

**AN ORDINANCE AMENDING SECTION 17.12.020 OF THE
VANDERBURGH COUNTY CODE**

WHEREAS, the Board of Commissioners of Vanderburgh County, Indiana, as the executive and legislative body of Vanderburgh County, have the power to adopt and amend ordinances relating to the administration of Vanderburgh County government; and

WHEREAS, the Board of Commissioners of Vanderburgh County seek to amend Section 17.12.020 of the Vanderburgh County Code.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana, as follows:

SECTION 1. Amendment to Section 17.12.020 of the Vanderburgh County Code

Section 17.12.020 of the Vanderburgh County Code is hereby amended to read as follows:

17.12.020 Minimum floor area.

Standards for minimum floor area are as follows:

| | |
|------------------------|---|
| Single-family dwelling | 720 sq. ft. or as per Indiana State Building Code Requirements* |
|------------------------|---|

Duplex and multiple dwellings:

| | |
|-----------------|---|
| Efficiency unit | 400 sq. ft. or as per Indiana State Building Code Requirements* |
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|------------------|---|
| One-bedroom unit | 500 sq. ft. or as per Indiana State Building Code Requirements* |
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| | |
|------------------|---|
| Two-bedroom unit | 600 sq. ft. or as per Indiana State Building Code Requirements* |
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| | |
|------------|---|
| Three plus | 700 sq. ft. or as per Indiana State Building Code |
|------------|---|

bedroom unit Requirements*

*Floor area per unit measured by outside measurements. Subject to any applicable Covenants and Restrictions.

SECTION 2. Effective Date. This Ordinance shall be in full force and effect after its passage by the Board of Commissioners of Vanderburgh County, Indiana, and following publication as provided by I.C. 5-3-1.

First passed by the Board of Commissioners of Vanderburgh County this ____ day of _____, 2020.

Final passage by the Board of Commissioners of Vanderburgh County this ____ day of _____, 2020.

**BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA**

By: _____
Jeff Hatfield, President

By: _____
Ben Shoulders, Vice-President

By: _____
Cheryl A.W. Musgrave, Member

ATTEST:

**AN ORDINANCE AMENDING CHAPTER 17.24
(OFF-STREET PARKING AND LOADING)
OF THE VANDERBURGH COUNTY CODE**

WHEREAS, the Board of Commissioners of Vanderburgh County, Indiana, as the executive and legislative body of Vanderburgh County, have the power to adopt and amend ordinances relating to the administration of Vanderburgh County government; and

WHEREAS, the Board of Commissioners of Vanderburgh County seek to amend Chapter 17.24 of the Vanderburgh County Code.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Vanderburgh County, Indiana, as follows:

SECTION 1. Amendment to Sections 17.24.040 through 17.24.080 of the Vanderburgh County Code

Section 17.24.040 through Section 17.24.080 of the Vanderburgh County Code is hereby amended to read as follows:

17.24.040 Parking areas not in or adjacent to residential districts.

Parking areas shall be constructed and maintained in accordance with the following requirements:

A. Limitations on Use.

1. A building other than a parking garage shall not be constructed in a parking area.
2. The parking area must be designed to eliminate vehicles backing out into street right-of-way.
3. Off-street parking areas located on a lot separate from the lot occupied by the principal use shall not be used for the storage, display, advertisement, sale, repair, dismantling, or wrecking of any vehicle, equipment or materials.

~~**B. Signs. Exit and entrance signs may not be more than three square feet in size each and may not display the business name or logo.**~~

~~**C. Yards. Minimum required yards as shown on Table A found in Section 17.38.010 must be planted and maintained in grass or other natural ground cover.**~~

BD. Paving.

1. Parking area and access drives shall be installed and maintained with a hard and sealed surface except for residences and agricultural uses in R-1, R-2 and AG where any durable surface is permitted, and except as provided in paragraphs 2 and 3 of this subsection.

2. Commercial Exceptions.

a. This paragraph 2 applies only to parking for the following uses:

- i. mini-storage facilities
- ii. cell towers
- iii. campgrounds
- iv. inventory storage and display for the commercial sale or leasing of: agricultural and construction equipment, semi trucks and trailers, recreational vehicles (motor homes), manufactured / modular housing, and yard barns.

b. A hard and sealed surface is required for the portion of all entrance and exit drives within fifty feet (50') of the existing edge of pavement of the public way or private access easement to which the drive connects.

c. Any durable surface, such as gravel, is permitted for the remainder of the drive and lot not covered by subparagraph D.2.b.

d. Notwithstanding subparagraph D.2.b., any durable surface is permitted on any portion of the lot and drive(s) if the lot is only accessible from a non-paved public way or private access easement and the owner provides an executed use and development commitment requiring the installation of a hard and sealed surface as required by this section if and when the public way or private access easement becomes paved with a hard and sealed surface.

e. Gravel may be used as a durable surface only if it is Number 53 stone or larger, meeting the latest version of the Indiana Department of Transportation standard specifications, and is installed to a minimum depth of six inches (6").

f. Tree Buffer Zone. Except as provided in subparagraph D.3., for purposes of dust control, the use of any durable surface in lieu of hard and sealed paving for off-street parking and aisles must be accompanied by a tree buffer zone meeting the following requirements:

- i. Tree buffer zones must be a minimum of ten feet (10') in depth adjacent to the front, side, and rear property lines, except where

section 17.12.050 requires a front and rear yard setback of greater depth.

ii. Only non invasive species of evergreen trees with a minimum height at maturity of 25' can be used.

iii. Trees must have a minimum height of 6', 1.5" trunk diameter, and 3' in spread at the time of planting.

iv. Trees must be spaced at a minimum of one tree for every 15 linear feet of buffer zone, with the exception of the front property line buffer zone on property used for inventory storage and display for commercial sales and leasing as described in subparagraph D.2.a.iv. above, in which trees must be spaced at a minimum of one tree for every 30 linear feet of buffer zone.

v. Prior to the issuance of the Improvement Location Permit, tree buffer zones must be incorporated in use and development commitments to be executed and recorded in the County Recorder's office, defining the area as exclusively dedicated for the tree buffer zone with the exception of perpendicular crossings for access drives and utility lines only, unless and until the durable surface is replaced by hard and sealed paving;

vi. Tree buffer zones shall be perpetually maintained, including the replacement of any dead trees, unless and until the durable surface is replaced by hard and sealed paving.

vii. A tree planting plan must be provided on any site plan for new development or submitted separately with the site plan.

g. Except as provided in subparagraph D.3., if fencing is required or provided, it shall be located adjacent and interior to the site from the tree buffer zone. The planting of trees does not eliminate the fencing requirement of Paragraph 17.12.060.C.

3. Combined Residential and Commercial/Industrial Exception. Parcels containing a residence and a small non-residential use that has an off-street parking requirement of five spaces or less only need to comply with subparagraphs D.2.b through D.2.e of this subsection.

4. The parking area surface shall be graded and drained so that there will be no flow of water onto either adjacent properties or sidewalks.

5. When the front end of a parking space is adjacent to the perimeter of the parking area, a bumper guard shall be provided to prevent any part of a parked vehicle from extending beyond the parking area.

CE. Maintenance. Off-street parking areas shall be maintained in good condition and be kept free of weeds, trash and debris.

DF. Lighting. Lighting must be shaded and shall be located so that it does not cause glare onto adjacent properties or interfere with street traffic.

17.24.050 Parking areas in or adjacent to residential districts.

Off-street parking areas for all nonresidential uses located in or adjacent to residential districts are required to meet the provisions of Section 17.24.040 and also the following restrictions:

A. Limitations in residential districts.

~~1. SU No. 10 approval is required for parking lots located on a lot separate from the lot occupied by the principal use.~~

~~2. No charge shall be made for parking.~~

13. The parking area shall be used only for parking of passenger motor vehicles.

B. Access.

1. Access to the parking area shall not be through a required front yard, unless no other access is reasonably available.
2. Access shall be through the principal use lot or from a public alley.

C. Yards.

1. Required yards shall be maintained in grass or natural ground cover.
~~Minimum front and side yards shall meet or exceed the minimum front and side yards required in Table A following this title.~~
2. If a setback line has already been established in the same block as the parking area, the minimum front yard shall be equal to the average setback of existing buildings on the same side of the street.
3. Required side and rear yards shall not be less than five feet.

~~D. Buffer Screens Around the Parking Area. Along the length of all required yards adjacent to a residential lot there shall be a wall or fence as described below:~~

- ~~1. An opaque wall or fence of ornamental block, brick, solid wood fencing, or a combination of these materials at least forty-two (42) inches in height.~~

- ~~2. A compact hedge of evergreen or deciduous shrubs at least thirty-six (36) inches in height at the time of planting.~~

17.24.060 Mixed or multi-uses.

- A. In the case of mixed or multi-uses, the total requirements for off-street parking are the sum of the requirements of the various uses computed separately unless specifically listed.
- B. Except as provided in Section [17.24.070](#), off-street parking spaces for one use may not be considered spaces for another use.

17.24.070 Joint uses.

- A. An off-street parking area for one use may be included in the requirements for another use if the area plan commission determines that the periods of usage are not concurrent.
- B. Theaters and churches may reduce the off-street parking facilities by the number of spaces available in commercial or industrial parking areas within five hundred (500) feet of the theater or church, if the areas are not used during theater and church usage hours.

17.24.080 Amount of off-street parking.

- A. Off-street parking facilities are required for uses as follows:
1. Use group 1 (one-family dwelling): ~~one~~two spaces per dwelling; ~~provided, however, that all extended families, as defined in this title, must provide adequate off-street parking for all such family vehicles;~~
 2. Use group 2 (residential occupations): two spaces per dwelling ~~plus one space for each two hundred (200) square feet used for home occupation;~~
 3. Use group 3 (duplex): ~~one~~two spaces per dwelling unit;
 4. Use Group 4 (Multiple-family dwelling):
 - a. Efficiency or bedroom unit-1 per unit
 - b. One-bedroom-~~1.5~~ per unit
 - c. Two-bedroom-~~1.2~~ per unit

d. 3-plus bedroom-2 per unit;

~~e. Plus one visitor space for each three units;~~

5. Use Group 5.

a. Nursery, nursery school, child care center: ~~one space for each six children, plus~~ one space for each two employees of the largest working shift, plus one space for each company vehicle,

b. All other listed uses: one parking space for each ~~five~~two hundred (~~5~~200) square feet of gross floor area;

6. Use Group 6.

a. Group home/community residential facility- ~~one space for each three residents plus~~ one space for each staff member of the largest working shift,

b. Sorority and fraternity: ~~1.5~~ spaces for each two beds;

7. Use Group 7.

a. Restaurants and cafeterias: one parking space for each ~~six~~three customer seats,

b. Beauty and barber shops: ~~one~~two spaces per barber or beautician or one space for each two hundred (200) square feet of gross floor area, whichever is ~~least~~more restrictive,

c. All other listed uses: one parking space for each ~~five~~two hundred (~~5~~200) square feet of gross floor area;

8. Use Group 8.

a. Business and commercial trade schools, dance/theatrical school or studio: one parking space for each classroom, plus one and one-half spaces for each ~~three~~two students of largest enrollment,

b. Nightclub, bar, tavern, and similar uses: one space for each ~~six~~two customer seats,

- c. Archery range, trampoline center, pool or billiard room, arcade, skating rink, exercise or sports club and similar uses: one space for each ~~thousand five hundred~~ (10500) square feet of gross floor area,
- d. Bowling alley: ~~two~~four parking spaces for each alley,
- e. Theater: one parking space for each ~~eight~~four seats, ~~plus one space for each employee of the largest working shift,~~
- f. Automobile service station: ~~one parking space for each employee of the largest working shift,~~ two spaces for each service stall, ~~plus adequate for visitors,~~
- g. Tennis courts: ~~two~~four parking spaces for each court, ~~plus one space for each employee of the largest working shift,~~
- h. Party houses, lodges, private clubs, dancehall, and meeting halls: one ~~eighth~~half parking space per person as calculated by building capacity,
- i. Supermarkets, drug stores, package liquor stores, and department stores: ~~two five and one half~~ spaces for each one thousand (1,000) square feet of gross floor area for buildings over three thousand (3,000) square feet; all smaller buildings, one space for each ~~five~~two hundred (5200) square feet,
- j. Hotels and motels (exclusive of retail uses): one parking space for ~~every five each~~ rental dwelling units, ~~plus one space for each five employees of the largest working shift,~~
- k. Laundromat: one parking space for each ~~seven~~three washing or dry-cleaning machines,
- l. Shopping centers over twenty-five thousand (25,000) square feet in size: ~~two five~~ spaces for each one thousand (1,000) square feet of gross lease area; shopping centers less than twenty-five thousand (25,000) square feet in size one space for each ~~five~~two hundred (5200) square feet of gross floor area,
- m. Mortuary: one space for each ~~five~~two hundred (5200) square feet of gross floor area,
- n. All other listed uses: one parking space for each five hundred (500) square feet of gross floor area;

9. Use Group 9. All listed uses: one parking space for each ~~fivetwo~~ hundred (~~5200~~) square feet of gross floor area;

10. Use Group 10.

a. Retail uses: one space for each ~~thousandfive-hundred~~ (~~10500~~) square feet of gross floor area; minimum two spaces,

b. Service, storage, warehouse, and wholesale uses: one parking space for each two employees of the largest working shift, one space per company vehicle, ~~plus-adequate spaces for visitors;~~ minimum two spaces;

11. Use Group 11.

a. Plant and shrub nursery: ~~one parking space for each employee of the largest working shift plus~~ an adequate number of spaces to serve the public,

b. Retail use: one space for each ~~thousandfive-hundred~~ (~~10500~~) square feet of gross floor or sales area; ~~minimum two spaces;~~

c. Service, storage, warehouse and wholesale uses: ~~one parking space for each two employees of the largest working shift, one space per company vehicle, plus~~ adequate spaces for visitors; ~~minimum two spaces;~~

d. Recreational uses: parking spaces in an amount to be determined by site review committee to be reasonably adequate to serve the public for customers, patrons, visitors, and employees;

12. Use Group 12.

a. Restaurants and refreshment stands: one space for each ~~sixthree~~ customer seats,

b. All other listed uses: ~~one parking space for each two employees of the largest working shift plus~~ an adequate number of spaces to serve the public;

13. Use Group 13, 14, 15, and 16. All listed uses: ~~one parking space for each two employees of the largest working shift, one space per company vehicle, plus~~ an adequate number of spaces for visitors;

14. Use Group 17. Agricultural and forestry operations: one parking space for each employee on any given shift;

15. Use Group 18. All listed uses: ~~one parking space for each employee~~ plus an adequate number of spaces for visitors;

16. Use Group 19.

a. Drive-in theater: two parking spaces for each ~~two~~ one hundred (~~2~~400) square feet of gross floor area ~~plus one space for each employee of the largest working shift in addition to patron parking,~~

b. All other listed uses: ~~one parking space for each employee plus~~ an adequate number of spaces for visitors;

17. Use Group 20. Bed and breakfast, boardinghouse, and similar uses: an adequate number of spaces for visitors; two spaces per dwelling unit plus one space per rental unit.

18. Use Group 21

a. Adult uses shall provide the following number of parking spaces:

b. Adult Arcade - One (1) parking space for each two (2) customer seats or arcade devises (which ever is greater) plus one (1) parking space for each employee of the largest working shift.

c. Adult Bookstore, Adult Novelty Store or Adult Video Store - One (1) parking space for each two hundred (200) square feet of floor space.

d. Adult Cabaret, Juice Bar, or Bikini Bar - One (1) parking space for each two (2) customer seats, plus one (1) parking space for each employee of the largest working shift.

e. Adult Motion Picture Theater - One (1) parking space for each four (4) seats, plus one (1) parking space for each employee of the largest working shift.

f. Adult Theater - One (1) parking space for each four (4) seats, plus one (1) parking space for each employee of the largest working shift.

g. Nude Model Studio - Two (2) parking spaces for each employee of the largest working shift.

h. Sexual Encounter Center - Two (2) parking spaces for each employee of the largest working shift.

i. Peep Show Facility - Two (2) parking spaces for each employee of the largest working shift.

B. Special Uses.

1. As provided by Chapter [17.28](#) and the special use approved by the board of zoning appeals: parking spaces in an amount to be determined by the board of zoning appeals to be reasonably adequate to serve the public for customers, patrons, visitors, and employees.

| | |
|-------|---|
| SU-1 | Elementary and middle schools: one per staff member plus adequate for visitors and buses. High schools: 0.2 per student plus one per staff member, plus adequate for visitors and buses. |
| SU-2 | 0.3 per seat. |
| SU-3 | Hospitals: 1.5 per bed; Nursing homes, convalescent and custodial care centers: 1 space for each 300 square feet of gross floor area. |
| SU-4 | See subsection B.2 of this section. |
| SU-5 | See subsection B.2 of this section. |
| SU-6 | See subsection B.2 of this section. |
| SU-7 | See subsection B.2 of this section. |
| SU-8 | See subsection B.2 of this section. |
| SU-9 | 0.5 per employee. |
| SU-10 | See subsection B.2 of this section. |
| SU-11 | See subsection B.2 of this section. |
| SU-12 | See subsection B.2 of this section. |
| SU-13 | See subsection B.2 of this section. |
| SU-14 | See subsection B.2 of this section. |
| SU-15 | See subsection B.2 of this section. |
| SU-16 | 0.3 per seat. |
| SU-17 | One per employee plus 2 for each service stall. |
| SU-18 | One in addition to residential requirements. |
| SU-19 | 0.5 per employee. |
| SU-20 | 0.5 per employee. |
| SU-21 | See subsection B.2 of this section. |

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| | |
|-----------------|--|
| SU-22 | One per employee, plus an adequate number for visitors. |
| SU-23 | See subsection B.2 of this section. |
| SU-24 | See subsection B.2 of this section. |
| SU-25 | See subsection B.2 of this section. |
| SU-26 | One per 200 square feet. |
| SU-27 | See subsection B.2 of this section. |
| SU-28 | One space for each six children plus one space for each two employees, in addition to residential requirements. |
| SU-29 | One per 200 square feet. |
| SU-30 | One parking space for each 200 square feet of gross floor area or one space for each three students, whichever is more restrictive. |
| SU-31 | One space in addition to residential requirements. |
| SU-32 | Two spaces in addition to residential requirements. |
| SU-33 | See subsection A.17 of this section. |
| SU-34 | See subsection A.17 of this section. |
| SU-35— SU-42 | Repealed by Ordinance 7/15/08 |
| SU-43— SU-45 | Reserved by Ordinance |
| SU-46 | One space for each 3 residents, one space for each employee of the largest working shift, plus one space for each company vehicle |

~~2.—Parking spaces in an amount to be determined by the board of zoning appeals to be reasonably adequate to serve the public for customers, patrons, visitors, and employees.~~

C. Gross floor area for the purposes of this section means the total horizontal areas of the floors of the building or portion of the building, including accessory storage areas located within selling and working space and basement floors devoted to retail activities, production or processing of goods, or offices. Gross floor area does not include area devoted entirely and permanently to parking, loading, restrooms, utilities, elevator shaft, or stairwells.

D. Whenever a use is added to use groups as provided in Section [17.20.020](#), the off-street parking facilities are those for the use within that use group most similar to the added use, unless otherwise provided by the commission.

E. One-half or more of a fractional parking space in a computation requires providing one full parking space.

SECTION 2. Effective Date. This Ordinance shall be in full force and effect after its passage by the Board of Commissioners of Vanderburgh County, Indiana, and following publication as provided by I.C. 5-3-1.

First passed by the Board of Commissioners of Vanderburgh County this ____ day of _____, 2020.

Final passage by the Board of Commissioners of Vanderburgh County this ____ day of _____, 2020.

**BOARD OF COMMISSIONERS OF
VANDERBURGH COUNTY, INDIANA**

By: _____
Jeff Hatfield, President

By: _____
Ben Shoulders, Vice-President

By: _____
Cheryl A.W. Musgrave, Member

ATTEST:

Brian A. Gerth, Vanderburgh County Auditor

APPROVED AS TO LEGAL FORM:

By: _____
David L. Jones
Vanderburgh County Attorney

Chapter 17.38: TABLES

17.38.010 Table A.

TABLE A
Standards for Principal Buildings on Individual Lots

| DISTRICT | MAXIMUM HEIGHT (FEET) | MINIMUM LOT SIZE (FEET) | MINIMUM WIDTH (FEET) | MINIMUM FRONT YARD (FEET) | MINIMUM SIDE YARD (FEET) | MINIMUM SIDE YARD STREET SIDE CORNER LOT (FEET) | MINIMUM REAR YARD (FEET) | LOT COVERAGE | GREEN SPACE REQUIRED |
|----------|-------------------------------------|-------------------------|----------------------|---------------------------|--------------------------|---|--------------------------|--------------|------------------------------|
| A, AIR | 35 NONE | 6,000 | 60 20 | 25 ⁶ | 5 ⁵ | 10 | 25 NONE | 30% 75% | 100% FRONT YARD IN ALL ZONES |
| R-1 | 35 NONE | 6,000 | 60 20 | 25 ⁶ | 5 ⁵ | 10 | 25 NONE | 30% 75% | |
| R-2 | 35 NONE | 5,000 | 50 20 | 25 ⁶ | 5 ⁵ | 10 | 25 NONE | 40% 75% | |
| R-3 | 35 50 | 5,000 | 50 20 | 20 | 5 ⁵ | 10 | 20 NONE | 40% 75% | |
| R-4 | 40 50 | 5,000 | 50 20 | 20 | 5 ⁵ | 10 | 20 NONE | 40% 75% | |
| R-5 | 150 | 5,000 | 50 | 20 | 5 ⁵ | 10 | 20 NONE | 40% 75% | |
| CO-1 | 35 | 6,000 | 60 | 20 | 5 ^{1,5} | 10 | 20 NONE | 40% 75% | |
| CO-2 | 35 | 6,000 | 60 | 20 | 5 ^{1,5} | 10 | 20 NONE | 40% 75% | |
| C-1 | 35 | NONE | NONE | 10 ⁴ | 5 ^{1,5} | 10 | NONE ¹ | 75% | |
| C-2 | 50 | NONE | NONE | 10 ⁴ | NONE ¹ | 5 | NONE ¹ | 75% | |
| C-4 | 50 | NONE | NONE | 10 ⁴ | NONE ¹ | 5 | NONE ¹ | 75% | |
| W-R | 35 | NONE | NONE | 20 ^{2,4} | NONE ¹ | 5 | NONE ¹ | 75% | |
| W-I | NONE | NONE | NONE | 10 ^{2,4} | NONE ³ | 5 | NONE ³ | 75% | |
| M-1 | NONE | NONE | NONE | 10 ^{2,4} | NONE ³ | 5 | NONE ³ | 75% | |
| M-2 | NONE | NONE | NONE | 10 ^{2,4} | NONE ³ | 5 | NONE ³ | 75% | |
| M-3 | NONE | NONE | NONE | 10 ^{2,4} | NONE ³ | 5 | NONE ³ | 75% | |
| F-1 | NONE | NONE | NONE | NONE | NONE ³ | 5 | NONE ³ | 10% | |
| PUD | AS APPROVED IN THE DEVELOPMENT PLAN | | | | | | | | |
| CON | 35 | NONE | NONE | NONE | NONE | NONE | NONE | 30% | |

- See 17.12.050 (H)
- Applies only to lots fronting on dedicated street right-of-way
- See 17.12.050 (I)
- See 17.12.050 (J)
- On lots smaller than 40 feet in width which were platted before the effective date of this ordinance, a percentage computation will apply: Every yard shall have a side yard on each side, each of which shall be at least 10% of the width of the lot in width, and the aggregate width of both side yards on any lot shall be at least 25% of the width of the lot in width.
- A twenty-foot front yard for residential lots with frontage on a cul-de-sac.