

## CHAPTER 2 – DISTRICTS

### 2.1 KINDS OF DISTRICTS: ESTABLISHMENT

A. The unincorporated areas of the county are divided into the following districts:

1. **FLOOD PLAIN DISTRICT (FP)** is designed to guide development in those areas identified as approximate 100 year flood boundaries by the Flood Boundary and Floodway Maps for Brown County, Indiana, by the Indiana Department of Natural Resources, by the Federal Emergency Management Agency, or as Zone A on the Flood Insurance Rate Maps for Brown County, Indiana. The FP district may stand by itself or it may be combined with any other district.
2. **FLOOD-WAY DISTRICT (FW)** is designed to guide development in areas identified as a floodway by the Flood Boundary and Floodway Maps for Brown County, Indiana, by the Department of Natural Resources, or by the Federal Emergency Management Agency based on a detailed flood hazard area assessment. The FW district may stand by itself or it may be combined with any other district.
3. **FLOOD-WAY FRINGE DISTRICT (FF)** is designed to guide development in areas identified as a floodway fringe by the Flood Boundary and Floodway Maps for Brown County, Indiana, by the Indiana Department of Natural Resources, or by the Federal Emergency Management Agency, based on detailed flood hazard area assessment. The FF district may stand by itself or it may be combined with any other district.
4. **FOREST RESERVE DISTRICTS (FR)** are established to include land that is for the most part rough terrain and where there is extensive public ownership of forest lands.
5. **PRIMARY RESIDENCE DISTRICTS (RI)** are established to include areas that can be served by water or sewage utility systems, principally along State Highways and at present urban centers.
6. **SECONDARY RESIDENCE DISTRICTS (R2)** are established to include areas that have been subject to urbanization on a scattered pattern, principally along County Highways.
7. **LAKE RESIDENCE DISTRICTS (LR)** are established to include areas that adjoin extensive bodies of water in the county and are suitable for seasonal or permanent residences.
8. **GENERAL BUSINESS DISTRICTS (GB)** are established to include areas that are appropriate to all kinds of business and services.
9. **ACCOMMODATION BUSINESS DISTRICTS (AB)** are established to include areas that are close to LR Districts and appropriate to the limited shopping and service needs of those districts.

10. **INDUSTRIAL DISTRICTS (I)** are established to include most of the existing industrial facilities and areas best suited for future industrial use because of location, accessibility, and other conditions.

B. In the "FP", "FW" and "FF" Districts established herein, the degree of flood protection established in this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific considerations.

Large floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes such as ice or debris jams. This ordinance does not imply that areas outside flood hazard districts as defined here-in, will be free of flooding or flood damage. This ordinance does not create any liability on the part of the County of Brown, Indiana, the Plan Commission, the Department of Natural Resources, the State of Indiana, or any elected or appointed official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

C. All three districts, FP, FW, FF are subject to flooding by the regulatory flood. The "Flood-Way" and "Flood-Way Fringe" districts are always to be used together. The "Flood plain" district is used by itself and does not overlap either of the other districts.

D. If a high quality assessment of flood hazard areas has been made, the use of the "flood-way" - "flood-way fringe" combination can be used. Use of these two districts requires a definition of the area flooded by the one hundred year flood, the breakdown of this area into the two districts and a profile of that flood. If flood prone areas have been identified (with or without flood profiles) and floodway data is unavailable, the "flood plain district" should be used.

E. If a FIA Flood Insurance Study has been completed for a community, the flood plain, flood-way or flood-way fringe district delineations should reflect at a minimum the delineations published in the Flood Insurance Study.

## 2.2 BOUNDARIES IN GENERAL

A. The boundaries of the districts established by Section 2.1 are as shown on the zone maps, which are a part of this ordinance. Except as provided by Section 2.3, Section 2.4 and Section 2.5 such boundaries may be changed only by amending this ordinance.

B. When the exact boundaries of a district are uncertain, they shall be determined by use of the scale in the zone maps or, in the case of a flood plain, by the Indiana State Department of Natural Resources-Division of Water, The Corps of Engineers, The U.S. Geological Survey or other reliable sources.

C. When a right-of-way is vacated, the districts adjoining each side are respectively extended to the center of the area so vacated.

D. If the boundary line of a district divides a lot having frontage on a street so that the front part of the lot lies in one district and part of the lot lies in another, a restriction that applies to the front part of the lot applies to the entire lot.

## 2.3 BOUNDARIES: FLOOD DISTRICTS

The flood plain districts (areas subject to inundation by the regulatory flood) as identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Brown County, Indiana" dated January 3, 1986, with the accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps along with any subsequent revisions to text or maps are hereby adopted by reference and declared to be a part of this ordinance. The zone maps of this ordinance are hereby amended to conform to the boundaries of the Flood Plain (FP) District, the Floodway Fringe (FF) District, and the Floodway (FW) District as defined in Section 2.1 (a), and as delineated on the Flood Insurance Rate Map and the Flood Boundary and Floodway Map.

1. Where land was formerly designated as a FP District only, but is no longer included as a FP District by this amendment, and where said land is bounded on all sides by the same zone as determined by the zone map, then said land shall be zoned the same as the surrounding land.
2. Where said land is bounded by a State or County Highway and is bounded on all other sides by one zone as determined by the zone map, said land shall be zoned pursuant to the terms of Section 2.5 of this Ordinance as to that portion of the land to which Section 2.5 applies, the balance of said land shall be zoned to conform with the zoning of the surrounding area as shown on the zone map.
3. Where said land is bounded by land which is zoned according to the zone map by two or more different zones, then said land shall be rezoned by further amendment to this ordinance by the proper legislative body.

## 2.4 BOUNDARIES: FOREST RESERVE DISTRICTS

The boundary of an FR District will be subject to change as the boundaries of R1, R2, and LR Districts are adjusted as provided in Section 2.5.

## 2.5 BOUNDARIES: RESIDENTIAL DISTRICTS

- A. The boundaries of R1 and R2 Districts, other than those specifically shown on the Zone Map, are intended to be parallel, or approximately parallel, to the existing state and county highways and include lands adjacent to those highways for a distance of 300 feet on each side of the highway centerlines, the R1 District adjoining the state highways and the R2 District adjoining the county highways; however, any parcel of land fronting on a public high-way and having a lot width of at least 100 feet, to be improved for one principal building, or as a subdivision for which a plat is to be recorded, is included within the R1 District, if adjoining a state highway, or the R2 District, if adjoining a county highway, irrespective of the distance between the highway centerline and the rear lot line.
- B. The boundary of an LR District, other than specifically shown on the Zone Map, shall include residential lands adjoining a newly established reservoir at a site approximately as shown in the county comprehensive plan upon the approval of a Development Plan by the Commission in accordance with Title III of this ordinance.

## CHAPTER 3 - AUTHORIZED USES

### 3.1 PRIMARY USES

Primary uses are authorized in the districts established by or under Section 2.1, as shown in the following table, where the district designation is marked with an **asterisk**, the use is permitted in that district only if a special exception has been granted under Section 3.4. Where it is marked by a **double asterisk**, the use is permitted in that district only if it has been approved by the Commission as necessary to the convenience of employees and effective operation of an Industrial use.

### 3.2 ACCESSORY USES

A. Accessory uses such as the following are authorized in all districts:

Bird baths and bird houses  
Buildings (such as garages, studios and tool sheds)  
Curbs  
Driveways  
Fences and hedges  
Lamp posts  
Mail boxes  
Name plates  
Parking spaces  
Public utility installations (such as utility wire poles, hydrants, and telephone booths)  
Retaining walls  
Trees, shrubs, plants, and flowers  
Walks

B. For any primary use for which a special exception is prescribed by Section 3.1, an outdoor sign that advertises that use is authorized as an accessory use, if the sign is located on the same property as the use and the sign is approved by the Board. Directional signs may be allowed if approved by the Board.

C. Accessory buildings may not be used or designed for human occupancy, and accessory uses involving human occupancy may not be established, except as permitted in this Part of Section 3.2 In all Zoning Districts, one accessory dwelling unit may be established on a lot. The minimum total floor area shall be 400 square feet. The maximum total floor area shall be the lesser area of 1300 square feet or 75% of the primary building's total floor area. The accessory dwelling unit shall be served by a community sewage disposal system or by an individual sewage disposal system. The accessory dwelling unit may be served by the primary use's individual sewage disposal system if the system is appropriately sized and found to be in compliance with the Brown County Septic Ordinance. The height and setback standards of Chapter 4 of the Zoning Ordinance apply to the accessory dwelling unit. The accessory dwelling unit must remain accessory to the primary use and shall not be sold separately, or otherwise divided, from the primary use. Accessory dwelling units may not be used as tourist homes or for other short-term rental purposes. Accessory dwelling units may be rented for minimum rental periods or terms of 31 days.

### 3.3 FLOOD PLAIN (FP), FLOODWAY (FW), AND FLOOD FRINGE (FF) USES

- A. In Floodway (FW) Districts and Flood Plain (FP) Districts, the following uses are authorized, provided they do not involve the erection of any structure or obstruction, the opening of any excavation or the disposition of any material or substance, and comply with other provisions of this ordinance.
  - 1. Agriculture uses such as the production of crops, pastures, orchards, plant nurseries, vineyards, and general farming.
  - 2. Forestry, wildlife areas, and nature preserves.
  - 3. Parks and recreational uses, such as golf courses, driving ranges, and play areas.

<u>PRIMARY USE</u>	<u>DISTRICTS IN WHICH PERMITTED</u>							
	FP	FR	R1	R2	LR	GB	AB	I
<b><u>RESIDENTIAL USES</u></b>								
Boarding or lodging house						GB	AB	
Dwelling, single family		FR	R1	R2	LR	GB	AB	
Dwelling, two-family		FR	R1	R2		GB	AB	
Dwelling, multi-family			R1*	R2*		GB	AB	
Equipment storage	FP*	FR*	R1*	R2*		GB	AB	I
Farm seasonal worker housing		FR	R1	R2	LR	GB		I
Fraternity, sorority, or student cooperative		FR	R1	R2	LR	GB		
Home for the aged		FR		R2	LR	GB		
Nursing home		FR		R2	LR	GB		
Private swimming pool	FP	FR	R1	R2	LR	GB		I*
<b><u>AGRICULTURAL USES</u></b>								
Artificial lake of 3 or more acres	FP*	FR*	R1*	R2*	LR*	GB*		I*
Commercial greenhouse	FP*	FR*		R2*	LR*	GB		I*
Farm	FP	FR	R1	R2	LR	GB	AB	I
Plant nursery	FP	FR	R1	R2	LR	GB	AB	I
<b><u>INDUSTRIAL USES</u></b>								
Bottled gas storage & distribution			FR*					I*
Industrial Park								I*
Industry, general			FR*					I*
Industry, light	FP*	FR*				GB		I
Junk yard			FR*					I*
Liquid fertilizer storage and distribution			FR*					I*
Manufacturing, storage or use of explosives	FP**	FR**						I**
Mineral extraction			FR*					I
Mineral extraction, borrow pit, topsoil removal, storage areas	FP*	FR*						I*
Petroleum tank farm			FR*					I*
Radio & Television Tower	FP*	FR*	R1*	R2*	LR*	GB*	AB*	I*
Slaughterhouse			FR*			GB*		I*
Truck freight terminal						GB*		I*

<u>PRIMARY USE</u>	<u>DISTRICTS IN WHICH PERMITTED</u>							
	FP	FR	R1	R2	LR	GB	AB	I
<b><u>PUBLIC FACILITIES</u></b>								
Airport or heliport		FR*	R1*	R2*	LR*			I*
Church or temple		FR	R1	R2	LR	GB	AB	
Kindergarten or day nursery	FP	FR	R1	R2	LR	GB	AB	I
Municipal or government building		FR	R1	R2	LR	GB	AB	I
Penal or correctional institution		FR*		R2*				I*
Police station or fire station		FR*	R1*	R2*	LR*	GB*		I*
Public art gallery, library or museum		FR	R1	R2	LR	GB	AB	
Public park or recreational facility - boat docks	FP	FR	R1	R2	LR	GB	AB	I
Public or commercial sanitary fill, refuse dump, or garbage disposal plant		FR*			R2*			I*
Public or commercial water supply or sewage disposal plant	FP*	FR*	R1*	R2*	LR*	GB*	AB*	I*
Public/Employee parking area	FP*	FR*	R1*	R2*	LR*	GB*	AB*	I*
Railroad right-of-way and necessary uses	FP*	FR*	R1*	R2*	LR*	GB*	AB*	I*
Recycling Facility	FP*	FR*	R1*	R2*	LR*	GB*	AB*	I*
School, public or parochial		FR	R1	R2	LR		AB	
Solid waste convenience station	FP*	FR*	R1*	R2*		GB*	AB*	I*
Solid waste transfer station		FR*		R2*				I*
Telephone exchange or public utility substation	FP*	FR*	R1*	R2*	LR*	GB*	AB*	I*
Trade or business school						GB		I
Transmission line for gas, oil, electricity, or other utilities	FP*	FR*	R1*	R2*	LR*	GB*	AB*	I*
University or college		FR	R1	R2	LR	GB	AB	
Wireless Communication Facilities (9)	FP*	FR*	R1*	R2*	LR*	GB*	AB*	I*
<b><u>BUSINESS USES: APPLIANCES</u></b>								
Electrical appliance sales & service						GB		**
Radio-TV service and sales						GB		**
Other similar uses						GB		**

<u>PRIMARY USE</u>	<u>DISTRICTS IN WHICH PERMITTED</u>						
	FP	FR	R1	R2	LR	GB	AB

#### **BUSINESS USES: AUTOMOTIVE SALES**

Automobile sales room	GB	**	
Automobile or trailer sales area, open	GB	**	
Automobile repair (all indoors)	GB	**	
Filling or service station	GB	AB	**
Public garage	GB	**	
Public parking area	GB	AB	**
Other similar uses	GB	**	

#### **BUSINESS USES: CLOTHING SERVICES**

Dressmaking shop	GB	**	
Dry cleaning establishment (1)	GB	**	
Laundry agency	GB	AB	**
Millinery shop	GB	**	
Self-service laundry	GB	AB	**
Shoe repair shop	GB	AB	**
Tailor and pressing shop	GB	**	
Other similar uses	GB	**	

#### **BUSINESS USES: FOOD SALES AND SERVICES**

Bakery	GB	**			
Dairy	GB	**			
Delicatessen	GB	AB	**		
Grocery	GB	AB	**		
Locker, cold storage, for individual use	GB	**			
Meat market	GB	AB	**		
Restaurant	GB	AB	**		
Roadside sales stand –	FP	FR	R1		
agricultural products				GB	**
Supermarket	GB	**			
Wholesale produce terminal	GB*	*			
Other similar uses	GB*	**			

#### **BUSINESS USES: GENERAL BUSINESS**

Bank	GB	**	
Business or professional office	GB	AB	**

<u>PRIMARY USE</u>	<u>DISTRICTS IN WHICH PERMITTED</u>							
	FP	FR	R1	R2	LR	GB	AB	I
Postal station						GB		**
Telegraph office						GB		**
Other similar uses						GB		**

#### BUSINESS USES: PERSONAL SERVICES

Barber shop						GB	AB	**
Beauty shop						GB	AB	**
One operator barber or beauty shop			R1*	R2*				
Reducing salon						GB		**
Other similar uses						GB		**

#### BUSINESS USES: RECREATION

Billiard room (3)						GB		**
Bowling alley (3)						GB		**
Country club or golf course	FP*	FR*	R1*	R2*	LR*			*
Dancing academy (3)						GB		**
Lodge or private club		FR		R2	LR	GB		**
Night club (3)						GB		**
Private recreational development	FP*	FR*	R1*	R2*	LR*	GB*	AB*	
Public camp		FR*		R2*	LR*			*
Riding stable		FR*		R2*	LR*	GB*	AB*	*
Seasonal hunting or fishing lodge	FP*	FR*	R1*	R2*	LR*	GB*		*
Stadium or coliseum		FR*	R1*	R2*		GB		*
Tavern (3)						GB		**
Theatre, indoor (3)						GB		**
Theatre, outdoor		FR*		R2*		GB*		*
Other business uses similar to those footnoted (3)						GB		**

#### BUSINESS USES: RETAIL SALES

Apparel						GB		**
Department store						GB		**
Drugstore						GB	AB	**
Flower shop (2)						GB	AB	**
Gift Shop						GB	AB	**
Hardware store						GB		**
Jewelry store						GB		**

**PRIMARY USE**      **DISTRICTS IN WHICH PERMITTED**

	FP	FR	R1	R2	LR	GB	AB	I
News Dealer						GB	AB	**
Record shop						GB		**
Retail showroom						GB		**
Stationer						GB		**
Variety store						GB		**
Other similar uses						GB		**

**BUSINESS USES: MISCELLANEOUS**

Advertising sign or billboard						GB	AB	**
Art gallery		FR	R1	R2	LR	GB	AB	
Bait sales	FP*	FR*	R1*	R2*	LR*	GB	AB	
Bed and Breakfast (8)		FR*	R1*	R2*	LR*	GB	AB	
Boat sales, service and storage						GB	AB	**
Cemetery or crematory		FR*	R1*	R2*	LR*			
Clinic		FR*	R1*	R2*	LR*	GB	AB	I*
Commercial facility for breeding and raising non-farm fowl or animals		FR*				GB*		
Farm equipment, sales and service						GB		**
Flea market (see section 5.1)	FP*					GB*		
Home occupation (5)	FP	FR	R1	R2		GB*	AB	I
Home Stay (6)		FR	R1	R2	LR	GB	AB	
Hospital		FR*	R1*	R2*	LR*	GB*		
Hotel or Motel		FR*	R1*			GB	AB	**
Kennel		FR*				GB		**
Mobile home park		FR*	R1*	R2*		GB*		
Mortuary			R1*	R2		GB		
Noncommercial signs	FP	FR	R1	R2	LR	GB	AB	I
On-premise commercial message signs	FP	FR	R1	R2	LR	GB	AB	I
Photographic studio						GB		**
Planned unit development (4)	FP	FR	R1	R2	LR	GB	AB	I
Professional office		FR*	R1*	R2*				
Railway station or motor bus station						GB		**
Retail business not otherwise covered						GB		**
Sales barn for livestock resale				R2*		GB		I
Tourist home		FR*	R1*	R2*	LR*	GB	AB	
Travel trailer park		FR*			LR*	GB*		
Veterinary hospital for small animals						GB		I*
Warehouse		FR*	R1*	R2*		GB		I
Wholesale business						GB		**