

Chapter 3 Permitted Uses

3.1 Permitted Uses

3.2 Permitted Use Table

3.3 Use Limitation Notes

3.1 Permitted Uses

- A. **Applicability:** Land can only be used and structures can only be used, erected, or structurally altered for allowable uses in the Zoning District where they are located.
- B. **Land Use Specified:** Each land use is either a permitted, not permitted, or a special exception use in each Zoning District as set forth in CHAPTER 3- PERMITTED USES (the “Use Table”) or elsewhere in this Ordinance.
- C. **Special Exception Uses:** A special exception designation does not imply the use will be disallowed but it requires a greater degree of scrutiny because of the potential adverse impact upon the immediate neighborhood and the community. The Board of Zoning Appeals reviews a special exception for its characteristics and impacts to determine suitability in a zoning district. The approval of the special exception is subject to a public hearing by the Board of Zoning Appeals according to 8.8 Special Exceptions.
- D. **Unlisted or Questionable Land Uses:** Any use not listed in the use table or not otherwise permitted by this Ordinance is prohibited. The Administrator determines land use placement if it is not specifically listed. This determination may be appealed to the Board of Zoning Appeals consistent with 8.6 Appeals.

3.2 Permitted Use Table

P = Permitted Use S = Special Exception	Use Limitation	E-1	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	I-1	I-2	I-3	MU - OS R	MU - CO R	AG	INS T
RESIDENTIAL PRIMARY USES																	
Household Living																	
Dwellings - Single-Family	§5.3, §5.4	P	P	P	P	P	P							S	P	P	

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y, or Stu den t Ho usi ng					S	P	P								S		P
Gro up Res ide ntia l Fac ility		P	P	P	P	P									P	P	
Nur sin g Ho me, Hos pic e				S	P	P		P	P	P					P		
CIVIC, PUBLIC AND INSTITUTIONAL PRIMARY USES																	
Basic Utilities																	
Utili ty, Maj or Imp act	(7)								P	P	P	P	P	S		S	P
Utili ty, Min or Imp act	(8)							S	P	P	S	P	P	P	S	P	S
Sol ar Far m	§4. 13, 4.1 4										S	P	P			S	P
Community/Public Services																	
Chil d Car e								P	P	P					P		

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Education

Schools - Public and Private		P	P	P	P	P		P	P	P	P	P	P		P		P
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Schools - Vocational								P							P		P
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Public & Religious Assembly

[illegible]

COMMERCIAL SALES, SERVICES, AND REPAIR PRIMARY USES

Adult Business

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Arts, Recreation & Entertainment

Arts , Recreation, Entertainment, Indoor	(13)	S	S	S	S	S		S	P	S	S	S			P		
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entertainment, Outdoor									P	S	S	S		S		S	S
Sports and/or Entertainment Arena or Stadium	(28)								P						S		S
Parking of Vehicles																	
Parking Garage	(16)								P	P					P		P
Parking Lot									P	S					S		P
Eating & Drinking Establishments																	
Restaurants – class A								P	P	P				S	P		S
Restaurants – class B								P	P	P	P	S	P	S	P		
Taverns								P	P	P				S	P		S

Lodging Accommodations																	
Bed and Breakfast Establishments	\$4.3	S	S	S	S	S									P	S	
Hotel or Motel									P	S					P		P
Office																	
Dental/Medical Office or Clinic	(17)							S	P	P					P		P
Office, All Others								S	P	P	P	P			P		P
Retail Sales, Service & Repair																	
Animal Sales and Services, Household Pets	(18)					S	S	S	P						S	S	

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mm uni cati on To wer s	§4. 11								P	P	P	P	P	S		S	S
Tel eco mm uni cati on Fac ilitie s – All Oth ers	§4. 11							S	P	P	P	P	P	S		S	
Industrial Services																	
Co ntra ctor s, Spe cial Tra de – Ge ner al	(30)								P		P	P	P				
Co ntra ctor s, Spe cial Tra de – He avy /Co ntra ctor Yar d	(31)											S	P				

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Fabricating, & Assembly – Heavy	(31)												P				
Mining & Extraction																	
Mineral Extraction	(14)											P	P			P	
Refining or Manufacturing of asphalt, cement, gypsum, lime, or wood preservatives	(31)											P				S	
Sand & Gravel Extraction	(31)											P				S	

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p-Off Facilitie s		P	P	P	P	P			P			P	P				P
Sal vag e or Jun k Yar ds	(31)															S	
Soli d Wa ste Fac ility	(31)															S	
Wholesale Storage, Warehouse & Distribution																	
Aut om obil e To win g Ser vice Sto rag e Yar d	(31)								S		P	P	S				
Self Sto rag e Fac ilitie s	(26)									S	P					S	S
Tru ck Frei ght Ter min al/D istri	(31)											S	P				P

buti on Ce nter																	
Veh icle Sto rag e, Co mm erci al	(27)											P					
Wh ole sal e Tra de or Sto rag e, Ge ner al	(31)											S	P				
Wh ole sal e Tra de or Sto rag e, Lig ht											S	P	P				
AGRICULTURE PRIMARY USES																	
Anh ydr ous Am mo nia Sto rag e &												S				S	

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ACCESSORY TO PRIMARY COMMERCIAL USE

Access ory Use s Cus tom																	
ary to Co mm erci al Use s	§4. 1							P	P	P					P		
Acc ess ory Ind oor Firi ng Ra nge	§4. 1								S								
Car Wa sh	§4. 1							S	S								
Driv e- Thr u Win do ws	§4. 1							S	P	S					S		
Par kin g Lot s and Gar age s	(2)							P	P	P					P		
Out doo r Sto	§4. 6								S (3)								

rag e																	
Recycling Drop-Off Facilities	§4.1							P	P						P		
ACCESSORY TO PRIMARY INDUSTRIAL USE																	
Accessory Uses Customary to Industrial Uses	§4.1										P	P	P				
Accessory Retail Sales	§4.1											P (4)					
Childcare Facilities	§4.1										S	S	S				
Parking Lots and Garages	(2)										P (2)	P (2)	P (2)				

Out door Storage	§4. 6										S (5)	S (5)					
Recycling Drop-Off Facilities	§4. 1											p					

3.3 Use Limitation Notes

1. Stables and riding pens are permitted on lots greater than 1 acre in size and must be located at least 200' from any property line.
2. Accessory parking lots and structures must be located at least 10' from any property line. This restriction does not apply to integrated center internal lots.
3. Limited to no more than 5% of the lot and must be located within the rear yard.
4. Limited to no more than 10% of the floor area of the use.
5. Limited to no more than 10% of the lot and must be located within the rear yard.
6. **Live/Work Dwelling:** In all zoning districts where permitted with limitations, a Live/Work Dwelling's commercial activity may be any nonresidential primary use permitted in the same zoning districts that the Live/Work Dwelling is established, subject to the limitations below. The following commercial activities, when not otherwise specifically listed as permitted in the applicable zoning districts, are permitted in a Live/Work Dwelling use: art gallery, artist studio, professional studio, office (excluding dental/medical office and clinic) and other similar activities determined by the Administrator.
 - a. A Live/Work Dwelling use is not a "residential use" or "residential district" or "protected use," nor in any other way be accorded residential protection (e.g. separation) against the effects of surrounding industrial uses as may otherwise be required by this Ordinance.
 - b. Any repair, assembly, or fabrication of goods is limited to the use of hand tools or domestic mechanical equipment.
 - c. The commercial activity must not exceed 50% of the gross floor area of the use.
 - d. The commercial activity cannot have more than 2 employees or assistants on the premises at one time. The employees or assistants may be in addition to residents of the Live/Work Dwelling.
 - e. Signs are limited to not more than 2 non-animated, non-illuminated wall or window signs with a maximum total area of 20 square feet.

- f. Outside storage of any flammable and combustible liquids and flammable gases is prohibited.
- g. Nonresidential storage in the Live/Work Dwelling is limited to no more than 10% of the space dedicated to the commercial activity.

7. **Major Impact Utility:** In all zoning districts where permitted with limitations, a major impact utility is permitted with the following:

- a. Sanitary sewer treatment plants must be at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.
- b. Solid waste facilities must be in a completely enclosed structure and at least 500 feet from any residential district.
- c. The expansion of transmission line capacity does not require a zoning permit provided such expansion may be accomplished within an existing right-of-way or with existing structures or poles.

8. **Minor Impact Utility:** In all zoning districts where permitted with limitations, a minor impact utility is permitted with the following:

- a. Electric substations are prohibited in residential districts.
- b. Exposed electric substation transformers must be enclosed by a fence or wall at least 6 feet high and adequate to obstruct view, noise, and passage of persons.
- c. A minor impact utility use must be at least 50 feet from the nearest boundary of any lot containing a single- or two-unit dwelling use existing at the time of application for the utility use unless the utility has been sited and designed to assure its compatibility with adjacent dwelling units.

9. **Community Center:** In all zoning districts where permitted with limitations:

- a. A community center cannot have an outdoor public address system or any type of amplified music or sound device.
- b. Overnight accommodations are prohibited.
- c. Where a community center includes accessory outdoor recreation or entertainment services facilities within or abutting a residential district, all outdoor lighting must be extinguished when the outdoor facilities are not in use, by 10:00 p.m. Sunday through Thursday, and by 11:00 p.m. Friday and Saturday.

10. **Cemetery:** In all zoning districts where permitted with limitations, a cemetery may include a crematorium. A crematorium must be at least 500 feet from a residential district.

11. **Parks and Playgrounds:** In all zoning districts where permitted with limitations, a publicly owned park or recreation facility must comply with the following:

- a. Outdoor lighting must be extinguished when outdoor facilities are not in use, by 10:00 p.m. Sunday through Thursday, or 11:00 p.m. Friday and Saturday.
- b. Any recreation facility not completely enclosed (e.g. basketball or racquet sport courts) must be at least 50 feet from the boundary of a residential district.

12. **Public and Religious Assembly Uses:** In residential districts where permitted with limitations, a public or religious assembly use must comply with the following:
- a. The following operations must be terminated by 11:00 p.m.: (i) daily operations of uses and activities accessory to a primary public or religious assembly use, including but not limited to, accessory recreation uses or activities; and (ii) daily operations of other primary uses located on the same zone lot as the public or religious assembly use, including but not limited to, child care centers or elementary or secondary schools, but not including a primary household living use located on the same zone lot.
 - b. Conference center, club, or lodge use is prohibited.
13. **Arts, Recreation, and Entertainment, Indoor Uses:** In all residential districts where permitted with limitations, seating capacity in a permitted Arts, Recreation, and Entertainment, Indoor use is limited to no more than 100 people.
14. Mineral Extraction is prohibited within urban areas as defined in I.C. 36-7-4-1103.
15. **Mass Transit Facility:** In all residential districts where permitted with limitations, the use is limited to a stop or station for the mass passenger transit system; and parking for the use of passengers or employees of the passenger transit provider.
16. **Parking Garage:** In all zoning districts where permitted with limitations, a parking garage is limited to enclosed structures or structures enclosed except for portions of the parking structure over 45 feet above grade. Any unenclosed parking deck must have screening walls at least 4 feet in height. All lighting on the unenclosed parking deck must use fully shielded fixtures, not exceeding 6,500 lumens per fixture, and installed to not project glare off the lot.
17. **Dental/Medical Office or Clinic:** In all zoning districts where permitted with limitations, up to 20 patients or clients may stay overnight at any one time in a Dental/Medical Office or Clinic use.
18. **Animal Sales and Services, Household Pets:** In all zoning districts where permitted with limitations, an Animal Sales and Services, Household Pets use must comply with the following:
- a. All sales and services must be for household pets only. Wild or dangerous animal services and sales are prohibited.
 - b. Overnight boarding is permitted within a completely enclosed building. For uses over 20,000 s.f. in GFA dedicated primarily to retail sales, no more than 15% of the GFA can be devoted to overnight boarding.
 - c. The use must be completely enclosed except outdoor animal runs or other areas in which dogs are allowed outside of an enclosed structure off leash (an "outdoor run"). An outdoor run must comply with the following conditions:
 - (1) Outdoor runs are not permitted within 20 feet of a residential structure in a residential district.
 - (2) The outdoor run may operate only between 6:30 a.m. and 9:00 p.m.
 - (3) No more than 25 non-neutered or non-spayed dogs older than 6 months may be kept on the premises at any time.

- d. Facilities must be constructed, maintained, and operated so animal sounds and smells cannot be discerned on adjacent lots when the outdoor run is not in use.

19. **Animal Sales and Services, All Others:** In all zoning districts where permitted with limitations, an Animal Sales and Services, All Others use must comply with the following:

- a. Wild or dangerous animal boarding and breeding services are prohibited.
- b. No more than 25 non-neutered or non-spayed dogs older than 6 months may be kept on the premises at any time.
- c. Overnight accommodations are allowed.
- d. Where located abutting a residential district, a minimum 50-foot wide landscaped buffer must be provided. The buffer is intended to substantially mitigate potential adverse effects from the animal service use.

20. **Grocery:** In all zoning districts where permitted with limitations, a Grocery use must comply with the following:

- a. Accessory outdoor sales and displays, including outdoor sales of fruits or vegetables, must occupy no greater than 1/4 the gross floor area of the structure containing the Food Sales or Market primary use.
- b. Outdoor storage is prohibited unless enclosed by a fence or wall adequate to conceal such storage from adjacent residential property or public right-of-way.

21. **Pawn Shop:** In all zoning districts where permitted with limitations, a pawn shop cannot be established, operated, or maintained within 1,000 feet of another pawn shop.

22. **Retail Sales, Service, and Repair – Outdoor:** In all Mixed-Use Districts where permitted with limitations, only outdoor retail sales are permitted, and outdoor retail repair or service uses are prohibited.

23. **Automobile Services-Light:** In all zoning districts, where Automobile Services-Light are permitted with limitations, automobile wash, laundry, detail or polishing shops are permitted subject to compliance with the following standards:

- a. The structure housing the primary use must be setback at least 8 feet from a residential district
- b. Adequate landscaping and solid fencing must be installed to control the effects of noise when a bay is located adjacent to a residential use or a residential district.
- c. If the use abuts a residential district, the hours of operation are limited to 7:00 a.m. to 10:00 p.m.
- d. In addition to any other required off-street parking, the use must provide for each washing stall, enough hard-surfaced and dust-free space on the lot to accommodate at least 3 vehicles waiting to be washed.

Within the US HWY 36 Overlay Zoning District, Automobile Services-Light uses are only permitted within the areas designated as “Area Retail” on the Future Land Use Cluster Map in the Comprehensive Plan.

24. **Automobile Services, Heavy:** In all zoning districts where permitted with limitations, an

Automobile Services, Heavy use must comply with the following:

- a. The lot must be enclosed with a solid fence or wall except for:
 - (1) No more than 40% of the street frontage containing the entrance to the use is required to have a fence;
 - (2) The street frontage of an automobile retail display area; or
 - (3) Any portion of a lot line containing a building wall.
- b. The fence or wall must be constructed high enough to conceal vehicles, equipment, or parts located on the lot; provided the wall or fence does not interfere with vision clearance at the intersections (5.21 Vision Clearance Standards).
- c. Permitted fence or wall materials consist of wood, brick, masonry or other similar durable materials as approved by the Administrator. Salvaged doors, corrugated or sheet metal, and chain link are prohibited fence or wall materials.

25. Auto/Motorcycle/Boat/Light Truck Sales or Rentals: In all zoning districts where permitted with limitations, an Auto/Motorcycle/Boat/Light Truck Sales or Rentals use must comply with the following:

- a. Outdoor public address or loudspeaker systems are prohibited.
- b. Accessory uses and activities may include the retail sale of vehicle accessories, oil, grease, antifreeze, tires and batteries, and other similar products; and providing services of installing the above items, making minor mechanical adjustment, washing and polishing vehicles.
- c. The facility must not include heavy automobile service uses as an accessory or primary use unless permitted as a primary use in the subject Zoning District.
- d. Adjoining residential districts must be protected from the external effects of permitted outdoor vehicle or equipment display or storage areas by landscape buffers or an opaque fence or wall at least 5 feet high, by landscaped employee or public parking areas, or by other means to achieve the same protection purpose.
- e. Vehicles being displayed, serviced, or stored cannot be parked on streets, alleys, public sidewalks, or public landscaped parkways.
- f. As permitted, vehicles displayed outside a completely enclosed structure may have individual signs and, when provided, the signs must be located inside the vehicles.
- g. For facilities engaged only in the rental of automobiles, the land area assigned for storage of rental automobiles must not be included when computing required off-street parking spaces.

Sales display areas are not considered parking lots for the purposes of this Ordinance (e.g. parking space size requirements, landscaping requirements, etc.)

Within the US HWY 36 Overlay Zoning District, Auto/Motorcycle/Boat/Light Truck Sales or Rentals uses are only permitted within the areas designated as "Area Retail" on the Future Land Use Cluster Map in the Comprehensive Plan.

26. Self-Storage Facilities: In all zoning districts where permitted with limitations, Self-Storage

Facilities cannot have individual entrances to storage units from the exterior of the structure.

27. **Vehicle Storage, Commercial:** In all zoning districts where permitted with limitations, the use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.
28. **Sports and/or Entertainment Arena or Stadium:** In all zoning districts where permitted with limitations, a Sports and/or Entertainment Arena or Stadium use must be at least 500 feet from a residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.
29. **Heavy Vehicle/Equipment Sales, Rentals, and Service:** In all zoning districts where permitted with limitations, a Heavy Vehicle/Equipment Sales, Rentals, and Service use must be located at least 500 feet from the nearest boundary of any residential district existing at the time of application. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.
30. **Contractors, Special Trade – General:** In all Industrial Districts where permitted with limitations, the use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.
31. In all zoning districts where permitted with limitations, the use must be located at least 500 feet from any residential district. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.
32. **Laboratory, Research and Development Services:** In all zoning districts where permitted with limitations, a Laboratory, Research and Development Services use may include sales facilities limited to non-retail sales and sales activities occupying no more than 20% of the gross floor area of the structure. Such use may include indoor storage space for parts and supplies.
33. **Aquaculture:** In all zoning districts where permitted with limitations, the outdoor storage of waste material from fish processing is prohibited.
34. **Gasoline Service Station:** In all zoning districts, where permitted with limitations, the use must comply with the following:
 - a. Outdoor storage shall be located immediately adjacent to the building and shall not exceed 20% of the gross floor area of the building.
 - b. If the use abuts a residential district, the hours of operation are limited to 5:00 a.m. to 11:00 p.m. unless the applicant can show the use will have no significant effect on the nearby residential district.