

CHAPTER 835

RURAL COMMUNITY ZONING OVERLAY

835-1 **Purpose**

The purpose of the Rural Community Zoning Overlay (RCZO) is to encourage development and redevelopment of areas designated as rural communities consistent with the adopted rural community plans. Further, the RCZO: encourages flexibility in the development and redevelopment of areas to promote its most appropriate use; improves the design, character, and quality of developments and defines a compatible mixture of uses. In comparison to other zoning codes, this overlay represents a shift from objective to subjective decision-making. The RCZO also provides a mechanism for arranging land uses, buildings, utilities, landscaping, streets, and other features in a manner that is consistent with and promotes the principles of traditional neighborhood development as described in the adopted rural community plans.

Use of the RCZO is optional for development activity in the rural communities, though the applicant shall state, at the time of filing permits or petitions, the intent to use the prevailing “standard” county or RCZO regulations.

835-2 **Utilization of the RCZO Regulations**

The RCZO regulations seek to minimize obstacles to development and redevelopment in the rural community areas. These guidelines encourage greater attention to the continuation of the traditional neighborhood patterns found in the rural communities and lesser attention to a site’s particular use. The guidelines follow the format of a “form-based code,” whose main purpose is to regulate a community’s physical form, namely through the relationship of buildings and public spaces or public ways. The use of a building under a form-based code is less important than in traditional zoning methods, where separation of use is most important. A petitioner or applicant’s primary concern, therefore, should be with the appearance of built structures and aesthetics of the lot containing the structures.

835-3 **Applicability**

The RCZO, as a specific zoning and land use instrument, may fall silent in certain areas of regulation. In such instances, the underlying regulations of all chapters of the Monroe County Zoning Ordinance shall apply.

The provisions of this overlay, when in conflict, shall take precedence over those of other codes, ordinances, regulations, and standards except those promulgated by the Monroe County Health and Building Departments, the State of Indiana, and the federal government.

Terms used throughout this overlay shall take their commonly accepted meanings or as defined in the Definitions of Terms. In the event conflicts between these definitions and those of the Zoning Ordinance or Subdivision Control Ordinance, those of this overlay shall take precedence in the applications of the RCZO.

835-4 Intent

The intent of the overlay is to enable, encourage, and qualify the implementation of:

County Scope

- a. The county should retain its natural infrastructure and visual character derived from topography, woodlands, farmlands, riparian corridors, and reservoirs.
- b. Growth strategies should encourage infill and redevelopment within the rural communities.
- c. Development within the county's rural community areas should be structured in a neighborhood development pattern, integrated into the existing neighborhood pattern, and with sufficient contiguity to allow two streets to interface so as to provide two points of interconnectivity with an existing subdivision.
- d. Affordable housing should be distributed throughout the county to avoid concentrations of poverty.
- e. Transportation corridors should be planned and reserved in coordination with land use so as to maintain the existing level of road service
- f. Green corridors should be used to define and connect urbanized areas.
- g. A framework of transit, pedestrian, and bicycle systems that provide alternatives to the automobile should be included.
- h. New development should not be permitted if it will cause overcrowding of schools.

Rural Communities Scope

- a. Neighborhoods should be compact, contiguous, pedestrian-oriented and encourage mixed-uses.
- b. Neighborhoods should be the preferred pattern of development and districts specializing in a single use should be the exception.
- c. Ordinary activities of daily living should occur within walking distance of most dwellings, allowing independence to those who do not use automobiles.
- d. Interconnected networks of streets should be designed to disperse and reduce the length of automobile trips.
- e. Within neighborhoods, a range of housing types and price levels should be provided to accommodate various ages and incomes.
- f. Civic, institutional, and commercial activity should be embedded in town and village centers, not isolated in remote single-use complexes.
- g. Schools should be sized and located to enable children to walk or bicycle to them.
- h. A range of open spaces including parks, squares, and playgrounds should be distributed within neighborhoods and town centers.

Block and the Building Scope

- a. Buildings and landscaping should contribute to the physical definition of streets as civic places, where the public is invited and feels safe and welcome to circulate.
- b. Development should adequately accommodate automobiles while respecting public space, pedestrian use, and alternative modes of transportation.
- c. The design of streets and buildings should reinforce safe environments, but not at the expense of accessibility.
- d. Architecture and landscape design should grow from local climate, topography, history, and building practice.
- e. Buildings should provide their inhabitants with a clear sense of geography and climate through energy efficient methods.
- f. Civic buildings and public gathering places should provide locations that reinforce community identity and support self-governance.
- g. Civic buildings should be distinctive and appropriate to a role more prominent than the other buildings that constitute the fabric of the community.

- h. The preservation and renewal of historic buildings should be facilitated to affirm the continuity and advancement of society.
- i. The harmonious and orderly progression of community areas should be secured through graphic codes of tables, sketches, and other illustrations that serve as guides for change.

835-5 Definitions of Terms

The Definitions of Terms contain regulatory language that is integral to this overlay. Terms not appearing in Chapter 801 (Definitions) or that have a different meaning than that used elsewhere in the Zoning Ordinance are listed below:

Building Location: The placement of a building on its lot, as well as the form of the building, based on its massing, private frontage, and height.

Character Zone: Similar to the zoning districts in the zoning ordinance, such as those found in Chapter 802. These zones are the overlay's most specific classification of land use and development, including not only common planning regulations such as setbacks and height limitations but also density, landscaping, building location on the lot, building frontage as it relates to nearby streets, and parking requirements.

Density: The number of dwelling units within a standard measure of land area, usually given as units per acre.

Exception: A specific type of variance ruling to permit a practice that is not consistent with a provision of or the intent of this chapter, and involves a more significant deviation than a warrant. An exception is granted by the Board of Zoning Appeals.

Frontage: The orientation of a lot or building toward a street or property line and ordinarily regarded as the front of the lot. The side of a lot or building serving as the principal entrance is considered to be the primary frontage, though buildings or lots on a street corner may have more than one frontage.

Hearing Officer: Staff member designated by the Plan Commission to review requests for minor deviation from the height, bulk, and density requirements of the RCZO. The Hearing Officer's decision is binding, and may be appealed to the BZA. See 835-17 for more information on the Hearing Officer rules of procedure.

Intent: Provisions of this overlay are described by "shall" when required; "should" when expected; and "may" when permitted.

Level of Service (LOS): A quantitative stratification of the effectiveness of a road's capacity to carry a given amount of traffic. A continuum of letter grades, with "A" being the best, most free-flowing travel and "F" being a standstill, is used to quantify travel for a roadway segment.

Mixed-use: Multiple functions within the same building through superimposition or adjacency, or in multiple buildings within the same area by adjacency. This technique is a tenet of form-based zoning to encourage, compact urban areas, pedestrian activity, reduction of dependence on automobiles and parking facilities, among other benefits.

Rural Community Area: Aggregation of adjoining parcels within Monroe County, generally centered by a town, in which a special district has been established for the purposes of both current and long-range planning and zoning. The four Rural Community Areas are Ellettsville, Harrodsburg, Smithville-Sanders, and Stinesville. The towns of Stinesville and Ellettsville have their own planning jurisdictions; as a consequence the plans for these areas are for the land use beyond the corporate boundaries.

Smithville, Sanders, and Harrodsburg do not have municipal zoning bodies, and the plans for these areas include the unincorporated towns.

Sector: A specific geographic area that regulates and organizes the rural community plans' intended development patterns. Sectors are adapted from the rural communities' recommended land use maps.

Special District (SD): Designation assigned to areas that, by their function, disposition, or configuration, cannot conform to one of the Character Zones or Sectors. Examples of areas in Monroe County's rural community areas include quarries or other mineral extraction and processing activities, public utilities such as a water or sewage treatment plant, or large parks and recreation facilities.

Variance: A deviation from any term or standard contained in the Zoning Ordinance, Subdivision Control Ordinance, or RCZO which is authorized by the Board or the Commission, as appropriate. A variance is the parent term for two categories: a warrant, and an exception, which are different kinds of variances. A variance is granted at a public hearing by the Board of Zoning Appeals. An important distinction is made when considering a variance determined to be allowed as a practical difficulty or hardship and denied as a privilege.

Warrant: A type of variance decision permitting a practice that is not consistent with a specific provision of this overlay, but is justified by hardship. This is generally a minor deviation from the standards, and is granted by the Hearing Officer or BZA.

835-6 Process

The geographic determination of sectors and the standards for each character zone were determined through the development and adoption of each of the rural community plans. As a result of this public consultation process, projects that require warrants and exceptions shall be processed by the BZA (or Hearing Officer, where applicable) without further recourse to public consultation. Commercial or industrial applications, including confined feeding operations shall require site plan approval through administrative approval or Plan Commission action.

835-7 Sector and Character Zone Categories

(A) Sectors (Geography)

The RCZO sectors order and organize the rural community plans' intended development pattern into five categories, which are as follows:

- O1 sector (Rural Conservation).
Both present and future development is discouraged in this area. In some cases adjacent floodplains, floodprone soils, karst features, or other land types deemed in need of significant protection may be included.
- O2 sector.
These areas include significant karst or steep slope constraints, which may be adjacent to quarry lands, and are for the most part still large parcels. These areas are generally designated as rural conservation in the rural community plans.
- G1 sector.
These areas are identified in the Rural Community Plans for limited development activity (e.g. rural reserve) and where lot sizes are recommended by the Rural Community Plans to remain at 2.5 acres. Clustering is permitted and allows lot sizes of 1 acre minimum, though density

does not increase above that permitted with the 2.5 acre lot size. No clustering may take place without sewer and water infrastructure.

- G2 sector.
These areas are identified in the Rural Community Plans for development activities. Some of these areas should maintain lower densities (1-4 dwelling units/acre) and offer limited non-residential activities (designated in the plans as secondary growth areas).

These areas are generally designated in the Rural Community Plans as community core or neighborhood growth areas. Development in this sector shall be contiguous to an existing neighborhood, and allow for a minimum of two streets to provide connectivity between the developments. Development shall not negatively impact the local road network so as to cause a drop in a road's level of service below the existing LOS, nor shall the development be permitted if it will reduce the response time or effectiveness for delivery of emergency services, including (but not limited to): ambulance, police, and fire protection services. This sector is the primary area for mixed-use development, and seeks to blend uses found in the ER, SR, and LR zones of the current County Zoning Ordinance.

- SD sector.
These areas are unique compared to the rest of the rural community (either currently or as planned) and often contain public facilities or land. These areas retain their current zoning and shall only be revised following a public hearing to establish use and development standards or will require a public hearing for use with development standards already contained in an applicable section of this chapter.

Sectors

Rural Community Plans	RCZO Equivalent
(No development recommended)	O1 Rural Conservation
Rural Conservation	O2 Significantly Constrained
Rural Reserve	G1 Rural-Town/Village Transition
Neighborhood Growth/Community Core	G2 Primary Growth Area
Institutional/Public Area	SD Special District

(B) Character zones (Uses)

Character zones are similar to zones in the county under the standard zoning ordinance. They are the overlay's most specific classifications of land use and development, including not only common planning regulations such as setbacks and height limitations but also density, landscaping, building location on the lot, building frontage as it relates to nearby streets, and parking requirements. This chapter contains five character zones, as follows:

- Character Zone 1 (Z1)—Preserved
This zone is the least permissive for development. It conserves and preserves existing open space and natural features. This zone is applicable to all sectors.
- Character Zone 2 (Z2)—Rural Reserved
This zone allows limited development. It is intended to preserve existing open space and the pre-existing low density residential pattern on large tracts of land (generally five acres or more). This is only allowed with adequate sewer and water infrastructure. Development shall not negatively impact the local road network so as to cause a drop in a road's level of service below the existing LOS, nor shall the development be permitted if it will reduce the response time or effectiveness for delivery of emergency services, including (but not limited to): ambulance, police, and fire protection services.

Character Zones

Zoning Ordinance, Ch. 802	RCZO Equivalent	Side/Rear Setbacks	Minimum Open Space per lot
(No development recommended) AG/RR, FR, CR ER, SR ER, SR, LR, (some LB, GB, LI) SR, LR, MR, HR, UR, LB, GB, LI	Z1 Preserved Z2 Rural Reserved Z3 Town/Village-Rural Transition Z4 Town/Village Border Z5 Town/Village Center	----- 15'/35' 5'/10' 5'/10' 5'/10'	65% 40% 30% residential; 20% non-res. 15%

- Character Zone 3 (Z3)—Town/Village-Rural Transition**
This zone is the least dense of the urban zones. It is suitable for the areas immediately adjacent to the rural towns and villages and provides a transition between rural areas and more urban areas. Development shall not negatively impact the local road network so as to cause a drop in a road's level of service below the existing LOS, nor shall the development be permitted if it will reduce the response time or effectiveness for delivery of emergency services, including (but not limited to): ambulance, police, and fire protection services.
- Character Zone 4 (Z4)—Town/Village Border**
Allows many mixed uses and more commercial applications. More than one principal use may be allowed on lots in this designation. Development shall not negatively impact the local road network so as to cause a drop in a road's level of service below the existing LOS, nor shall the development be permitted if it will reduce the response time or effectiveness for delivery of emergency services, including (but not limited to): ambulance, police, and fire protection services.
- Character Zone 5 (Z5)—Town/Village Center**
The traditional town "main street" area. The broadest variety of uses is permitted and in the highest densities. More than one principal use may be allowed on lots in this designation.

Sector/Character Zone Interface					
	Z1 Preserved	Z2 Rural Reserved	Z3 Town/Village-Rural Transition	Z4 Town/Village Border	Z5 Town/Village Center
O1	P				
O2	P				
G1		P	P	P	
G2			P	P	P
SD	P	P	P	P	P

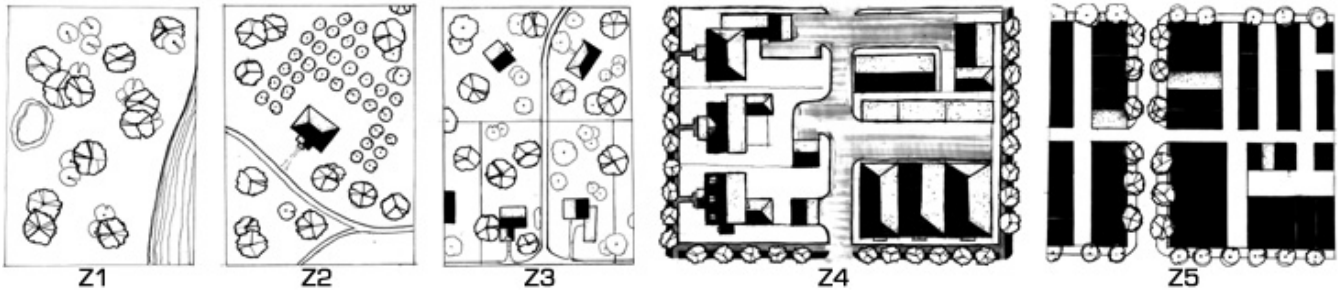


Illustration of progression from Preserved to Town/Village Center Character Zones (M. Yates, Monroe County Planning)

835-8 Permitted Land Uses

All land use definitions as defined by Chapter 802-5 are applicable to this chapter. All permitted and conditional uses shall retain its status unless otherwise designated by the Plan Commission and County Commissioners. Land uses described in the land use/zoning table of Chapter 802 shall correspond to the sectors in the following manner. Allowed uses are subject to their impact on the local infrastructure, schools, and other public facilities.

- O1 sector.
Agricultural uses, as listed in the land use/zoning table of Chapter 802, except the following: Confined Feeding Operations, Stockyard. No other permitted uses without variance approval.
- O2 sector.
Uses permitted in the AG/RR zone district, except the following:
Confined Feeding Operations, Stockyard, Remote Garbage/Rubbish Removal.
- G1 sector.
Uses permitted in the AG/RR, CR, ER, and LB zone districts, except the following: Confined Feeding Operations, Stockyard, Remote Garbage/Rubbish Removal. These and any LB uses may be permitted by exception from the BZA.
- G2 sector.
Uses permitted in the ER, SR, LR, MR, HR, and UR residential zones, LB and GB commercial zones, and LI industrial zone district, except the following:
Remote Garbage/Rubbish Removal, Manufactured Home Park, Stockyard, Boarding House, Air Cargo and Package Service, Aircraft Charter Service, Airport Transportation Service, Boat Storage, Kennel, Veterinary Service (Outdoor), Manufactured Home Sales, Used Merchandise (Flea Market), Gasoline Services Station, Paper Products, Warehousing and Distribution, and Wood Products. These may be permitted by exception from the BZA.
- SD sector.
Uses permitted only by public hearing of the Plan Commission.
Examples may include (but are not limited to): all Mineral Extraction uses, Rock Crushing, Sawmill, School (K-12), Equipment Rental, Building Materials, Heavy Machinery Sales, and Rodeo.

Percentages of Zones by Sector

	Z1 Preserved	Z2 Rural Reserved	Z3 Town/Village- Rural Transition	Z4 Town/Village Border	Z5 Town/Village Center
O1	No Min.	No Min.			
O2	No Min.	No Min.	10-30%		
G1		50-75%	20-40%	30-50%	10-30%
G2			10-30%	30-50%	50-70%
SD	(varies)	(varies)	(varies)	(varies)	(varies)

A reevaluation component to reclassify zones (much like a Comprehensive Plan/Zoning Ordinance update) will be utilized to review sectors and the types of growth (which character zones) that are occurring within them. If necessary, an area may be recategorized for more appropriate sector/character zone(s) designations.

835-9 **Landscaping**

The county zoning ordinance has fairly rigid standards for the installation of landscaping, with little differentiation between small- and large-scale developments. This chapter seeks to simplify landscaping in the rural communities by suggesting simple formulas and featuring native Indiana species. For all lots fronting on a publicly or privately maintained street, a standard of one shade tree, as defined in Chapter 830, per 30 feet apply, unless this requirement is waived via a variance request. Improvement shall be made to the lot of record outside of the road right-of-way, and on all lot frontages facing a street, unless permitted by variance.

835-10 **Building Location and Frontage**

This chapter strongly encourages the placement of buildings near the sidewalk in more urban areas to facilitate easy access for pedestrians traveling without vehicles. As this is a form-based model for zoning, buildings and their appearance should be the primary focus; therefore, a structure's main entrance should face the primary road by which it is served. One building should not dominate another. Standards for setbacks are intended to reduce this risk, as do bufferyards and screening or fencing. Sidewalks are required for all improvements, whether remodeling or new construction.

835-11 **Parking**

This chapter adopts the parking standards found in Chapter 806 and reduces the required total for commercial and industrial uses by 1/3 of the current minimum requirement. No reduction is made for residential uses or those uses in special districts, unless approved by administrative warrant. Parking facilities are strongly encouraged in the rear portions of lots, thereby drawing attention to buildings rather than their parking areas. This further encourages buildings to be closer to streets, concurrently improving pedestrian safety and access and reinforcing walkable, compact communities. For this reason, the use of common alleys is encouraged to facilitate rear yard parking areas.

Conditions for parking area requirements:

1. A change in use will require the minimum number of parking spaces to be met for the new use

(unless the new use requires fewer spaces than the previous use).

2. For a mixed use site with more than one principal use, the site's required parking shall be the sum of the required parking for the individual principal uses. (For example, if a commercial use requires nine spaces in Chapter 806, you would add the six spaces—the 1/3 reduction makes this six total spaces—to the four required for the residential use on the property, yielding a total of ten spaces.) The number of spaces shall be rounded to the nearest whole number.

3. No more than double the minimum requirement for parking spaces shall be allowed to serve a project, including on-street parking where applicable.

835-12 Signage

Signage shall be permitted as authorized by Chapter 807 of the Zoning Ordinance.

835-13 Height/Bulk/Density

As an alternative to traditional zoning, the RCZO offers slightly different regulations in regard to height, bulk, and density requirements. These are established below:

(A) Height

For buildings in the O1, and O2 sectors, and Z1, Z2, and Z3 zone designations, a two-story maximum from average building grade on the structure's main frontage shall apply. (This permits residences with walk-out basements.)

Chapter 801 of the ordinance reads thusly in defining building height:

Building Height. *The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest elevation of the roof in the case of a slant or flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade and the front of the building.*

For buildings in the G1, G2, Z4, and Z5 designations, a two-story minimum and three-story maximum from average building grade on the structure's main frontage shall apply.

A variance may be requested for deviation from these regulations.

(B) Bulk

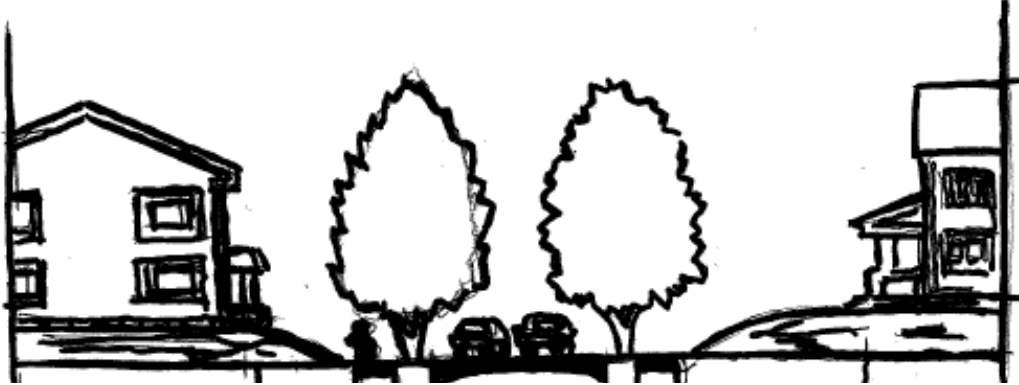
The RCZO encourages traditional development in the rural communities. A wide variety of structures is present in the communities and care should be taken to appropriately match a structure with its lot and surroundings. Lot coverage bonuses (allowing the structure's main floor to cover as much as 80 percent of the lot) should be encouraged for those structures in the Z4 and Z5 zones, which offer a mix of uses.

(C) Density

Values for net density of dwelling units per acre or finished floor area for commercial or industrial uses are linked to sectors in the RCZO.

O1, O2 sectors:	one dwelling unit/10 acres minimum
G1 sector:	1 d.u./2.5 acres minimum (may be reduced to 1 d.u./1 acre if clustered; net density stays same as 2.5 acre standard and sewer is

G2 sector: required
1-4 d.u./acre in lower density areas; sufficient sewer, water, and roadway infrastructure must be in place sufficient to maintain the existing level of road service, schools may not become overcrowded, nor emergency services impaired
4-8 d.u./acre in higher density areas; sufficient sewer, water, and roadway infrastructure must be in place sufficient to maintain the existing level of road service, schools may not become overcrowded, nor emergency services impaired



Building disposition, frontages, and streetscape elevation (M. Yates, Monroe County Planning)

835-14 Variances

There shall be two types of variances: Warranted variances (Warrants) and Exceptional Variances (Exceptions). Both of these may be granted by the BZA, but warrants may alternatively be accepted for ruling by the Hearing Officer if meeting specific criteria (see Appendix A for further details).

(A) Warrants permit a practice that is different than and in conflict with a specific provision of this overlay, but is justified by its intent or by hardship (that is, deprives the owner of all economic use).

(B) Exceptions permit a practice that is in conflict with an included provision and the intent of this overlay (see 835-5).

The request for a warrant or an exception shall not subject the entire application to public hearing, but only that portion necessary to rule on the issue under consideration.

Warrants and exceptions shall be considered unique and shall not set precedent for others.

835-15 Hearing Officer

The Hearing Officer, an alternate procedure for reviewing and ruling on certain petitions, is outlined in Chapter 822-18 of the Zoning Ordinance.

835-16 **Incentives**

To encourage use of this overlay, the Board of County Commissioners approves the following incentives, to the extent authorized by Indiana Code:

- a. A minor subdivision shall be processed administratively rather than through a public meeting, provided it is at least 20 percent contiguous to the existing neighborhood and an adequate level of service on adjacent road(s) is maintained post-development. Two road interfaces should be planned to allow connectivity.
- b. The application shall be placed first on the appropriate meeting agendas. If more than one project using these rules is on an agenda, they will be heard in the order received at application.
- c. Filing/review planning fees may be reduced to fifty percent (50%) of the ordinary fee.

835-17 **Authority**

The action of Monroe County, Indiana in the adoption of this overlay is authorized under Indiana Code § 36-1-3-4 and Indiana Code § 36-7-4-1, et seq., as amended.

This overlay is adopted as one of the instruments of implementation of the public purposes and objectives of the adopted Monroe County Comprehensive Land Use Plan and the Harrodsburg Area Rural Community Plan, the Ellettsville Area Rural Community Plan, the Smithville-Sanders Area Rural Community Plan, and the Stinesville Area Rural Community Plan. This overlay is declared to be in accord with these plans, to the extent required by Indiana Code § 36-1-3-4 and Indiana Code § 36-7-4-1, et seq., as amended.

This overlay was adopted and amended by vote of the Monroe County Board of County Commissioners.

(end of chapter)