

ARTICLE 10

RESIDENTIAL (R)

SECTION 1000 – Residential District (R) Intent

The purpose of the residential districts is to limit development to residential dwellings to provide a stable and predictable living environment. The R-1 residential district is designed as the most restrictive residential area which provides the land owner with the most predictable, although restrictive future development. The R-2 districts through the R-4 districts provide less restrictive and more flexible future development under this Ordinance. It is preferred that Residential Districts are served by water utilities, sewer facilities, the contiguous area is planned for traffic, hard surface roads, surface water and drainage.

SECTION 1005 – R-1 Principally Permitted Uses

The following are Ordinance permitted uses in an R-1 District, One-Family Residential District:

1. One-family detached dwellings, including residential accessory structures consisting of a single detached building that does not exceed 720 square feet, a private swimming pool, private tennis court, or similar private accessory structures;
2. Public Parks and Playgrounds;
3. Group home for developmentally or mentally disabled persons as required by Indiana law;
4. Essential utility services, but not utility structures, utility service facilities, or any utility building;
5. No kennels are allowed in this District;

SECTION 1010 – R-1 Permitted Exceptions

No Exceptions are permitted as Permanent Special Exceptions by the Decatur County Board of Zoning Appeals in the R-1 District.

SECTION 1015 – R-1 Conditional Uses and Criteria

The Decatur County Board of Zoning Appeals shall not allow conditional uses in the R-1 District.

SECTION 1020 – R-2 Principally Permitted Uses

The following are Ordinance permitted uses in an R-2 One or Two Family Residential District:

1. One-family detached dwellings including residential accessory structures consisting of a single, detached building that does not exceed 720 feet, a private swimming pool, private tennis court, or similar private accessory structures;
2. Two-family attached dwellings;

3. A group home for developmentally or mentally disabled persons as required by Indiana law;
4. Public Parks and Playgrounds;
5. Essential utility services but not utility structures, utility services facilities, or utility buildings.
6. No Kennels are allowed in this District.

SECTION 1025 – R-2 Permitted Exceptions

The following are permitted as Permanent Special Exceptions when authorized by the Decatur County Board of Zoning Appeals in the R-2 District:

1. Schools and Public Libraries;
2. Churches and Chapels;
3. Cemeteries;
4. Municipal buildings, fire departments, and police departments;
5. Public utility structures;
6. Nursery schools and in-home day care facilities;
7. Bed and breakfast lodging facilities where the owner also occupies the facility as their residence.

SECTION 1030 – R-2 Conditional Uses

The Decatur County Board of Zoning Appeals may allow Conditional Uses in the R-2 District which when granted shall specifically describe and define the permitted activity and limit the duration of the activity:

- 1.) Home Occupations under the following conditions:
 - a) That the occupation is conducted entirely within the dwelling or in a detached building as approved by the Decatur County Board of Zoning Appeals;
 - b) That the occupation is operated by the owner and his family that resides upon the premises with not more than two non-family employees;
 - c) That no signs or advertisements are displayed upon the premises unless approved by the Decatur County Board of Zoning Appeals;
 - d) That the occupation customarily will provide its product or service to a limited number of customers or clients at the same time;
 - e) That the occupation does not require the storage of materials outside any structure;
 - f) Such other specifications that the Decatur County Board of Zoning Appeals determines are necessary for the health, safety, and welfare of adjoining property owners.
 - g) That the use, when permitted by the Decatur County Board of Zoning Appeals, shall have a definite expiration as determined by the Decatur County Board of Zoning Appeals which shall not exceed Five (5) years. Prior to the expiration of the initial conditional use period, the Owner shall be required to complete a renewal application with the Decatur County Area Plan Commission Office. At that time, all adjoining property owners will be provided notice of the request

for renewal of the conditional use by Certified Mail. If there are no objections to the renewal of the conditional use, then the conditional use shall be extended administratively by the Area Plan Director. If any objections are made within Thirty (30) days after the notices are sent, then the matter will be scheduled at the next Board of Zoning Appeals meeting. The owner shall be responsible for the cost of the Certified Mail fees if the conditional use is renewed administratively. If the matter is scheduled for a meeting, the owner shall be responsible for the full application fee.

SECTION 1035 – R-3 Principally Permitted Uses

The following are Ordinance Permitted Uses in an R-3 Multiple Family Residential District:

1. One-family, detached dwelling including residential accessory structures consisting of a single, detached building that does not exceed 720 square feet, a private swimming pool, private tennis court, or similar private accessory structures;
2. Two-family attached dwellings, and also any apartment units or multiple family attached or detached units;
3. Group home for developmentally or mentally disabled persons as required by Indiana law;
4. Public Parks and Playgrounds;
5. Essential utility services but not utility structures, utility service facilities, or utility buildings unless such structures are approved as a Special Exception;
6. Schools, Public Libraries, Museums;
7. Municipal buildings, fire departments, and police departments;
8. Churches and Chapels;
9. Cemeteries;
10. No Kennels are allowed in this District.

SECTION 1040 – R-3 Conditional Uses

The Decatur County Board of Zoning Appeals may allow Conditional Uses in the R-3 District which when granted shall specifically describe and define the Permitted Activity and also limit the duration of the activity:

- 1.) Home Occupations under the following conditions:
 - a. That the occupation is conducted entirely within the dwelling or in a detached building as approved by the Decatur County Board of Zoning Appeals;
 - b. That the occupation is operated by the owner and his family that resides upon the premises and not more than two non-family employees;
 - c. That no signs or advertisements are displayed upon the premises unless approved by the Decatur County Board of Zoning Appeals;
 - d. That the occupation customarily will provide its product or service to a limited number of customers or clients at the same time;
 - e. That the occupation does not require the storage of materials outside any structure;
 - f. Such other specifications that the Decatur County Board of Zoning Appeals determines are necessary for the health, safety, and welfare of adjoining property

owners.

- g. That the use, when permitted by the Decatur County Board of Zoning Appeals, shall have a definite expiration as determined by the Decatur County Board of Zoning Appeals which shall not exceed Five (5) years. Prior to the expiration of the initial conditional use period, the Owner shall be required to complete a renewal application with the Decatur County Area Plan Commission Office. At that time, all adjoining property owners will be provided notice of the request for renewal of the conditional use by Certified Mail. If there are no objections to the renewal of the conditional use, then the conditional use shall be extended administratively by the Area Plan Director. If any objections are made within Thirty (30) days after the notices are sent, then the matter will be scheduled at the next Board of Zoning Appeals meeting. The owner shall be responsible for the cost of the Certified Mail fees if the conditional use is renewed administratively. If the matter is scheduled for a meeting, the owner shall be responsible for the full application fee.

SECTION 1045 – R-4 Principally Permitted Uses

The following are Ordinance Permitted Uses in an R-4 Multiple Family Residential District:

1. One-family, detached dwelling including residential accessory structures consisting of a single, detached structure that does not exceed 720 square feet, a private swimming pool, private tennis court, or similar private accessory structures;
2. Two-family, attached dwellings including residential accessory structures consisting of a single, detached structure that does not exceed 720 square feet, a private swimming pool, private tennis court, or similar private accessory structures;
3. Apartment units or multiple family attached or detached units;
4. Group home for developmentally or mentally disabled persons as required by Indiana law;
5. Public Parks and Playgrounds;
6. Essential utility services but not utility structures, utility service facilities, or utility buildings unless such structures are approved as a Special Exception;
7. Schools, Public Libraries, and Museums;
8. Municipal buildings, fire departments, and police departments;
9. No Kennels are allowed in this District.

SECTION 1050 – R-4 Permitted Exceptions

The following are permitted as Permanent Special Exceptions when authorized by the Decatur County Board of Zoning Appeals in the R-4 District:

1. Hospitals;
2. Nursing Homes;
3. Public utility structures;
4. Civic, fraternal, or private lodges or club facilities;
5. Funeral homes;
6. Single wide manufactured home parks, single wide manufactured home subdivisions, and Tiny Home Parks.

7. Nursery schools and in-home private day care facilities;
8. Bed and breakfast lodging facilities where the owner also occupies the facility as their residence;
9. Home Occupations under the following conditions:
 - a. That the occupation is conducted entirely within the dwelling or in a detached building as approved by the Decatur County Board of Zoning Appeals;
 - b. That the occupation is operated by the owner and his family that resides upon the premises and not more than two non-family employees;
 - c. That no signs or advertisements are displayed upon the premises unless approved by the Decatur County Board of Zoning Appeals;
 - d. That the occupation customarily will provide its product or service to a limited number of customers or clients at the same time;
 - e. That the occupation does not require the storage of materials outside any structure;
 - f. Such other specifications that the Decatur County Board of Zoning Appeals determines are necessary for the health, safety, and welfare of adjoining property owners.
 - g. That the use, when permitted by the Decatur County Board of Zoning Appeals, shall have a definite expiration as determined by the Decatur County Board of Zoning Appeals which shall not exceed Five (5) years. Prior to the expiration of the initial conditional use period, the Owner shall be required to complete a renewal application with the Decatur County Area Plan Commission Office. At that time, all adjoining property owners will be provided notice of the request for renewal of the conditional use by Certified Mail. If there are no objections to the renewal of the conditional use, then the conditional use shall be extended administratively by the Area Plan Director. If any objections are made within Thirty (30) days after the notices are sent, then the matter will be scheduled at the next Board of Zoning Appeals meeting. The owner shall be responsible for the cost of the Certified Mail fees if the conditional use is renewed administratively. If the matter is scheduled for a meeting, the owner shall be responsible for the full application fee.

SECTION 1055 – Prior Residential Zoning Districts

The provisions of the R-4 District shall hereinafter be the provisions for the prior existing R-5 and R-6 Districts.

SECTION 1060 – Size and Distance Regulation

The following are the minimum dimensions and area requirements for buildings or structures within residential districts:

Classification	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback
R-1	30 feet	10 feet	20 feet
R-2	20 feet	8 feet	15 feet
R-3	20 feet	6 feet	10 feet
R-4	20 feet	6 feet	10 feet

All distances in this District shall be measured from the edge of the public road right-of-way.

Classification	Height Limitation	Minimum Lot Width	Minimum Area
R-1	35 feet	100 feet	12,000 square feet
R-2	35 feet	75 feet	7,500 square feet
R-3	35 feet	60 feet	6,000 square feet
R-4	35 feet	60 feet	Per Indiana State Board of Health

Height limitation applies to all structures in this District. The height for purposes of this section shall be the distance from the highest ground elevation around the perimeter of the structure.