

CHAPTER 800

ZONING ORDINANCE: GENERAL PROVISIONS

800-1. Title

These regulations (Monroe County Code Chapters 800 through 849 and all accompanying maps, which are on file in the Administrator's office), and all ordinances and regulations supplemental or amendatory thereto, shall be known and may be cited as the "Monroe County Zoning Ordinance" and are generally referred to herein as "the Zoning Ordinance," "this ordinance," "the ordinance" or "these regulations."

800-2. Purpose

These regulations are hereby adopted in order to:

- (A) promote the orderly, responsible, and beneficial development and use of land within the County Jurisdictional Area;
- (B) promote the public health, safety, morals, comfort, convenience and general welfare of the County;
- (C) protect the character and stability of residential, institutional, business, industrial and natural areas;
- (D) minimize or avoid congestion in the public streets and to ensure safe, convenient and efficient traffic circulation;
- (E) secure adequate light, air, convenience of access, and safety from fire, flood and other danger, which may include providing adequate open spaces for light, air and outdoor uses;
- (F) preserve and enhance the scenic beauty, aesthetics and environmental integrity of the County Jurisdictional Area;
- (G) encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses;
- (H) regulate and restrict the location and intensity of use of buildings, structures and land for trade, residence and other uses;
- (I) define the powers and duties of administrative officers and bodies as provided herein, and to establish procedures for the implementation and enforcement of these regulations; and,
- (J) further such other purposes as are stated hereinafter within specific provisions of these regulations.

The Zoning Ordinance shall be interpreted, administered and enforced in a manner
is consistent with the foregoing purposes.

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800-3. Prohibited Uses and Acts

Except as provided in these regulations, no building, structure or premises may be used for any purpose other than those permitted in the zoning district in which the building, structure or premises is located. No land or lot area may be reduced, diminished, used or developed except in accordance with all applicable provisions of these regulations. No building or structure may be altered, erected, constructed, installed, moved, replaced or maintained except in accordance with all applicable provisions of these regulations.

800-4. Authority and Jurisdiction

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

800-5. Inclusion of and Relationship to Other Ordinances

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

800-6. Interpretation, Conflict and Separability

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

(D) The provisions of this ordinance are separable. If any part or provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The County hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application.

800-7. Computation of Time

Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day of the specified period of time. If the last day is a Saturday, Sunday or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded.

800-8. Saving Provision

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing planning and zoning regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the County under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the County except as shall be expressly provided for in these regulations.

800-9. Repealer

Upon the adoption of these regulations according to law, the Monroe County Zoning Ordinance that was adopted on August 29, 1986, as amended, is hereby repealed, except for such sections herein expressly retained or as necessary to affect the transition rules of Section 13 of this Chapter.

800-10. Conditions

The attachment of reasonable conditions to the use and development of land within the County Jurisdictional Area as part of the approval of rezoning petitions, special exceptions, conditional uses, home occupations, temporary uses, variances, outline plans, development plans, plat vacations and amendments, or as otherwise authorized, is an exercise of valid police power delegated to the County by the State. The applicant has the duty of compliance with reasonable conditions laid down by the Commission for design, dedication, improvement, and restrictive use of the land in order to conform to the physical and economical development of the County and to the safety and general welfare of present and future landowners and citizens of the County. The failure to comply with any such conditions may be cause for denial of the permits and approvals prescribed by these regulations and shall constitute a violation of the Zoning Ordinance.

800-11. Notices

For purposes of this ordinance, if written notice is required to be given to any person, such requirement shall be considered satisfied as of the date of deposit of the written notice in the United States mail, postage pre-paid, addressed to the person or agent thereof, at his last known address or principal place of delivery.

800-12. Form of Certificates, Notations, Applications and Findings

The Department shall establish the form of all certificates, notations, applications and findings required or permitted by these regulations. All such forms must be approved by the Commission and must be consistent with these regulations.

800-13.

Transition Rules

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

- (A) When a use lawfully existing on the effective date of this Zoning Ordinance was classified as a permitted use prior to the effective date of this Zoning Ordinance, and such use is classified as a "Conditional Use" by this Zoning Ordinance, such use shall be deemed a lawful nonconforming use. Such use may be granted a conditional use permit in the manner prescribed by Chapter 813 of these regulations or, alternatively, may continue subject to the nonconforming use provisions of Chapter 803 of these regulations.
- (B) When a use lawfully existing as a permitted use on the effective date of this Zoning Ordinance and this Zoning Ordinance, or any amendment thereto, no longer classifies such use as a permitted use in the zoning district in which it is located, such use shall be deemed a lawful nonconforming use and shall be subject to the nonconforming use provisions of Chapter 803 of these regulations.
- (C) Where any building, structure or lot lawfully existing on the effective date of this Zoning Ordinance does not meet all development standards set forth in this Zoning Ordinance, or any amendment thereto, such building, structure, or lot shall be deemed lawfully nonconforming and shall be subject to the nonconforming use provisions of Chapter 803 of these regulations.
- (D) When, before the effective date of this Zoning Ordinance, a complete application has been filed for an improvement location permit for a building or structure which conforms to all applicable regulations in effect prior to the effective date of this Zoning Ordinance, the building or structure may be completed in accordance with the plans on the basis of which the application was submitted, subject to the provisions of Subsection 803-2(F) of these regulations. Upon completion, said building or structure may be occupied for the use which was specified on the improvement location permit application, provided said use at the time of application was classified as permitted, or if classified as a conditional use or as a special exception use, had been approved by the Plan Commission and/or Board of Zoning Appeals. Provided, also, if the use originally intended no longer complies with all requirements of this Zoning Ordinance such use shall be a lawful nonconforming use subject to the nonconforming use provisions of Chapter 803 of these regulations or, alternatively, as a conditional use subject to the conditional use provisions of Chapter 813 of these regulations. However, in the event that said application or permit expires or is suspended or revoked in accordance with Chapter 818 of these regulations, any new permit application that is submitted after the effective date of this ordinance shall be subject to the regulations in this ordinance.
- (E) All variances granted prior to the effective date of this Zoning Ordinance shall remain in full force and effect subject to the conditions of variance approval. However, such variance shall apply only to the specific variance of use or development standard granted.
- (F) All conditional use permits granted prior to the effective date of this Zoning Ordinance shall remain in full force and effect subject to the conditions of conditional use approval. Expansion or change in use shall require compliance with this Zoning Ordinance.

- (G) All special exceptions granted prior to the effective date of this Zoning Ordinance shall remain in full force and effect subject to the conditions of special exception approval. Expansion or change in use shall require compliance with this Zoning Ordinance.
- (H) An outline plan approved under the previous zoning ordinance and shown on the previous zoning maps shall constitute an approved outline plan subject to the standards and conditions of outline plan approval. Subsequent development plans for the site shall comply with the previous zoning ordinance provisions concerning development plans or, alternatively, the developer may choose to comply with the development plan provisions of this ordinance, provided that the proposed development plan does not conflict with the standards and conditions applicable to the approved outline plan. A development plan approved under the previous ordinance shall constitute an approved development plan subject to the standards and conditions of development plan approval. Where an outline plan has been approved but has expired, prior to the effective date of this Zoning Ordinance, the outline plan shall be void and may not provide a basis for development plan approval.
- (I) A preliminary and/or final plat approved prior to the effective date of this Zoning Ordinance, whether or not yet recorded, shall remain in full force and effect, subject to the standards and conditions of plat approval. Final plats may be recorded as approved in accordance with the Subdivision Control Ordinance. Preliminary plats shall be entitled to final plat approval subject to the conditions of preliminary plat approval and subject to the subdivision control ordinance and the zoning ordinance provisions that were in effect at the time of preliminary approval. Lots in such subdivisions shall be established in their platted size and configuration as lots of record. All subsequent resubdivision, vacation and/or amendment of such plats shall be made under the provisions of the current comprehensive land use plan, the current subdivision control ordinance and this Zoning Ordinance. A full and complete application for preliminary plat approval conforming to all applicable regulations in effect at the time of application shall be entitled to review under the regulations in effect at the time of application with respect to lot size and configuration. Upon approval, lots in such plats shall be established in their platted size and configuration as lots of record.

800-14.

City/County Jurisdictional Transition Rules

The following rules are intended to guide developers and property owners in the transition of the “Two Mile Fringe” from City to County jurisdiction. These rules apply to situations in which projects begun under the City of Bloomington Zoning Ordinance regulations are to be processed.

- (A) All petitions filed with the City Plan Commission or Board of Zoning Appeals shall remain under the jurisdiction of the City until such time as the petition has completed the approval process. All permits required following the approval process shall be processed and administered by the County.
- (B) All unfinished planned unit developments or subdivision plats which received preliminary approval from the City after May 1, 1995, shall have until December 31, 1997 to seek final plan or plat approval with the City, either in phases or as a whole. After such date, all final plat or development plan approvals shall be sought from the County.
- (C) All unfinished planned unit developments or subdivision plats begun with the City prior to May 1, 1995, shall seek final plat or development plan approval from the County.
- (D) Appeals to City planning staff or Plan Commission decisions shall be filed with the City Board of Zoning Appeals.

800-15.

Applicability

- (A) This Zoning Ordinance, unless otherwise noted, shall apply to all public, private and institutional development, with the following exception:
- (1) road development projects by the Monroe County Highway Department.

[end of chapter]