

158. ZONING

158.01. GENERAL PROVISIONS

158.01.01 Use of Building or Land for Intended Purpose

No building or land shall be used and no building shall be erected, reconstructed, or structurally altered, which is arranged, intended, or designed to be used for any purpose other than a use which is permitted and specified in the district in which such building or land is located.

158.01.02 Yard, Lot Area, and Size of Building

No building shall be erected, reconstructed, or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of dwellings, or lot coverage provisions established and specified for the use and the district in which such building is located.

158.01.03 No More Than One Principal Building on Lot

Every building erected shall be located on a lot. In no case shall there be more than one principal building used for residential purposes, and its accessory buildings, located on one lot, except as otherwise provided in this Section.

158.01.04 Land Use Exemptions

A. Farms

Land, farm barns, farm outbuildings or other buildings and structures (other than the farm residence building), which are adapted by reason of nature and area for agricultural purposes, while so used, shall not be affected by the restrictions or regulations of this Section 158.

B. Public Utility Installations

Land or structures used for public utility installations shall not be affected by this Section 158, except for power substations, terminal facilities, and treatment or processing plants.

C. Mineral Extraction

Nothing herein shall prevent, outside of urban areas, the complete use and alienation of any mineral resources or forests by the owner or a licensee thereof, pursuant to I.C. 36-7-4-1103. For the purpose of this paragraph, urban area shall include any land or lots used for residential purposes where there are eight (8) or more residences within one-quarter (1/4) mile square area, such other land or lots as have been or are planned for residential areas contiguous to incorporated cities or towns, or other land already incorporated into cities and towns; provided, however, that within these areas, mineral extraction may be permitted by the Board of Zoning Appeals in accordance with Section 154.07, "Conditional Uses".

158.01.05 Conditional Uses

Section 158.01.01. above notwithstanding, certain uses are authorized within this Code as conditional uses. Conditional uses are uses which may be allowed when authorized by the Board of Zoning Appeals after a public hearing, pursuant to Section 154.07 of this Code. Once authorized, conditional uses shall be regulated by Section 158.03 of this Code.

158.01.06 Uses Generally Permitted or Allowed

A. Accessory Uses and Structures

Accessory Uses and Structures shall be a permitted use in all zoning districts except as otherwise restricted in this Code. Where permitted, accessory uses and structures shall be regulated by Section 158.04.

B. Home Occupations

Home occupations shall be a permitted accessory use in all residential dwelling units, except as otherwise restricted in this Code. Where permitted, home occupations shall be regulated by Section 158.05.

C. Bed and Breakfast Establishments

Bed and Breakfast Establishments may be allowed as a conditional use in all residential districts and the Downtown Business (DB) District. Where permitted, bed and breakfast establishments shall be regulated by Section 158.07.

D. Temporary Uses

Temporary Uses shall be a permitted use in all zoning districts except as otherwise restricted in this Code. Where permitted, temporary uses shall be regulated by Section 158.09.

158.01.07 Parking and Loading

Parking shall be a permitted accessory use in all districts. Loading shall be a permitted accessory use in all non-residential districts. Requirements for parking and loading shall be regulated by Section 158.08.

158.01.08 Signs

The permitted location of various signs, as well as other sign requirements, shall be regulated by Section 158.10.

158.01.09 Landscaping and Screening

Requirements for landscaping and screening, as well as landscaping and screening standards, shall be regulated by Section 158.11.

158.01.10 Environmental Performance Standards

No use in any district shall be permitted which does not meet the minimum performance standards in Section 158.12.

158.01.11 Vision Clearance

On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines from the point of the intersection, the distances stated above.

158.01.12 Height Exceptions

In all districts, spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, power transmission lines or towers, and distribution poles and lines, and essential mechanical appurtenances may be erected to any height not prohibited by other law code Sections.

158.01.13 Height Preemptions

Height requirements may be preempted by restrictions imposed by the Tall Structures Act or Other Airport Height Control Restrictions, as applicable. Mobile equipment may be any height.

158.01.14 Allowable Encroachments

A. Unenclosed, uncovered steps, entrance platforms, terraces, or landings not over eighteen (18) inches above grade level;

- B. The ordinary projection of belt courses, sills, lintels, chimneys, and other similar ornamental and architectural features not exceeding eighteen (18) inches or eighty percent (80%) of the required setback, whichever is less.
- C. An eave, cornice overhang, awning, balcony, or bay window not exceeding four (4) feet or eighty percent (80%) of the required setback, whichever is less.

158.01.15 Noninterference with Greater Restrictions Otherwise Imposed

These zoning regulations shall not interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; nor any code Section, ordinance, rules, regulations, or permits, previously adopted or issued, or which shall be adopted or issued and are not in conflict with any of the provisions of these zoning regulations; except that, where these zoning regulations impose a greater restriction upon the use of buildings or land, or require larger open spaces or greater lot area per family, than are required or imposed by such easements, covenants, or agreements between parties, or by such code Section, ordinance, rules, regulations, or permits, the provisions of these zoning regulations shall govern.