

# **Dwelling District Zoning Ordinances for Indiana / Marion County**

Printed and Distributed

Courtesy of

The Cherry Lake Homeowners Associaton

# SECTION 2.00 GENERAL DWELLING DISTRICT REGULATIONS

The following regulations shall apply to all land within the DWELLING DISTRICTS.

## A. AFTER THE EFFECTIVE DATE OF THIS ORDINANCE:

1. **With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance. Signs, however, are regulated by the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.**
2. **A lot may be divided into two (2) or more lots, provided that all resulting lots and all buildings thereon shall comply with all of the applicable provisions of the Dwelling Districts Zoning Ordinance of Marion County. If such a lot, however, is occupied by a nonconforming building, such lot may be subdivided provided such subdivision does not create a new noncompliance or increase the degree of noncompliance of such building.**
3. **No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this ordinance with the exception of signs, which are regulated by the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended, and the following provisions:**

### a. **Restoration of Legally Established Nonconforming Uses, Structures, Buildings**

Legally established nonconforming uses and structures or buildings may be restored to their original dimensions and conditions if damaged or partially destroyed by fire or other disaster provided the damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the building, structure or facilities affected. Except, however, all land with any Flood Control District shall be by the forty percent (40%) limitation of Section 2.00, B.2. of the Flood Control Districts Zoning Ordinance of Marion County, Indiana, (71-AO-3, as amended).

### b. **Discontinuation of Nonconformity**

The lawful nonconforming use or occupancy of any lot, in a Dwelling District, existing at the time of the effective date of this ordinance, may be continued as a nonconforming use, but if such nonconforming use is discontinued for one (1) year, any future use or occupancy of said land shall be in conformity with the provisions of this ordinance.

### c. **Legally Established Nonconforming Uses - Public Schools**

Any legally established nonconforming use public elementary, middle, junior high or high school (including any structures, facilities and parking areas accessory thereto) may be converted, enlarged, extended, reconstructed or relocated for such public school use on the same lot or parcel as it existed on August 8, 1966, provided such

school building, structure, facilities and parking area shall conform to the minimum yard and setback requirements of the applicable DWELLING DISTRICT.

**d. Yard, Setback Exceptions:**

(1) Established Front Setback Exception/Averaging

In any block in which an existing front yard depth and setback is established (by existing legally established buildings within a Dwelling District) for more than twenty-five percent (25%) of the linear frontage of the block (or a distance of two hundred [200] linear feet in either direction, whichever is the lesser), the minimum required front yard depth and setback for any new building or structure shall be the average of such established front yards if such dimension is less than the minimum required minimum front setback established by this ordinance.

(2) Expansion Along an Existing, Legally Established Nonconforming Front Setback Line

The minimum required front setback in any Dwelling District for any existing building, having a legally established front setback which is less than the required setback of the District, shall be modified to permit expansion of such building along its existing established front setback, provided that:

- i. only a one time expansion along the legally established nonconforming front setback line shall be permitted: and,
- ii. the linear front footage of expansion does not exceed fifty percent (50%) of the linear front footage of the original building, and all other requirements of this Ordinance are maintained for the expansion. Provided:

For both (1) and (2) above, however, in no case shall a building or structure:

- . encroach upon any proposed right-of-way, as determined by the Official Thoroughfare Plan of Marion County, Indiana;
- . encroach upon any existing right-of-way; or,
- . encroach into a clear sight triangular areas, as required in Section [2.21](#), C, 1.

(3) Side and Rear Yard Setback Exceptions

The minimum side and rear yard setback requirements of the [D-S](#), [D-1](#), [D-2](#), [D-3](#), [D-4](#), [D-5](#), [D-5II](#), and [D-8](#) (for a lot containing a single or a two-family dwelling unit) Districts shall be subject to the following:

i. Primary Buildings:

The primary building may be enlarged or extended along a legally established nonconforming side yard between the established front setback line and the established rear setback line of the primary building provided that the linear footage of such enlargement or extension: a. does not exceed fifty percent (50%) of the linear footage of the primary building along that side setback line, or b. be a one time only expansion along the legally established setback line.

ii. Detached Accessory Buildings

. Legally established, detached, accessory garages may be reconstructed on an existing foundation, even though such reconstruction would not comply with required side or rear yards.

. An accessory building may be enlarged or extended along a legally established nonconforming side or rear yard provided that the linear footage of such enlargement or extension: a. does not exceed fifty percent (50%) of the linear footage of the accessory building along that side or rear setback line; b. be a one time only expansion along the legally established setback line; and, c. such enlargement or extension shall not encroach into any required yard other than the existing nonconforming side or rear yard along which the enlargement or extension is occurring.

(4) The minimum side and rear yard setback requirements of all Dwelling Zoning Districts shall be subject to the following exception:

Eave or cornice overhangs, bay windows, chimneys and other similar appurtenant structural projections from a primary or accessory building may encroach into a required side or rear yard no more than two (2) feet.

**e. Lot area, lot width exception**

Any lot recorded or any platted lot recorded prior to the adoption of this ordinance, having less than the minimum lot area or minimum lot width required by the applicable DWELLING DISTRICT regulations of this ordinance for a single-family dwelling, shall be deemed an exception to such minimum lot area and lot width requirement, and a single-family dwelling may be constructed hereon provided all other requirements of this ordinance, including minimum yard and setback requirements, shall be maintained.

**f. [D-6](#) and [D-6II](#) District single family exception.**

In the [D-6](#) and [D-6II](#) District, a single or two-family dwelling, including accessory structures, may be constructed, erected, enlarged, extended, or reconstructed on any platted lot recorded prior to the adoption of this ordinance which was specifically platted for single family dwelling purposes. Such development shall be in accordance with the

approved plat, any restrictions thereof, and any commitments resulting from the rezoning of such lot.

**4. The front setback and minimum front yards requirements of all Dwelling Zoning Districts shall be subject to the following exception for all land within the Town of Meridian Hills, Indiana:**

The required front setback and minimum yard requirements applicable to all land within the Town of Meridian Hills, Indiana, however presently zoned, shall be not less than the standards of the Class R-1, R-2, and R-3 area Districts, respectively, previously applicable thereto as said land was formerly zoned, in accordance with the Meridian Hills Zone Map and section 12 of the Zoning Ordinance of the Town of Meridian Hills, Indiana, General Ordinance No. 1, 1946, prior to the effective date of the comprehensive Dwelling Districts Zoning Ordinance of Marion County, Indiana, Ordinance 66-AO-2, which rezoned and reclassified said land, (Said Zoning Ordinance of the Town of Meridian Hills, Indiana, section 12 and Meridian Hills Zone Map, adopted by the Marion County Council March 28, 1957, as a part of Marion County Council Ordinance No. 8-1957, are hereby incorporated herein by reference).

**5. Secondary Means of Escape.**

Any secondary means of escape which includes, but is not limited to, fire escapes or similar emergency accesses, shall be located on the rear or side facades of the building or structure. In the case of a building or structure located on a corner lot, the secondary means of escape shall not be located on the facade of any building or structure which has frontage along a public or private street.

**6. Side Yard Setback - Zero Lot Line Option**

The minimum side yard setback requirements of the [D-S](#), [D-1](#), [D-2](#), [D-3](#), [D-4](#), [D-5](#), and [D-5II](#) Zoning Districts shall be subject to the following exceptions:

Any plat of a subdivision submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce the minimum side yard requirement for one side yard of each lot to zero (0) feet provided that:

- a. A minimum distance of ten (10) feet shall be required and maintained between all buildings on adjacent lots; and,
- b. No windows or doors shall be provided or maintained on that portion of the structure which reduces the required side yard by use of this exception; and,
- c. The aggregate side yard(s) is provided on the lot according to the applicable dwelling district regulations; and,
- d. An easement, providing for the continual maintenance of that portion of the structure which reduces the required side yard by use of this exception, is provided, recorded and maintained.

**7. Exceptions to dwelling district development standards for the development of Cluster Subdivisions.**

In any plat of a subdivision recorded after January 1, 1990 in the [D-S](#), [D-1](#), [D-2](#), [D-3](#), and [D-4](#) Zoning Districts the following exceptions shall apply.

Any subdivision, the plat of which is submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana may be developed as a cluster subdivision in accordance with the following:

**a. Purpose**

Cluster subdivisions are intended to allow greater flexibility in design and development of subdivisions, in order to provide for more efficient use of land, protect topographical features, and permit common area and open space. To accomplish this purpose, the following regulations and exceptions shall apply only to cluster subdivisions.

**b. Exceptions to dwelling district development standards.**

Exceptions to the development standards relating to the subdivision's lot size, shape and dimensions may be permitted for individual lots within a cluster subdivision as follow:

(1) Project Area (Minimum Size of Subdivision).

There shall be a minimum of five (5) acres required for the development of a cluster subdivision. The tract of land to be developed shall be in one ownership or shall be the subject of an application filed by the owners of the entire tract. The tract shall be developed as a unit and in the manner approved.

(2) Project Density.

the overall maximum density of the proposed cluster subdivision shall remain the same as that permitted by developing the same site area into developable lots in full compliance with the applicable underlying dwelling district regulations and The Subdivision Control Ordinance of Marion County, Indiana.

(3) Sewers.

Attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development any cluster subdivision with a minimum lot area of less than 24,000 sq. ft.

(4) Area, Width, Setback, and Open Space for Individual Lots.

Individual lots in a cluster subdivision are exempt from the following development standards of the applicable dwelling district:

- i. minimum lot area.
- ii. minimum lot width.
- iii. minimum lot width at setback.
- iv. minimum side and rear yard setback regulations.

Minimum side and rear yard setback regulations may be modified by the following:

- (a) Setback from any subdivision boundary property lines: Twenty (20) feet.
- (b) The minimum rear yard setback: Fifteen (15) feet.
- (c) The minimum side yard setback shall have a minimum depth in accordance with Section 2.00, A., 6., side Yard Setback - Zero Lot Line Option, with the exception that provision 2.00, A., 6, c. shall not apply when utilizing the Cluster Subdivision Exception.

- v. The minimum street frontage.

Minimum street frontage may be reduced to fifteen (15) feet provided, however, that each individual lot shall have direct access to a public street, and,

- vi. Minimum open space.

Individual cluster lots shall have a minimum open space of fifty (50) percent.

#### (5) Project Open Space.

The amount of permanent open space created by the development of the site as a cluster subdivision shall be equivalent to, or more than, the total reduction in lot sizes. At least seventy-five (75) percent of the total amount of open space shall consist of tracts of land at least fifty (50) feet wide.

The open space created by the development of the site of a cluster subdivision shall be provided in such a manner that it is preserved in its naturally occurring state for passive recreational activities. A subordinate

amount of this open space may be developed as a common recreational area. The open space created by the development of the site as a cluster subdivision shall further be provided in such a manner that it is accessible to residents of the subdivision and for maintenance. The open space shall perpetually run with the subdivision and shall not be developed or separated from the cluster subdivision at a later date. Provisions shall be made for continuous and adequate maintenance at a reasonable and non-discriminatory rate of charge.

**c. Procedures for Cluster Subdivision Approval.**

1. The petitioner shall submit two site plans for the property proposed for a cluster subdivision for review and conceptual design approval by the Administrator prior to filing for plat approval.
  - i. Site Plan One shall depict the development of the site in full compliance with all use and development standards of the applicable underlying dwelling district and the Subdivision Control Ordinance of Marion county, Indiana. This site plan will be used to determine the maximum number of developable lots possible on the site and set the density of that development.
  - ii. Site Plan Two shall depict the development of the site as a proposed cluster subdivision. The density of the overall development shall be no greater than that permitted by the development of the site depicted in Site Plan One.
2. The Administrator shall compare the proposed cluster subdivision with the site plan showing the same site developed in compliance with the applicable dwelling district and determine the appropriateness of cluster design for the site.
3. In determining the appropriateness of cluster design for the site, the Administrator shall look for the following attributes:
  - i. Protection of unique topographical features on the site, including, but not limited to: slopes, streams, natural water features.
  - ii. Protection and preservation of wooded areas, individual trees of significant size, wetlands, or other environmentally sensitive features.
  - iii. Development of common open space and recreational areas accessible to residents of the subdivision including provisions for walkways and bikeways.
  - iv. Provide a more efficient use of the land.
  - v. Produce innovative residential environments.
  - vi. Minimize the alteration of the natural site features to be preserved through the design and situation of individual lots, streets, and buildings.

vii. Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.

viii. Relationship to surrounding properties, improvement of the view from and of buildings, and minimizing of the land area devoted to motor vehicle access shall be encouraged through the arrangement and situation of individual lots, buildings, and units.

4. The Administrator shall further review the proposed cluster subdivision to ensure that the proposed cluster development will be constructed, arranged, and operated so as not to interfere with the development and use of neighboring property, in accordance with the applicable district regulations, to include any necessary transition along the perimeter of the development with adjacent single-family zoning districts.
5. If upon review, the Administrator, based upon the attributes noted above, determines that the proposed cluster subdivision is not appropriate for the site, the Administrator shall inform the petitioner in writing of the determination. The petitioner may, within five (5) business days, appeal the Administrator's decision by filing an approval petition before the Metropolitan Development Commission.
6. If upon review, the Administrator, based upon the attributes noted above, determines that the proposed cluster subdivision is appropriate for the site, the Administrator shall: 1. inform the petitioner in writing of the determination; and, 2. send a copy of that letter to the applicable registered neighborhood organizations. The petitioner may then proceed with the filing of a preliminary plat before the Plat Committee. The filed plat shall be in substantial compliance with the proposed plat approved by the Administrator. The legal notice for the public hearing of the Plat Committee regarding such a preliminary plat shall indicate clearly that the request is for a cluster subdivision.

**d. Maintenance of common open space areas.**

As a condition of Administrator's Approval of the cluster subdivision permitted exceptions to the standard requirements of the applicable zoning district, the petitioner shall submit with the site plan for review and approval documentary assurances that permanent dedication of the open space areas shall be made and that adequate provision(s) is being made for continuous and adequate maintenance of project open space, common areas and recreation areas. Once approved by the Administrator, the documentary assurances shall be filed with the Plat Committee at the time of a petition for plat approval is initiated. Further, the documentary assurances shall be incorporated in the plat that is recorded with the office of the Marion County Recorder. No exceptions to these requirements shall be permitted unless the Plat Committee determines that the petition has adequately provided for such upkeep, protection and maintenance of open space, common areas or recreational areas through other legally binding perpetual agreements.

**8. Requirement for Group Homes for the Mentally III.**

In any Dwelling District, a group home (as defined in section [2.25](#)) for the mentally ill shall be excluded from a residential area if the group home is located within three thousand (3,000) feet of another group home for the mentally ill, as measured between lot lines.

**9. Legal Establishment of Nonconforming Uses That Were Not Legally Initiated Prior to April 8, 1969.**

a. A nonconforming use in a district of the Dwelling District Zoning Ordinance (as adopted by the Metropolitan Development Commission under docket number 66-AO-2) shall be deemed to be legally established (relative to both use and development standards) if the use:

- (1) existed prior to April 8, 1969; and,
- (2) has continued to exist from April 8, 1969 to the present; and,
- (3) has not been abandoned; and,
- (4) of the entire building has not been vacant voluntarily for any period of three hundred and sixty-five (365) consecutive days.

A certificate stating the use and development of a property are legally established under this section shall be available from the Administrator on the presentation of sufficient evidence. The Rules of Procedure of the Metropolitan Development Commission shall outline the procedure to be followed in order to obtain an official certificate.

b. Any construction, erection, conversion (including, but not limited to the addition of dwelling units), enlargement, extension, reconstruction or relocation occurring after April 8, 1969 have been done in conformity with these regulations and have been done for uses permitted by this ordinance. Any such future activity shall not be permitted except in conformity with these regulations and for uses permitted by this ordinance.

c. Section 2.00, A, 9 shall:

- (1) have no effect upon the powers of the Consolidated City of Indianapolis, Marion County, or any unit or agency thereof, or the Health and Hospital Corporation of Marion County, Indiana, to enforce other public health and safety laws and ordinances affecting real property, including those contained in I.C. 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance).
- (2) not relieve any property of the legal obligation to comply with conditions or commitments which lawfully apply to the property made in connection with any variance, rezoning, platting, or other zoning decision.
- (3) not apply to a property if written records of the:

- . Health and Hospital Corporation of Marion County;
- . fire department having jurisdiction over the property;
- . local law enforcement agency or agencies having jurisdiction over the property; or,
- . Indiana Department of Environmental Management or Department of Natural Resources for the twenty-four (24) month period prior to October 1, 1996, reflect that there has been a significant violation of laws pertaining to public health or safety or ordinances affecting real property, including those contained in I.C. 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance) for activities occurring on the property or the condition of the property.

d. Definition of "significant violation"

For purposes of this provision, a violation is defined to be significant as:

- . Any outstanding violation or three or more separate citations from any of the health and safety agencies referred to in Section 2.00, A, 9, c, (3) of this ordinance; or,
- . Any citation or violation of Sections 302, 304, 310, 311, 313, and 701, as amended, of Chapter 10 the Code of the Health and Hospital Corporation of Marion County, Indiana (Housing and Environmental Standards Ordinance); or,
- . One or more convictions of a tenant, owner, or lessee for criminal activities occurring on the property.

**10. Compliance with the Subdivision Control Ordinance.**

In compliance with IC-36-7-4-701, the Metropolitan Development Commission and City-County Council have set forth the following zoning districts in which subdivision of land is required to comply with the provisions of the Subdivision Control Ordinance for Marion County, Indiana (58-AO-13, as amended):

Any Dwelling District, as noted in the Dwelling Districts Zoning Ordinance of Marion County, Indiana (89-AO-2, as amended), which permits single-family or two-family dwellings. Specifically, these Districts are the [D-A](#), [D-S](#), [D-1](#), [D-2](#), [D-3](#), [D-4](#), [D-5](#), [D-5II](#), [D-8](#) (single or two-family dwelling development only), [D-12](#) and [D-P](#) (single and two-family development only).

Condominium development shall not be regulated by the Subdivision Control Ordinance, but shall be regulated per IC 32-1-6.

**B. All uses established or placed into operation after August 2, 1966 shall comply with the following performance standards. No use in existence of the effective date of this ordinance shall be so altered or modified as to conflict with these standards.**

1.	VIBRATION	No use shall cause earth vibrations or concussions detectable beyond the lots lines without the aid of instruments.
2.	SMOKE	No use shall emit smoke of a density equal to or greater than No 2 according to the Ringlemann Scale, as now published and used by the U.S. Bureau of Mines, which scale is on file in the office of the Division of Development Services, and is hereby incorporated by reference and made a part hereof.
3.	DUST	No use shall cause dust, dirt or fly-ash of any kind to escape beyond the lot lines in a manner detrimental to or endangering the public health, safety or welfare or causing injury to property.
4.	<b>NOXIOUS MATTER</b>	No use shall discharge across the lots lines, noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
5.	ODOR	No use shall emit across the lot lines odor in such quantity as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
6.	SOUND	No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not become detrimental due to intermittence, beat, frequency, shrillness or vibration.
7.	<b>HEAT AND GLARE</b>	No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
8.	WASTE	No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the division of Public Health of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; and the Stream Pollution Control Board of the State of Indiana, or in such a manner as to endanger the public health, safety or welfare; or cause injury to property.

# SECTION 2.05 D-3 DWELLING DISTRICT THREE REGULATIONS

## STATEMENT OF PURPOSE

The D-3 District is intended for areas of low or medium intensity single-family residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be rather closely associated with community and neighborhood facilities (school, parks, shopping areas, etc.). Two-family dwellings are permitted on corner lots in this district. The D-3 District has a typical density of 2.6 units/ gross acre. This district represents the low-density residential classification of the Comprehensive General Land Use Plan. All public facilities shall be present. Development plans should incorporate and promote environmental and aesthetic consideration, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife (refer to the Cluster Subdivision option of Section [2.00](#)).

## A. PERMITTED D-3 USES

The following uses shall be permitted in the D-3 DISTRICT. Only one primary use shall be permitted per lot. All uses in the D-3 DISTRICT shall conform to the D-3 Development Standards (section 2.05, B) and the Dwelling District Regulations of section [2.00](#).

### 1. PRIMARY USES:

- a. **SINGLE-FAMILY DWELLING**, including a Manufactured Home as regulated in section [2.22](#).
- b. **TWO-FAMILY DWELLING**, (permitted on corner lots only) as regulated in section 2.05, B, 2, c.
- c. **GROUP HOME**, as defined in section [2.25](#), and as regulated in section [2.00](#), A, 8.
- d. **RELIGIOUS USE**, as regulated in section [2.24](#).

### 2. TEMPORARY USES, as regulated in section [2.18](#).

### 3. ACCESSORY USES, as regulated in section [2.19](#).

### 4. HOME OCCUPATIONS, as regulated in section [2.20](#).

## B. D-3 DEVELOPMENT STANDARDS

1.	<b>MINIMUM LOT AREA</b>	<p>Minimum lot area:</p> <ul style="list-style-type: none"><li>. Single-family Dwelling: 10,000 sq. ft.</li><li>. Two-Family Dwelling: 15,000 sq. ft.</li></ul> <p>Provided, however:</p> <p>Any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum lot area for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such 10,000 sq. ft. requirement, provided the average size of all lots within said approved plat shall be at least 10,000 sq. ft.</p> <p>An additional 5,000 sq. ft. of lot area shall be required for any lot utilizing a septic tank or other individual sewage disposal system.</p> <p>Provided, however:</p> <p>Attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district for lots in any plat of a subdivision recorded after January 1, 1990.</p>
2.	<b>MINIMUM LOT WIDTH AND STREET FRONTAGE</b>	<p>a. Minimum lot width at the required setback line:</p> <ul style="list-style-type: none"><li>. Single-family Dwelling: 70 feet</li><li>. Two-family Dwelling: 105 feet (on each street)</li></ul> <p>Provided, however:</p> <p>Any plat of a subdivision consisting of 5 or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum width for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to ten (10) percent below such 70- and 105-foot requirements.</p> <p>b. Minimum street frontage: Each lot shall have at least 35 feet of frontage on a public street and shall gain direct access from</p>

		<p>either said street or an abutting alley.</p> <p>c. Orientation of two-family dwellings: On corner lots, the orientation (front doors, driveways) of each unit in a two-family dwelling shall be toward a different street frontage.</p>
3.	<b>MINIMUM SETBACK LINES AND YARDS</b>	<p>a. Minimum setback line and front yard: Front yards having a minimum depth in accordance with the setback requirements of section <a href="#">2.21</a>, A, shall be provided along all public street right-of-way lines.</p> <p>b. Minimum rear yard: 20 feet</p> <p>c. Minimum side yard: Aggregate: 16 feet</p> <p>Provided, however, no side yard shall be less than 6 feet.</p>
4.	<b>MINIMUM OPEN SPACE</b>	Minimum open space: 70 percent of the lot area.
5.	<b>MAXIMUM HEIGHT</b>	<p>a. Primary building: 35 feet</p> <p>b. Accessory buildings: 20 feet</p>
6.	<b>MINIMUM MAIN FLOOR AREA</b>	<p>Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:</p> <p>. One-story building: 1,200-sq. ft. for each dwelling unit.</p> <p>. Building higher than one story: 800-sq. ft. for each dwelling unit in the building, provided the total floor area shall be at least 1,200 sq. ft.</p>
7.	<b>OFF-STREET PARKING AND PUBLIC STREETS</b>	Off-street parking areas and public streets shall be provided in accordance with section <a href="#">2.21</a> , E and C.

# SECTION 2.20 HOME OCCUPATIONS

## A. PERMITTED HOME OCCUPATIONS

Certain professions and domestic occupations, crafts and services defined below as "permitted home occupations" shall be permitted in all Dwelling Districts (except the [D-11](#) District) and in any other zoning district in Marion County permitted dwelling uses, provided that each home occupation complies with all requirements set forth in section 2.20, B hereof.

Professions and domestic occupations, crafts or services which, as typically carried out, can be conducted in a dwelling without impairment of the use thereof as a place of residence and with no detrimental effect upon adjacent residential properties, as permitted home occupations. Examples of professional services which constitute permitted home occupations include law, medicine, dentistry, architecture, engineering, real estate brokerage, tutoring, writing, painting, music instruction, photography and such services as are provided by clergymen, insurance agents, notaries public and manufacturer's agents. Examples of domestic occupations, crafts and services which constitute permitted home occupations include dressmaking, millinery, sewing tailoring, weaving, hair grooming, washing, ironing and cabinet making.

For purposes of this ordinance, a childcare home shall be considered an accessory use, and not a home occupation.

## B. HOME OCCUPATION REQUIREMENTS

1. The primary use of the dwelling unit shall remain residential.
2. The home occupation shall be clearly incidental and subordinate to the primary residential use of the dwelling. No more than six hundred (600) square feet or thirty percent (30%) of the total square footage of the dwelling unit, whichever is lesser, shall be used in the conduct of the home occupation(s). The six hundred (600) square feet or thirty percent (30%) area which may be used in the conduct of the home occupation(s) shall include all areas in the dwelling unit which are in any way devoted to the operation or conduct of the home occupation.
3. All aspects of the home occupation activity that occur on the premises shall be conducted within the dwelling structure in which the operator makes his actual residence. For purposes of this section, only those areas completely enclosed by walls and under the same roof system as the living quarters shall be considered a part of the "dwelling structure".
4. The operator of the home occupation(s) shall make the dwelling unit within which the home occupation is conducted his legal and primary place of residence. This means that the operator, in addition to making the dwelling unit his place of legal residence, shall also carry out more of the activities such as sleeping, eating, entertaining and other functions and activities normally associated with home life in the dwelling unit where the home occupation(s) is being conducted than are carried out at any other place.
5. No one may participate in or assist with the conduct or operation of home occupations except:
  - a. Individuals who meet the same residence requirements, set forth in paragraph 4 above, as must be met by the operator of the home occupation.

b. A nonresident assistant, subject to the following requirements and limitations:

(1) Participation by the nonresident assistant shall be in a subordinate capacity only, incidental to the conduct of the home occupation -- as, for example, the services of a nurse, receptionist or clerical assistant in the home occupation of a physician.

(2) The nonresident assistant shall not participate, totally or partially, in the capacity of an additional operator of the home occupation, as an additional practitioner of the professional, craft or occupational service of the operator, or as a partner or professional associate thereof.

(3) Participation by the nonresident assistant shall be limited forty-five (45) hours per week.

(4) No more than one (1) nonresident assistant shall be permitted. If more than one home occupation is conducted in the same dwelling unit, a nonresident assistant shall be permitted for only one of the home occupations.

6. No structural alterations shall be effected to the interior or the dwelling which would render it undesirable for residential use.
7. No structural additional, enlargements or exterior alterations changing the residential appearance of the dwelling or lot shall be permitted.
8. No additional or separate exterior entrance shall be constructed for the purposes of conducting the home occupation.
9. The dwelling unit shall not be a mobile dwelling unit.
10. The home occupation(s) shall not regularly attract more than four (4) individuals simultaneously onto the premises for reasons related to the home occupation(s) and shall not generate significantly greater traffic volume than would normally be expected in the particular residential area in which the home occupation(s) is conducted.
11. No provision for off-street parking or loading facilities, other than requirements of the applicable Dwelling District, shall be permitted. No part of the minimum required yard shall be used for such off-street parking or loading purposes. No additional driveway, to serve such home occupation, shall be permitted.
12. No display of goods or external evidence of the home occupation shall be permitted other than a window or wall sign as permitted by the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended (Section 3.20, On-Premise Signs: Dwelling Districts).
13. No goods, commodities or stock in trade shall be received, retained, used, stored on or physically transferred from the premises except for:
  - a. A reasonable number of samples needed in the home occupation, or

b. Materials, such as paint and canvas in the case of an artist, needed to produce a finished product or perform a service in the operation of the home occupation on the premises;

c. Items of tangible property, such as legal documents in the case of an attorney, transferred in connection with the performance of personal services by the operator of the home occupation: or

d. Items of tangible property, such as clothing in the case of a tailor, to be repaired, altered, or services by the operator of the home occupation on this premises.

14. No electrical or mechanical equipment shall interfere with local radio and television reception.

15. Hours of operation of the home occupation shall not interfere with use and enjoyment of adjacent residential properties.

16. Permitted home occupations shall comply with all standards set forth in section [2.00](#), B.

17. No permitted home occupation shall interfere with the reasonable use and enjoyment of adjacent residential properties.