

## CHAPTER 833

### ZONING ORDINANCE: ADMINISTRATIVE ADDITIONS FOR FORMER CITY OF BLOOMINGTON JURISDICTIONAL AREAS

#### 833-1. Purpose and Scope

The purpose of this chapter is to incorporate those sections of the City of Bloomington Zoning Ordinance which would apply to the zoning effective for those areas of the County formerly under the City of Bloomington's planning and zoning jurisdictional control, as amended. These sections are incorporated by reference into those sections of this Zoning Ordinance which would govern the administration of the affected zoning area.

Unless superseded by an Interlocal Agreement, the regulations set forth in this Chapter apply to the area outside the corporate limits of the City of Bloomington but inside the former "Two-Mile Fringe" boundary, which boundary shall include the following townships and sections:

<u>Township</u>	<u>Township Sections</u>
Richland	25, 35, 36
Bloomington	8, 9, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 35, 36
Benton South	30, 31
Van Buren	1, 2, 3, 10, 11, 12, 13
Perry	1, 2, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22
Salt Creek	6

Chapters 800-832 and 834 of this Zoning Ordinance should be referenced for procedures and development standards not found in this chapter.

#### 833-2. Regulations for Former City Zoning Jurisdictional Area

##### (A) **Zoning Districts**

For purposes of this chapter, the following sixteen (16) zoning districts are defined.

**Estate Residential 2.5 (RE2.5) District.** The intent of this district is to required minimum lot sizes of 2.5 acres where sensitive environmental resources exist. Such environmental resources may include karst formations, wetlands, hillsides, heavily wooded land, and the lake's watersheds. The dual purposes of this district are:

- A. To protect such sensitive environmental resources.
- B. To permit a rural level of development which will not endanger and can be used to protect these sensitive resources.

**Estate Residential 1 (RE1) District.** The intent of this district is to accommodate large lot, estate type residential uses in a rural environment along with limited compatible agricultural uses. It is meant specifically to:

- A. Accommodate those persons who desire estate type living.
- B. Maintain a pattern of growth that is consistent with the cost-efficient provision of urban services to promoted compactness in the city structure.
- C. Provide for development in a rural setting not necessarily requiring urban utilities.
- D. Provide for limited compatible agricultural uses.

**Single Dwelling Residential (RS2, RS3.5, RS4.5) Districts.** These three districts are intended to serve the traditional single family dwelling needs of the City. They are maintained in a single section of the ordinance for easy interpretation; the primary difference among these three district is density. By providing three districts zoning is established which is appropriate to the existing development in each district. These districts provide a flexible density structure whereby developments of varying densities are permitted subject to appropriate review. The intent of these districts is specifically to:

- A. Provide for the development of single family neighborhoods.
- B. Assure the protection of existing residential environments.
- C. Promote compatibility with the existing pattern of development.

**Townhouse Residential (RT7) District.** The Townhouse Residential (RT7) district provides a higher density single family residential district within appropriate areas of the city. Such development permits a higher level of land utilization, optimizes the utility of available infrastructure, and permits greater design flexibility while retaining a single family residential “neighborhood” atmosphere. This district accommodates attached single family residential development on properties designated low density by the Comprehensive Plan. The specific intent of this district is to:

- A. Provide for the development of well planned residential neighborhoods.
- B. Optimize the relationship between public infrastructure capacity and development densities.
- C. Provide pedestrian scale residential neighborhoods.
- D. Minimize land consumption and natural resource disturbance.
- E. Facilitate development flexibility to respond to market, design, and lifestyle trends.

**Multi Dwelling Residential (RM7, RM15) Districts.** Two multi family residential districts are provided. These districts include an RM7 zoning district intended for low density apartment development and an RM15 zoning district for higher density apartment development. These districts are located so as to be compatible with nearby existing multifamily development. The specific intent of these districts is to:

- A. Provide for the development of well planned multifamily residential neighborhoods.
- B. Optimize the relationship between public infrastructure capacity and development densities.
- C. Minimize land consumption and natural resource disturbance.
- D. Facilitate development flexibility to respond to market, design and lifestyle trends.

**Limited Commercial (CL) District.** This district will provide for small scale commercial uses within appropriate areas designated by the Comprehensive Plan. It is primarily intended to provide services to the immediate neighborhood, to encourage a pedestrian oriented community, and to disperse commercial uses throughout the community. This district provides locations for a variety of business and commercial uses of a moderate intensity. The specific intent of this district is to:

- A. Provide retail goods and services required for the regular or daily convenience of the residents of the surrounding neighborhood.
- B. Improve the visual quality of commercial areas.

- C. Create an environment of well-planned and coordinated commercial development.
- D. Assure buffered transition between commercial uses and adjacent residential environments.

**General Commercial (CG) District.** The purpose of this district is to provide areas within the city where shopping centers can be located in such a way that they will be accessible to the larger community without creating detrimental impacts on surrounding land uses. This district provides a location for commercial uses of a significant scale that attract customers from throughout the area. The specific intent of this district is to:

- A. Establish areas of compatible commercial uses.
- B. Improve the visual quality of commercial areas.
- C. Create an environment of well planned and coordinated commercial development.

**Arterial Commercial (CA) District.** The purpose of this district is to provide well-planned major commercial centers along major thoroughfares, access to which is primarily automotive. These centers require significant transportation and parking facilities which are not appropriate in more congested or less auto-oriented parts of the city. The intent of this district is to provide a planning mechanism that ensures efficient use of space, minimal congestion, and attractive development which creates a pleasant and healthy environment for the residents of the Bloomington area.

**Limited Industrial (IL) District.** This district provides for industrial uses of limited intensity. The purpose of the district is to encourage a high quality of design including buffering, landscaping, signage, entry features and architecture. This district accommodates those light industrial uses which are less offensive to nearby commercial or residential areas. The specific intent of this district is to:

- A. Accommodate industrial development which does not create substantial environmental impacts to surrounding properties. Such impacts include noise, vibration, unregulated outdoor storage and traffic.
- B. Create industrial environments which accommodate light industrial uses.
- C. Create environments for industrial uses which are attractive and well-designed.
- D. Provide for limited commercial opportunities which serve the surrounding industrial area.

**General Industrial (IG) District.** This district accommodates those uses with one or more of the following characteristics: intensive use of property, open uses and/or storage, industrial processes which may involve significant amounts of heat, mechanical and chemical processing, and other heavy industrial processes. It is the specific intent of this district to:

- A. Accommodate heavy industrial development.
- B. Create industrial environments which accommodate heavy industrial uses.
- C. Provide for limited commercial opportunities which serve the surrounding industrial area.

**Business Park (BP) District.** This district permits industrial parks for uses such as technology businesses and related office uses, including research and development. This district provides locations for commerce, service and employment activities having locations and site improvements that project a desirable appearance and that maintain compatibility with adjacent land uses. Aesthetic goals of the district include a park-like appearance, good architecture, clean uses, and avoiding large areas of parked trucks and equipment. It is the intent of this district to:

- A. Provide a planned business park environment.
- B. Assure control over the physical and visual design of the county's employment areas.
- C. Provide flexibility to respond to the needs of local business without adversely impacting adjacent development or neighborhoods.
- D. Provide for major development opportunity for economic development prospects.

**Institutional Uses (I) Special District.** The Institutional district is established to provide regulations for institutionally owned lands, including state, county, and city facilities; social service oriented uses, and similar non-profit, quasi-public institutions.

**Airport (AP) Special District.** The Airport district is intended to protect the airport from encroaching land uses which would hamper its operation and to protect those land uses from negative impacts associated with safety and noise. Additionally, the Airport district allows for uses appropriately associated with an airport.

**Quarries (Q) Special District.** The Quarries district will protect limestone quarries from encroaching land uses that would hamper their operations, while providing appropriate standards to protect the surrounding land uses from quarrying activities.

Standards for permitted uses within these zoning districts are listed in Tables 33-1. Table 33-2 contains a summary of development regulations for these zoning districts. Tables 33-4 and 33-5 lists special conditions or limitations which may apply to certain principal or accessory uses or structures.

**(B) Planned Residential Overlays**

- (1) **Purpose.** The Planned Residential Overlay is a series of three "performance" overlay districts intended to permit maximum residential densities recommended by the Comprehensive Plan on large sites which may be near properties previously developed to lower density standards or where such densities are appropriate with adequate buffering and mitigation of impacts. The intent is to allow mixed residential uses at an average overall density.
- (2) **Application of the Planned Residential Overlays.** Planned Residential Overlays may be designated and mapped on the Official Zoning Map in conjunction with the following residential zoning districts:
  - (a) The PRO6 overlay may be overlaid only upon the RS3.5 Single Dwelling Residential District.
  - (b) The PRO12 overlay may be overlaid only upon the RT7 Townhouse Residential and RM7 Multi Dwelling Residential Districts.
  - (c) The PRO20 overlay may be overlaid only upon the RM15 Multi Dwelling Residential District.
- (3) **Uses Permitted Within the Planned Residential Overlays.** The uses permitted within planned residential overlays shall include the same uses allowed as permitted uses, as conditional uses and as accessory uses in the underlying district, and in all PRO overlay districts the following uses shall be permitted: detached single family homes, two family dwellings, townhouses, and apartments.
- (4) **Approval.** Within the PRO, development shall be subject to the following approval process:

- (a) Any development conforming to the permitted uses and development standards of the underlying district shall be subject to the normal procedures of this zoning ordinance and, where applicable, to the normal procedures for subdivision approval as specified in Chapter 854 of the Monroe County Subdivision Control Ordinance, and the Plan Commission Rules of Procedure.
- (b) Any development which included uses other than those permitted in the underlying district or lot sizes smaller than those permitted in the underlying district, or densities greater than those permitted in the underlying district shall be subject to site plan review by the Plan Commission.
  - (1) The Plan Commission shall consider the spatial arrangement of the uses on the site, and the relationship of the uses to site features and surrounding land uses, in addition to the scope of review and standards specified in Section 815-4.
  - (2) If requested by the applicant, the Plan Commission shall consider a conceptual site plan drawn to a sufficient level of detail to enable determination of compliance with the requirements of the PRO District, and verification of the density bonuses. Upon approval of such a conceptual site plan, a full site plan conforming to all of the requirements of Section 815-4, shall be approved by the Plan Commission or planning staff, as provided in Section 815-3, before any permits are issued.
  - (3) The full site plan specified in (c) above may encompass a portion of the conceptual plan initially approved by the Plan Commission, but only where the implementation of the amenities for which density bonus has been granted is assured to the satisfaction of the approving authority by a financial guarantee and/or by inclusion in a final phase of sufficient size to warrant such assurance. The approving authority is not required to approve the site plan in phases unless it determines that adequate assurance is possible and has been provided.
  - (4) Subdivision approval, where specified under Chapter 854 of the Monroe County Subdivision Control Ordinance, shall be required in addition to the site plan approval specified herein; however, such approvals may be scheduled for simultaneous consideration.
- (5) **Mandatory Site Development Standards.** Mandatory site development standards apply to any development described in 833-2 (B)(4)(b) and shall include the following:
  - (a) In the PRO6 overlay, any area within 150 feet of a residential development existing on the date of adoption of this Zoning Ordinance shall not exceed a gross density of 25% in excess of that of the adjacent existing development; any area within the next 150 feet of such adjacent development shall not exceed a density of 50% in excess of that of the adjacent existing development; any portion of the site over 300 feet from such adjacent existing development may be developed at a gross density which results in the permitted gross density for the entire site.

For the purpose of this requirement, the density of the adjacent development shall be the gross density of the nearest tier of lots calculated to the centerline of the street serving said lots, or the gross density of the area within 400 feet of the common boundary, whichever is greater.

This requirement shall not apply to the frontage of an arterial street as designated on the Thoroughfare Plan; to adjacent areas which consist of residences on

unplatted parcels having lot size of at least two times the required minimum lot size in the underlying district, or to undeveloped land.

- (b) Landscaping: Wherever the boundary of a proposed use other than platted lots for single family detached residences abuts a platted single family area, such interface shall have a landscape D Value of 1.5 times that required by Chapter 830. The remainder of the area within the Planned Residential overlay shall be subject to the requirements of Chapter 830.
  - (c) Mature tree crown coverage shall be retained to the maximum extent possible.
  - (d) Development within the PRO overlay shall be subject to the development regulations and standards found in Chapters 806, 830, and 816.
- (6) **Achieving Density Bonuses.** The standards in Section 833-2 (B)(7) establish certain actions or development standards a petitioner may take or provide to warrant added density. These standards, if met, shall result in incremental additional density up to but not exceeding the following maximum average gross density for the entire development site; density of portions of a site may exceed these density limits:
- (a) PRO6: Six units per acre
  - (b) PRO12: Twelve units per acre
  - (c) PRO20: Twenty units per acre
- (7) **Density Bonus Standards.** When the following standards are met, average gross density limits for the entire site shall be increased by the amount indicated herein, over the base gross density of 3.5 units per acre in the PRO6 overlay, 7.0 units per acre in the PRO12 overlay, and 15 units per acre in the PRO20 overlay. However, in no case shall aggregate gross density exceed the maximum provided for in (6) above. Provided further, no density shall be awarded for meeting standards otherwise required by this Zoning Ordinance.
- (a) Landscaping: Landscaping exceeding the requirements of Chapter 830 and 833-2 (B)(5) shall warrant additional density as provided below:
    - (1) Shade trees, selected from the list in Chapter 830, shall warrant a density bonus of one dwelling unit for every four (4) additional shade trees, up to a maximum bonus of 0.75 unit per acre in the PRO6 overlay, or a maximum bonus of 1.5 units per acre, in the PRO12 and PRO20 overlays.
    - (2) Preservation of an existing woodlot of a minimum size of 0.5 acre, containing a significant proportion of trees with a minimum trunk caliper of 5 inches in an undisturbed state shall warrant a density bonus of 20 dwelling units for each acre preserved up to a maximum bonus of 1.0 unit per acre. The density bonus for fractional acres over the 0.5 acre minimum size shall be prorated.
    - (3) Provision of a planted evergreen screen or a combination of screen and earth berm at the interface with existing development or along existing abutting street frontage shall warrant a density bonus of one dwelling unit for every 150D of D Value pursuant to Chapter 830, up to a maximum density bonus of 1 unit per acre in the PRO6 overlay, or 2 units per acre in the PRO12 and PRO20 overlays.
  - (b) Amenities: The amenities listed below shall warrant density bonus as set forth

below:

- (1) Provision of a bike/pedestrian trail developed to County standards shall warrant one additional dwelling unit for every twenty-five (25) lineal feet of such trail provided the trail is linked to an existing or proposed trail or otherwise provides linkage between local streets and destinations such as parks, schools, shopping areas, or other streets. If no such link is provided or if such a link is not possible but a bike/pedestrian trail is provided for recreational use by the residents, additional density warranted shall be one dwelling unit per 50 lineal feet of trail. The maximum bonus for the provision of a trail shall be 1.25 units per acre in the PRO6 or 2.5 units per acre in the PRO12 and PRO20 overlays.
- (2) When community facilities such as a swimming pool, tennis courts, park, or club/meeting facilities are provided within the development, a density bonus shall be warranted as follows:

  - (a) A fully enclosed, all-season community building for recreation or other gatherings of the residents of the development shall warrant a density bonus of 1 unit for every 15 square feet of gross floor area of such building up to a maximum density bonus of 0.75 units per acre in the PRO6 overlay or 1.5 units per acre in the PRO12 and PRO20 overlays.
  - (b) A paved tennis court or full basketball court shall warrant a density bonus of 25 units per court.
  - (c) Other recreation facilities, such as pools or playgrounds, shall warrant a density bonus based on the construction costs adjusted annually from the 1995 base year per the construction cost index as reported in the *Engineering News Record*. The density bonus shall be one dwelling unit per \$1,000 of construction cost.
  - (d) The maximum aggregate density bonus for all outdoor recreation facilities shall be 1.0 units per acre in the PRO6 overlay or 2.0 units per acre in the PRO 12 and PRO20 overlays.
- (3) When land is dedicated for public facilities such as schools, fire or police stations, public recreation centers or libraries, a density bonus of 25 units for each acre dedicated shall be warranted in the PRO6 district, or 50 units per acre in the PRO12 or PRO20 overlays. When such land is reserved for future purchase, a density bonus of ½ of that specified above shall be warranted. Bonus for such dedication or reservation shall be subject to the agreement to the reservation or dedication by the city, county, or other public agency responsible for the facility. Such dedicated or reserved land shall be included in the calculation of gross density.
- (c) **Affordability:** When affordable units are provided, a density bonus of 2 dwelling units shall be warranted for each affordable unit which is provided for a period of no less than 17 years. The applicant must be participating in a local, state, or federal program with monitoring capability in order to qualify for this density bonus.
- (d) **Handicapped Accessibility:** A density bonus of 1 dwelling unit shall be warranted by the provision of 2 handicapped accessible units but only to the extent that such handicapped accessibility is not required by state or federal law. The maximum density bonus for provision of handicapped accessibility shall be 0.75 units per

acre in the PRO6 overlay or 1.5 units per acre in the PRO12 and PRO20 overlay.

- (e) Mitigating Off-Site Impacts: Where the applicant proposed to mitigate an off-site impact expected to be generated by the proposed development (or an impact imposed on the proposed development by off-site conditions) a density bonus of 1 dwelling unit per \$1,000 of construction cost of the mitigation measure adjusted annually from a 1995 base year per the construction cost index as reported in the *Engineering News Record*, shall be granted provided that such mitigation measures are determined to be needed, feasible, and of acceptable design, by the appropriate public agency up to a maximum density bonus of 1.25 units per acre in the PRO6 overlay or 2.5 units per acre in the PRO12 and PRO20 overlays.
- (f) Aesthetic Features: Where aesthetic features are provided, such as entryways, special street lighting, ponds, or other such features, a density bonus of 1 dwelling unit per \$1,000 of construction cost of the aesthetic feature adjusted annually from a 1995 base year per the construction cost index as reported in the *Engineering News Record*, shall be granted by the Plan Commission up to a maximum density bonus of 0.75 units per acre in the PRO6 overlay or 1.5 units per acre in the PRO12 and PRO20 overlays.

**(C) Lakes Watershed Area Overlay**

The purpose of this overlay is to protect the Griffey and Monroe lake watersheds from nearby development which could have adverse effects upon the lakes. The following standards shall supplement the use and development standards of the underlying districts within the Lakes Watershed Area Overlay District.

- (1) Single family detached dwellings on lots of record shall not be subject to the requirements of this overlay district.
- (2) Site plans, subdivision plats, and planned unit development plans shall be designed by a Professional Engineer, registered in the State of Indiana, and shall include reports by a geotechnical consultant regarding stormwater detention, soil stabilization, erosion and siltation control, and stormwater runoff quality mitigation. The reviewing authority shall determine whether such plans are adequate and shall not approve such plans unless the applicant has demonstrated that the proposed design and mitigation measures will adequately protect the public health, safety and welfare.
- (3) Such plans shall located structures and earth disturbance so as to avoid tree concentrations.
- (4) Streets, parking areas and building pads shall be designed so as to conform closely to existing contours and minimize grading.
- (5) Such plans shall incorporate redundant stormwater runoff quality mitigation measures. Plans shall also incorporate a binding, recordable commitment for ongoing maintenance of those facilities, including:
  - (a) Periodic third party inspection and report;
  - (b) Owner's association with financing capability;
  - (c) County authorization to order maintenance;
  - (d) County authorization to seek injunctive relief; and,
  - (e) County authorization to perform necessary maintenance and charge the owner's a

association for the work.

- (6) Within the Lakes Watershed Overlay District, the maximum slope on which buildings may be constructed shall be eighteen (18) percent.

**(D) Special Flood Hazard Areas**

The regulations found in Chapter 808 shall apply to areas designated as Urban Floodway, Rural Floodway, Floodplain, and Floodway Fringe Districts within the jurisdictional area, subject to the following change.

In areas designated as Floodways, no residence will be permitted to make any additions which increase the building footprint of the residence. This restriction shall apply to all properties subject to the regulations of this chapter, and classified as Urban Floodway or Rural Floodway, as found on FEMA maps for the City of Bloomington jurisdictional area.

**Table 33-1 Permitted Land Uses**

Uses	RE2.5	RE1	RS2	RS3.5	RS4.5	RT7	RM7	RM15	CL	CG	CA	IL	IG	BP	I	AP	Q	Cond.
Accessory gasoline uses									C									
Aircraft maintenance and storage																P		
Aircraft servicing and fueling facilities																P		
Airports and heliports																P		
Amusement arcade										P	P							
Animal hospitals and veterinarian's										P	P							
Appliance and furniture repair										P								
Auditoriums									C	P	P	C		C	P			
Automobile rental																P		
Automobile storage yards													C					
Automotive repair										P	P	C	C					9
Bars and taverns										P	P							
Bed and breakfast	C	C	C	C	C	P	P	P	P	P	P							7;14
Beverage bottling												P	P					
Building trade shops											P	P	P					
Bus terminals																		
Business or trade schools											P	P			P			
Business service											P		P					
Business service in enclosed buildings										P								
Car washes										P	P							
Cemeteries	P	P	C	C	C	C	C	C							P			
Churches	C	C	C	C	C	C	C	C	C	P	P	C		C	P			
Colleges/universities															P			
Commercial print shop														P				
Commercial use as principal use																C		
Community centers			C	C	C	C	C	C		P	P			C	P			
Conference center														P				
Convalescent, nursing or rest home									C	P	P	C		P	P			
Correctional facilities											C		C		C			
Crematoriums											P							
Crops and pasturage	P	P															P	1
Cultural facilities									C	P	P	P			P	P	C	
Day care centers	C	C	C	C	C	C	C	C	P	P	P	P		P	P			
Drive through facilities											P							10
Drive through facilities serving a									C	P								10
Drive-in theaters											C							
Dwelling units located on the second floor									P									
Emergency shelter facilities															P			
Financial institutions										P	P							
Fire stations	C	C	C	C	C	C	C	C	C	P	P	P	P		P	P		
Gasoline service stations										P	P							11
Golf courses		C																
Government institutions														P	P	P		
Heavy manufacturing													P					
Historic adaptive reuse	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Home occupations	C	C	C	C	C	C	C	C	P	P	P							16
Hospitals														P				
Hotels/motels										P	P			C		P		
Industrial uses with potentially adverse													C					
Intensive commercial recreational										P	P							17
Kennels											P	C						

**Table 33-1 Permitted Land Uses**

Uses	RE2.5	RE1	RS2	RS3.5	RS4.5	RT7	RM7	RM15	CL	CG	CA	IL	IG	BP	I	AP	Q	Cond.
Light manufacturing												P	P	C				
Lodge halls										P	P							
Machinery and equipment repair												P	P					
Mini-warehouses											P	P						
Mortuaries										P	P							
Multi-family dwellings							P	P		P	P							
Newspaper printing											P							
Nurseries/greenhouses											P							
Off-site parking									C	C	C	C	C	C	C	C		
Offices									P	P	P	P	P	P	P	P		
Outdoor retail and wholesale uses																	C	
Outdoor storage as an accessory use												C					C	
Parking lots and garages										P	P							15
Parks and playgrounds	P	P	C	C	C	P	P	P	P						P	P	C	
Personal services									P	P	P							
Police stations	C	C	C	C	C	C	C	C	C	P	P	P	P		P	P		
Print shops												P	P					
Public libraries/museums	C	C	C	C	C	C	C	C	C									
Quarries and other excavation activities																	P	
Radio/TV stations											P							
Recreation centers			C	C	C	C	C	C		P	P			C	P			
Rehabilitative facilities	C	C	C	C	C	C	C	C	C	C	C	C			C			
Relocation of off-premise signs										C	C	C	C					
Research laboratories												P	P	P				
Residential care homes for developmentally disabled individuals	P	P	P	P	P	P	P	P	P	P	P							2
Residential care homes for mentally ill	P	P	P	P	P	P	P	P	P	P	P							3
Residential care homes for up to five other than the developmentally	P	P	P	P	P	P	P	P	P	P	P							4
Restaurants										P	P							
Retail sales in enclosed buildings									P	P	P							
Retail, outdoor											P							
Rooming/lodging houses							P	P	P	P	P							
Schools	C	C	C	C	C	C	C	C	C	P	P	P			P			
Shared parking									C	C	C	C	C	C	C	C		
Single family detached dwellings	P	P	P	P	P	P	P	P		P	P							8
Social service uses									P	P	P				P			
Solid waste/recycling centers													P					12
Sororities and fraternities															P			
Stone processing activities																	P	
Swim clubs	C	C																
Tennis clubs	C	C																
Theaters, indoor										P	P							
Townhouses						P	P	P										
Utility substations and transmission	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	5
Warehousing and storage													P					13
Warehousing and storage in enclosed												P						
Wholesale in enclosed buildings										P								
Wholesale trade									P	P	P							
Wireless Communications																		18

**TABLE 33-2**  
**TABLE OF SPECIAL CONDITIONS FOR PERMITTED USES**

- (1) Livestock shall be permitted only in a pasturage context subject to the following:
- (a) Pasture use shall be limited to one unit per acre of land actually used as pasture and accessible to the livestock. Land with slope in excess of fifteen (15) percent shall not be considered in establishing the livestock limit for a pasture. Animal units per animal shall be determined as follows:
 

All larger animals, including cattle, horses, swine (excluding kept as pets), ponies, etc.,	1.0
Goats, sheep, miniature horses, etc.,	0.5 animal unit
All smaller animals including fowl,	0.2 animal unit
All animals less than 4 months of age shall be calculated at ½ the of their respective category above	
  - (b) All other agricultural business involving livestock are prohibited, including but not limited to concentration point, confined feeding, feedlot, feeder pig operation, livestock auction, livestock dealer, sale barn, stockyard, or transfer station.
  - (c) Livestock shall not be kept on any parcel of less than five (5) acres in area and 300 feet in width, except that chickens and ducks may be kept within the density limits on parcels of two (2) acres or more.
  - (d) Structures containing livestock or livestock waste shall meet the following minimum setbacks:
 

Front	75 feet
Side	50 feet
Rear	75 feet
- (2) As described in Indiana Code Section 12-28-4-8 and licensed by the State under a program authorized by Indiana Code Section 12-11-1.
- (3) As described in Indiana Code Section 12-28-4-7 and licensed by the State pursuant to Indiana Code Section 12-22-2-3(2)-(6), provided that no such home may be located within 3,000 feet of any other residential care home, measured between lot lines.
- (4) Provided all state licensing provisions are complied with, and provided that no such home shall be located within 3,000 feet of any other residential care home, measured between lot lines.
- (5) Shall provide vegetative buffer which shall completely screen fenced area around the facility.
- (6) Shall be located on a street classified as collector or arterial, and shall be adequately screened from adjacent residential uses.
- (7) (a) The operator or manager of the facility shall reside on the premises.  
 (b) Maximum of five (5) guest rooms.
- (8) Permitted only on lots of record established before the effective date of this zoning ordinance.
- (9) All major overhaul, body and fender work, upholstering and welding shall be conducted within an approved spray booth and, provided further, that no outdoor storage of automobile parts, discarded tires, or similar materials, or outdoor storage of more than three (3) wrecked or temporarily inoperable vehicles awaiting repairs shall be permitted.
- (10) (a) Shall not be provided with additional driveways except as authorized by the

County Engineer.

(b) Design of maneuvering and stacking aisles shall not interfere with circulation or visibility for traffic either on or off site and shall be designed to minimize headlight glare to adjacent properties.

(c) The radius and width of maneuvering areas shall be as required by the

County Engineer.

(11) (a) Outdoor storage of auto parts or supplies is prohibited.

(b) A maximum of three (3) car awaiting repairs may be stored outside.

(12) Recycling conditions. Recyclable materials stored on site must be sorted and enclosed in buildings, appropriate containers, or bales no smaller than 400 pounds. All unprocessed materials must be stored in buildings or enclosed containers and may remain on site no longer than seven (7) working days. Processed materials are defined as baled materials, or materials in shippable containers. Unrecyclable materials must be stored in enclosed buildings.

(13) Outdoor storage yards shall be screened so as to mitigate the appearance and impact of the proposed storage use, and its level of activity, in a manner consistent with the purposes of the IG district.

(14) Resident manager not required; number of guest rooms limited only by parking and bulk constraints.

(15) If intended to be used to provide required off-street parking for a use on another lot, parking lots and garages are required to obtain conditional use approval.

(16) Must meet standards for home occupations as set forth in Section 813-4(W). Commercial activity above and beyond those limits shall be subject to the requirements of the zoning district, including site plan review.

(17) Hours of operation shall be limited to 10 a.m. to 10 p.m. Sunday through Thursday and 10 a.m. to 11 p.m. Friday and Saturday.

(18) Subject to the requirements of Chapter 834 - Wireless Communications Facilities.



TABLE 33-3 Height, Bulk and Density Standards

	RE2.5	RE1	RS2	RS3.5	RS4.5	RT7	RM7	RM15
<b>Lot Area Requirements</b>								
Minimum Lot Area (square feet)	108,900	43,560	18,000	9,600	7,200	7,200	7,000	5,000
First Dwelling Unit	108,900	43,560	18,000	9,600	7,200	7,200	7,000	5,000
Additional Dwelling Unit	---	---	---	---	---	6,000	6,000	2,750
Minimum Lot Width (feet)	200	100	80	70	60	80	50	50
Maximum Height (feet)	50	45	40	40	40	30	35	80
<b>Yard and Open Space Requirements</b>								
Minimum Side Yard (Structures)	30	20	8	8	8	8	8	8
Minimum Rear Yard (Structures)	60	50	25	25	25	25 (10)	25 (10)	25 (10)
Additional Side Yard for each additional story	4	4	4	4	4	4	4	4
Maximum Building Coverage (percent)	10	20	30	35	40	40	40	FAR
Usable Open Space per Dwelling Unit	---	---	---	---	---	1,650	1,350	1,000
Floor Area Ratio	---	---	---	---	---	---	---	0.6
Minimum Side Yard (Parking)	---	---	---	---	5	5	(15)	(15)
Minimum Rear Yard (Parking)	---	---	---	---	---	(15)	(15)	(15)
<b>Setbacks from Centerline (25)</b>								
Principal Arterial (11)(12) - Building	80	80	75	75	75	75	75	75
Principal Arterial - Parking	(26)	(26)	(26)	(26)	(26)	(26)	75	75
Secondary Arterial (11)(12) - Building	70	70	65	65	65	65	65	65
Secondary Arterial - Parking	(26)	(26)	(26)	(26)	(26)	(26)	65	65
Principal Collector (11)(12) - Building	65	65	60	60	60	60	60	60
Principal Collector - Parking	(26)	(26)	(26)	(26)	(26)	(26)	60	60
Secondary Collector (11)(12) - Building	55	55	55	55	55	55	55	55
Secondary Collector - Parking	(26)	(26)	(26)	(26)	(26)	(26)	55	55
from ROW - Local (11)(12) - Building	30	30	25	25	25	25	25	25
from ROW - Local - Parking	(26)	(26)	(26)	(26)	(26)	(26)	25	25
Additional Front Setback (14)	---	---	---	---	---	---	---	---

TABLE 33-3 Height, Bulk and Density Standards

	CL	CA	IL	IG	BP	I	AP	Q
<b>Lot Area Requirements</b>								
Minimum Lot Area (square feet)	---	---	---	20,000	12,000	5,000	---	40,000
First Dwelling Unit	7,000	5,000	---	---	---	---	---	---
Additional Dwelling Unit	6,000	2,750	---	---	---	---	---	---
Minimum Lot Width (feet)	---	---	60	100	100	---	---	200
Maximum Height (feet)	35	80	50 (21)	60 (23)	45	80	45	45
<b>Yard and Open Space Requirements</b>								
Minimum Side Yard (Structures)	(1)	(1)	12 (3)(22)	12 (5)	15 (2)	5 (7)	25 (8)	50 (9)
Minimum Rear Yard (Structures)	10 (2)(17)	10 (2)(17)	12 (3)(16)	20 (6)(5)	30	10 (3)	25 (8)	50 (9)
Additional Side Yard for each additional story	4	4	---	---	---	---	---	---
Maximum Building Coverage (percent)	50	50	50	70	60	60	50	50
Usable Open Space per Dwelling Unit	1,350	1,000	---	---	---	---	---	---
Floor Area Ratio	---	1.5	1.5	2	1.5	2	---	---
Minimum Side Yard (Parking)	(16)	(19)	6 (1)	6 (2)	8 (24)	5 (1)	---	---
Minimum Rear Yard (Parking)	(18)	6 (1)	6 (1)	10 (3)	15	5 (1)	---	---
<b>Setbacks from Centerline (25)</b>								
Principal Arterial (11)(12) - Building	60	60	75	75	75	65	80	80
Principal Arterial - Parking	70	70	85	85	85	75	90	90
Secondary Arterial (11)(12) - Building	50	50	65	65	65	55	70	70
Secondary Arterial - Parking	60	60	75	75	75	65	80	80
Principal Collector (11)(12) - Building	45	45	60	60	60	50	65	65
Principal Collector - Parking	55	55	70	70	70	60	75	75
Secondary Collector (11)(12) - Building	40	40	55	55	55	45	55	55
Secondary Collector - Parking	50	50	65	65	65	55	65	65
from ROW - Local (11)(12) - Building	10	10	25	25	25	15	30	30
from ROW - Local - Parking	20	20	35	35	35	25	40	40
Additional Front Setback (14)	4	4	4	4	4	4	---	---

**TABLE 33-4  
SPECIAL CONDITIONS FOR HEIGHT, BULK AREA AND DENSITY TABLE**

- (1) Landscaped ten (10) foot yard required if adjacent to a residential district.
- (2) Landscaped twenty-five (25) foot yard required if adjacent to a residential district.
- (3) Landscaped twenty (20) foot yard required if adjacent to a residential district.
- (4) No side yard required for commercial development. Residential portions of new buildings must have minimum side yard setbacks of six (6) feet from the property line or twenty (20) feet from the nearest building, whichever is greater.
- (5) One hundred (100) foot side yard required when adjacent to a residential district, within twenty-five (25) foot landscaped buffer. No side yard required if adjacent to a rail siding, regardless of adjacent zoning.
- (6) No rear yard required if adjacent to a rail siding.
- (7) Landscaped fifteen (15) foot side yard required if adjacent to a residential district.
- (8) Landscaped fifty (50) foot yard required if adjacent to a residential district.
- (9) No quarry pit or mechanical operation shall be permitted within 200 feet of a residential district.
- (10) Or the same dimension as the height of the building, whichever is greater.
- (11) In any residential district, the minimum required street setback shall be the greater of the street setbacks of the buildings on the adjacent lots on the same block face.
- (12) Setbacks from streets functioning as a one-way pair may be reduced from the stated setbacks shown in Table 31-6 by the following amounts, however no setback shall be less than ten (10) feet from the property line:

<u>Street Classification</u>	<u>Parking Setback</u>	<u>Building Setback</u>
Principal Arterial	10'	10'
Minor Arterial	5'	10'
Major Collector	5'	5'
Minor Collector	0	5'

- (13) The rear yard shall be a minimum of twenty-five (25) feet when adjacent to a residential district.
- (14) Additional front setback required for each additional story, or for each ten (10) feet or increment thereof of building height over twelve (12) feet, measured at the eave of the building.
- (15) In the RT7 district, minimum rear parking setback is one-half (½) the building setback requirement or five (5) feet, whichever is greater. In the RM7 and RM15 district, minimum side and rear parking setbacks shall be one-half (½) the building setback or five (5) feet, whichever is greater.
- (16) If adjacent to a nonresidential district, side parking setback shall be 0.05 times the lot width (rounded to the next highest integral number of feet) or three (3) feet, whichever is greater, up to a maximum of ten (10) feet. If adjacent to a residential district, side parking setback shall be ten (10) feet.
- (17) Yard shall be measured to the centerline of any abutting alley.
- (18) Rear parking setback shall be one-half (½) the building setback requirement, except that no parking rear yard adjacent to a residential district shall be less than ten (10) feet from the property line.
- (19) If adjacent to a nonresidential district, side parking setback shall be 0.05 times the lot width (rounded to the next highest integral number of feet) or three (3) feet, whichever is greater, up to a maximum of twenty-five (25) feet. If adjacent to a residential district, side parking setback shall be ten (10) feet.

- (20) Except those blockfaces facing the courthouse square, extending from the street to the alley, where the maximum height shall be forty (40) feet.
- (21) Up to twenty (20) percent of the footprint of the building may extend to a maximum height of eighty (80) feet.
- (22) No side yard required if adjacent to a rail siding.
- (23) Up to twenty (20) percent of the footprint of the building may extend to a maximum height of one hundred (100) feet.
- (24) Minimum of twelve (12) required when adjacent to a residential district.
- (25) In no case shall any setback be less than ten (10) feet from the property line.
- (26) Parking for single family residential uses shall be prohibited within the setback between the street and the building except on a single driveway not exceeding the width of an attached garage facing the street or twenty-two (22) feet in width where there is no attached garage facing the street. Parking on any other portion of the setback between the street and the building or on a lawn shall be prohibited. Parking shall not be permitted in driveways serving parking lots.

**TABLE 33-5  
HEIGHT, BULK, AREA, DENSITY AND AESTHETIC REQUIREMENTS**

- (1) No yard, open space, or lot area required for a building or structure shall be occupied by, or counted as open space for, any other building or structure.
- (2) The following structures or parts of structures are exempt from the height limitations set forth in Table 4-1 and Table 33-5: silos, windmills, chimneys, rooftops mechanicals, derricks, radio and television antennae and towers, wireless communications facilities and support structures, observation towers, power transmission towers, and water towers. Height restrictions in the area of the Monroe County Airport are regulated by the Federal Aviation Administration.
- (3) Fences may be constructed in any yard if they are a maximum of eight (8) feet in height. Fences constructed at the building setback line or within the buildable area of the lot are subject to the height limitations of the zoning district.
- (4) The following structures or facilities may be constructed in any yard: sidewalks, arbors and trellises, retaining walls, landscape features and planting boxes.
- (5) Any substandard lot of record which was recorded prior to the effective date of this zoning ordinance shall be permitted to exist in its present dimensions. Such lots may have reduced side yard requirements as shown below:
  - In any RE district: 15 feet minimum each side
  - In any RS district: 6 feet minimum each side
- (6) The following table shows dimensional and locational requirements which are exceptions to the general bulk controls applicable to each zoning district. Where the symbol "NP" is seen, such object or structure is not permitted within the required setback. Where the symbol "P" is seen, such object or structure is permitted subject to any other requirements in this zoning ordinance.

<u>Type of Structure or Use Encroachment</u>	<u>Front Yard</u>	<u>Side Yard</u>
	<u>Rear Yard</u>	
Air conditioners which are window units may extend from the structure: 30"	30"	30"
Air conditioners which are ground units may project into the required setback, providing they are properly screened, by: 5'	5'	5'
Awnings and canopies may extend into the required setback by: 3'	3'	3'
Balconies, steps, decks, patios, and uncovered open porches may extend into the required setback by: 6'	6'	6'
Bay windows which are one story high and occupy no more than 35% of the front building face may extend into the required setback by: 3'	3'	3'
Belt courses, window sills, and other architectural features may extend into the required setback: 3'	3'	3'
Chimneys which shall not occupy more than 35% of the front building face may project into the required setback: 3'	3'	3'
Clothes lines and poles shall be located no closer to a property line than: 5'	5'	
Cornices may extend from the structure no more than:	18"	18"

	18"		
Detached garages, carports, and storage sheds may be no higher than 15 feet and shall be located no closer to a property line than:	5'	35'	5'
Eaves may extend from the structure no more than:	3'	3'	
Entrance canopies no larger in horizontal area than 1 square foot per each 2 feet of lot frontage are permitted in nonresidential districts subject to site distance regulations.	P	P	
Fallout shelters (completely underground)	5'	35'	5'
Fire escapes may project from the structure no more than:	NP	6'	6'
Flagpoles may be no more than the permitted building height and shall be located no closer to an adjacent property line than:	5'	12'	5'
Handicap ramps may project into the required setback:	8'	20'	8'
Marquees, at least 10 feet above the level of the sidewalk or right-of-way over which it projects, not beyond a line parallel to and 1 foot back of the back line of the curb fronting the property, no wider than the building to which it is attached, and any signage or device attached to such marquee may not extend below or above the vertical face of the marquee except that a sign or device not more than 48" in length and 13" high may be hung from the underside of the marquee if installed perpendicular to the adjacent property line and containing only the name of and nature of the business conducted in the adjacent property. Such sign must be in compliance with Chapter 807 of this zoning ordinance.			
Pool and filtering equipment shall be located proximate to the pool and no closer to an adjacent property line than:	5'	35'	5'
Public art	15'	5'	5'
Recreational equipment, satellite dishes, pethouses, and playhouses may be located no closer to a property line than:	5'	35'	5'

[end of chapter]