

ARTICLE 10

RESIDENTIAL (R)

SECTION 1000 – Residential District (R) Intent

The intent of this article is to provide and promote: a) the maximum possible variety and choice of dwelling types, designs, sizes and affordability; b) for persons, households and families of all marital types, ages, incomes, and interests; c) within development forms which will create cohesive residential neighborhood and community forms and identities; and d) in patterns, organizations and densities which can be predicted and thereby provide effective, efficient and justifiable use of infrastructure facilities and services.

SECTION 1010 - Principally Permitted Uses

The following uses are permitted:

1. Detached single-family dwelling units;
2. On any contiguous property **containing two (2) or more acres**, one undomesticated, non-household animal per acre may be kept; the keeping of animals customarily considered domesticated, household pets is also permitted—provided that: a) such animals are not a public nuisance and are not vicious, as defined by the Dearborn County Animal Control Ordinance (Chapter 90, Sections 90.16, 90.18, and 90.19); b) the animals do not present unsanitary conditions, as determined by the Dearborn County Department of Health; c) the animals and their keeping, including restraint (Chapter 90, Section 90.1), are compliant with the Dearborn County Animal Ordinance; and d) if there are five (5) or more dogs or cats on the premises, a kennel license is obtained, as required, from Dearborn County Animal Control (Chapter 90, Sections 90.02 and 90.38). Any building in which household, domesticated pets are kept shall be located not less than ten (10) feet from any lot line. Any building in which 5 or more household, domesticated pets or any undomesticated, non-household animals are kept shall be located not less than fifty (50) feet from any lot line. Nothing in this section shall prohibit the temporary (less than four (4) months) keeping of newborn offspring of permitted animals, nor shall these regulations prohibit the private keeping of any number of fish in aquaria, provided that they are not associated with a commercial animal establishment (as defined in Chapter 90, Section 90.02 and 90.22 in the Dearborn County Animal Control Ordinance).

3. Property owners **containing less than 2 contiguous acres** may keep as many as four (4) animals customarily considered domesticated, household pets, provided that: a) such animals are not a public nuisance and are not vicious, as defined by the Dearborn County Animal Control Ordinance (Chapter 90, Sections 90.16, 90.18, and 90.19); b) the animals do not present unsanitary conditions, as determined by the Dearborn County Department of Health; and c) the animals and their keeping, including restraint (Chapter 90, Section 90.1), are compliant with the Dearborn County Animal Ordinance. Any building in which household, domesticated pets are kept shall be located not less than ten (10) feet from any lot line. **The keeping of any undomesticated, non-household animals shall not be permitted on these types of properties unless a Variance is obtained from the Board of Zoning Appeals.** Nothing in this section shall prohibit the temporary (less than four (4) months) keeping of newborn offspring of permitted animals, nor shall these regulations prohibit the private keeping of any number of fish in aquaria, provided that they are not associated with a commercial animal establishment (as defined in Chapter 90, Section 90.02 and 90.22 in the Dearborn County Animal Control Ordinance).
4. Duplex dwelling units;
5. Farms of field crops, fruits, tree nuts, vegetables, or other agricultural growth products;
6. Farms of no predominant crops, including range and grassland pastures, horticultural specialties;
7. Horticultural, floricultural, viticultural, and other agricultural related uses and services;
8. Forestry activities including timber production, tree products production, commercial forestry production, forest nurseries and other forestry activities, Christmas tree farming and related services (Excludes sawmills, or processing of wood products other than activities necessary to ship timbers from the property);
9. Garden plots and other similar forms of communal or organizational farming practices;
10. Public parks, public playgrounds and public recreation areas;
11. Family Child Care Home as defined in Article 27 and permitted by IC 36-7-4-1107 and 1108;
12. Barns, pole buildings, green houses or other structures commonly constructed for storage of equipment, materials, crops or animals (See Items 2-3 above) for use in maintaining or operating an agricultural use or for maintaining personal property on which a residence has been constructed or is intended to be constructed. All proposed buildings of this type must be identified / shown as being located outside of soil test sites for primary and secondary septic systems, where applicable.
 - a. Any building in which household, domesticated pets are kept (see Definitions, Article 27) shall be located not less than ten (10) feet from any lot line. Any building in which 5 or more household, domesticated pets or any undomesticated, non-household animals are kept shall be located not less than fifty (50) feet from any lot line.

SECTION 1020 - Accessory Uses

Accessory Uses, buildings and structure customarily incidental and subordinate *to* any of the permitted uses including:

1. Accessory uses for a dwelling unit including:
 - a. private garages and parking;
 - b. structures such as fences, satellite dishes, and walls;
 - c. buildings such as storage sheds, private greenhouses and gazebos;
 - d. storage of a recreational vehicle or unit;
 - e. private swimming pool, sauna, bathhouse and like accessories;
 - f. private recreational court, complex or similar recreational activity;
 - g. private stables or other keeping and use of pets and animals;
2. Temporary buildings incidental to construction;
3. Offices for farm management and administration of agricultural services offered on the farm premises;
4. Accessory dwelling units to include one apartment within a single-family dwelling or accessory structures as long as the unit is used for family or employee/s of a principally permitted use listed above and under common ownership. The accessory dwelling unit must conform to all locational requirements of single-family units;
5. Home Occupations subject to the standards in Section 2556;
6. The keeping and use of pets;
7. Clubhouses, community centers and similar common assembly or shared facilities where the facility is an integral part of a residential development and the membership is limited to residents of a common development or neighborhood;

SECTION 1030 – Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and conditions of the Board of Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use; or b) the activity will not contradict the residential character of the district; and c) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

1. Group Child Care Centers Class I and II (Site Plan Review required) (See Article 27 for definitions);
2. Private colleges, junior colleges, universities, including fraternity and sorority houses and dormitories, business colleges and trade schools, boarding nursery schools and preschools (Site Plan Review Required);

3. Assisted living, adult care, nursing and rest homes, and institutions for the care of the aged and for children, homeless shelters and other similar and related residential uses (Site Plan Review Required);
4. Golf courses with club house or related facilities (Site Plan Review Required);
5. Mobile homes; manufactured home parks subject to standards in Section 2560 and 2562 (Site Plan Review Required);
6. Telecommunication towers, radio and television transmitting or relay station; antennas or satellite dishes; See Article 15 (Site Plan Review Required);
7. Veterinarian, animal hospital or other animal related services including grooming and commercial kennels (Site Plan Review Required). Any building involving kennels shall be located not less than two hundred and fifty (250) feet from any lot line;
8. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required);
9. Schools, colleges, junior colleges, universities, including fraternity and sorority houses and dormitories, business colleges and trade schools, boarding nursery schools and preschools;
10. Cemeteries including mausoleums (Site Plan Review required);
11. Townhouse dwelling units, apartment dwelling units, condominium and landminium dwelling units (Site Plan Review required);
12. Farms and ranches of dairy production, raising of livestock including cattle, hogs, sheep, goats, horses, poultry or other fowls and other animals raised for food or fur, skin or related uses. Requires a minimum of 20 acres;
13. Police and fire stations or ambulance service (Site Plan Review required);
14. Water towers, electrical substations, telephone switching stations, facilities dealing with boosting or receiving data or communications signals, wind energy conversion systems, and county garage facilities;
15. Bed and Breakfast Inns (Site Plan Review required).

SECTION 1040 - Density

The maximum density in a Residential district shall not exceed four (4) dwelling units per acre for single family use. For maximum densities for multi-family see Section 2562.

SECTION 1050 - Minimum District Size

The minimum size and extent of a Residential district, including all the contiguous private property so designated shall not be less than five (5) acres.

SECTION 1060 - Minimum Standards

See Article 25, Table 25-1 for dimensional standards. Site Plan Review required for all multi-family uses. (See Article 23)