provided, however, that the operation of any accessory uses shall be secondary to that of the normal agricultural activities. “Agriculture” shall not include feed lots, stock yards, or the common feeding of garbage or offal to swine or other animals. *See also: Farm*

AGRICULTURAL BUSINESS – Establishments primarily engaged in supplying goods and services to the agricultural community including, but not limited to: tractor and farm implement sales, grain elevators, stock yards, farming machinery sales, farm machinery repair, soil preparations services, crop services, landscaping services, horticultural services and greenhouses, veterinary and other animal services including breeding, boarding and agricultural-related auctioning, farm labor and management services.

1. Agricultural Roadside Stand: A removable structure used or intended to be used solely by the owner or the tenant of a property on which it is located for the sale of seasonable agricultural products produced on the premises and to be removed and stored back of the building line on the property at the conclusion of the seasonal sales.
2. Agricultural Produce Business: A permanently sited retail business engaged in the display and sale of agricultural produce and products.
3. Agricultural Produce Business: Seasonal shall mean a temporary retail business in a permanent structure, engaged in the display and sale of

agricultural produce and products which are primarily grown in the season in which they are being sold.

AIRPORT - A Use devoted to the take-off, landing and storing of aircraft, other than a Municipally Owned Airport.

AISLE - The traveled way by which cars enter and depart parking spaces.

ALLEY - A public or private right-of-way which may be used for utility purposes but is generally less than thirty (30) feet in width and is intended to provide secondary access to the rear or side of lots or buildings in urban areas. It is not intended for the purposes of through vehicular traffic.

ALLEY LINE - A lot line bordering on an Alley.

ALTERATION - See Land Alteration.

ANIMAL - Any live or dead dog, cat, non-human primate, guinea pig, hamster, rabbit, or any other warm-blooded or cold blooded animal, which is being used, or is intended for use for research, teaching, testing, experimentation, exhibition purposes, sale or as a pet. This term excludes: birds, rats of the genus *Rattus* and mice of the genus *Mus* bred for use in research, and horses and other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. With respect to a dog, the term means all dogs including those used for hunting, security, or breeding purposes.

1. Exotic Animal: Any animal not identified in the definition of "animal" provided in this part that is native to a foreign country or of foreign origin or character, and is not native to the United States, or was introduced from abroad. This term specifically includes animals such as, but not limited to, lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos, and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal, and Yak.
2. Farm Animal: Any domestic species of cattle, sheep, swine, goats, llamas, or horses, which are normally and have historically, been kept and raised on farms in the United States, and used or intended for use as food or fiber, or for improving the quality of food or fiber. This term also includes animals such as rabbits, mink, and chinchilla, when they are used solely for purposes of meat or fur, and animals such as horses and llamas.
3. Pet Animal: Any animal that has commonly been kept as a pet in family households in the United States, such as dogs, cats,

guinea pigs, rabbits and hamsters. This term excludes exotic animals and wild animals.

4. Wild Animal: Any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its territories, or possessions. This term includes, but is not limited to, animals such as: deer, skunk, opossum, raccoon, mink, armadillo, coyote, squirrel, fox, and wolf.

ANIMAL, DOMESTIC - An animal that is tame or domesticated and not normally found in the wild state and/or is not classified or considered as wildlife, livestock, or exotic animal. Hybrids of animals normally found in the wild state are not included within the meaning of domestic animal (See also definitions of livestock and wildlife).

ANNEXATION, INVOLUNTARY - An annexation initiated without written consent from all property owners within the area to be annexed.

ANNEXATION, VOLUNTARY - An annexation by consent in which all property owners within the area to be annexed provide written consent to the annexation.

APARTMENT - One or more rooms in a dwelling designed and intended for occupancy as a separate dwelling unit.

APARTMENT, ACCESSORY - A permitted independent, subordinate dwelling unit contained on the same lot as the primary dwelling unit or a business.

APPLICANT - The owner of land who makes application to the Montgomery Plan Commission or Board of Zoning Appeals for action by said Commission or Board, thereby affecting that land.

AREA, NET - The land area of a parcel excluding those areas that contain structures, parking or other impervious surfaces, and non buildable natural features such as wetlands, woodlands, natural habitats, and the like.

AREA OF SIGN - See Sign Area.

ASSISTED LIVING FACILITY - A multiple family structure, controlled either by a public body, institutional body, or nonprofit corporation, a majority of whose occupants shall be 65 years of age or over, or a multiple family structure where each unit is occupied by at least one person who is 55 years of age or over and is retired, and where the rental arrangement includes

primarily non-medical services to deal with the activities and instrumental activities of daily living.

ATTACHED BUILDING - A building that is structurally connected to another building by foundation, common wall, or roof line. Future expansion of a building shall be connected by foundation, common wall or roof line and shall not stand independently of the original existing building.

ATTACHED MULTI-FAMILY DWELLING - See Dwelling, Attached Multi-family.

ATTACHED SINGLE-FAMILY DWELLING - See Dwelling, Attached Single-family.

AUTOMATED TELLER MACHINE (ATM) - A mechanized device that performs financial functions, whether outside or in an access-controlled facility. ATMs located within a building shall be considered accessory to the principal use unless the ATM is likely to be an independent traffic generator.

AUTOMOBILE FILLING STATION - See Gas Filling Station

AUTOMOBILE OR TRAILER SALES AREA - An open area, other than a street, used for the display, sale or rental of new or used automobiles or trailers to be displayed, sold or rented on the premises.

AUTOMOBILE WASHING - See Car Wash.

AUTOMOTIVE SERVICE, MAJOR - The replacement of any part or general repair, rebuilding or reconditioning of engines, passenger cars, commercial vehicles or trailers, including body work, framework, welding and major painting service. Above stated is applied to passenger vehicle(s).

AUTOMOTIVE SERVICE, MINOR - The service and maintenance of equipment and parts, including oil change and lubrication, muffler shops, tire sales and installation, wheel and brake shops, automobile detailing, or installation of CB radios, cellular phones, car stereos, or car alarms. Above stated is applied to passenger vehicle(s), and is typically accomplished without keeping vehicle overnight.

AWNING - Any structure made of cloth or metal with a frame attached to a building and projecting over a sidewalk, when the same is so erected as to permit its being raised to a position flat against the building when not in use.

B

BANNER – A sign of light-weight, flexible, and temporary material such as cloth or plastic which is attached to a building, structure, or other support in such a manner as to allow movement caused by the atmosphere.

BANNER, FIXED – A sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at two or more edges.

BASE FLOOD - See Regulatory Flood.

BASEMENT – The portion of a building with more than half of its height below the ground. For the purposes of this ordinance, a basement shall not be considered a story unless it has been subdivided into rooms and used for tenant purpose.

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

BED AND BREAKFAST - A residence that meets the following conditions:

1. Provides sleeping accommodations to the public for a fee.
2. Has not more than fourteen (14) guestrooms.
3. Provides breakfast to the guests as part of the fee.
4. Provides sleeping accommodations for not more than thirty (30) consecutive days to a particular guest.
5. The operator of the establishment resides on the premises or in an adjacent premise.

BIG BOX RETAIL - A large-scale (100,000-sq.ft.minimum) self-service retail store selling food, drugs, household merchandise, clothing, and a variety of other retail goods. The store may, in some cases, include limited medical services, such as a dentist or optometrist's office.

BILLBOARD – See Sign, Billboard.

BLIGHTED AREA - An area in which normal development and occupancy are undesirable or impossible because of:

1. Lack of development;
2. Cessation of growth;
3. Deteriorated or deteriorating improvements;
4. Environmental contamination;
5. Character of occupancy;
6. Age;
7. Obsolescence;
8. Substandard buildings; or

9. Other factors that impair value or prevent a normal use or development of property.

See IC 36-7-1-3.

BLOCK - A tract of land bounded by streets, or by a combination of streets and railroad rights-of-way, waterways, boundary lines of municipalities, or other barriers.

BLOCK FACE - One (1) side of a street between intersections.

BOARD - The Montgomery Board of Zoning Appeals (BZA).

BOARDING HOUSE - An establishment offering rooms for rent, where meals are regularly served for compensation for three (3) or more persons, but not exceeding eight persons, and not open to transients, in contradistinction to hotels and restaurants open to transients.

BOND - A form of security including a surety bond, in an amount and form satisfactory to the Governing Body. The Governing Body shall approve all bonds whenever a financial guarantee is required by these regulations.

BROWNFIELD - A parcel of real estate that is abandoned or inactive, or may not be operated at its appropriate use; and on which expansion, redevelopment, or reuse is complicated because of the presence or potential presence of a hazardous substance, a contaminate, a petroleum, or a petroleum product that poses a risk to human health and the environment.
See IC 13-11-2-19.3.

BUFFER AREA - Land area used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.

BUFFER LANDSCAPING- Any trees, shrubs, walls, fences, berms, or related landscaping features required under this ordinance or the subdivision regulations to be placed either on private property and privately maintained, or in public rights-of-way for the purpose of buffering lots from adjacent properties, for aesthetic purposes and/or for creating sound and/or visual privacy barriers.

BUILDABLE AREA - The area of a lot remaining after the minimum yard, right-of-way, easements and other open space requirements of this Ordinance have been met.

BUILDER - Builder shall mean the person or firm who obtained the Improvement Location Permit.

BUILDING - A structure having a roof supported by columns or walls, for the support, enclosure or protection of persons, animals, chattels or other property. (Also see structure)

BUILDING, ACCESSORY – See accessory structure.

BUILDING AREA - The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches not exceeding one (1) story in height, or architectural appurtenances projecting not more than two (2) feet.

BUILDING CODE - The Indiana Building Code most recently adopted by the Indiana Fire Prevention and Building Safety Commission which is in effect and enforceable in the State of Indiana.

BUILDING, DETACHED - A building having no structural connection with another building.

BUILDING FRONTAGE – The linear length of a building facing the right-of-way or the linear length of the right-of-way facing the building whichever is greater.

BUILDING, HEIGHT OF - The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof, to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

BUILDING SETBACK LINE - The line that establishes the minimum permitted distance between the front of a building or structure and the front lot line. (See also Setback).

BUILDING PERMIT – See Improvement Location Permit.

BUILDING, PRINCIPAL - A building in which the main or principal use of the lot on which said building is situated is conducted. Where a substantial part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building. Standards recognized by the Indiana Fire Prevention and Building Safety Commission shall be used to determine whether a given structure constitutes one or more buildings in cases where ambiguities exist.

BUILDING SITE – An area proposed or provided by grading, filling, excavating or other means for erecting pads, slabs, or foundations for buildings.

BUSINESS - The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services; or the maintenance or operation of offices; or the maintenance or operation of recreational and amusement enterprises for profit.

BUSINESS DISTRICT - Refers to the DT, GB and HB districts.

BUSINESS, RETAIL – Any business selling goods, wares or merchandise directly to the ultimate consumer for direct consumption and not for resale. A retail business use includes, but need not be limited, to such activities as: supermarkets or stores that sell hardware, apparel, footwear, appliances, furniture, department stores, and discount stores.

BUSINESS, SERVICE -- Any activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

BUSINESS, WHOLESALE -- A business establishment that generally sells commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. The commodities are basically for future resale, for use in the fabrication of a product or for use by a business service.

BZA -- Board of Zoning Appeals.

C

CAMPGROUND- A parcel of land used or intended to be used for temporary occupancy by campers, through the use of recreational vehicles, travel trailers, mobile homes, tents, cabins, or other temporary accommodations.

CANOPY – Any structure, other than an awning, made of cloth or metal with frames attached to a building, projecting over a sidewalk.

CANOPY, GASOLINE ISLAND – Any structure made of metal with frames attached to the ground or a building, which projects over gasoline islands or pumps.

CAPITAL IMPROVEMENTS PROGRAM - A schedule of all proposed public improvement projects in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local governments operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.

CARPOR - A covered automobile parking space not completely enclosed by walls or doors.

CAR WASH - An area of land and/or a structure with machine or hand operated facilities used principally for the cleaning, washing, polishing, and/or waxing of motor vehicles.

CEMETERY - Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

CERTIFICATION OF OCCUPANCY - A certificate signed by the Zoning Administrator stating that the occupancy and use of land or a Building or Structure referred to therein complies with the provisions of this Ordinance and other applicable Town Ordinances.

CHILD CARE HOME - A residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian or other relative) at any time receive child care from a provider:

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

The term includes Class I Child Care Homes and Class II Child Care homes.

1. Class I Child Care Home: A child care home that serves any combination of full-time and part-time children, not to exceed twelve (12) children at any one (1) time.
2. Class II Child Care Home: A child care home that services more than twelve (12) children but not more than any combination of sixteen (16) full-time and part-time children at any one (1) time.

CHURCH - A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a non-profit religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

CLINIC - An establishment in which patients are admitted for medical or dental study or treatment and in which the services of at least two physicians or dentists are provided.

CLUB - Building and facilities owned or operated by a person or organization for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

CLUSTER - A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and/or preservation of historic or environmentally sensitive features.

CO-LOCATION - Locating wireless communication equipment for more than one provider on a single site.

COMMERCIAL ENTERTAINMENT FACILITIES - Any activity conducted for economic gain, which is generally related to the entertainment field, such as IRP, Motion Picture Theater, carnivals, nightclubs and similar entertainment activities.

COMMERCIAL PASSENGER VEHICLE - Any vehicle designed for carrying more than 12 passengers or used for the transportation of goods, including all vehicles within Classes 3 through 8, as categorized by the Motor Vehicle Manufacturers Association of the United States, Inc. (See also Passenger Vehicle).

COMMERCIAL RECREATIONAL FACILITIES - Any activity conducted for economic gain which is generally related to the recreational uses, such as bowling alleys, roller skating rinks, miniature golf, golf driving ranges, commercial swimming pools, marinas, boat storage and dock facilities, and similar recreational activities such as pinball, electronic games, pool tables, etc.

COMMISSION - The Montgomery Advisory Plan Commission.

COMMISSION, PLAN - The Town of Montgomery Plan Commission.

COMMON OPEN SPACE - Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as necessary and appropriate.

COMMUNICATION ANTENNA - Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omni-directional or whip antennas and directional or panels antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation or ham or citizen band radio antennas, which are considered accessory uses.

COMMUNICATIONS EQUIPMENT BUILDING - An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering and area on the ground not greater than 250 feet.

COMMUNICATIONS TOWER - A structure other than a building, designed and used to support communications antennas such as a monopole.

COMMUNICATIONS TOWER, HEIGHT OF - The vertical distance measured from the average ground level of the area within the base of the tower, to the highest point on a communications tower, including antennas mounted on the tower.

COMMUNITY SERVICE ORGANIZATIONS - A non-profit association of Montgomery residents whose purpose is to provide service to other Montgomery residents.

COMPREHENSIVE PLAN - The official policy document which establishes development goals and objectives to guide growth within and around Montgomery in a coordinated manner, prepared by the Montgomery Town Plan Commission and adopted in accordance with the Indiana Planning Statutes.

CONCEPT PLAN - An illustration of the layout of a proposed planned unit development, drawn to the specifications of Section 13, and required for PUD rezoning consideration.

CONDITIONAL USE - Uses that, because of potential incompatibility and negative impact on the immediate neighborhood, require a greater degree of scrutiny and review of site characteristics and impacts to determine their suitability in a given location. Conditional uses are permitted only following approval by the Board of Zoning Appeals. See Section 4.3.

CONDOMINIUM - Real estate lawfully subjected to IC 32-25-1 (the Horizontal Property Law) by the recordation of condominium instruments, and in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

CONFORMING USE - See Use, Conforming.

CONGREGATE HOUSING (Semi Independent Living Facilities) - A residential facility of four or more elderly persons (age 60 or older) within which is provided living and sleeping facilities, meal preparation, laundry service, and cleaning. Such facility may also provide other services such as transportation and limited nursing services.

CONSERVATION AREA - Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest. Conservation areas includes but are not limited to: fresh water marshes or wetlands, shallow grassy ponds, hardwood swamps, cypress swamps, natural shorelines (other than natural beaches or dunes), sand pine-scrub communities, and other areas of significant biological productivity or uniqueness.

CONSERVATION EASEMENT - An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, wooded condition or

agricultural uses; retaining those areas as suitable habitat for fish, plants, or wildlife; maintaining existing land uses.

CONSTRUCTION TRAILER - A manufactured mobile unit without cooking or bathroom facilities, not designed for dwelling purposes, and used as a temporary office during construction.

CONVENIENCE MART FUELING CENTER - A retail store with a floor area less than 2,500 square feet that sells groceries and household items and also has gasoline sales.

CONVENIENCE STORE, NEIGHBORHOOD - A retail store with a floor area of less than 2,500 square feet that sells groceries and household items, but does not have restaurant seating or gasoline sales.

CONVENIENCE STORE, REGIONAL - A retail store that sells groceries and household items, and which may also provide other convenience services such as restaurant, laundromat or gasoline sales for class I or II commercial vehicles. Such uses are considered to be accessory uses and not a separate business. See also "Truck Stop."

CONVERSION - A change in the use of land or structure.

COPY, SIGN - See Sign, Copy.

CORRECTIONAL FACILITY - Public or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

COUNCIL - The Town Council of the Town of Montgomery, Indiana.

COUNTRY CLUB - An establishment operated for social or recreational purposes that is open only to members and not to the general public.

COUNTY - Daviess County, Indiana.

COURT - An open, unoccupied and unobstructed space other than a yard on the same lot with a building or group of buildings.

COVENANT - A private legal restriction on the use of land contained in the deed to the property and otherwise formally recorded.

CULVERT - A drain pipe that channels water under a bridge, street, or driveway.

CUL-DE-SAC - A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.

CUT - An excavation. The difference between a point on the original ground and a designated point of lower elevation on the Final grade. Also, the material removed in excavation.

D

DAY CARE CENTER - Any institution operated for the purpose of providing care, maintenance or supervision and instruction to children who are less than six (6) years old and are separated from their parents, guardian, or custodian for more than four (4) hours but less than twenty-four (24) hours a day for ten (10) or more consecutive work days. However, the term does not include public or private school programs for children age three (3) and older.

DAY CARE CENTER, ADULT - A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a twenty-four (24) hour day.

DAY CARE HOME - See Child Care, Home:

DEAD-END STREET - A street temporarily having only one (1) outlet for vehicular traffic and which is designed and intended to be extended or continued in the future.

DECIBEL - A unit of measurement of the intensity of loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.

DEDICATION - The transfer or private property to public ownership upon written acceptance.

DEED RESTRICTION - See Covenant.

DENSITY - The number of dwelling units permitted per gross acre of land.

DENSITY, gross - The numerical value obtained by dividing the total number of dwelling units in a development by the gross area of the tract of land (in acres) within a development. This would include all private streets of the development, public rights-of-way, and dedicated open space.

DENSITY, net - The numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located. Net density calculations exclude public rights-of-way, private streets and dedicated open space.

DETACHED BUILDING - A building that has no structural connection with another building.

DETENTION AREA, or RETENTION AREA - An area that is designed to capture specific quantities of stormwater and to gradually release the stormwater at a sufficiently slow rate to avert flooding.

DETENTION BASIN - See Wet Bottom Basin.

DEVELOPER - The owner of land or his representative proposing changes to a parcel or parcels of land, including development, lot improvement or subdivision of land. (See also definitions of Development, Lot Improvement and Subdivision).

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

1. Construction, reconstruction, or placement of a building or any addition to a building valued at more than \$1,000;
2. Installing a manufactured home on a site, preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days;
3. Installing utilities, erection of walls and fences, construction of roads, or similar projects;
4. Construction of flood control structures such as levees, dikes, channel improvements, etc.;
5. Mining, dredging, filling, grading, excavation, or drilling operations;
6. Construction and/or reconstruction of bridges or culverts;
7. Storage of materials; or
8. Any other activity that might change the direction, height, or velocity of flood or surface waters.

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

DEVELOPMENT AMENITIES - Aesthetic or other characteristics of a development that increase its desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as a unified building design, recreational facilities (e.g., a swimming pool or tennis courts), security systems, views, landscaping and tree preservation, or attractive site design.

DEVELOPMENT PLAN - A specific plan for the development of real property that requires approval by the Plan Commission and which satisfies the requirements of Section 11.8 of this Ordinance.

DEVELOPMENT STANDARDS -- Regulations such as bulk, height, area, or space requirements set forth by the zoning ordinance.

DEVELOPMENTAL, STANDARDS VARIANCE - A developmental standards variance is designed to adjust the regulations of the zoning ordinance to the land for which the variance is granted. Generally speaking, a developmental standards variance applies to developmental standards such as bulk, height, area, or space requirement of the zoning ordinance. The primary basis for granting a developmental standards variance is the showing by the applicant that a "practical difficulty" exists if the letter of the law is strictly applied. Once granted, a developmental standards variance shall run with the land, unless specifically stated otherwise in the conditions or commitments of the Board's final determination.

DIMENSIONAL VARIANCE - See Variance, Dimensional.

DIRECTIONAL ANTENNA - An antenna or array of antennas designed to concentrate a radio signal in a particular area.

DISTRIBUTION CENTER - A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

DISTRICT - Any section or sections of the Town of Montgomery for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform for each class or kind of building therein.

DISTURBED AREA - An area of land subjected to erosion due to the removal of vegetative cover and/or earthmoving activities, including filling.

DRAINAGE BASIN - The area from which water is carried off by a drainage system; a watershed or catchment area.

DRAINAGE POND - A body of open water, larger than 1,000 sq.ft, where drainage water is stored.

DRAINAGE SYSTEM - All facilities, channels, and areas which serve to convey, filter, store, and/or receive stormwater, either on a temporary or permanent basis.

DRIVE-IN ESTABLISHMENT, DRIVE-IN, or DRIVE-THROUGH - Any place or premises used for the sale, dispensing, or serving of goods or services to customers remaining in their automobiles, including those establishments where customers may serve themselves and may carry out or consume the above on or off the premises.

DRIVE-UP WINDOW – Any establishment providing service from a building directly to a customer in an automobile or other vehicle.

DRIVES, PRIVATE - Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with public streets within public rights-of-way.

DRY BOTTOM BASIN – A basin designed to be completely drained after having provided its planned detention of runoff during a storm event.

DUPLEX – A building consisting of two (2) dwelling units which may be either attached side by side, or one above the other; and each unit having a separate or combined entrance or entrances from the outside of the building.

DWELLING - A building or portion thereof, used primarily as a place of residence for one or more human beings, but not including mobile homes, hotels or motels, lodging or boarding houses.

DWELLING, ATTACHED SINGLE-FAMILY - Single-family dwelling units attached by a common wall or walls, and legally platted so that each unit sits on an individual lot providing for fee simple ownership of each lot. This type of dwelling may or may not have additional common grounds owned by a homeowners association.

DWELLING, FARM - A dwelling, located on a farm, for the purpose of housing an owner or employee of that farm or agricultural operation and his/her family.

DWELLING, SINGLE FAMILY - A detached residential dwelling unit designed by and occupied by one (1) family only.

DWELLING, TWO FAMILY - A detached residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

DWELLING, MULTI-FAMILY - A residential building designed for or occupied by three (3) or more families, provided that the number of families in residence do not exceed the number of dwelling units provided.

DWELLING UNIT - A dwelling or part of a dwelling used by one family as a place of abode, physically separated from any other dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

E

EASEMENT - The right of a person, government agency, or public utility company to use, for a specific purpose, the public or private land owned by another.

EASEMENT, OFF-SITE PLAT OVER - An easement lying outside the parcel being conveyed but of benefit to the parcel.

EDUCATIONAL FACILITY, PRIVATE - Any building or group of buildings, the use of which meets state requirements for primary, secondary, or higher education and which does not secure the major parts of its funding from any governmental agency.

EDUCATIONAL FACILITY, PUBLIC - Any building or group of buildings, the use of which meets state requirements for primary, secondary, or higher education and which secures the major parts of its funding from governmental agencies.

EDUCATIONAL INSTITUTION - A pre-primary, primary, grade, junior high, high, or preparatory school or academy; or a junior college, college or university, whether public or founded or conducted by or under the sponsorship of a religious or charitable organization.

EGRESS - An exit.

ELDERLY HOUSING - For the purpose of this Ordinance, elderly housing shall be divided into three categories based on the amount of care provided. Each category may be subject to separate regulations.

- A) Independent Living Facilities - Independent living facilities are living facilities that do not provide any type of health care.
- B) Semi Independent Living Facilities - Semi Independent Living Facilities are similar to apartments but include special support services such as central dining, and may include limited medical care. *See "congregate housing" and Health Services: Assisted Living Facilities.*
- C) Dependent Living Facilities - Dependent Living Facilities are those which provide twenty-four hour nursing care in addition to living arrangements. *See "nursing home" and Health Services: Convalescent, Rest or Nursing Home.*

ELECTROLIER - An electrolier is a chandelier for electric lamps.

ENGINEER, PROFESSIONAL - Any person who is licensed by the State of Indiana to practice professional engineering.

EROSION - The removal of surface materials by the action of natural elements.

ESCROW - The arrangement for the handling of instruments or money not to be delivered until specified conditions are met.

EXCAVATION - Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. Shall also include the conditions resulting therefrom.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

F

FAMILY - A group of one or more persons occupying a building and living as a single housekeeping unit. No group living as a single housekeeping unit but not related by blood, marriage, or adoption, shall consist of more than three (3) persons, as distinguished from a group occupying a lodging house, hotel or nursing home.

FARM - A tract of land comprising an area which is devoted to agricultural operations such as forestry; the growing of crops; pasturage; the production of live stock and poultry; the growing of trees, shrubs and plants; and other recognized agricultural pursuits; and including accessory buildings essential to the operation of the farm. Accessory buildings may include barns; equipment and animal sheds; farm residences for the owner, operator or farm assistants; roadside sales structure for the sale of products of the farm; and signs displaying subject matter directly related to the name of the products of the particular farm. "Farms" shall not include industrial or commercial operations or structures which are not directly related to agricultural production. *See also: Agriculture*

FAST FOOD RESTAURANT - An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared quickly. Orders are generally not taken at the customer's table, and food is generally served in disposable wrapping or containers. Establishment may include a drive-through service facility as an accessory use.

FENCE - An enclosure or barrier used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees or other natural growth.

FHBM - Flood Hazard Boundary Map

FILL - Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. Shall also include the conditions resulting therefrom. Also the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade, or the material used to make a fill.

FILLING STATION - SERVICE STATION - Buildings and premises where gasoline and other petroleum are supplied and dispensed at retail, and where light automobile maintenance activities may be conducted. Uses permissible at a service station do not include major mechanical and body work, straightening of frames or body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. A service station shall not be construed as a repair garage or a body shop.

FINANCIAL GUARANTEE - Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Governing Body. The Governing Body shall approve all financial guarantees whenever required by these regulations.

FIXTURE - The assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

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

FLAG LOT - A lot with access provided to the bulk of the lot by means of a narrow corridor.

FLASH POINT - The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will burn momentarily using the closed cup method.

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

FLOOD, REGULATORY -- See Regulatory Flood.

FLOOD HAZARD AREA -- A flood plain, or portion thereof, which is not adequately protected from floodwater by means of dikes, levees, reservoirs, or other works approved by the Indiana Department of Natural Resources.

FLOOD HAZARD BOUNDARY MAP (FHBM) -- An official map of a community, issued by the administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone FHA.

FLOOD INSURANCE RATE MAP (FIRM) -- The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the town.

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

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

FLOODWAY FRINGE -- Those portions of the floodplain lying outside the floodway.

FLOOD PROTECTION GRADE (FPG) -- The elevation of the regulatory flood plus two feet at any given location in the Special Flood Hazard Area (SFHA).

FLOOR AREA, NET - The total area, computed on a horizontal plane, used for a particular business category; exclusive of entrances, hallways, stairs and other accessory areas used for ingress or egress.

FLOOR AREA, GROSS - The total horizontal areas of the one or several floors of a building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space such as counters, racks, or closets and any basement floor area devoted to retailing activities, to the production or processing of goods or to offices; provided, however, gross floor area shall not include that area devoted entirely and permanently to storage purposes, parking and loading facilities, or space used for restrooms, utilities, stairwells or elevator shafts.

FLOOR AREA RATIO (FAR) - The combined floor area of all stories of all buildings within a lot, divided by the land area.

FOOTCANDLE - A unit of illumination equal to the illumination at all points that are one (1) foot from a uniform point source of one (1) candle of power.

FOOTPRINT - The horizontal area of a building or structure as seen in plan, measured from outside of all exterior walls and supporting columns.

FOUNDATION - The supporting member of a wall or structure.

FOUNDATION SIDING or SKIRTING - A type of wainscoting constructed of fire and weather resistant material, such as aluminum, treated pressed wood or other approved materials, enclosing the entire undercarriage of the manufactured or mobile home.

FREE BURNING - A rate of combustion described by a material which burns actively and easily supports combustion.

FRONT LINE - With respect to a building, the foundation line that is nearest the front lot line.

FRONTAGE - All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

FULL CUTOFF - A light fixture which prevents distribution of light above a horizontal plane passing through the lowest point of the bulb or lens, diffuser, reflective enclosure, or other parts intended to distribute light.

FULLY SHIELDED - A fixture constructed, installed, and/or mounted so that a line of sight to the bulb is obstructed by an opaque material when viewed at ground level or above from all adjoining residential and public rights-of-way property lines and from twenty (20) feet inside all other adjoining property lines.

FUNERAL HOME/MORTUARY - An establishment engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funeral services before burial or cremation.

G

GARAGE, ATTACHED - A portion of the principal building, used or designed to be used for the parking and storage of Class I and Class II vehicles

associated with the primary use of the lot on which it is situated, including carports.

GARAGE, DETACHED - An accessory building, or part thereof, used or designed to be used for the parking and storage of Class I and Class II vehicles associated with the primary use of the lot on which it is situated, including carports.

GARAGE, PUBLIC - A principal building or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and, in which, no vehicle sales or service shall be provided for remuneration.

GARAGE, REPAIR - See definitions for "automotive repair, major", "automotive service, major" and "automotive service, minor".

GARAGE OR YARD SALE - A private or public sale of six (6) or more items of personal property, the sale of which is conducted within a residence, garage, or other accessory building, or immediately outside of such building, and which is conducted by the owner or occupier of such structure.

GAS STATION - See Filling Station.

GOLF COURSE - A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways and hazards. A golf course may include a driving range, pitch and putt area, a clubhouse and shelters as accessory uses.

GRADE - The elevation established for the purpose of regulating the number of stories and the height of buildings. Grade shall be the mean level of the finished surface of the ground adjacent to the exterior walls of the building.

GREENHOUSE, COMMERCIAL - A greenhouse used for the growing of plants, all or part of which are sold at retail or wholesale.

GREENWAY - A linear park, alternative transportation route, or open space conservation area approved by the Town.

GROSS LAND AREA - All areas (whether covered by land or water or rights-of-way) contained within the perimeter property boundaries of a proposed project.

GROUND FLOOR AREA - The area of a building in square feet, as measured in a horizontal plane at the ground level within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

GROUP HOME -

- (1) DEVELOPMENTALLY DISABLED. A residential facility for the developmentally disabled, as defined and regulated under I.C. 12-7-2-166.
- (2) MENTALLY DISABLED. A residential facility for the mentally disabled as defined and regulated under I.C. 12-7-2-167.
- (3) For the purpose of this Ordinance, group homes shall also include HALF WAY HOUSES.

GROUP HOME, OTHER - A single, self contained children's home established and operated by the Town of Montgomery, or other governmental agency, licensed private child placement agency, or licensed incorporated group established for the purpose of receiving and caring for up to eight (8) children who are attended by parents.

GUYED TOWER - A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

H

HARDSHIP - A perceived difficulty with regard to one's ability to improve land as a result of the application of the development standards of this Ordinance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Nor shall the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement, be considered a hardship. Nor shall any improvement initiated in violation of the standards of this Ordinance be considered a hardship.

HAZARDOUS WASTE - Any refuse, solid waste or combination of solid wastes that, because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

1. Cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible illness; or
2. Pose a substantial present or potential hazard to human health or the environment when improperly treated stored, transported, disposed of, or otherwise managed.

HEIGHT OF BUILDING - The vertical distance from the grade to the highest point of the building.

HEIGHT, MAXIMUM - Maximum height is measured from grade level to the highest point of the structure.

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

HISTORIC STRUCTURE - A structure that is individually listed on the National Register of Historic Places or the Indiana Register of Historic Sites and Structures.

HOME OCCUPATION - Any activity performed for monetary gain in or directed from a dwelling unit by one or more residents of that dwelling unit which is located in a residential zone, provided that such activity meets the requirements set forth in Section 6.9.

HOSPITAL - An institution licensed by the State Department of Health to provide health services for the sick or injured, and which may include related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility; provided such institution is operated by, or treatment is given under direct supervision of a licensed physician. Types of hospitals include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer, and the like.

HOTEL - A building offering transient lodging to the public for compensation, and which may provide additional services, such as restaurants, meeting rooms, and recreation facilities.

I

IMPERVIOUS SURFACE - Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks, and paved recreation areas.

IMPROVEMENT - Any alteration to the land or other physical constructions associated with subdivision and building site development.

IMPROVEMENT, LOT - Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated, constituting a physical betterment of real property, or any part of such betterment. Certain lot improvement shall require financial guarantee as provided in the applicable regulations.

IMPROVEMENT, PUBLIC - Any drainage ditch, roadway, sidewalk, curb, tree, lawn, off-street parking area, main, or other facility for which the local or state government may ultimately assume the responsibility for maintenance and/or operation, or which may affect an improvement for which local or state government responsibility is established. All such improvements shall require financial guarantee.

IMPROVEMENT, SUBSTANTIAL - Means any construction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

IMPROVEMENT, TEMPORARY - Improvements built and maintained by a subdivider during construction of the subdivision and which may become permanent prior to release of the performance guarantee.

IMPROVEMENT LOCATION PERMIT - A certificate issued under this Ordinance, permitting a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within its jurisdiction, or cause the same to be done or to change the condition of the land.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM - A septic tank, seepage tile, sewage disposal system, or any other approved sewage treatment device designed for use in a limited area.

INDUSTRIAL PARK - A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, orientation and open space

INDUSTRIAL USE - A use involving the manufacture, procession, assembly, or storage of equipment, raw materials, or manufactured products which require an industrial zoning classification of I-1, I-2 or I3.

INFRASTRUCTURE - The services and facilities necessary in a community, including but not limited to sewers, water systems, streets, utilities and drainage services.

INGRESS - Access or entry point.

INOPERABLE MOTOR VEHICLE - A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property, or; a vehicle that is, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days.

INSTITUTION - Any facility maintained or conducted by a group of persons, a firm, association, non-profit entity, corporation, or government body (i.e. buildings and land designed to aid individuals in need of mental, therapeutic and rehabilitative counseling or buildings and land designed to aid individuals in educational, religious, charitable or other such pursuits).

INTEGRATED CENTER - A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations, and protection from the elements.

INTENSE BURNING - A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

INTERESTED PERSON - Someone having an interest in land affected by a given zoning decision as determined by the written rules of either the Advisory Plan Commission or the Advisory Board of Zoning Appeals.

INTERIOR LOT - A lot other than a corner lot or a through lot.

J

JUNK YARD - Any place at which personal property is or may be salvaged for reuse, resale or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or assorted. Including but not limited to, used or salvaged base metal or metals, their compounds or combinations, used or salvaged rope, bogs, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

K

KENNEL, COMMERCIAL - Any lot or premises which are kept for breeding, boarding, grooming, or training purposes, or for sale, five (5) or more dogs,

cats, or other domestic animals more than six (6) months of age, not owned by the owner or occupant of the property.

KENNEL, PRIVATE - Any building or land designed or arranged for the care of four (4) or more dogs or cats over four (4) months of age belonging to the owner of the principal use, kept for purposes of show, hunting, or personal enjoyment as pets.

L

LAND ALTERATION - Any change, addition or modification in construction.

LAND SURVEYOR - Any person who is licensed in the State of Indiana to practice land surveying.

LANDFILL - The burial of non-hazardous, non-radioactive and non-medical farm, residential, institutional, commercial, or industrial waste, usually after the waste has been compacted.

LANDOWNER - The legal or beneficial owner or owners of land. The holder of an option or contract to purchase, a lessee or other person having an enforceable proprietary interest in such land shall be deemed to be a landowner for the purposes of this Ordinance.

LANDSCAPE CONTRACTOR - Any person, firm, association, syndicate, partnership, realtor or corporation engaged in the business of accepting orders or contracts, either as a general contractor or subcontractor for the planning, design and installation of landscaping for non-residential uses.

LIVESTOCK - Generally accepted outdoor farm animals (i.e., cows, goats, horses, pigs, barnyard fowl, etc.), not to include domestic animals.

LIVING AREA - See FLOOR AREA, USABLE LIVING

LOADING SPACES - LOADING AND UNLOADING BERTHS - The off-street area required for the receipt or distribution by vehicles of material or merchandise.

LOCAL STREET - A street designated primarily to provide access to other streets from individual properties.

LODGING HOUSE - A building where long term rental lodging is provided for compensation to three (3) or more, but not exceeding thirty (30) persons.

LOT - A single recorded tract or plot, which is the smallest unit of a residential, commercial or industrial subdivision or other parcel of land. A

lot serves as a unit for the purpose, whether immediate or future, of transfer of ownership, or lease. See also definitions for "lot of record" and "parcel".

LOT OF RECORD - A lot which is part of a subdivision, the map of which has been recorded in the Office of the County Recorder of Daviess County, Indiana; or a parcel of land, the deed to which has been recorded in the Office of the County Recorder of Daviess County, Indiana, prior to the date of passage of this Section of the Ordinance.

LOT AREA - The AREA of the horizontal plane of a lot bounded by the vertical planes of the front, side and rear lot lines. Easements are considered to be part of the Lot Area. The lot area is exclusive of right-of-way and may not be covered by water.

LOT, CORNER - A lot situated at the intersection of two (2) streets, or which fronts a street on two (2) sides.

LOT COVERAGE - The total ground area of a lot usually expressed as a percentage of the lot area that is covered, occupied or enclosed by principal and accessory buildings and structures.

LOT, DEPTH OF - The mean horizontal distance between the Front Lot Line and the Rear Lot Line of a Lot, measured in the general direction of the Side Lot Line .

LOT FRONTAGE - The front of a lot shall be construed to be the portion nearest the street right-of-way. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to street right-of-way shall be considered frontage, and yards shall be provided under "Yards" in this section.

LOT GRADE LEVEL -

- (1) For a building having walls abutting, that is, generally parallel to and not more than five (5) feet from one (1) street only, the elevation of the sidewalk at the center of the wall abutting the street.
- (2) For a building having walls abutting more than one (1) street, the average of the elevations of the sidewalk at the centers of all walls that face streets.
- (3) For a building having no wall abutting a street, the average level of ground adjacent to the exterior walls of the building.

LOT LINE, FRONT- A line separating a lot from a street. Any lot line which abuts a street shall be considered a front lot line.

LOT LINE, OPPOSITE - The side property line on the opposite side of the dwelling from the zero lot line.

LOT LINE, REAR - A Lot Line which is opposite and most distant from the Front Lot Line and, in the case of an irregular or triangular-shaped Lot, a line ten (10) feet in length within the Lot, parallel to and at the maximum distance from the Front Lot Line.

LOT LINE, SIDE - Any lot boundary line not a Front Lot Line or a Rear Lot Line .

LOT, MINIMUM AREA OF - The smallest lot area established by this Ordinance on which a use or structure may be located in a particular district, and which does not include any street right-of-way.

LOT, NONCONFORMING - A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of this zoning Ordinance but which fails by reason of the adoption, revision or amendment to conform to the present requirement of the zoning district.

LOT, SALES - Premises on which new or used passenger cars, recreational vehicles, boats, commercial vehicles, farm implements, trailers or other vehicles, or manufactured homes are displayed in the open for sale or trade. All vehicles must be in operable condition.

LOT STORAGE - An unenclosed space or place where passenger cars, recreational vehicles, boats, commercial vehicles, farm implements, trailers, mobile homes or other vehicles are parked or stored for more than twenty-four (24) consecutive hours. All vehicles must be in operable condition. A storage lot may be fenced or otherwise enclosed. A parking lot is not a storage lot.

LOT, THROUGH - A Lot having frontage on two parallel or approximately parallel Streets.

LOT, CORNER - A lot located at the intersection of two or more streets.
Through Lots - A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

LOT, REVERSED FRONTAGE - A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

LOT, FLAG - A lot not fronting or abutting a public roadway and where access to the public roadway is limited to a narrow private right-of-way.

LOT WIDTH - The dimension of a lot, measured between side lot lines on the building line.

LOWEST FLOOR - Means the lowest of the following:

1. The basement floor;

2. The garage floor, if the garage is the lowest level of the building;
3. The first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
4. The floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - a. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed floor area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above the enclosed area's floor;
 - b. Such enclosed space shall be usable for non-residential purposes and building access.

M

MAINTENANCE GUARANTEE - Any security, which may be required and accepted by the Montgomery Town Council to assure that necessary improvements will function as required for a specific period of time.

MANEUVERING AISLE - A maneuvering space, which serves two or more, parking spaces, such as the area between two rows of parking spaces and/or the driveway leading to those spaces.

MANEUVERING SPACE - An open space in a parking area which is immediately adjacent to a parking space; is used for and/or is necessary for turning, backing or driving forward a motor vehicle into said parking space; but is not used for the parking or storage of motor vehicles.

MANUFACTURED HOME - As defined in Indiana Code section 9-13-2-96; except having the meaning set forth in federal manufactured housing construction and safety standards law of 1974 (42 U.S.C. 5401 et seq.), "manufactured home" means a structure that is assembled in a factory, bears a seal certifying that it was built in compliance with the federal manufactured housing construction and safety standards law (42 U.S.C. 5401 et seq.), is designed to be transported from the factory to another site in one (1) or more units, is suitable for use as a dwelling in any season, and is more than thirty-five (35) feet long.

MANUFACTURING – The process of making, assembling, adding improvements to, or fabricating raw materials by hand, machinery or the combination thereof into finished or semi-finished parts or products.

MANUFACTURING, EXTRACTIVE - Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any material natural resource, excluding gas and oil.

MANUFACTURING, HEAVY - A use engaged in the processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions which would generate objectionable or hazardous elements such as: heat, smoke, odor, vibration, water pollution, electromagnetic disturbances, radiation or dust.

MANUFACTURING, LIGHT - Manufacturing or other industrial uses which are controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisance.

MARQUEE – Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MEDICAL FACILITIES – See Health Services.

MINERAL EXTRACTION - Mining or quarrying; and removal of earth materials.

MINOR ARTERIAL - A street intended to collect and distribute traffic in a manner similar to primary arterials, except that these streets service minor traffic generating areas such as community commercial areas, primary and secondary educational facilities, hospitals, major recreational areas, churches and offices; and/or designed to carry traffic from urban collector streets to the system of principal arterials.

MIXED USE - A single building containing more than one type of land use or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

MOBILE HOME - Any vehicle more than thirty two (32) feet in length designed by the manufacturer or maker with hitch and undercarriage to permit its being used as a conveyance upon public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to

be used as a dwelling and not qualifying under the definition of manufactured home or recreational vehicle.

MOBILE HOME PARK - An area of land upon which two or more Mobile Homes are harbored for the purpose of being occupied either free charge or in consideration of the payment of rental for the Mobile Home or the site upon which it rests; and within which area a Mobile Home may be supported either by its wheels or by a foundation of any sort.

MOBILE HOME SPACE -- A plot of ground within a mobile home park designated for the accommodation of one mobile home.

MOBILE HOME STAND -- That part of an individual mobile home space which has been reserved for the placement of the mobile home, appurtenant structures, or additions.

MODEL HOME - A dwelling unit used temporarily for display purposes which typifies the type of units that will be constructed in the subdivision in which the dwelling unit is located, and may contain a temporary sales office for the subdivision in which the dwelling unit is located.

MODERATE BURNING - A rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

MODULAR HOME -- An off-site (factory) constructed, transportable structure designed for residential occupancy when permanently placed on a foundation.

MONOPOLE TOWER -- A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

MONUMENT, SURVEY - Any permanent marker either of stone, concrete, galvanized iron pipe, or iron or steel rods, used to identify the boundary lines of any tract, parcel, lot or street lines.

MOTEL - A building or a group of detached or connected buildings devoted to the provision of sleeping accommodations for automobile transients, and containing bedroom, bathroom, closet space, and convenient access to a parking space. Motels may include other accessory uses such as restaurants, swimming pools, meeting rooms, and the like. See also "Hotel."

MOTOR HOME -- See recreational vehicle.

MULTIPHASE DEVELOPMENT - A development project that is constructed in stages, each stage being capable of existing independently of the others.

N

NEIGHBORHOOD RECREATIONAL AREA - A private recreation area which is owned by a neighborhood association or a developer, and is only for the use of the residents of that subdivision.

NEON - Irregularly bent or shaped glass tubing containing gaseous neon which glows when an electrical current is applied.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the Town of Montgomery, Indiana.

NEWSPAPER STAND - A temporary structure, manned by a vendor that sells newspapers, magazines, other periodicals. Can also include a permanent stand where money is deposited into a machine to receive a paper.

NON-CONFORMING BUILDING OR STRUCTURE (LEGALLY ESTABLISHED) - Any continuous, lawfully established building or structure erected or structurally altered prior to the time of adoption, revision, or amendment of this Ordinance or granted a variance from this Ordinance, but which fails, by reason of such adoption, revision, amendment, or variance, to conform to the present requirements of the zoning district in which it is located.

NON-CONFORMING USE - See Use, Nonconforming.

NURSERY, PLANT MATERIALS - Land, building, structure, or any combination used for the storage, cultivation, transplanting of live trees, shrubs, offered for retail sale on the premises including products used for gardening or landscaping.

NURSING HOME - Any institution, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24 hours, nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but, in contradistinction to a hospital, does not include any place providing care or treatment primarily for the acutely ill.



OCCUPANCY - The residing of an individual overnight in a dwelling unit, or the installation, storage or use of equipment, merchandise or machinery on the premises or in any public, commercial or industrial building and/or the use of land, building or structures. A change in occupancy is not intended to include a change of tenants or proprietors.

OCCUPANCY GROUP - The classification in which a building inspector assigns a building, according to its use.

OCCUPANCY PERMIT - A required permit allowing occupancy of a building or structure after it has been determined that the building or structure meets all the requirements of applicable Ordinances.

OCCUPIED SPACE - The total area of earth horizontally covered by the structure, excluding garages, patios and porches and other accessory structures.

OCTAVE BAND - A narrow range of sound frequencies which classify sounds according to pitch. In the octave band analyzer the audible sound spectrum is divided into eight octave band.

OCTAVE BAND ANALYZER - An electrical device used with the sound level meter that sorts a complex noise or sound into the various octave band.

OFFICE BUILDING - A building used primarily for conducting the affairs of a business, profession, service, industry, government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

OFFICE, PROFESSIONAL AND BUSINESS - A room or group of rooms used for conducting the affairs of a business, profession, service, industry, government, or like activity. Institutional offices of a charitable, philanthropic, religious or educational nature are also included in this classification.

OFFICE RESEARCH PARK - A large tract of land that has been planned, developed and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

OFFICIAL ZONING MAP - The legally adopted map showing the legally established boundaries or the zoning districts within the Town as adopted by the Town Council.

OFF-SITE (OFF-PREMISES) - Outside the limits of the area encompassed by the tract area or the parcel of record on which the activity is conducted. (See also "Easement, Off-Site Plat over).

OMNIDIRECTIONAL ANTENNA - An antenna that is equally effective in all directions and whose size varies with the frequency and gain for which it was designed.

ON-SITE - Located inside the property lines of the parcel in question.

ONE AND TWO FAMILY DWELLING ORDINANCE, INDIANA - The nationally recognized model building Ordinance adopted by the Indiana Department of Fire Prevention and Building Safety as mandated by Public Law 360, Act of 1971, and which includes those supplements and amendments promulgated by this agency.

OPEN SPACE - The total horizontal area of a lot excluding the building area but including parking areas and recreational areas, provided, however, in Residential Districts, said open space may include the usable roof area within the project which has been improved for outdoor use of occupants, plus one-half of that space, such as balconies, which may be open on its sides but not open above to the sky.

ORCHARD - A total of twenty-five (25) or more fruit trees growing on a single lot, or a total of twenty-five (25) or more fruit trees within any single 10,000 square foot area for an economic gain.

OUTBUILDING - A separate accessory building or structure not physically connected to the principal building.

OUTDOOR LIGHT (FIXTURE) - A light fixture located outside or intended to be viewed from the outside.

OUTDOOR STORAGE - The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

OVERLAY ZONE - Provides for the possibility of superimposing certain additional requirements upon a base use zoning district without disturbing the requirements of the base use district. In the instance of conflicting requirements, the stricter of the conflicting requirement shall apply.

OVERLAY ZONE, CORRIDOR - The application of an overlay zone on designated corridors within the Town of Montgomery.

OWNER - A, person, firm, association, syndicate, partnership, corporation, or any other legal entity recorded as such on official records, and including a duly authorized agent or notary, a purchaser, a devisee, judiciary, and person having a vested or contingent interest in the property in question as long as written proof of such can be produced upon request.

P

PC – The Montgomery Advisory Plan Commission

PARCEL – Any LEGALLY described piece of land that may or may not be subdivided. Also known as a tract. See also definitions for Lot and Lot of Record.

PARKING AREA (LOT) - An open area, other than a street or alley designed to be used for the temporary parking of more than four motor vehicles, whether free or for compensation, and available for public use or as an accommodation for clients or customers.

PARKING SPACE - A space designated for the temporary parking of a motor vehicle.

PARKING GARAGE - A garage where parking, but not repairs, are available to the public.

PARTICULATE MATTER - Finely divided liquid or solid material which is discharged and carried along in the air. This shall not include water droplets, commonly called steam.

PASSENGER CAR – Every vehicle, except motorcycles, designed for carrying 12 passengers or less and used for the transportation of persons, including all vehicles within Classes 1 and 2, as categorized by the Motor Vehicle Manufacturers Association of the United States, Inc. (see also Commercial Vehicle).

PENNANT – Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERCEIVED DIFFICULTY – A perceived difficulty with regard to one's ability to improve land due to the application of the development standards of this ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standards of this ordinance; any result of land division requiring variance from the development standards of this ordinance in order to render that site buildable.

PERFORMANCE GUARANTEE – An amount of money or other negotiable security paid by the subdivider or his surety to the Town of Montgomery, which guarantees that the subdivider will perform all actions required by the Governing Body regarding an approved plat, and provides that if the subdivider defaults and fails to comply with the provisions of any approved plat, the subdivider or his surety will pay damages up to the limit of the financial guarantee bond, or the surety will itself complete the requirements of the approved plat.

PERFORMANCE STANDARDS – A set of criteria or limits relating to nuisance elements that a particular use or process may not exceed.

PERIMETER RETAINING WALL – A perimeter non load-bearing structural system completely enclosing the space between the floor joists of a manufactured or mobile home and the ground.

PERMANENT FOUNDATION – A structural system for transposing to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

PERMANENT PERIMETER ENCLOSURE – A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground, except for necessary opening, constructed in accordance with the International Residential Code for One- and Two-Family Dwelling as adopted or amended by the state.

PERSON - A corporation, firm, partnership, association, cooperative organization or any other group acting as a unit, as well as a natural person.

PERSONAL SERVICES – Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, valet service, watch repairing, barber shop, beauty parlors, tanning and nail salons, tattooing and body piercing and other such related activities.

PLAN – See Site Development Plan.

PLAN COMMISSION – The Montgomery Advisory Plan Commission

PLAN, PRELIMINARY - An initial map of a subdivision of land or development plan that is presented to the proper review authority for preliminary approval

PLANNED UNIT DEVELOPMENT (PUD) - A large-scale unified development meeting the requirements for zoning approval under the provisions of Section 13 of this Ordinance.

PLAT - A Map or Chart indicating the subdivision or re-subdivision of land, intended to be filed for record.

PLAT, FINAL – The final map of all or a portion of a subdivision or development plan that is presented to the proper review authority for final approval.

PORTABLE SIGN – Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to: signs designed to be transported by means of wheels; signs converted to A- or T-frames; sign boards; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

PREMISES - A lot or plot of land, including any buildings thereon.

PRINCIPAL ARTERIAL - A street intended to move through-traffic to and from such major business attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the Town or County and/or as a route for traffic between communities; a major intra- or inter-town thoroughfare.

PRINCIPAL BUILDING – See Building, Principal.

PRINCIPAL USE – See Use, Principal.

PRIVATE CAMP – An area of land used or designed to be used to accommodate groups or organized camping parties, including cabins, tents, food service, and recreational facilities.

PRIVATE DRIVEWAY – A minor private way used by vehicles and pedestrians for common access to a single lot or dwelling units or related business establishments.

PRIVATE GARAGE – A garage whose principal use is to house Class I and/or Class II motor vehicles for the accommodation of related dwelling units or related business establishments.

PRIVATE RECREATIONAL DEVELOPMENT - A recreational establishment held in private ownership and either open only to members or open to the general public in exchange for an admission fee.

PRIVATE SCHOOL – Non-state supported or sponsored primary, grade, high or preparatory school or academy.

PROFESSIONAL OFFICE - Office of a member or members of a recognized profession, including but not limited to: architects, artists, dentists, engineers, lawyers, musicians, physicians, surgeons or pharmacists, and realtors or insurance agents and brokers.

PROJECTING SIGN - Any sign suspended from or supported by a building, and extending outward therefrom more than twelve (12) inches.

PUBLIC IMPROVEMENT - Any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

PUBLIC UTILITY - Any person, firm or corporation duly authorized to furnish electricity, gas, steam, telephone, telegraph, fiber optics, cable television, and water or sewage systems to the public under public regulation.

PUBLIC UTILITY FACILITY - Telephone, electric, and cable television lines, poles, equipment and structures; water or gas pipes, mains, valves or structures; sewer pipes, valves or structures, pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or a public utility.

PUBLIC UTILITY INSTALLATIONS - The erection, construction, alteration, or maintenance by public utilities, municipal departments, commissions or common carriers of underground, surface or overhead gas, oil, electrical, steam, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, by public utility or municipal departments, commissions, or common carriers, for the public health or safety or general welfare.

PUBLIC WAY - An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

PULL OUT - An expandable portion of a manufactured housing unit.

R

RECREATION, ACTIVE - The improvement of the land that provides facilities serving the recreational needs of the community. Active recreational areas shall include, but are not limited to: swimming pools, athletic fields, tennis courts, community centers and playgrounds.

RECREATION, COMMERCIAL - Commercial recreation is land or facilities, operated as a business and which is open to the general public for a fee, that shall include, but is not limited to: water parks, rollerblade rental, billiard parlors, video amusement arcades, ski areas, pay-to-play athletic fields, golf courses, miniature golf courses, driving ranges, ice skating rinks, batting cages or swimming pools.

RECREATION, NON-COMMERCIAL - Non-commercial recreation is any land or facility operated by a governmental agency or non-profit organization and which is open to the public or members of the non-profit organization, without a fee, that shall include but is not limited to: playgrounds, outdoor basketball courts, picnic areas, bike/hike trails, riding stables, athletic fields or swimming pools.

RECREATION, PASSIVE - The use of unimproved land, in its natural state, which provides for a variety of activities for the outdoor exercise and activity needs of the community. Passive recreation areas shall include, but are not limited to: unimproved backpacking trails, unimproved hiking trails, primitive camping areas, canoeing and rafting areas.

RECREATION CAMPGROUND - An area of land on which two (2) or more recreational vehicles, campers, tents, cabins, or other similar temporary recreational structures are regularly accommodated for short term occupancy with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

RECREATIONAL FACILITY, INDOOR - A place primarily designed and equipped for the conduct of sports and leisure-time activities indoors. Such facility may be either public or private and open only to members or to the general public in exchange for an admission fee.

RECREATIONAL FACILITY, OUTDOOR - A place primarily designed and equipped for the conduct of sports and leisure-time activities outdoors. Such facility may be either public or private and open only to members or to the general public in exchange for an admission fee. Activities may include, but are not limited to, golf courses, game courts, swimming facilities, etc.

RECREATIONAL VEHICLE -- A portable or self-propelled vehicular structure designed as a temporary dwelling for travel and vacation uses only which conforms to either division (1) or (2) below:

- (1)
 - (a) Is identified on the unit by the manufacturer as a recreational vehicle.
 - (b) Is not more than the statutory body width for highway purposes as determined by the Bureau of Motor Vehicles.
 - (c) Is any weight provided its body length does not exceed thirty two (32) feet.
- (2)

- (a) Is a structure mounted on an automobile or truck.
- (b) Is designed to be used for sleeping or temporary habitation.

RECYCLABLE MATERIAL - Any material that can be converted into a raw material for use in a manufacturing process. Recyclable materials include but are not limited to glass, metal and plastic containers and paper products.

RECYCLING FACILITY - A building or area where recyclable material only is collected, sorted, and processed, prior to shipment for remanufacture into new materials at a separate facility.

REGISTERED LAND SURVEYOR - A land surveyor properly licensed and registered or through reciprocity permitted to practice in Indiana.

REGULATORY FLOOD (or BASE FLOOD) - The flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure, which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency.

REGULATORY FLOOD PROFILE - A longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the regulatory flood. The intent of this definition is to be consistent with the definition derived by the Indiana Department of Natural Resources.

RELIGIOUS PLACE OF WORSHIP - An institution that a congregation of people regularly attend to participate in or hold religious services, meetings and other activities, including buildings in which the religious services of any denomination are held and any related accessory buildings.

RESEARCH ACTIVITY AND TESTING LABORATORY - Research, development and testing related to such fields as chemicals, pharmaceutical, medical, electrical, transportation and engineering. All research, testing and development, whether conducted within or outside of buildings shall create no noise, smoke, glare, vibration or odor which can be detected outside of the buildings or property line. A research and testing laboratory shall mean a building in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental and accessory to the main purpose of the laboratory.

RESERVE STRIP - A strip of land between a partial street and adjacent property, which is reserved or held in public ownership for future street widening.

RESIDENTIAL DISTRICT - Those districts, R1, R2 and R3, as described under Sections 5.3, 5.4 and 5.5.

RESTAURANT - An establishment with or without table service whose principal business is the selling of unpackaged food and beverages to the customer in a ready-to-consume state, in individual servings or in non-disposable containers regardless of whether consumption is on or off the premises.

RESTAURANT, FAST-FOOD - An establishment whose principal business is the sale of pre-prepared or rapidly prepared food, in disposable containers, directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off-premises.

RESTRICTIVE COVENANTS - Limitations of various kinds of the usage of lots within a subdivision which are proposed by the subdivider, and, in the case of public health, safety and welfare, by the Commission, that are recorded with the plat and run with the land.

RE-SUBDIVISION - A change in a recorded subdivision plat if the change affects any street layout or area reserved thereon for public use of any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

RETENTION AREA - An area that is designed to capture and hold specific quantities of stormwater indefinitely.

RETENTION BASIN - See Dry Bottom Basin.

RIGHT-OF-WAY - A strip of land occupied or intended to be occupied by a street, pedestrian way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, or for another use involving maintenance by a public agency or by a utility. The usage of the term RIGHT-OF-WAY for land platting purposes shall mean that every RIGHT-OF-WAY hereafter established and shown on a secondary plat is to be separate and distinct from the lots or parcels adjoining the RIGHT-OF-WAY and not included within the dimensions or areas of the lots or parcels. RIGHTS-OF -WAY intended for streets, crosswalks, water mains, sanitary sewers, storm drains, screening or special landscaping, or any other use involving maintenance by a public agency shall be dedicated to public use by the subdivider on whose plat the RIGHT-OF-WAY is established.

RINGELMANN NUMBER - The number of the area on the Ringelmann Chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann Chart is published by the U. S. Bureau of Mines, and it illustrates graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered no smoke, or Ringelmann "0".

ROAD - See Street.

RUNOFF - The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

S

SALE or LEASE - Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate, succession, or other written instrument.

SAME OWNERSHIP - Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association, or ownership by different corporations, firms, partnership, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

SCHOOL, HOME - As regulated by I.C. 20-33-2 and seq., the State of Indiana allows for children to be home educated.

SCRAP METAL YARD -

- (1) A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and all other metal items of every type, and which acquires the items incidental to its connection with the other general industrial use or by purchase, consignment or bailment, and which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares the items for reuse by the connected other general industrial use or for sale and shipment and use in other industries or businesses, including open hearth, electric furnaces and foundry operations. Shall not include junkyards, dumps, or automobile graveyards.
- (2) The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as wood, paper, rags, garbage, bones and shattered glass on the premises of the establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junkyard.

SECTION - A unit of a manufactured home at least ten (10) feet in width and thirty (30) feet in length.

SEDIMENTATION - The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment".

SENIOR HOUSING (Independent Living Facilities) – A building or group of buildings containing dwelling units where the occupancy of the dwelling is restricted to persons 60 years of age or older, or couples where either the husband or wife is 60 years of age or older. This does not include a development that contains convalescent or nursing services.

SETBACK - A line parallel to and equidistant from the relevant lot line (front, back, side) between which no buildings or structures may be erected as prescribed in this chapter.

SEWER, CENTRAL OR GROUP -- An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

SEWER, ON-SITE -- A septic tank or similar installation on an individual lot which utilizes an anaerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

SEXUALLY ORIENTED BUSINESS - An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

1. Adult Arcade -- Any place to which the public is permitted or invited where coin-operated or slug-operated or electronically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
2. Adult Book Store or Adult Video Store -- A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, or other visual representations, which depict or describe "specified sexual activities" or "specified anatomical areas."
 - b. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

3. Adult Cabaret: A nightclub, bar restaurant, or similar commercial establishment which features:
 - a. Persons who appear in a state of nudity; or
 - b. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
 - c. Files, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or by "specified anatomical areas."
4. Adult Motel: A hotel, motel or similar commercial establishment which:
 - a. Offers, accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or by "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
 - b. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - c. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.
5. Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or other photographic reproductions are shown which are characterized by the depiction or description of "specified sexual activities" or by "specified anatomical areas."
6. Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities."
7. Escort: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
8. Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escort as one of its primary business purposes, for a fee, tip, or other consideration.
9. Reestablishment: Includes any of the following:

- a. The opening or commencement of any sexually oriented business as a new business;
 - b. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - c. The additions of any sexually oriented business to any other existing sexually oriented business; or
 - d. The relocation of any sexually oriented business.
10. Permittee: A person in whose name a permit to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit.
11. Nude Model Studio: Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
12. Nudity/State of Nudity: The appearance of a human bare buttock, anus, male genitals, female genitals or female breast.
13. Person: An individual, proprietorship, partnership, corporation, association, or other legal entity.
14. Semi-Nude: A state of dress in which clothing covers no more than the genitals, pubic regions, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
15. Sexual Encounter Center: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
- a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; and
 - b. Activities between male and female persons or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
16. Specified Anatomical Areas: The male genitals in a state of sexual arousal and the vulva or more intimate parts of the female genitals.
17. Specified Sexual Activities: Includes any of the following:
- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - c. Masturbation, actual or simulated; or
 - d. Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.
18. Substantial Enlargement: The enlargement of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five (25) percent, as the floor areas exist on August ____, 2011.
19. Transfer of Ownership or Control: The control of a sexually oriented business means and includes any of the following:
- a. The sale, lease, or sublease of the business;
 - b. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
 - c. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

SHOPPING CENTER - An architectural and functional grouping of retail stores and appropriate associated and accessory uses, generally oriented around a super market or department store, and designed to serve residential neighborhoods or communities. For the purpose of this Ordinance, any development consisting of two or more professional office uses, personal service uses, retail service uses, or any combination thereof, shall be considered a shopping center.

SIDEWALK - A paved surfaced or leveled area, usually parallel to and separate from the street, used as a pedestrian walkway.

SIGN - Any device, fixture, placard, structure, display, or illustration that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of or identify an object, product, place, activity, business, person, service or interest, or to communicate information of any kind to the public.

SIGN, ABANDONED - A sign that no longer correctly identifies or advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises on which the structure or device is located.

SIGN AREA -

1. The surface area shall be that area which is enclosed by one rectangle, the sides of which make contact with the extreme points or edges of the sign excluding the supporting structure which does not form part of the sign property or the display or;
2. The area of a sign composed of characters or words attached directly to a large, uniform building wall surface shall be the smallest combination of rectangles which enclose the whole group, including any loops or special symbols.

SIGN, ANIMATED – Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

SIGN, AWNING – A sign utilizing an awning as the sign face. Awning signs shall be handled in the same manner as wall signs.

SIGN, BANNER - A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

SIGN, BANNER SEASONAL - Seasonal banners are temporary banners that are made of lightweight fabric or similar material that is temporarily mounted to a pole or building by a permanent frame at one or more edges, and display seasonal themes.

SIGN, BILLBOARD - A billboard shall be defined as a sign used to display information or products which are not located on the same premises as the billboard or communicates a message, regardless of whether or not there is a service fee or rental fee for such a sign. Billboards are permitted along (and facing) interstate highways only, other locations are prohibited.

SIGN BOARD - A specific type of portable sign, double sided, self-supporting, made of a light weight material, not permanently attached to a building, structure, or the ground, and intended for a limited period of display.

SIGN, BUSINESS - A sign which directs attention to a business, building, product, activity, or service manufactured, sold, or offered upon the premises as the primary uses where such sign is located.

SIGN, CANOPY – Any sign that is a part of or attached to an awning, canopy or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

SIGN, CHANGEABLE COPY – A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this ordinance.

- SIGN COPY (Permanent or Temporary)- The wording or any graphic illustrations on a sign surface either in permanent or removable letter form.
- SIGN, DISPLAY - A sign that is located on and is incidental to a display of merchandise.
- SIGN, ELECTRIC - Any sign that is operated electrically.
- SIGN, EXEMPT - Sign exempt from normal permit requirements
- SIGN FACING - The surface of the sign upon, against or through which the message of the sign is exhibited.
- SIGN, FREE-STANDING - Any sign attached to a self supporting sign structure that is placed or anchored in the ground, and which is essentially unattached to any other structure. Free-standing signs may be either pole-mounted or monument signs.
- SIGN, GROUND - A sign which is supported by one or more uprights or bases in the ground with sign surface mounted above.
- SIGN, HIGH-RISE - A sign erected at a minimum height of fifty (50) or more feet above grade level and upon premises of the business being advertised.
- SIGN, IDENTITY - Any sign or sign structure not permanently affixed or installed and intended for short-term use.
- SIGN, ILLEGAL - Those signs which do not have a valid permit or do not qualify as nonconforming under the Zoning Ordinance.
- SIGN, INCIDENTAL - A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.
- SIGN, MARQUEE - A permanent roof-like shelter extending from part or all of the building face over a right-of-way (sidewalk) public or private, and constructed of some durable material such as metal, glass, plastic or wood.
- SIGN, MONUMENT - A sign which is completely self-supporting, has its sign face or base on the ground and has no air space, columns or supports visible between the ground and the bottom of the sign.
- SIGN, MULTI-FACED - If a sign has two (2) display or advertising surfaces, the area of any face shall be no greater than one hundred percent (100%) of the maximum area permitted for a single faced sign in the particular district. Should a sign have more than two (2) faces, the area of any single face shall be no greater than fifty percent (50%) of the maximum area

permitted for a single faced sign, with a total maximum area no greater than four hundred (400) square feet.

SIGN, NON-CONFORMING - Signs which were lawful prior to the time this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of Section 4.6 of the Montgomery Zoning Ordinance shall be deemed Legal Non-Conforming.

SIGN, OFF-PREMISES - A sign identifying and/or providing directions to a business or organization which is located on premises separate from the location of the sign.

SIGN, OUTDOOR ADVERTISING - A structural poster panel or painted sign, either freestanding or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which the sign is located.

SIGN, PENNANT - Any light weight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

SIGN, POLE - A sign which is supported by one or more poles or uprights in the ground with sign surface mounted at a maximum height of ten (10) feet from the building, or 35 feet total.

SIGN, PORTABLE - A sign which by its design and construction is readily mobile from one location to another. Such a sign may be mounted on wheels or on a small trailer frame; or may be mounted on a supportive frame, which is designed to set on top of the ground, or to be temporarily staked or tied to the ground.

SIGN, PYLON - A freestanding sign which has a vertical dimension greater than its horizontal dimension and which has a sign face within close proximity of the ground but separated from ground level by two or more supports such as poles or columns.

SIGN, ROOF - A sign mounted or painted upon the roof of a building or that is wholly dependent upon a building for support and that projects above the roof.

SIGN STRUCTURE - The supports, uprights, bracing and frame work for the sign. In the case of a sign structure consisting of two or more sides, where the angle formed between any of the sides (or the projection thereof) exceeds fifteen (15) degrees, each side shall be considered a separate sign structure.

SIGN SURFACE - The entire area within a single continuous perimeter enclosing all elements of the sign which form an integral part of the sign and which are organized, related and composed to form a single unit. Where matter is displayed in a random manner without organized relationship of