

# **THE ZONING GUIDE**

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## **INTRODUCTION**

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This is a reference manual compiled from the adopted Code of Ordinances Book for the City of Anderson.

Every effort has been made to accurately convey the information. The Planning Department, however, cannot assume any responsibility for errors or omissions within this guide or interpretations made from it.

## UPDATE LOG

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Date	Pages Replaced	Pages Added	Reason	Initial
4/26/01	All		Different print format due to different printer, new staff page, replaced definitions, added information under Improvement Location Permits, Office Zone District, and Regulatory Flood Requirements for Protecting Buildings	AKP
3/19/02	B, 11-8, 11-9, 11-10		Updated staff page and Ordinance #38-99 amended sign requirements. Due to oversight, the ordinance changes were not made in the Guide until this date.	AKP
6/28/02	B		Updated staff page	MLN
10/25/02	B		Updated Staff Page	MLN
6/16/03	B		Updated Staff Page	MLN
8/27/03	B, 3-3, 10-2		Updated Staff Page and B-6 Zoning Classification, re: Ordinance #40-96	BZ
1/21/04	B		Updated Staff Page	KEL
10/30/06	B, All		Update Staff Page and Converted Document to Word with Formatting Changes Throughout	AMR

## **INTERPRETATION**

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In interpreting and applying the provisions of this zoning code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience, and general welfare. This ordinance also guides development in the flood hazard areas in order to reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief including the prevention of unwise developments from increasing flood or drainage hazards to others; the protection of new buildings and major improvements to buildings from flood damage; the protection of human life and health from the hazards of flooding; the lessening of the burden on the taxpayer for flood control projects, repairs to flood damaged public facilities and utilities, and the flood rescue and relief operations; the maintaining of property values and a stable tax base by minimizing the potential for creating flood blighted areas; and the making available the federally subsidized flood insurance for structures and their contents in the City of Anderson, Madison County, Indiana by fulfilling the requirements of the National Flood Insurance Program. The City Plan Commission has given consideration to the future probable use of land in the territory affected by this zoning code, and has prepared a comprehensive land use plan showing the future development of this area which has served as a guide in the preparation of this code. It is not intended by this code to interfere with, or abrogate, or annul any easements, covenants, or other agreements between parties, nor to interfere with, or abrogate, or annul any ordinances, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this code, or which shall be adopted or provided, except that where this code imposes a greater restriction on the use of buildings or land, or on the height of buildings, or requires larger open spaces or greater lot area per family, then are required or imposed by such easements, covenants, or agreements between parties or by such ordinances, rules, regulations, or permits, the provisions of this code shall control.

# **THE ZONING GUIDE**

## **SECTION 1**

### **DEFINITIONS**

Includes all definitions  
except those pertaining to signs

## DEFINITIONS

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For the purpose of this section the following definitions shall apply unless the context clearly indicated or requires a different meaning.

*ACCESSORY BUILDING AND USE:* A building or use subordinate to another structure or use located on the same lot and which does not change or alter the character of the premises and which is not used for human occupancy; and public utility communication, electric distribution and secondary power lines, gas, water, and sewer lines, their supports and poles, guy-wires, small transformers, wire or cable, and incidental equipment, and public telephone booths.

*ADULT BOOKSTORE:* Any premises from which minors are excluded by law, and in which the sale of books, magazines, newspapers, movies, films, devices, slides, or other photographic or written reproductions are conducted as a principal use of the premises, or an adjunct to some other business activity, but which constitutes the primary or major attraction to the premises.

*ADULT CABARET:* Any premises which feature exotic dancers, strippers, male or female impersonators, or similar entertainment which is characterized by specified sexual activities or specified anatomical areas.

*ADULT DRIVE-IN THEATER:* A drive-in theater which presents material predominantly distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities and/or specified anatomical areas for observation by patrons.

*ADULT MOTION PICTURE THEATER or ADULT MINI-MOTION PICTURE THEATER:* An enclosed building or enclosed booth, used for presenting material predominantly distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities and/or specified anatomical areas for observation by patrons therein.

*ADULT USE:* Any one of the following or combination thereof: adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult drive-in theater, or adult cabaret.

*AGRICULTURE USE:* Any portion of land used for agriculture including horticulture, truck gardening, floriculture, trees, grain, forage crops, or any use of the same general character, but not the raising of livestock.

*ALLEY:* A permanent public service way providing a secondary means of access to abutting lands, which is primarily used for vehicle access to the rear or sides of properties otherwise abutting on a street.

*ARCHITECTURAL DESIGN:* Architectural aspects involving primarily a consideration of formal relations of masses, colors, light, and shadow and may include elements such as building and roofing materials, masonry detail, colors, and roof shape.

*AREA PER FAMILY FOR RESIDENTIAL DEVELOPMENT PLAN:* The gross area of the tract proposed to be used for development including the non-dedicated street area, green spaces such as parks and other open spaces such as lakes and ponds, divided by the number of families proposed to be housed within the development. The minimum lot area per family for a residential development plan shall not be less than the minimum lot size required for the most intensive use normally permitted in this district in which such development is proposed to be located.

*BED AND BREAKFAST USE:* An owner-occupied dwelling containing not more than three bed and breakfast units which are rented on a nightly basis for a period of less than one week. Meals may or may not be provided.

*BED AND BREAKFAST UNIT:* A room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

**BLOCK:** Property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier.

**BOARD:** The Board of Zoning Appeals.

**BOARDING HOUSE or LODGING HOUSE:** A building not open to transients, where lodging or meals are provided for three or more, but not over 30 persons regularly.

**BUFFERYARD:** An area of dedicated land and landscaping for the purpose of minimizing the negative impacts of neighboring uses while providing a physical and visual barrier.

**BUILDING:** A structure having a roof supported by columns or walls, for the shelter, support, enclosure, or protection of persons, animals, chattels, or property. When separated by party walls, each portion of such a building shall be considered a separate structure.

- 1) **BUILDING DETACHED:** A building having no structural connection with another building.
- 2) **FRONT LINE OF BUILDING:** The line of the face of the building nearest the front lot line.
- 3) **HEIGHT OF BUILDING:** The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof, to the deck line of a mansard roof, and to the mean height between eaves and ridges for gable, hip, and gambrel roofs.
- 4) **PRINCIPAL BUILDING:** A building in which is conducted the main or principal use of the lot on which the building is situated. Where a substantial part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

**BUILDING AREA:** The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two feet.

**BUILDING LINE or BUILDING SETBACK LINE:** The line nearest the front or side of and across a lot establishing the minimum yard to be provided between the principal building or structure and the lot line.

**BUSINESS:** The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services, the maintenance or operation of offices, recreational and amusement enterprises for profit, or the outdoor storage of materials and equipment and parking of any vehicles used in a business activity.

**CAMP, PUBLIC:** An area of land used or designed to be used to accommodate two or more camping parties, including cabins, tents, recreational vehicles (travel trailers), and other similar camping outfits. The camping facilities shall be used by an individual party for a period not to exceed three weeks at any one given period of time.

**CEMETERY:** Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**CERTIFICATE OF OCCUPANCY:** A certificate signed by the Planning Director stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of the zoning code.

**CLINIC, MEDICAL CENTER or HEALTH CENTER:** An establishment where patients are admitted for special study and treatment by two or more licensed physicians or dentists, and their professional associates.

**COMMISSION:** The City Plan Commission.

*COMPOSTING:* An aerobic degradation process by which plant and other organic waste decompose under controlled conditions to produce a usable product.

*COMPREHENSIVE PLAN:* A plan adopted by the Plan Commission and the Common Council pursuant to State law, and including any part of such plan separately adopted and any amendments to such plan, or parts thereof. This comprehensive plan could be a compilation of previously adopted plans or a single document. The document shall include but not be limited to: (1) A statement of objectives for the future development of the city; (2) a statement of policy for the land use development of the city; and (3) a statement of policy for the development of public ways, public places, public lands, public structures and public utilities.

*CORNICE:* A projection at the top of a wall; the top course or molding of a wall when it serves as crowning member.

*CUL-DE-SAC, COURT, or DEAD END STREET:* A short street having one end open to traffic and being permanently terminated by a vehicle turnaround.

*DECIBEL:* A unit of measurement of the intensity or loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.

*DEVELOPMENT:* Any man-made changes to improved or unimproved real estate including but not limited to the construction, reconstruction, or placement of a building or any addition to an existing building; installation of a manufactured/mobile home site, preparing a site for a manufactured/mobile home or installing a recreational vehicle on a site for more than 180 days; installation of utilities, erection of walls and fences, construction of roads, or similar projects; construction of flood control structures such as levees, dikes, dams channel improvements, etc.; mining, dredging, filling, grading, excavation, or drilling operations; construction and/or reconstruction of bridges or culverts; storage of materials; or any other activity that might change the direction, height, or velocity of flood or surface waters. (Development does not include activities such as the maintenance of existing buildings and facilities such as painting; reroofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation or the construction of permanent buildings.)

*DEVELOPMENT PLAN:* A drawing, including a legal or site description, of the real estate involved which shows the location and size of all existing and proposed buildings, structures, and yards; location and dimension of building lines and easements; widths and lengths of all entrances and exits to and from said real estate; location of all adjacent or adjoining streets; all of which presents a unified and organized arrangement of buildings and service facilities and other improvements such as planting areas, which shall have a functional relationship to the real estate comprising the planned development and to the uses of properties immediately adjacent to the proposed development.

*DEVELOPMENT PLAN, RESIDENTIAL:* A plan proposed to use a tract of land for residential development in accordance with the requirements of **Figure 9 Page 10-**, even though the use of the land, the location of the buildings to be erected in the area, and the yards and open spaces provided in the plan do not conform in certain respects to the regulations for the district or districts in which the residential development is proposed to located. The purpose of a residential development plan is to provide greater design flexibility, and to encourage innovative land development techniques and a more efficient use of land. The design and development of uses within these districts may deviate from the standards prescribed by the subdivision control ordinance. The front yard, side yard, and rear yard setbacks required by Figure 9 shall not apply to the individual components of a residential development plan unless they front on a dedicated street to the City. In as much as each individual residential development plan is unique the front, side and rear yards (distance from the nearest structure to the property line) shall be determined on a project by project basis.

*DISTRICT:* A section of the city for which uniform regulations governing the use, height, area, size, and intensity of use of buildings and land, and open spaces about buildings, are herein established.

*DWELLING:* A building or portion thereof, used primarily as a place of abode for one or more human beings, but not including hotels or motels, lodging or boarding houses, or tourist homes.

*DWELLING UNIT:* A dwelling or a portion of a dwelling used by one family for cooking, living, and sleeping purposes.

*FAMILY:* One or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, nursing home, fraternity, or sorority house.

*FBFM:* Flood Boundary and Floodway Map.

*FEMA:* Federal Emergency Management Agency.

*FHBM:* Flood Hazard Boundary map.

*FILLING STATION:* Any establishment supplying and selling motor fuel or oil direct to motor vehicles.

*FIRM:* Flood Insurance Rate Map.

*FLASH POINT:* The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will burn momentarily using the closed cup method.

*FLOOD:* A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

*FLOOD HAZARD AREA:* Any flood plain, floodway, floodway fringe district, or combination thereof.

*FLOOD-PROOFED BUILDING:* A commercial or industrial building designed to exclude flood waters from the interior of the building. A flood-proofed building must be certified by a professional engineer or a registered architect licensed to practice in the state. All such flood-proofing shall be adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the regulatory flood.

*FLOODPLAIN:* The channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and floodway fringe districts.

*FLOOD PROTECTION GRADE (FPG):* The elevation of the regulatory flood plus two feet at any given location in the Special Flood Hazard Area (SFHA).

*FLOODWAY:* The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

*FLOODWAY FRINGE:* Those portions of the floodplain outside the Floodway.

*FOOT CANDLE:* A unit of illumination. It is equivalent to the illumination at all points which are one foot distant from a uniform source of one candlepower.

*FREE BURNING:* A rate of combustion described by a material which burns actively and easily supports combustion.

*GARAGE:*

- 1) *PRIVATE GARAGE:* An accessory building with capacity for not more than three motor vehicles per family, not more than one of which may be a commercial vehicle of not more than three tons GVW. A

garage designed to house 2 motor vehicles per each family housed in a multi-family dwelling shall be classed as a private garage.

- 2) *PUBLIC GARAGE*: Any building, except those defined herein as a private garage, used for the storage, or care of motor vehicles, or where such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

*GREEN SPACE*: Land and its natural, living landscape which is open and unobstructed by structures, pavement, or any other impervious surfaces.

*GROUND FLOOR AREA*: The square feet area of a dwelling within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

*HARDSHIP*: A perceived difficulty with regard to one's ability to improve land stemming from the application of the development standards of this code, which may or may not be subject to relief by means of a variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships.

*HARD SURFACE LANDSCAPING*: Pedestrian friendly amenities such as benches, drinking foundations, sculptures, bike racks, planters and other similar items.

*HOME OCCUPATION*: Any use carried on by members of the resident family of a dwelling which is clearly incidental to the use of the unit for residential purposes.

- 1) The use shall be conducted entirely within the principal structure in which it is located. Any space devoted to the use may occupy 25% or 400 square feet of the ground floor area of the dwelling unit, whichever is lesser. A HOME OCCUPATION may be conducted within an accessory structure which is situated upon the premises, in which event no more than 400 square feet may be devoted to the use. In no circumstance may the HOME OCCUPATION be conducted by any person or entity other than by members of the resident family occupying the premises.
- 2) No exterior display shall be permitted, nor shall any article be sold or offered for sale except as may be produced by the HOME OCCUPATION. No exterior sign may be erected except as may be allowed by the Board of Zoning Appeals. Exterior storage of materials, offensive noise, vibration, smoke, dust, odors, heat, litter, or significant variation from the residential character of the principal structure may not be allowed.
- 3) Medical or dental clinics (except those permitted under the definition of PROFESSIONAL OFFICE, and other healthcare facilities, hospitals, dress shops, millinery shops, tea rooms, restaurants, tourist homes, animal hospitals and kennels, and motor vehicle repair shops, among others, shall not be deemed to be HOME OCCUPATIONS.

*HOME SALE*: A sale of personal property to the general public conducted on any portion of the residence property within a residential zoning district, to include but not be limited to garage sales, patio sales, yard sales, carport sales, basement sales, porch sales, driveways sales, rummage sales and the like.

- 1) No home sale shall be conducted on a residential piece of property, upon which there has been a home sale conducted within three (3) months, except for a change in ownership.
- 2) In no event shall a home sale last more than three (3) consecutive days and not to exceed twelve days per calendar year.
- 3) Home sales shall be conducted between sunrise and sunset on any given day.

*HOTEL*: A building(s) where lodging and meals are provided to travelers.

*ILLUMINATION:* An internal or external light source characterized by a steady, stationary, shielded, or shaded light directed solely at an object (i.e. sign, building) or internal to it so that the light intensity or brightness does not create either a nuisance to adjacent property or a traffic hazard for motorists or pedestrians.

*IMPROVEMENT LOCATION PERMIT:* A permit signed by the Planning Director stating that a proposed improvement complies with the provisions of the zoning code and such other ordinances as may be applicable.

*INTENSE BURNING:* A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

*JUNK YARD:* Any place at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or assorted; including, but not limited to, used or salvaged base metal or metals, their compounds or combinations; used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick, and similar property except animal matter; and used motor vehicles, machinery; or equipment which is used, owned, or possessed for the purpose of wrecking or salvaging parts therefrom.

*KENNEL:* Any lot on which four or more dogs, or small animals, at least four months of age are kept.

*LIGHTING PLAN:* A plan showing the location, type, and wattage of all lights and standards, including those on buildings, security lights, and architectural lights within a development. All lighting standards shall be of uniform design and materials. Parking and street lights shall be of uniform height. All lights shall be of a "down lighting" type with the light element completely shielded on all sides and top. All flashing and/or moving lights are prohibited.

*LIVESTOCK:* All domestic animals, except dogs, cats and small exotic birds, whether kept as pets or for commercial or agricultural purposes. This definition shall include all species of cattle, horses, mules, swine, sheep, goats, chickens, ducks, and all animals of the bovine, equine, ovine, caprine, porcine, and avian species. The keeping of livestock is prohibited in all zone districts within the City.

*LOADING BERTHS and UNLOADING BERTHS:* The off-street area required for the receipt or distribution by vehicles of material or merchandise, which in this zoning guide is held to be a 12 ft. by 45 ft. loading space with a 14 ft. height clearance, paved with either concrete or asphalt.

*LOMA (LETTER OF MAP AMENDMENT):* An amendment to the currently effective FEMA map, issued by FEMA only, which establishes that a property is not located in a Special Flood Hazard Area (SFHA).

*LOMR (LETTER OF MAP REVISION):* An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

*LOT:* A parcel, tract, or area of land accessible by means of a street or place. For residential uses as set forth in this zoning guide, the lot shall abut on a street or place at least 50% of the lot width prescribed for the district in which the lot is located. It may be a single parcel separately described in a deed or plat which is recorded in the office of the county recorder, or it may include parts of, or a combination of such parcels when adjacent to one another and used as one. In determining lot area and boundary lines no part thereof within the limits of a street shall be included.

- 1) *CORNER LOT:* Any lot at the junction of and fronting on two or more intersecting streets. A corner lot shall be defined as having two front yards and two side yards.
- 2) *DEPTH OF LOT:* The mean horizontal distance between the front lot line and the rear lot line, measured in the general direction of the side lot lines.

- 3) *FRONT LOT LINE*: In the case of an interior lot, a line separating the lot from the street or place, and in the case of a corner lot a line separating the narrowest frontage of the lot from the street, except in cases where deed restrictions in effect specify another street right-of-way as the front lot line.
- 4) *INTERIOR LOT*: A lot other than a corner lot or through lot.
- 5) *REAR LOT LINE*: A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular-shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.
- 6) *SIDE LOT LINE*: Any lot boundary line not a front lot line or a rear lot line.
- 7) *THROUGH LOT*: A lot having frontage on two parallel or approximately parallel streets.
- 8) *WIDTH OF LOT*: The dimension of a lot, measured between side lot lines on the building line.

*LOT COVERAGE*: The percentage of the lot area covered by the building area.

*LOT GROUND LEVEL*: For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street, for buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the street, and for buildings having no walls adjoining the street, the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five feet from a street is to be considered as adjoining the street.

*LOWEST FLOOR*: Means the lowest of the following: The top of the basement floor; the top of the garage floor, if the garage is the lowest level of the building; the top of the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or the top of the floor level of any enclosure below an elevated building where the walls of the enclosure provides any resistance to the flow of flood waters unless the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings, in addition to doorways and windows, having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade. Such enclosed space shall be usable for the parking of vehicles and building access.

*MANUFACTURED HOME*: A dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code or Indiana Public Law 360, Acts 1971, as amended, and promulgated by the Fire and Building Services Department of the State of Indiana. Each manufactured home and mobile home shall be classified as follows:

- 1) *Manufactured Home (Type I)*: A dwelling unit of double-section or larger, being of residential design, which complies with all of the standards set forth within this guide.
- 2) *Manufactured Home (Type II)*: A dwelling unit of single, double or multi-section, being of residential design, which is placed and secured on a temporary or permanent foundation, which otherwise complies with all of the standards set forth within this guide.
- 3) *Manufactured Home (Type III)*: A dwelling unit of single, double or multi-section, being of residential design, which is placed and secured on a temporary or permanent foundation, and which does not comply with the standards set forth within this guide.
- 4) *Mobile Home (Type IV)*: A dwelling unit built prior to the enactment of the federal Mobile Home Construction and Safety Act of 1974, effective on June 15, 1976, and which does not comply with the standards set forth within this guide.

*MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODE:* Title IV of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et seq.), as amended (previously known as the federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder, which include H. U. D. approved information supplied by the home manufacturer, and regulations and interpretations of the code by the Indiana Administrative Building Council.

*MANUFACTURED/MOBILE HOME PARK:* A parcel of land under single ownership on which two (2) or more mobile homes or manufactured homes are occupied as residences.

- 1) *EXISTING MANUFACTURED/MOBILE HOME PARK:* This is a manufactured/mobile home park for which construction of facilities for servicing the lots on which the manufactured/mobile homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the original adoption of the Flood Boundary and Floodway Maps on December 4, 1979.
- 2) *NEW MANUFACTURED/MOBILE HOME PARK:* A manufactured/mobile home park for which the construction of facilities for servicing the lots on which the manufactured mobile home are to be affixed including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads is completed on or after the effective date of the original adoption of the flood Boundary and Floodway Maps on December 4, 1979.
- 3) *EXPANSION TO AN EXISTING MANUFACTURED/MOBILE HOME PARK:* The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured/mobile homes are to be affixed including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

*MANUFACTURED HOME SUBDIVISION:* A parcel of land platted for a subdivision and designed or intended for lots to be conveyed by deed to individual owners for residential occupancy by manufactured homes.

*MASTER PLAN:* (See Comprehensive Plan.)

*MIXED USE DEVELOPMENT:* Property on which various uses, such as office, commercial, and residential are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and coherent physical design. A single site may include contiguous properties.

*MOBILE HOME:* A transportable structure larger than 320 square feet, designed to be used as a year-round residential dwelling and built prior to the enactment of the federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction June 15, 1976.

*MOBILE HOME TIE DOWNS:* Sufficient anchorage to resist flotation, collapse, or lateral movement of any mobile home. At a minimum, such anchorage shall consist of:

- 1) Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring only one additional tie per side;
- 2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side;
- 3) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
- 4) Any additions to the mobile home be similarly anchored.

*MODERATE BURNING:* A rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

*MOTEL:* A building or series of buildings where lodging only is provided to travelers.

*MOTOR VEHICLE REPAIR, MAJOR:* Engine rebuilding or major reconditioning of motor vehicles, including body work, frame or fender straightening or repair, transmission repair and painting of vehicles.

*MOTOR VEHICLE REPAIR, MINOR:* Incidental repairs such as replacement of parts and other service to motor vehicles such as oil changes/lubrications, brake replacement, muffler replacement, tire servicing, radiator cleaning and flushing, water hose replacement, windshield wipers and similar such activities but not including the major motor vehicle repair.

*NATURAL RESOURCES:* The State Natural Resource Commission.

*NONPROFESSIONAL PERSONAL SERVICES:* Services extended from one individual to another which concern the physical body of the recipient, not performed by a professional person.

*OCTAVE BAND:* A term denoting all of the frequencies from one given frequency to a second. In sound octave bands, the second frequency is usually twice the first one.

*OCTAVE BAND FILTER:* An electrical device which separates the sounds in each octave band and presents them to the sound level meter.

*OFFICE:* A room or number of rooms in which a profession or business is practiced or transacted or in which a stated occupation is carried on.

*OFFICE BUILDING:* A building housing one or more separate offices wherein such offices are utilized for the same or different professions, businesses, or occupations either with or without common or mutual administration and supervision of the offices and wherein no residential uses are carried on.

*OFFICE ZONE DISTRICT:* A use that provides professional, administrative, business services, or charitable and nonprofit services. This district excludes any use dealing with production, retail, wholesale, construction and remodeling, or distribution of goods.

*ONE- AND TWO-FAMILY DWELLING CODE, INDIANA:* The mandatory statewide building code adopted by the Indiana Administrative Building Council for one- and two-family residential dwellings.

*OUTDOOR STORAGE:* Storing of on-site materials and equipment used in the daily business activities. It is considered an accessory part of the business.

*PARAPET:* A low wall or protective railing used along a roof or around a balcony.

*PARKING AREA, PUBLIC:* An open area, other than a street or alley designed for use or used for the temporary parking of more than two motor vehicles when available for public use, whether for free or for compensation, or as an accommodation for clients or customers, requiring an asphalt or concrete surface. Every company car, truck, tractor, and trailer normally stored at a business or industrial site shall be provided with an off-street parking space. Such parking space shall not be counted as meeting the parking requirements for said use.

*PARKING SPACE:* A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than 10 ft. wide and 18 ft. long exclusive of passageways.

*PARKING SPACE, ONE OFF-STREET:* Means the area required for the parking of one motor vehicle.

*PARKING SURFACE:* All parking surface shall be constructed to meet the following standards:

- 1) All areas devoted to off-street parking including drives and/or access points and except single-family dwellings, shall be paved surface construction such as plant mix asphalt, penetrating asphalt or concrete paving and;
- 2) The parking lot shall be drained to meet the standards as described in the Storm Drainage and Sediment Control Ordinance for the City and require that a drainage permit be obtained.

*PARTICULATE MATTER:* Finely divided liquid or solid material which is discharged and carried along in the air.

*PERSON:* A corporation, firm, partnership, association, organization, or any other group acting as a unit, as well as a natural person or persons.

*PLACE:* An open, unoccupied officially designated space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.

*PLANNED INDUSTRIAL DEVELOPMENT:* A planned development primarily for manufacturing and industrial activities, research and development facilities, transportation and warehouse distribution facilities, corporate offices and related facilities, and allowing ancillary uses and accessory uses which support or are incidental to the industrial activities. The primary activities of the industrial park shall be limited to a minimum of 70% of the total acreage for the industrial park. These uses shall also meet the industrial standards and **Figure 9 Requirements on page 10-** as set forth in this guide.

Ancillary Uses are commercial uses allowable in small quantities as a convenience to the industrial firms within the park and are secondary and incidental to the industrial, manufacturing, and research functions of the park. The sale of those items manufactured in the industrial park is also permitted. Ancillary uses shall not exceed 30% of the total acreage for the industrial park.

*PLAT:* A map or chart indicating the subdivision or resubdivision of land, intended to be filed for record.

*PRIVATE SCHOOL:* Private pre-primary, primary, grade, high, or preparatory school or academy.

*PROFESSIONAL OFFICE:* Office of members of the following recognized professions: architect, attorney, dentist, engineer, physician, and surgeon.

*PUBLIC LAW 360, ACTS OF 1971:* Enabling legislation requiring the Indiana Administrative Building Council to adopt rules and regulations for the construction, repair, or maintenance of factory-constructed one- or two-family residential dwellings.

*RECREATIONAL VEHICLE:* A vehicle which is built on a single chassis and is 400 square feet or less when measured at its largest horizontal projections; is designed to be self propelled or permanently towable by a truck; and is designed primarily not for use as a permanent dwelling; but for recreational camping, travel or seasonal use.

*REGULATORY FLOOD:* The flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The regulatory flood is also known as the base flood.

*REGULATORY FLOOD PROFILE:* The longitudinal profile along the thread of a watercourse showing the maximum surface elevation attained by the regulatory flood.

*RESULTANT DISPLACEMENT:* The maximum amount of motion in any direction and shall be determined by means of any three component (simultaneous) measuring system approved by the Commission.

**RINGELMANN NUMBER:** The number of the area on the Ringelmann chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann chart is described in the U.S. Bureau of Mines information Circular 6888, on which are illustrated graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No.1 shall be considered no smoke or Ringelmann No.0

**RUMMAGE SALES, PUBLIC:** A temporary sale, conducted by a non-profit organization such as a church, club, lodge, school where the members of the group bring articles or items to a central structure to be sold to raise money for use by the organization. This sale shall not be conducted on a residentially used parcel of property.

**SCHOOL:** An institution offering regular academic instruction for kindergarten, elementary, and/or secondary levels whether publicly or privately funded.

**SECTION:** A unit of manufactured homes at least 14 body feet in width and 30 body feet in length.

**SHARED PARKING:** Joint use of a parking area for more than one use. Off-street parking for commercial uses shall be sufficient to project parking for the employees of all proposed uses as well as long-term customer parking. Cross-access easements for adjacent lots with interconnected parking lots shall be required in a language acceptable to the Assistant City Attorney.

**SHOPPING CENTER:** Real estate used as a single parcel of land regardless of how the property is subdivided, or using one or more contiguous tracts, parcels, or lots and said real estate containing a minimum of three businesses or business uses and viewed and constructed as a single project, center, plaza or unit in a B-1 or B-2 zone districts. If this definition applies to a development in B-1 or B-2 zone districts, they shall be permitted to have one shopping center sign for the overall project.

**SLOW BURNING OR INCOMBUSTIBLE:** Materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support combustion during an exposure for five minutes to a temperature of 1200 degrees Fahrenheit.

**SMOKE:** Small gas borne particles resulting from incomplete combustion, consisting predominantly of carbon and other incombustible material, excluding metallurgical fume and dust, and present in sufficient quantity to be observable independently of the presence of other solids.

**SMOKE UNIT:** The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation, each reading is then multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.

**SPECIAL EXCEPTION:** A device for permitting a use within a district other than a principally permitted use which has received approval from the Board of Zoning Appeals.

**SPECIAL FLOOD HAZARD AREA (SFHA):** Those lands within the jurisdiction of the City of Anderson that are subject to inundation by the regulatory flood. The SFHA's of the City are generally identified as such on the Flood Insurance Rate Maps of the City prepared by the Federal Emergency Management Agency and dated February 16, 1994. The SFHA's of those parts of Unincorporated Madison County that are within the extraterritorial jurisdiction of the City or that may be annexed into the City are generally identified as such on the Flood Insurance Rate Map prepared for Madison County by the Federal Emergency Management Agency and dated February 1, 1994.

**SPECIFIED ANATOMICAL AREAS:** Any of the following or a combination thereof:

- 1) Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.

- 2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

*SPECIFIED SEXUAL ACTIVITIES:* Any of the following or a combination thereof:

- 1) Human genitals in a state of sexual stimulation or arousal.
- 2) Acts of human masturbation, sexual intercourse, or sodomy.
- 3) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

*STREET:* A right-of-way or thoroughfare, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property.

- 1) *INTERSTATE:* Interstate highways provide for the expeditious movement of large volumes of through traffic between areas and/or across, around, or through the city or urban area. Interstates are divided highways with full control of access and are not intended to provide direct access to abutting land. An interstate has complete separation of conflicting traffic flows.
- 2) *EXPRESSWAY:* Expressways provide the same rapid movement of large traffic volumes with a minimal number of intersection turning conflicts. An expressway does not provide direct access to abutting land and is commonly known as a “limited access facility.”
- 3) *PRIMARY ARTERIAL:* Primary arterials provide for the majority of trips entering and leaving the area and serves the major centers of activity on the highest traffic volume corridors. It carries the intra-urban as well as the inter-city bus routes. For primary arterials, the concept of service to abutting land should be subordinate to the provision of travel serve to major traffic movements.
- 4) *SECONDARY ARTERIAL:* Secondary arterials provide for interconnection with primary arterials and service to trips of moderate trip length a lower level of travel mobility than primary arterials. The secondary arterial street places more emphasis on land access than the higher system. These may carry local bus routes and provide intra-community continuity throughout the area.
- 5) *COLLECTOR:* Collectors provide both land access service and traffic circulation within residential neighborhoods, commercials and industrial areas. A collector may penetrate residential neighborhoods and distribute trips from the arterials through the area to the ultimate destination. A collector gathers traffic from local neighborhoods and channels it into the arterial system. Within the Anderson Transportation Network, a collector has the following characteristics: (1) it is one mile in length or less; (2) it connects two arterials or an arterials and a major traffic generator; and (3) it can be customized according to its intended use.
- 6) *LOCAL STREET:* Local streets provide direct access to abutting land and access to higher order systems. It offers the lowest level of mobility and usually does not contain bus routes. Service to through traffic movement usually is deliberately discouraged.

*STREETSCAPE:* A design term referring to all elements that constitute the physical makeup of a street and that as a group, define the character, including the building frontage, street paving, street furniture, landscaping, signage and lighting.

*STRUCTURE:* Any thing constructed or erected which requires location on the ground or attachment having location on the ground. This is not limited to gas or liquid storage tanks, a manufactured / mobile home, or a prefabricated building. This term also includes recreational vehicles to be installed on a site for more than 180 days.

*STRUCTURAL ALTERATION:* Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

**SUBSTANTIAL IMPROVEMENT:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals 49 percent or less of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. (The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".)

**THREE COMPONENT MEASURING SYSTEM:** Instrumentation which can measure earthborn vibrations in three directions, that is, vibration occurring in a horizontal as well as a vertical plane.

**TOURIST HOME:** A building in which one but not more than five guest rooms are used to provide or offer overnight accommodations to transient guests for compensation.

**TRADE SCHOOL or BUSINESS SCHOOL:** Secretarial or business school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable, or nonprofit organization, or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting, or for teaching industrial or technical arts.

**TRAFFIC CALMING:** A design feature to reduce speeds among the wider streets through devices such as a planted island, curb bump outs, and traffic circles to increase pedestrian and vehicular safety.

**USE:** The employment or occupation of a building, structure, or land for a person's service, benefit, or enjoyment.

- 1) **NONCONFORMING USE:** A lawful existing use of land or building which fails to comply with the requirements set forth in the zoning code applicable to the district in which such use is located.
- 2) **OPEN USE:** The use of a lot without a building or including a building incidental to the open use with a ground floor area equal to 5% or less of the area of the lot.

**VARIANCE:** A modification of the specific requirements of the zoning code granted by the Board in accordance with the terms of the zoning code for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

**VIBRATION:** Oscillatory motion transmitted through the ground.

**VISION CLEARANCE ON CORNER LOTS:** A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three and 12 feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting two points measured 15 feet equidistant from the intersection of the property lines or the property lines extended at the corner of the lot using each of the street right-of-way lines.

**YARD:** A space on the same lot with a principal building, open, unoccupied, and unobstructed by structures, except as otherwise provided in this guide.

- 1) **FRONT YARD:** A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, fences, lampposts, and similar structures, the depth of which is the least distance between the Front Lot Line and Building Line which runs adjacent to a street.
- 2) **REAR YARD:** A yard extending across the full width of the lot between the rear of the principal building and the rear lot line unoccupied other than by accessory buildings which do not occupy more than 30% of the required space, and steps, walks, terraces, driveways, lamp posts, and similar structures, the depth of which is the least distance between the rear lot line and the rear of such principal building.

- 3) *SIDE YARD*: A yard between the principal building and the side lot line, extending from the front yard or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally at 90° with the side lot line, from the nearest part of the principal building.

*ZONE MAP*: A map entitled "Anderson, Indiana, zone map, sheets 1 and 2" of two, dated February 9, 1960, and amendments thereto.

**THE ZONING GUIDE**

**SECTION 2**

**IMPROVEMENT LOCATION PERMIT**

**AND**

**CERTIFICATE OF OCCUPANCY**

## **IMPROVEMENT LOCATION PERMIT**

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- A) Within the Territorial Jurisdiction of the Anderson City Plan Commission, no structure, improvement, or use of land, may be altered, changed, placed, erected or located on platted or unplatted lands, unless the structure, improvement or use, and its location, conform with the Master Plan and Ordinances of the City of Anderson Plan Commission, and an Improvement Location Permit for such structure, improvement or use has been issued. It is hereby declared that the intent of the permit requirements of this Ordinance shall not prevail with respect to a structure including a dwelling which is clearly incidental to agricultural operations.
- B) The Planning Director of the City of Anderson shall issue an Improvement Location Permit, upon written application, when the proposed structure, improvement, or use and its location conform in all respects to the Comprehensive Plan for the City. No person, firm, corporation, or government body not exempted by state law shall commence any "development" in the SFHA without first obtaining an Improvement Location Permit.
- C) Every application for an Improvement Location Permit shall be accompanied by a site plan, drawn to scale, showing the location of the structure, improvement, or use to be altered, changed, placed, erected, or located; the dimensions of the lot to be improved; the size of yards and open spaces; existing and proposed streets and alleys adjoining or within the lot; and the manner in which the location is to be improved.
- D) Any decision of the Planning Director of the City of Anderson concerning the issuance of an Improvement Location Permit may be appealed to the Board of Zoning Appeals when the decision in question involves a requirement of the "Zoning Ordinance of Anderson, Indiana, 1960", or to the Anderson City Plan Commission when the decision in question involves the requirements of other parts of the Master Plan, by any person claiming to be adversely affected by such decision.
- E) All records, including lowest floor elevations, plans, certificates of occupancy, and other materials associated with an Improvement Location Permit shall be maintained by the City Plan Commission.
- F) In reviewing all applications for Improvement Location Permits for compliance with the requirements of this section, the Planning Director shall assure that all necessary permits for other state, federal, and local agencies have been obtained.
- G) In reviewing the application for an Improvement Location Permit, the Planning Director shall determine if the site is located within an identified Floodway, Floodway Fringe or within the floodplain where the limits of the Floodway have not yet been determined.
  - 1) If the site is in an identified Floodway, the Planning Director shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in the Floodway.
  - 2) Under the provisions of I.C. 14-28-1, a permit from the Natural Resources Commission is required prior to the issuance of a local permit for any excavation, deposit, construction or preparation activities such as filling, grading, clearing and paving, etc. undertaken before the actual start of construction of the building.
  - 3) No action shall be taken by the Planning Director until a permit has been issued by the Natural Resources Commission granting approval for construction in the Floodway. Once a permit has been issued by the Natural Resources Commission, the Planning Director may issue the Improvement Location Permit provided the regulatory flood requirements have been met. The Improvement Location Permit cannot be less restrictive than the permit issued by the Natural Resources Commission.
- H) If the site is located in an identified Floodway Fringe, then the Planning Director may issue the Improvement Location Permit provided the regulatory flood requirements are met. The key provision is the top of the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade (FPG).

- I) If the site is in an identified Floodplain where the limits of the Floodway and Floodway fringe have not yet been determined (shown as “Zone A” on the Flood Insurance Rate Map), and the drainage area upstream of the site is greater than one square mile, the Planning Director shall require the applicant to forward the application along with all pertinent plans and specifications to the Department of Natural Resources for review and comment. No action shall be taken by the Planning Director until either a permit for construction in the Floodway or a letter of recommendation citing the 100-year flood elevation and the recommended Flood Protection Grade has been received from the Department of Natural Resources. When this information is received, the Improvement Location Permit may be issued provided the provisions of the Improvement Location Permit are not less restrictive than the conditions of the letter for construction in the Floodway as received from the Natural Resources Commission.

## **CERTIFICATE OF OCCUPANCY**

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- A)
- 1) No land shall be occupied or used and no building hereafter erected, reconstructed, or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a certificate of occupancy shall have been issued by the Planning Director stating that the building and use comply with all of the provisions of the zoning code applicable to the building or premises or the use in the district in which it is to be located.
  - 2) On completion of the improvement covered by the improvement location permit, the Planning Director shall inspect the premises, and, if the inspection shall reveal that the improvement has been completed in substantial conformity with the site plan, and "certificate of compliance" when required, shall be issued a certificate of occupancy.
- B) No change shall be made in the use of land (except agricultural) or in the use of any building or part thereof, now or hereafter erected, reconstructed, or structurally altered, without a certificate of occupancy having been issued by the Planning Director, and no such permit shall be issued to make such change unless it is in conformity with the provisions of the zoning code.
- C) A certificate of occupancy shall be applied for coincidentally with the application for an improvement location permit and shall be issued within ten days after the lawful erection, reconstruction, or structural alteration of such building or other improvement of the land shall have been completed.
- D) A record of all certificates of occupancy shall be kept on file in the office of the Planning Department and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.
- E) No improvement location permit shall be issued for excavation for or the erection, reconstruction, or structural alteration, of any building, before application has been made for a certificate of occupancy.

**THE ZONING GUIDE**

**SECTION 3**

**ZONE DISTRICTS**

**AND**

**GENERAL PROVISIONS**

Districts Established  
General Provisions

## DISTRICTS ESTABLISHED

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A) The city is classified and divided into 16 districts designated as follows:

- R1 - Residential District
- R2 - Residential District
- R3 - Residential District
- R4 - Residential District
- B1 - Local Business District
- B2 - General Business District
- B3 - Neighborhood Shopping Center District
- B4 - Community Shopping Center District
- B5 - Office Zone District
- B6 - Business Arterial Zone District
- I1 - Industrial District
- I2 - Industrial District
- I3 - Industrial Reserved District
- FW - Floodway District
- FF - Floodway Fringe District
- TND - Traditional Neighborhood District

B) The districts identified above are described as follows:

- 1) Residential districts, R1, R2, R3, and R4 are established for residential use in conformity with the types of neighborhoods which have occurred and are likely to develop in the areas so designated in the zone map. The districts differ primarily with respect to requirements of lot size, ground floor area, and the number of families which may be housed in one building. The specific requirements for each residential district are shown in **Figure 1 on page 10-**. Certain nonresidential contingent uses are automatically permitted in these districts (see **Figures 7 and 8 on page 10- & 10-**), and some special exceptions (see **Figure 9 on page 10-**) may be permitted with the approval of the Board. A brief description of each residential district follows:
  - a) R1: This district is established for single-family residential use in conformity with the types of neighborhoods which have occurred and are likely to develop in the areas as classified in the zone map. The specific requirements for this district are shown in **Figure 1 on page 10-**. The minimum requirements for lot size, ground floor area of dwellings, and lot width are the largest in this district.
  - b) R2: This is a single-family dwelling district. Requirements for minimum lot size and ground floor area of structures are considerably less stringent than the requirements for the R1 District.
  - c) R3: This district is established to permit single-family and two-family dwellings. Normally, the R3 District is located in areas where many two-family dwellings have already occurred and are acceptable to the neighborhoods so zoned.
  - d) R4: The R4 District will permit residential use without limitation as to the number of families to be housed in a building so long as the prescribed lot area per family can be provided. Many multi-family dwellings and two-family dwellings occur in the R4 District, as well as many large older homes which would be suitable for conversion to multi-family use.
- 2) Six business districts. B1, B2, B3, B4, B5, and B6 are established to meet the specific requirements for the several classes of business uses needed to give adequate service through the city as related to present and future development. Single-family dwellings are permitted in all of the business districts, except the B4. No residential uses are permitted in a B4 Community Shopping Center District. Two-family and multi-

family dwellings are permitted in the B1 and B2 Districts. All residential uses permitted in the business districts are subject to the requirements of **Figure 1 on page 10-**. The specific requirements for business uses in these districts are given in **Figures 2, 3, and 4, on pages 10- through 10-**. For contingent uses permitted in the business districts, see **Figures 7 and 8 on page 10-** and for special exceptions see **Figure 9 on page 10-**. A brief description of the business districts follows:

- a) B1: This district is designed and located in neighborhoods to accommodate the primary shopping and service needs of the locality. Although limited in area, B1 Districts are important to the economic welfare of the community in placing convenience and impulse goods shops close to the consumer.
  - b) B2: This is a general business district providing for all types of business and service uses, including warehouse and storage facilities as well as some light industrial operations.
  - c) B3: This district is designed to encourage development of planned neighborhood shopping centers at convenient locations within areas specifically zoned in the B3 District. A special exception is required.
  - d) B4: This district is provided to meet the need for retail shopping facilities in planned shopping centers in the sections of the city where no clear pattern of business use now exists. It is proposed that each such business center be established on a single, well-planned site of at least five acres in area to accommodate the shopping needs of a community. A special exception is required.
  - e) B5: This district is provided to meet the need for professional, business, charitable, and nonprofit activities in districts where other business activities should be excluded. Such offices are proposed to provide, primarily, services as distinguished from goods and wares and generally any professional or business activity engaging principally in the sale or provision of services shall be permitted and any professional business or commercial activity engaged principally in the sale of goods, wares, or merchandise shall be excluded. The sale of goods, wares, or merchandise by reference to catalogs or other similar materials providing for delivery of the merchandise at some place other than the sale shall also be excluded.
  - f) B6: This district provides for local business uses, including retail and service nature business uses. Single Family Dwellings are allowed. A special exception is required.
- 3) Three industrial districts I1, I2, and I3 are established to meet the present and future needs of the city for industrial development. Residential uses will be permitted in the I1 and I3 Districts, but is excluded from the I2 District; business uses will be excluded from the I2 and I3 Districts. Where permitted, residential and business uses will conform to the requirements set forth in **Figures 1, 2, 3, and 4 on pages 10-, 10-, 10-, and 10-**, respectively. The specific requirements for industrial uses in these districts are given in **Figures 5 and 6 on pages 10- and 10-**. For contingent uses and special exceptions permitted in the industrial districts see **Figures 7, 8 and 9 on pages 10-, 10-, and 10-**. A brief description of the industrial districts follow:
- a) I1: This district will incorporate most of the existing industrial developments and provide for their expansion. Generally the permitted uses will include only those where all of the operations, including the storage of materials, are confined within a building and the performance characteristics are compatible with uses permitted in neighboring districts. Residences and businesses are permitted.
  - b) I2: This district will incorporate many existing industrial developments and provide for their expansion, and will assure adequate areas for new industrial development. Realizing the need for industrial expansion, the I2 District does not permit dwellings or businesses.
  - c) I3: The I3 District is located where excellent industrial sites occur, but which may not be developed. Therefore, industry may be permitted as a special exception in **Figure 9 on page 10-**. (See planned industrial development.) Dwellings are permitted in the I3 Districts, business is not permitted.

- 4) Floodway Fringe District (FF): This is the area of the floodplain lying outside the floodway. This district shall be an overlay classification and shall allow the following uses such as all facilities, residential uses, business uses, and industrial uses permitted by the other underlying zoned districts provided that the Flood Protection Grade is met. All manufactured/mobile homes must have pads at or above the elevations of the regulatory flood and must be provided with ground anchors meeting manufactured/ mobile home tie downs, Schedule A. In addition, adequate drainage and access for a hauler shall be provided.
  
- 5) Traditional Neighborhood District (TND): This is an overlay district permitting uses of the underlying zoning district except those uses which are prohibited by this overlay district. The Traditional Neighborhood district is characterized by neighborhood serving land uses including retail, office and services prohibiting drive-thru windows and encouraging higher density residential use as well as the streetscape. The Traditional Neighborhood district is encouraged to have a mixed use development and a pedestrian friendly atmosphere. The prohibited uses include gasoline stations, vehicle sales / leasing lots, vehicle washes, road side sales stand, motel, hotel, minor and major motor vehicle repair, storage warehouse, outside storage.

## GENERAL PROVISIONS

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*USE:* No building or land shall be used and no building shall be erected, reconstructed, or structurally altered, which is arranged, intended, or designed to be used for any purpose other than a use which is permitted and specified in a district in which such building or land is located.

*HEIGHT:* No building shall be erected, reconstructed, or structurally altered to exceed in height the limits established and specified for the use and the district in which such building is located.

*YARD, LOT AREA, AND SIZE OF BUILDING:* No building shall be erected, reconstructed, or structurally altered in any manner which will encroach on, or reduce in any manner, the yards, lot area per family, ground floor area of residential buildings, or lot coverage regulations, established and specified for the use and the district in which such building is located.

*LOTS:* Every building hereafter erected shall be located on a lot. In no case shall there be more than one principal building used for residential purposes, and its accessory buildings, located on one lot, except as provided in **Figure 9 on page 10-** for residential development plan.

*PARKING SPACE:* Loading and unloading berths. Every building hereafter erected shall provide parking space for motor vehicles and loading and unloading berths as specified hereinafter for the use to which such building is to be devoted.

*LANDSCAPING:* The following is a list of plant materials and minimum plant sizes at the time of planting.

- 1) Canopy (Large) Trees: Green Ash, White Ash, Red Maple, Norway Maple, Sugar Maple, Silver Maple Cultivar (*Acer x freemani*), London Plane, Sweetgum, Male Ginkgo, Linden, Honey Locust, Red Oak, Zelkova, Katsura, Tulip, Spruce, Pine, Fir, Hemlock, Eastern Red Cedar, Shingle Oak, Pin Oak, and English Oak. For deciduous trees a minimum two inches in diameter, measured six (6) inches above the ground being 8-10 feet in height and evergreens shall be a minimum height of 5-6 feet.
- 2) Understory Trees: Crabapple (flowering species), Hawthorn, Tree Lilac, Amelanchier, Amur Maple, Paperback Maple, Japanese Maple, Redbud, Flowering Dogwood, Smoke Tree, Russian Olive, Common Witchhazel, Magnolia, Flowering Cherry, Pear Cultivars, Hornbean, and River Birch. A minimum one and one-half inches in diameter, measured six (6) inches above the ground having a height of 6-8 feet.
- 3) Shrubs: Barberry species, Boxwood species, Spirea species, Lilac species, Yew species, Arborvitae species, Viburnum species, Sweet Shrub, Flowering Quince, Dogwood (shrub form), Cotoneaster species, Juniper species, Privet species, Forsythia species, Potentilla species, Deutzia, Burning Bush, Dwarf Burning bush, Rose-of-Sharon/Hibiscus, Japanese Holly, Honeysuckle, Mockorange, Cistena Plum, Buckthorn/Tallhedge, Firethorn/Pyracantha, Rhododendron, Cardinal Shrub, Oregon Grape Holly, and Mugho Pine. A minimum height of two feet.

*ODOR:* No activity or operation shall permit odors to be released which shall be detectable at any residential district boundary line. In addition, such odor when measured on the lot line, shall be rendered undetectable to mixing one volume of the odorous air with four volumes of clean air.

# **THE ZONING GUIDE**

## **SECTION 4**

### **DISTRICT REGULATIONS**

Residential Uses and Requirements

Business Uses and Requirements

Industrial Uses and Requirements

## RESIDENTIAL USES AND REQUIREMENTS

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- A) The residential uses defined below, including accessory buildings and uses, are permitted in the districts indicated in **Figure 1 on page 10-** when complying with the requirements listed therein, subject to the provisions of subsection (B) herein.
- 1) A single-family dwelling is a detached building designed for or occupied by one family exclusively.
  - 2) A two-family dwelling is a detached building designed for or occupied by two families.
  - 3) A multi-family dwelling is a building designed for or occupied by three or more families, exclusively for dwelling purposes.
- B) Other provisions for residential uses are as follows:
- 1) *AREA AND WIDTH:* A single-family dwelling may be located on any lot in any district in which single-family dwellings are permitted if the lot was in single ownership or included in a subdivision which was of record in the office of the county recorder at the time of passage of the zoning code even though the lot does not have the minimum lot width or the minimum lot area specified for the district.
  - 2) *REAR YARD:* One-half of an alley abutting the rear of the lot may be included in the required rear yard.
  - 3) *ACCESSORY BUILDINGS AND USES:*
    - a) Accessory buildings are permitted in all districts, but not prior to the erection of the principal building.
    - b) No accessory building shall be located closer to a side lot line than five (5) feet nor closer to a rear lot line than five (5) feet, and no detached building shall be closer to the front lot line than the rear line of the principal structure. An accessory building shall not exceed eighteen (18) feet in height and shall have a maximum square footage of 864 square feet. The minimum size of an accessory building requiring an Improvement Location Permit (ILP) shall be 120 square feet, unless the building is placed on a permanent foundation.
    - c) Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths, and structures of alike nature are permitted in any required front, side, or rear yard. Fences, latticework screens, hedges, or walls, not more than seven feet in height, and private swimming pools surrounded by a fence at least five feet high, may be located in the required side or rear yard, and a hedge, maintained so as not to exceed three feet in height may be located in any front yard. However, nothing contained in this zoning guide shall be deemed to prohibit the construction or maintenance of a fence of any height in connection with an agricultural use. Trees, shrubs, flowers, or plants shall be permitted in any required front, side, or rear yard, except that vision clearance on corner lots shall be provided when required. Only open fences shall be permitted in the yard area between any streets and lines extending along the principal building to the property line or interior lot lines and rear lot lines. On corner lots, only open fences shall be permitted in any yard area between the streets and a line extending along the principal building to the side or rear lot line or lines.
  - 4) *FRONT YARD:*
    - a) Where 25% or more of the lots in the block are occupied by buildings, the average setback of such buildings determines the dimension of the front yard in the block.
    - b) Building lines or building setback lines established in a recorded subdivision shall establish the dimension of front yards in such subdivisions. When building lines and building setbacks are not

established by a recorded subdivision, a minimum front yard setback of thirty (30) feet shall be required.

- c) On through lots a front yard is required on each street.
- 5) *TAPERED YARD*: Where a reversed interior lot abuts a corner lot, or an alley separating such lots, an accessory building located on the rear lot line of a corner lot shall set back from the side street as far as the dwelling on the reversed interior lot. For each foot that such accessory building is placed from the rear lot line toward the front lot line of the corner lot, the accessory building may be set four inches closer to the side street line, but in no case closer than five feet.
- 6) *MOBILE HOMES*: Mobile homes for residential use will not be permitted in any district unless located in a mobile/ manufactured home park according to the requirements of **Figure 9 on page 10-7**.

## **BUSINESS USES AND REQUIREMENTS**

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The business uses defined below are permitted in the districts indicated in Figure 2 on page 10-3, when complying with the requirements specified in **Figures 2, 3 and 4 on pages 10-3, 10-4, and 10-5**, subject to the provisions of subsection (C), herein.

- A) A local business use is one which is primarily of a retail or service nature and is classified in the following categories:
- 1) Automobile service: Including but not limited to the following:
    - a) Commercial parking structure.
    - b) Commercial parking lot.
    - c) Sales room.
    - d) For filling stations and open automobile sales and leasing lots, see special exceptions, **Figure 9 starting on page 10-**.
  - 2) Business service: Including but not limited to the following:
    - a) Bank
    - b) Office building
    - c) Postal station
    - d) Telegraph office
    - e) Utility company business office
  - 3) Clothing service. Including but not limited to the following:
    - a) Laundry agency
    - b) Self-service laundry
    - c) Dry cleaning establishment using not more than two clothes-cleaning units, neither of which shall have a rated capacity of more than 40 pounds using cleaning fluid which is nonexplosive and nonflammable
    - d) Dressmaking
    - e) Millinery
    - f) Tailor and pressing shop
    - g) Shoe repair shop
  - 4) Equipment service: Including but not limited to the following:
    - a) Radio or television shop
    - b) Electric appliance shop

- c) Record shop
- 5) Food service. Including but not limited to the following:
- a) Grocery
  - b) Meat market
  - c) Supermarket
  - d) Restaurant
  - e) Delicatessen
  - f) Cold storage lockers, for individual use
  - g) Bakery
  - h) Roadside sales stand
- 6) Personal service: Including but not limited to the following:
- a) Barber shop
  - b) Beauty shop
  - c) Reducing salon
  - d) Photographic studio
- 7) Retail service, retail stores generally. Including but not limited to the following:
- a) Drug store
  - b) Hardware
  - c) Stationer; excluding, adult bookstore
  - d) Newsdealer
  - e) Show room, for articles to be sold at retail.
  - f) Commercial greenhouse not exceeding 1,000 square feet in area
  - g) Apparel shop
  - h) Flower shop
  - i) Gift or antique shop
- 8) Business recreational uses. Including but not limited to the following:
- a) Indoor theater; excluding, adult motion picture theater; and adult mini-motion picture theater
  - b) Bowling alley

- c) Billiard room
  - d) Dancing academy
  - e) Tavern or night club, only in conformity with requirements of laws or ordinances governing such use
- 9) Private club, lodge, motel or hotel
- 10) Department store, including any facility (whether or not attached) associated with such department store for the sale of tires, batteries, automobile accessories and lubrication and for the servicing and repair of motor vehicles incidental to such sales
- 11) Accessory building or use customarily incidental to the above uses. Any building used primarily for accessory purposes may not have more than 40% of its total floor area devoted to storage purposes incidental to such primary use, and provide that no more than five persons are employed at one time or on any one shift in connection with such incidental use.
- 12) Motor Vehicle Repair, Minor: Incidental repairs such as replacement of parts and other service to motor vehicles such as oil changes/lubrications, brake replacement, muffler replacement, tire servicing, radiator cleaning and flushing, water hose replacement, windshield wipers and similar such activities but not including the major motor vehicle repair.
- 13) Local business uses division (A)(2) through (10), and division (A)(12), shall be conducted within buildings so constructed that no noise of any kind produced therein shall be audible beyond the confines of the building.
- a) Business uses must conform to the noise standards as set forth on **page 4-** including the definitions of Decibel, Octave Band, and Octave Band Filter on **pages 1- and 1-**.
  - b) Outdoor speaker systems shall be regulated by restricting the use of outdoor speakers to no measurable sound levels at the lot line.
- 14) Outdoor Sales/Storage: No outdoor sales or storage shall occur at any time.
- B) A general business use is one which includes retail, service, wholesale, and storage uses, and including accessory building and uses, includes the uses, specifically stated or implied, as follows:
- 1) Local business uses
  - 2) Except for such uses permitted in subsection (a) (10) above, automobile and truck repair, entirely within enclosed buildings
  - 3) Storage warehouse
  - 4) Wholesale establishment
  - 5) Newspaper publishing
  - 6) Motor bus or railroad passenger station
  - 7) Radio and television studios
  - 8) Veterinary hospital for small animals and kennel

- 9) Adult uses may be located in B2 General Business or I1 Industrial zone district(s). No adult use may be located within 500 feet of the nearest property line of any residential zone district; single-family, two-family, or multi-family dwelling; church; park; private school; public school; or public library.
- 10) Motor Vehicle Repair, Major: Engine rebuilding or major reconditioning of motor vehicles, including body work, frame or fender straightening or repair, transmission repair and painting of vehicles.
- 11) Any business use not specifically stated or implied elsewhere in this guide.
- 12) Outdoor storage must on the premises of the business. The outdoor storage must be obscured from view by opaque fencing of new materials, screening or landscaping which is tight effective at all times. The height of materials stored shall not exceed the height of the opaque fence, screening and/or landscaping. Outdoor storage shall not be permitted in the required front yard nor permitted closer to the right of way than the front plane of the building nearest the front lot line whichever is the farthest from the right of way line.

C) Other provisions and requirements for business uses are as follows:

- 1) Parking spaces shall be provided on the lot, as indicated in **Figure 3 on page 10-**, or within 300 feet thereof on a site approved by the Board.
- 2) Loading and unloading berths shall be provided on the lot as indicated in **Figure 4 on page 10-**.
- 3) Parking requirements shall not apply in a block where 50% or more of the area was occupied by business or industrial structures at the time of passage of the zoning code.
- 4) Groups of uses requiring parking spaces may join in establishing a group parking area with capacity aggregating that required for each participating use.
- 5) Loading and unloading berths shall be paved with either asphalt or concrete.
- 6) One-half of an alley abutting the rear of a lot may be included in the rear yard, but such alley space shall not be included for loading and unloading berths.
- 7) Where 25% or more of the lots in a block are occupied by buildings the setback of such buildings shall determine the dimensions of the front yard in the block.
- 8) Loading and unloading berths shall not be required for business uses which demonstrably do not receive or transmit goods or wares in quantity by truck delivery.
- 9) Parking and accessory uses are permitted in the required front yard in the business districts.
- 10) The maximum building height requirements in **Figure 2 on page 10-** may be increased if buildings are set back, from front and rear property lines, one foot for each two feet of additional height above the maximum building height requirements.
- 11) Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.
- 12) No business operations or activity shall discharge, or cause to be discharged, liquid or solid wastes into public waters unless in conformance with provisions set forth in IC I3-1 et seq., as amended from time to time, and the regulations promulgated thereunder.
- 13) In all business districts it is permissible to erect more than one principal building on a lot.

- 14) Where a business district adjoins a residential district a solid vision block fence seven feet in height or a solid screen planting of not less than six feet in height must be provided along the side and/or rear yards.
- 15) Lighting shall not cause illumination beyond any lot line or road right of way in excess of 0.1 foot candles of light, a foot candle being that unit of illumination equal to one candela at a distance of one foot.
- 16) Dumpsters: All commercial dumpsters and similar trash and waste disposal containers and areas shall be screened from public view and adjoining properties by an opaque architectural or vegetative screen. If a wall surrounding the dumpster is attached to a principle structure, it shall be constructed of the same building material and in the same architectural style as the principle structure, with no more than one side of the surrounding wall left open. Any fence or wall required shall have a maximum height of seven (7) feet and a minimum height of five (5) feet.

## **OFFICE ZONE DISTRICT**

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- A) B5, Office Zone District. Local business uses that provide professional, administrative, business services, or charitable and nonprofit services. This district excludes any use dealing with production, retail, wholesale, construction and remodeling, or distribution of goods.
- B) Area requirements and location:
  - 1) The tract of land involved in any B5 Office Zone District shall comprise not more than five acres, and shall contain at the time of the establishment of such district, no local business, general business, or industrial uses not in conformity with the requirements of a B5 District.
  - 2) No parking shall be permitted in the front yard.

## **NEIGHBORHOOD AND COMMUNITY SHOPPING CENTER DISTRICTS AND BUSINESS ARTERIAL ZONE DISTRICT**

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The local business uses (A)(1) through (12) are permitted in the B3, B4, and B6 Districts; subject to the limitations and requirements of special exceptions and Figure 9 Requirements and subject to compliance with following requirements and procedure:

- A) Area requirements and location.
  - 1) B3 Neighborhood Shopping Center District, the tract of land involved shall be an area of not less than two acres.
  - 2) B4 Community Shopping Center District, the tract of land involved shall be an area of not less than five acres.
- B) The owner of such tract of land shall have obtained approval of the Board in accordance with the special exception procedures set forth and the requirements of Figure 9.

## **TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICT (TND)**

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- A) Front building line setback: 80% of the building must be built to the front property line.
- B) Minimum / Maximum Side Building Line Setback: 0 - 5 ft.
- C) Minimum / Maximum Structure height: 26 - 35 ft.
- D) Greenspace / hard surface landscaping: 10% of the lot area excluding the parking area landscaping.
- E) Signs: One canopy or wall sign per business not to exceed 1.5 times the linear square footage of the business portion of the building.
- F) Parking: One space per each residential unit and one parking space per each 500 sq. ft. of building area used for non-residential uses. Shared parking with adjacent uses will be encouraged. All parking areas shall be screened from abutting residential uses, residentially zoned area, schools, public parks or the street. For each 25 linear feet of property, one small medium species tree and three shrubs between 24 - 36 inches in height shall be required. No parking areas shall front on the urban primary arterial except for those properties with only frontage along said street. On-street parking in front of the building will count towards the non-residential portion of the parking requirements.
- G) Landscaping: One small to medium species tree and five shrubs must be planted for each 1,000 sq. ft. of lot area not covered by the building footprint. Hard surface landscaping may be substituted for greenspace requirements.
- H) Buildings: All elements of the building design shall form an integrated development, harmonious in scale, line and mass. These elements include all exterior building components such as windows, doors, eaves, and parapets; colors with brilliance and brightness shall be avoided; all walls shall be clad in brick, stone, cast concrete or stucco; mechanical equipment or other utility hardware on the roof, grounds or buildings shall be screened from view; long, massive, unbroken or monotonous buildings shall be avoided; size and height of the buildings shall be compatible with the character of the TND, each floor of the building shall be clearly delineated; all buildings in the same block shall maintain a consistent cornice line; the ground floor of the structure must provide a minimum of 50% of the front facade as clear or tinted windows, doors, or other similar treatments sufficiently transparent to provide views into the interior of the building.

## **INDUSTRIAL USES AND REQUIREMENTS**

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- A) The industrial uses defined below, including accessory buildings and uses, are permitted in the districts indicated in **Figure 5 on page 10-** in accordance with the requirements of this section.
- 1) No activity involving the storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted unless specifically licensed by the Council, and then only in the I2 District. Such activity shall be conducted in accordance with the rules promulgated by the State Fire Marshal and the State Administrative Building Council. Such materials shall include, but are not limited to, all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene, all high explosives such as TNT, RDX, HMX, PETN and picric acid; propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine, and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine, unstable organic compounds such as acetylides, telrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than 35%, and nuclear fuels, fissionable materials, and products, and reactor elements such as Uranium 235 and Plutonium 239.
  - 2) The restrictions of this section shall not apply to:
    - a) The activities of site preparation or construction, maintenance, repair, alteration, modification, or improvement of buildings, equipment, or other improvements on or within the lot line;
    - b) The operation of motor vehicles or other facilities for the transportation of personnel, materials, or products;
    - c) Conditions beyond the control of the user such as fire, explosion, accidents, failure or breakdown of equipment or facilities, or emergencies;
    - d) Safety or emergency warning signals or alarms necessary for the protection of life, limb, or property; or
    - e) Processes for which there are no known means of control shall be exempted from these provisions. Research shall be promptly conducted to discover methods of control leading to installation of corrective equipment.
  - 3) The performance standards applicable to the district in which an operation or facility is located shall be used in determining the compliance or noncompliance of any operation or facility with such standards.
- B) An I-1 Light Industrial use is one which creates a minimum amount of nuisance outside the plant, is conducted entirely within enclosed buildings, does not use the open area around such buildings for storage of raw materials or manufactured products or for any other industrial purpose other than transporting goods between buildings, provides for enclosed loading and unloading berths, and such use conforms to the following performance standards.
- 1) Smoke: The emission of more than ten smoke units per hour per stack and emissions in excess of Ringelmann No. 2 are prohibited. However, once during any 24 hour period for soot blowing, process purging, and fire cleaning, each stack shall be permitted an additional ten smoke units, during which time smoke up to and including Ringelmann No. 3 is permitted.
  - 2) Particulate Matter: The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of one pound per hour per acre, of which no more than 10% by weight of

particles larger than 44 microns (325 mesh) shall be allowed. Determination of the total net rate of emission shall be made as follows:

- a) Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area, thus obtaining a gross hourly emission rate per acre.
  - b) Deduct from the gross rate derived above, the appropriate correction factors for height of stack and stack velocity as listed in Tables 1 and 2 on page 9-2, thus obtaining the net rate of emission in pounds per hour per acre of each source.
  - c) Add together the individual rates of emission derived above of each source to obtain the total net rate of emission from all sources within the boundaries of the lot. Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads, and the like within lot boundaries, shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, or other acceptable means.
- 3) Odor: No activity or operation shall permit odors to be released which shall be detectable at the lot line.
- 4) Toxic and Noxious Materials: The emission of toxic and noxious materials shall not exceed the quantities determined by the following formula:

$$Q = 36 Cx^2 \text{ where}$$

- a) Q is the maximum permitted quantity of toxic material emitted in the four hour period having the greatest average concentration (cubic feet).
  - b) C is the threshold limit value for toxic materials in industry (parts per million by volume) as set forth in "Threshold Limit Values for Toxic Materials in Industry", 1955, issued by the Indiana State Board of Health, Division of Industrial Hygiene.
  - c) x is the nearest distance in thousands of feet from the stack, vent, flue or other discharge point to a residential district or business district boundary line (feet/1000).
  - d) When C is given as milligrams per cubic meter, multiply this figure by 0.061, place it in the above formula and obtain Q in pounds permitted in four hours. If the material is emitted from open piles, tanks, ponds, and areas, etc., the maximum permitted concentration measured at a residential district boundary line shall be 10% of the threshold limit value C.
- 5) Glare and Heat: No industrial operation, activity, or structure shall cause intense heat in such a manner as to be a public nuisance or hazard across lot lines. No industrial operation, activity, or structure shall cause illumination at or beyond any residential district boundary in excess of 0.1 foot candle.
- 6) Vibration: Any industrial operation or activity which shall cause at any time and at any point along the nearest adjacent lot line, earthborn vibrations in excess of the limits set forth in subsection (b) column 1 are prohibited. In addition, any industrial operation or activity which shall cause at any time and at any point along a residential district boundary line, earthborn vibrations in excess of the limits set forth in subsection (b) column 2 are prohibited.
- a) Vibration shall be expressed as resultant displacement in inches.

b)

C) Frequency (Per Second)	D) 1 E) Displacement F) (Inches)	G) 2 H) Displacement I) (Inches)
J) Below 10	K) .0008	L) .0004
M) 10 to 20	N) .0005	O) .0002
P) 20 to 30	Q) .0002	R) .0001
S) 30 to 40	T) .0002	U) .0001
V) 40 and over	W) .0001	X) .0001

c) The above tabulation is for steady state vibration, this is defined as continuous vibration in contrast to discrete pulses. Impact vibration, that is, discrete pulses which do not exceed 100 impulses per minute, shall not produce in excess of twice (two times) the displacement stipulated above.

7) Noise: At no point on the boundary of a residential or business district shall the sound pressure level of any operation or plant (other than background noises produced by sources not under control of this zoning guide, such as the operation of motor vehicles or other transportation facilities) exceed the decibel limits in the octave bands designated in the following table.

Octave Band Frequency (Cycles per Second)	Maximum Sound Level (In Decibels)	
	1 Along Residential Boundaries	2 Along Business Boundaries
20 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1200	46	53
1200 to 2400	40	47
2400 to 4800	34	41
above 4800	32	39

- a) The prescribed limits of column 1 above, are applicable between the hours of 8:00 a.m. and 6:00 p.m. At other times the allowable levels shall be reduced by six decibels in every octave band.
  - b) Sound levels shall be measured with a sound level meter and associated octave band filter, manufactured in compliance with standards prescribed by the American Standards Association. When sounds are of such short duration as not to be measured accurately with the sound-level meter, the impact noise analyzer as manufactured under standards of the American Standards Association shall be used to determine the peak value of the impact. Impacts shall meet the noise performance standards.
- 8) Fire hazards.
- a) The storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.
  - b) The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided the following condition is met:
  - c) The materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
  - d) The storage, utilization, or manufacture of flammable liquids or gases which produce flammable or explosive vapors, shall be permitted in accordance with Table 3 on page 9-2 (exclusive of storage of finished products in original sealed containers).
- 9) Water pollution. No industrial operation or activity shall discharge, or cause to be discharged, liquid or solid wastes into public waters unless in conformance with the State Water Pollution Control provisions.
- C) An I2 industrial use is one which requires both buildings and open area for manufacturing, fabricating, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials, manufactured products or wastes, and land or buildings in this district shall be used so as to comply to the following performance standards.
- 1) Smoke. The emission of more than 30 smoke units per hour per stack and emissions in excess of Ringelmann No. 2 are prohibited. However, once during any six hour period, for soot blowing, process purging, and fire cleaning, each stack shall be permitted an additional ten smoke units, during which time smoke up to and including Ringelmann No. 3 is permitted.
  - 2) Particulate matter. The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of three pounds per hour per acre, of which no more than 10% by weight of particles larger than 44 microns (325 mesh) shall be allowed. Determination of the total net rate of emission shall be made as follows:
    - a) Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area, thus obtaining a gross hourly emission rate per acre.
    - b) Deduct from the gross rate derived above, the appropriate correction factors for height of stack and stack velocity as listed in Tables 4 and 5 on page 9-3, thus obtaining the net rate of emission in pounds per hour per acre of each source.
    - c) Add together the individual rates of emission derived above of each source to obtain the total net rate of emission from all sources within the boundaries of the lot.

- d) Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads, and the like within lot boundaries, shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, or other acceptable means. Emission of particulate matter from such sources in excess of the weight limitations specified herein is prohibited.
- 3) Odor: No activity or operation shall permit odors to be released which shall be detectable at any residential district boundary line. In addition, such odor, when measured at the lot line, shall be rendered undetectable by mixing one volume of the odorous air with four volumes of clean air.
- 4) Toxic and Noxious Materials: The emission of toxic and noxious materials shall not exceed the quantities determined by the following formula:

$Q = 90 Cx^2$  where

- a) Q is the maximum permitted quantity of toxic material emitted in the four hour period having greatest average concentration (cubic feet).
- b) C is the threshold limit value for toxic materials in industry (parts per million by volume) as set forth in "Threshold Limit Values For Toxic Materials in Industry", 1955, issued by the Indiana State Board of Health Division of Industrial Hygiene, x is the nearest distance in thousands of feet from the stack, vent, flue, or other discharge point to a residential or business district boundary line (feet/1000).
- c) When C is given as milligrams per cubic meter, multiply this figure by 0.061, place it in the above formula and obtain Q in pounds permitted in four hours. If the materials is emitted from open piles, ponds, tanks, and areas, etc., the maximum permitted concentration measured at a residential district boundary line shall be 25% of the threshold limit value C.
- 5) Glare and Heat: The standards regulating glare and heat for a light industrial use shall apply to an industrial use.
- 6) Vibration: Any industrial operation or activity which shall cause at any time and at any point along an I1 or business district boundary, earthborn vibrations in excess of the limits set forth in subsection (b) Column 1 (below) is prohibited. In addition, any industrial operation or activity which shall cause at any time and at any point along a residential district boundary line, earthborn vibrations in excess of the limits set forth in subsection (b) column 2 is prohibited.
- a) Vibration shall be expressed as resultant displacement in inches.

Frequency (Per Second)	1 Displacement (Inches)	2 Displacement (Inches)
Below 10	.0020	.0004
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and over	.0002	.0001

- b) The above tabulation is for steady state vibration, this is defined as continuous vibration in contrast to discrete pulses. Impact vibration, that is, discrete pulses which do not exceed 100 impulses per minute, shall not produce in excess of twice (two times) the displacement stipulated above.
- 7) Noise: At no point on the boundary of a residential or business district shall the sound pressure level of any operation or plant (other than background noises produced by sources not under control of this zoning guide, such as the operation of motor vehicles or other transportation facilities) exceed the decibel limits in the octave bands designated in (B) (7).
- a) The prescribed limits of column 1 above are applicable between the hours of 8:00 a.m. and 6:00 p.m. At other times the allowable levels shall be reduced by six decibels in every octave band.
  - b) Sound levels shall be measured in the manner prescribed for this standard for a light industrial use.
- 8) Fire Hazards:
- a) The storage, utilization, or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.
  - b) The storage, utilization, or manufacture of solid materials ranging from free or active burning to intense burning is permitted provided the following condition is met:
  - c) The materials shall be stored, utilized, or manufactured in a manner approved by the State Fire Marshal and the State Administrative Building Council
  - d) The storage, utilization, or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted in accordance with Table 6 on page 9-3 (exclusive of storage of finished products in original sealed containers).
- 9) Water Pollution: The standards governing water pollution for a light industrial use shall apply to an industrial use.
- D) Other provisions and requirements for light industrial and industrial uses are as follows:
- 1) Each use shall provide a parking space for each three employees thereof located on the same lot as the use, or within 300 feet on a site approved by the Board.
  - 2) Each industrial use shall provide loading and unloading berths located on the same lot as the use, as specified in **Figure 6 on page 10-6**.
  - 3) Parking space requirements may be waived by the Board where 50% or more of the area in a block was occupied by business or industrial structures at the time of passage of the zoning ordinance.
  - 4) Groups of uses requiring parking spaces may join in establishing group public or employee parking areas with capacity aggregating that required for each participating use.
  - 5) One-half of an alley abutting the rear of a lot may be included in the rear yard, but such alley space shall not be included for loading and unloading berths.
  - 6) The building height requirement in **Figure 5 on page 10-5** may be increased if the buildings are set back, from front and rear property lines, one foot for each two feet of additional height above the maximum building height requirements.

- 7) Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, tanks, water towers, transmission towers, or essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.
- 8) In all industrial districts it is permissible to erect more than one principal building on a lot.
- 9) Where an industrial district adjoins a residential district, a solid vision block fence seven feet in height or a solid screen planting of at least six feet in height must be provided along the side and/or rear yards. However, if the minimum side and/or rear yards is 100 feet or more, no fence or screen planting is required.

# **THE ZONING GUIDE**

## **SECTION 5**

### **ADDITIONAL FLOOD REQUIREMENTS**

#### **Regulatory Flood Elevations and Regulatory Flood Requirements**

## **REGULATORY FLOOD ELEVATION**

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The regulatory flood is the protection standard within this guide. The best available regulatory flood data is listed. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Department of Natural Resources for review and approval.

- A) The regulatory flood elevation and floodway limits for the Special Flood Hazard Areas of White River, Killbuck Creek, Pittsford Ditch, and the Boland Drainage Ditch shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of the City of Anderson dated revised February 16, 1994.
- B) The report entitled "Flood Insurance Study, City of Anderson, Madison County, Indiana", dated February 16, 1994, with all accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps are hereby adopted by reference and declared to be a part of the zoning code.

The Flood Insurance Rate Maps are listed as follows:

180150-0001-0006 dated 02/16/94 (Index Map)  
180150-0001B dated 12/04/79  
180150-0002B dated 12/04/79  
180150-0003B dated 12/04/79  
180150-0004C dated 02/16/94  
180150-0005B dated 12/04/79  
180150-0006C dated 02/16/94

The Flood Boundary and Floodway Maps are listed as follows:

180150-0001-0006 dated 02/16/94 (Index Map)  
180150-0001B dated 12/04/79  
180150-0002B dated 12/04/79  
180150-0003B dated 12/04/79  
180150-0005B dated 12/04/79

- C) The regulatory flood elevation for each Special Flood Hazard Area delineated as an "AH" or "AO" Zones shall be that elevation delineated on the Flood Insurance Rate Map of the City of Anderson.
- D) The regulatory flood elevation and Floodway Limits for each of the remaining Special Flood Hazard Areas delineated as an "A Zone" on the Flood Insurance Rate Map of the City of Anderson shall be according to the best data available as provided by the Department of Natural Resources.
- E) The regulatory flood elevation and floodway limits for the Special Flood Hazard Areas of those parts of Unincorporated Madison County that are within the extraterritorial jurisdiction of the City or that may be annexed into the City of Anderson shall be according to the best data available as provided by the Department of Natural Resources.
- F) If the Special Flood Hazard Area is delineated as "AH Zone" or "AO Zone", the elevation will be delineated on the County Flood Insurance Rate Map. If the Special Flood Hazard Area is delineated as "Zone A" on the County Flood Insurance Rate Map, the regulatory flood elevation shall be according to the best available data as provided by the Department of Natural Resources.

## **REGULATORY FLOOD REQUIREMENTS FOR PREVENTING INCREASED DAMAGE TO BUILDINGS**

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- A) No development in the Special Flood Hazard Area shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety. Within the floodway identified on the Flood Boundary and Floodway Maps or the Flood Insurance Rate Maps, the following standards shall apply:
- 1) No development shall be allowed which acting alone or in combination with existing or future development, shall cause any increase in the elevation of the regulatory flood; and
  - 2) For all projects involving channel modifications or fill, including levees, the City of Anderson, Madison County, Indiana, shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.
- B) Within all Special Flood Hazard Areas identified as "A" Zones (no 100-year flood elevation and/or floodway fringe delineation has been provided) the following standard shall apply.
- 1) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth (0.1) of one foot and will not increase flood damages or potential flood damages.
- C) Public health standards in all Special Flood Hazard Areas include that no development in this Special Flood Hazard Area shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a flood proofed storage tank or building constructed according to the requirements of the section entitled REGULATORY FLOOD REQUIREMENTS FOR PROTECTING BUILDINGS.
- D) Any new and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings are located above the Flood Protection Grade, or those which are located below the Flood Protection Grade are watertight.

## **REGULATORY FLOOD REQUIREMENTS FOR PROTECTING BUILDINGS**

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- A) In addition to all damage prevention requirements, all buildings to be located in the Special Flood Hazard Area (SFHA) shall be protected from flood damage below the Flood Protection Grade. The building protection requirement applies to the following situations:
- 1) Construction or placement of any new building greater than 400 square feet.
  - 2) Structural alterations made to an existing, previously unaltered building; the cost of which equals or exceeds 49% of the value of the pre-altered building, excluding the value of the land.
  - 3) Structural alterations made to any previously altered building.
  - 4) Reconstruction or repairs made to a damaged building that are valued at or more than 49% of the market value of the building before the damage occurred, excluding the value of the land.
  - 5) Installation of a manufactured/mobile home on a new site or on an existing site. This does not apply to returning the existing manufactured/mobile home to the same site it lawfully occupied before it was removed to avoid flood damage.
- B) The building protection requirements may be met by one of the following methods:
- 1) A residential or nonresidential building may be constructed on a permanent land fill in accordance with the following:
    - a) The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.
    - b) The fill should extend at least ten feet beyond the foundation of the building before sloping below the Flood Protection Grade (FPG).
    - c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three horizontal to one vertical.
    - d) The fill shall not adversely affect the flow of surface drainage from or into neighboring properties.
    - e) The top of the lowest floor, including basements, shall be at or above the Flood Protection Grade (FPG).
  - 2) A residential or nonresidential building may be elevated in accordance with the following. The building or improvements shall be elevated on the posts, piers, columns, extended walls, or other types of similar foundation, provided:
    - a) Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings, in addition to windows and doorways, having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
    - b) Any enclosure below the elevated floor is used for storage of vehicles and building access.

- c) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as buoyancy, current, waves, ice, and floating debris.
  - d) All areas below the Flood Protection Grade shall be constructed of materials resistant to flood damage. The top of the lowest floor, including the basement, and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the Flood Protection Grade. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the Flood Protection Grade.
- 3) Manufactured/mobile homes or recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:
- a) The manufactured/mobile home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the Flood Protection Grade and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured/mobile homes placed on a site outside a manufactured/mobile home park; in a new manufactured/mobile home park; in an expansion to an existing manufactured/mobile home park; and/or in an existing manufactured/mobile home park on which a manufactured/mobile home has incurred "substantial damage" as a result of a flood.
  - b) This requirement applies to all manufactured/mobile homes to be placed on a site in an existing manufactured/mobile home park that has not been substantially damaged by a flood. The manufactured/mobile home shall be elevated so that the lowest floor of the manufactured/mobile home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- 4) A nonresidential building may be flood- proofed to the Flood Protection Grade (FPG), in lieu of elevating, if done in accordance with the following: A Registered Professional Engineer shall certify that the building has been designed so that below the Flood Protection Grade (FPG), the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Floodproofing measures shall be operable without human intervention and without outside source of electricity.
- 5) Recreational vehicles placed on a site shall be on site for less than 180 consecutive days; be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or meet the requirements for "manufactured / mobile homes."
- 6) Installation of a travel trailer or recreational vehicle on a site for more than 180 days.

## **DISCLAIMER OF LIABILITY**

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The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this section of the ordinance does not create any liability on the part of the City of Anderson, Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this section of the ordinance or any administrative decision made lawfully thereunder.

# **THE ZONING GUIDE**

## **SECTION 6**

### **CONTINGENT USES AND REQUIREMENTS**

### **SPECIAL EXCEPTIONS AND POWERS**

### **AND DUTIES OF THE BOARD OF**

### **ZONING APPEALS**

## **CONTINGENT USES AND REQUIREMENTS**

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Contingent uses defined below, including accessory buildings and uses, are permitted in the districts indicated in **Figure 7 on page 10-**, subject to the provisions herein.

- A) A contingent use is one which is likely or liable, but not certain, to occur, and which is not inappropriate to the principal use of the district which it may be located. When so located it shall conform to the requirements of the district in which the contingent use is permitted, except that the number of parking spaces to be provided shall conform to the requirements of **Figure 7 on page 10-**. The required number of parking spaces shall be provided on the same lot with the use, or within 300 feet thereof on a site approved by the Board.
- B) The building height for contingent uses shall be as provided in **Figure 8 on page 10-**.
- C) Other provisions and exceptions for contingent uses are as follows:
  - 1) The building height requirement in **Figure 8 on page 10-** may be increased if buildings are set back from front and rear property lines, one foot for each two feet of additional height above the building height requirement.
  - 2) In all districts, spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, and essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.
  - 3) A church or temple requiring parking area at times when nearby uses do not need their parking facilities, may by agreement approved by the Board, utilize such facilities in lieu of providing their own parking facilities.
  - 4) Public parking areas shall be paved with concrete or asphalt.
- D) An existing use which is listed herein as a contingent use, and which is located in a district in which such contingent use may be permitted is a conforming use. Any expansion of such contingent use involving the enlargement of the buildings, structures, and land area devoted to such use shall be subject to the procedure described in this section.

## **SPECIAL EXCEPTIONS, REQUIREMENTS AND PROCEDURES**

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- A) The special exceptions listed in Figure 9 and their accessory buildings and uses may be permitted by the Board in the districts indicated therein, in accordance with the procedure set forth in this section and the requirements listed in **Figure 9 starting on page 10-**.
- B) Upon receipt of an application for an Improvement Location Permit for a special exception by the Planning Director it shall be referred to the Commission for investigation as to the manner in which the proposed location and character of the special exception will affect the comprehensive plan. The Commission shall report the results of its study to the Board within 45 days following receipt of the application. If no such report has been filed with the Board within this time period, the Board may proceed to process the application.
- C) The Board shall then proceed with a hearing on the application in the manner prescribed. Following the hearing, and on an affirmative finding by the Board that:
  - 1) The proposed special exception is located in a district wherein such use may be permitted, and
  - 2) The requirements set forth in **Figure 9 starting on page 10-** for such special exception will be met, and
  - 3) The special exception is consistent with the spirit, purpose, and intent of the zoning code; will not substantially and permanently injure the appropriate use of neighborhood property; and will serve the public convenience and welfare.
- D) The Board shall order the Planning Director to issue an improvement location permit for the special exception.
- E) An existing use which is listed herein as a special exception, and which is located in a district in which such special exception may be permitted, is a conforming use. Any expansion of such enlargement of the buildings, structures, and land area devoted to such use shall be subject to the procedure described in this section.
- F) Any Special Exception use previously approved by the Board of Zoning Appeals which is not commenced within a period of one (1) year or which use is abandoned continuously for a period of one (1) year, and which does not meet the current requirements of Figure 9 for that Special Exception shall cease and terminate in all respects and all permits issued in respect to said Special Exception shall be considered withdrawn and revoked. In such instance, the owner shall be required to submit a new application for special exception use before the Board of Zoning Appeals.

## **POWERS AND DUTIES**

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- A) The Board shall have the following powers and it shall be its duty to:
  - 1) Hear and determine appeals from and review any order, requirement, decision, or determination made by the Planning Director in the enforcement of this zoning code.
  - 2) Hear and decide on permits for special exceptions or other uses on which the Board is required to act under this code.
  - 3) Authorize on appeal in specific cases such variances from the terms of this zoning code as will not be contrary to the public interest, where owing to special conditions, fully demonstrated on the basis of the facts presented, a literal enforcement of the provisions of this code will result in unnecessary hardship and so that the spirit of the zoning code shall be observed and substantial justice done.
- B) In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from as in its opinion ought to be done on the premises, and to that end shall have all the powers of the Planning Director from whom the appeal is taken.
- C) Every decision of the Board shall be subject to review by certiorari procedure.
- D) No variance from the development standards of the zoning code shall be approved by the Board, unless after a public hearing, the Board shall determine in writing that:
  - 1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
  - 2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
  - 3) The strict application of terms of the zoning ordinance will result in practical difficulties in the use of the property.
- E) Variances to the building protection standards may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous and surrounded by lots with existing structures constructed below the flood protection grade.
- F) The Board of Zoning Appeals shall issue written notice to the recipient of a variance that the proposed construction will be subject to increased risks of life and property and could require payment of excessive flood insurance premiums.
- G) Variances issued to the provisions of the Floodway District (FW) require the written approval of the Natural Resources Commission.
- H) Any applicant which seeks a variance from the developmental standards which pertain to the height requirements of any structure that is located within the flight path of the Anderson Municipal Airport as determined by the FAA, shall first obtain approval from the FAA before filing an application for a variance with the Board of Zoning Appeals.
- I) No variance shall be granted for a residential use within the Floodway.

- J) A variance may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects.
- K) All variances shall give minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction.

# **THE ZONING GUIDE**

## **SECTION 7**

### **MANUFACTURED HOUSING STANDARDS**

## STANDARDS

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- A) Permitted placement. The establishment, location, and use of a Type I Manufactured Home as a scattered site residence shall be permitted in any zone district permitting installation of a dwelling unit subject to the requirements set forth in Section B. Type II and Type III Manufactured Homes and Type IV Mobile Homes shall only be permitted in Mobile Home/Manufactured Home Parks. A Type I Manufactured Home shall comply with all requirements applicable to residential uses and shall also meet the following requirements and limitations.
- 1) The home shall meet all requirements applicable to single-family dwellings and possess all necessary improvement location, building and occupancy permits and other certifications as required.
  - 2) The home shall be of double section construction and meet the minimum square footage requirements for the appropriate zone.
  - 3) The home shall be attached and anchored to a permanent foundation in conformance with the regulations in the Indiana One- and Two-Family Code and with manufacturer's installation specifications.
  - 4) The home shall be covered with an exterior material customarily used on site-built residential dwellings, and such material shall extend over the top of the foundation or meet the community's site built residential dwelling home standards.
  - 5) The home shall have a roof composed of a material customarily used on site built residential dwellings, such as asbestos, fiberglass, shake, asphalt, or tile, which shall be installed onto a surface appropriately pitched for the materials used.
- B) Placement with permit. The following requirements shall be met:
- 1) The following shall require a special exception permit from the Board of Zoning Appeals: Residential Zone 1 (R1), Residential Zone 2 (R2), and Industrial Zone 3 (I3).
  - 2) The following shall be permitted provided the minimum square footage of ground floor area is met and the compatibility standards are met: Residential Zone 3 (R-3), Residential Zone 4 (R-4), Business Zone 1 (B-1), Business Zone 2 (B-2), Business Zone 3 (B-3), and Industrial Zone 1 (I-1).

## **COMPATIBILITY STANDARDS FOR MANUFACTURED HOUSING**

- A) The main body of the house shall be a rectangle.
- B) The main roof shall be pitched, rather than flat.
- C) The house shall face the street. Usually, this means that the long axis will be parallel to the street.
- D) The exterior walls shall look like wood or masonry, regardless of their actual composition.
- E) The main roof shall be shingled.
- F) The foundation shall form a complete enclosure under exterior walls.
- G) Apparent bulk shall be about the same throughout the neighborhood. There is no objection to an occasional larger house, but none shall be permitted that looks substantially smaller than the general run.

# **THE ZONING GUIDE**

## **SECTION 8**

### **NONCONFORMING USES**

Nonconforming Use Specifications  
Discontinuance of Nonconforming Buildings  
Uses Damaged Nonconforming Buildings

## **NONCONFORMING USE SPECIFICATIONS**

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The lawful use of a building or premises, existing at the time of passage of the zoning code, may be continued although such use does not conform to all the provisions of the zoning code, except as hereinafter provided.

- A) A nonconforming use may be extended throughout a building provided no structural alterations are made therein, except those required by law.
- B) A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided no structural alterations are made in the building. Whenever a nonconforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use of a less restricted one.
- C) No building shall be erected on any premise devoted to a nonconforming use, except in conformance with regulations of the zoning guide.
- D) The Board may authorize, by written permit, in any district for a period of not more than one year from the date of such permit, a temporary building for business or industrial use incidental to the construction and development of the district.
- E) Nothing herein contained shall require any change in the plans, construction, or designated use of a building for which a building permit or improvement location permit has been heretofore issued, and the construction of which has been diligently prosecuted within 90 days of the date of such permit, and which entire building shall be completed according to such plans filed within three years from the date of passage of the zoning code.

## **DISCONTINUANCE OF NONCONFORMING BUILDINGS AND USES**

- A) In the event that a nonconforming use of any building or premises is discontinued for a period of one year, the use of the same shall thereafter conform to the uses permitted in the district in which it is located.
- B) Any nonconforming open use of land shall be discontinued within five years from the date of passage of the zoning code.

## **DAMAGED NONCONFORMING BUILDING**

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Nothing in this zoning guide shall prevent the restoration of a building or structure destroyed less than 50% of its replacement value at the time of such destruction in all zone districts, except floodway and floodway fringe in which those districts, the value of the structure or building is not reduced by more than 49% (exclusive of the value of the lot) by explosion, fire, flood, earthquake, windstorm, act of God, riot or the act of the public enemy, or shall prevent the continuance of the use of such building, structure, or part thereof. The extent of the damage to the structure shall be determined by the Board of Zoning Appeals and its decision shall be final, subject only to judicial review in the event of an arbitrary abuse of discretion of the Board.

# **THE ZONING GUIDE**

## **SECTION 9**

### **INDUSTRIAL STANDARDS**

#### I-1 Zoning

- Table 1 - Allowance for Height of Emission
- Table 2 - Allowance for Velocity of Emission
- Table 3 - Total Capacity of Flammable Materials Permitted

#### I-2 Zoning

- Table 4 - Allowance for Height of Emission
- Table 5 - Allowance for Velocity of Emission
- Table 6 - Total Capacity of Flammable Materials Permitted

## INDUSTRIAL STANDARDS (I-1)

Table 1 Allowance for Height Emission*		Table 2 Allowance for Velocity of Emission*	
Height of Emission Above Grade (Feet)	Correction (Pounds per Hour per Acre)	Exit Velocity Up (Feet per Second)	Correction (Pounds per Hour per Acre)
50	0.01	0	0.00
100	0.06	20	0.03
150	0.10	40	0.09
200	0.16	60	0.16
300	0.30	80	0.24
400 and above	0.50	100 and above	0.50

\* Interpolate for Intermediate Values

Table 3 Total Capacity of Flammable Materials Permitted, Gallons*		
Industries Engaged in Storage and Distribution of Such Materials	Above Ground	Under Ground
Materials having a flash point above 190°F	Prohibited	100,000
From and including 105°F to and including 190°F	Prohibited	40,000
Materials having a flash point below 105°F	Prohibited	20,000
Industries Engaged in Utilization and Manufacture of Such Materials	Above Ground	Under Ground
Materials having a flash point above 190°F	10,000	50,000
From and including 105°F to and including 190°F	1,000	20,000
Materials having a flash point below 105°F	500	10,000

\*When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet (at S.T.P) permitted shall not exceed 300 times the quantities listed above.

## INDUSTRIAL STANDARDS (I-2)

Table 4 Allowance for Height Emission*		Table 5 Allowance for Velocity of Emission*	
Height of Emission Above Grade (Feet)	Correction (Pounds per Hour per Acre)	Exit Velocity Up (Feet per Second)	Correction (Pounds per Hour per Acre)
50	0.02	0	0.00
100	0.12	20	0.06
150	0.20	40	0.18
200	0.32	60	0.32
300	0.60	80	0.48
400	1.00	100 and above	1.00
500 and above	1.50		

\* Interpolate for Intermediate Values

Table 6 Total Capacity of Flammable Materials Permitted, Gallons*		
Industries Engaged in Storage and Distribution of Such Materials	Above Ground	Under Ground
Materials having a flash point above 190°F	100,000	400,000
From and including 105°F to and including 190°F	50,000	200,000
Materials having a flash point below 105°F	20,000	100,000
Industries Engaged in Utilization and Manufacture of Such Materials	Above Ground	Under Ground
Materials having a flash point above 190°F	50,000	400,000
From and including 105°F to and including 190°F	10,000	200,000
Materials having a flash point below 105°F	5,000	100,000

\*When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet (at S.T.P) permitted shall not exceed 300 times the quantities listed above.

# **THE ZONING GUIDE**

## **SECTION 10**

1. Residential Uses and Requirements
2. Business Uses and Requirements
3. Business Uses / Parking Spaces Required
4. Loading / Unloading Berths Required – Business Uses
5. Industrial Uses and Requirements
6. Loading / Unloading Berth Requirement – Industrial Uses
7. Contingent Uses and Requirements
8. Contingent Uses – Maximum Height
9. Special Exceptions

**Figure 1  
Residential Uses and Requirements**

Requirements	Single-Family Dwelling	Two-Family Dwelling	Multi-Family Dwelling
District in which use is permitted	R1, R2, R3, R4, B1, B2, B3, B6, I1 and I3	R3, R4, B1, B2, I1 and I3	R4, B1, B2 and I1
Minimum lot size in square feet per dwelling unit in districts indicated	R1** 9,000 R2 & I3** 7,000 R3, R4, B1, B2, B3 & I1 6,000	R3 & I3 3,500 R4, B1, B2 & I1 3,000	R4 & B1 2,500 B2 & I1 2,000
Minimum lot width in feet in districts indicated	R1 70 R2 & I3 60 R3, R4, B1, B2, B3 & I1 50	R3, R4, B1, B2, I1 & I3 50	R4, B1, B2 & I1 50
Maximum building height in feet in districts indicated	R1, R2, R3, R4, B1, B2, B3, I1 & I3 35	R3, R4, B1, B2, B3, I1 & I3 35	R435 B145 B2 & I1 80
Minimum front yard*	30 feet	30 feet	30 feet
Minimum side yard (one)	5 feet	5 feet	5 feet
Minimum side yards (both or two) in percent of lot width	20 %	20 %	20 %
Minimum rear yard	20 feet	20 feet	20 feet
Minimum ground floor area in square feet in districts indicated	One Story R1 1,100 R2 & I3 900 R3, R4, B1, B2, B3 & I1 750  Two Story R1 900 R2 & I3 750 R3, R4, B1, B2, B3 & I1 750	R3 1,250 R4, B1 & I3 960 B2 & I1 750	First two units, same as two-family dwelling, plus additional area per unit:  R4 300 B1, B2 & I1 200
Number of vehicle parking spaces to be provided on the lot	One	Two	One for each dwelling unit
Maximum lot coverage in percent of lot	35 %	35 %	40 %
Vision clearance on corner lot	Yes	Yes	Yes

\*The minimum front yard setback requirement shall not apply where the front building setback line is established in a recorded subdivision.

\*\*This represents the required minimum lot size when the following utility systems are installed and utilized: a) Sanitary Sewer System, b) Approved Public or Community Water Supply System or c) Storm Sewer System. In the absence or non-utilization of any of the above described utility systems, add the following area in square feet to the minimum lot size: a) 2,000 b) 1,000 c) 2,000

**Figure 2  
Business Uses and Requirements**

Requirements	Local Business	General Business	Office Zone District	Arterial Business Zone
Districts in which use is permitted	B1, B2, B3*, B4* & I1	B2 & I1	B5	B6*
Minimum front yard in feet in districts indicated	B1 & I1 30 B2 None B3* 45 B4* 60	B2 None I1 30	B5 30	B6 45
Minimum side yard in feet	10 feet	10 feet	10 feet	10 feet
Maximum building height in feet in districts indicated	B1 35 B2 125 B3* 40 B4* 50 I1 75	B2 125 I1 75	B5 35	B6 35
Minimum rear yard in feet	20 feet	20 feet	20 feet	20 feet
Maximum lot coverage in percent of lot	50% by buildings 75% by buildings and hard surfaces	50% by buildings 75% by buildings and hard surfaces	50% by buildings 75% by buildings and hard surfaces	75% by buildings and hard surfaces. The remainder of the lot must be maintained in green space
Vision clearance on corner lots	Yes	Yes	Yes	Yes
Sign limitations	As per Sign Ordinance	As per Sign Ordinance	One free standing sign per lot. Maximum height, 5 ft. Limited to 32 square ft. of face area in each of two directions	Only wall signs, ground signs, awnings and canopies will be permitted in this district

\*May be permitted as a special exception in accordance with the requirements of Figure 9

**Figure 3**  
**Business Uses / Parking Spaces Required**

Type of Use	Parking Spaces Required
<i>Local Business Use</i>	
Category 2 listed under paragraph (A), Business Use and Requirements	One for each 500 square feet of floor area
(A) (3) through (7), (8) (c) and (8) (e)	One for each 125 square feet of floor area
Indoor theater	One for each six seats
Bowling alley	Three for each lane plus one for each six spectator seats
Dancing academy	One for each 200 square feet of floor area
Private club or lodge	Space to accommodate 50 % of the active membership at one space per each 3 members
Department store	One for each 200 square feet of floor area
<i>General Business Use</i>	
Hotel	One for each three employees plus one for each two sleeping rooms
Storage Warehouse and Wholesale Establishment	One for each three employees or occupants. The maximum number of employees or occupants to be used in determining spaces.
Motor Bus or Railroad Passenger Station	One for each three employees plus one for each ten seats in waiting room. Other retail uses in connection therewith shall provide one space for each two employees.
Automobile and Truck Repair	One for each 200 square feet of floor area
Veterinary Hospital for Small Animals or Kennel	One space for each 3 animals to be confined in temporary or permanent pens or cages
Category 12, paragraph (B), General Business Uses	As determined by the Board
<i>Office Zone District</i>	
Doctors, surgeons, and dentists	One space per each 200 square feet of building plus one space per each doctor and one space per each two employees
Professional offices other than medical, surgical, and dental	One space per each 500 square feet of building plus one space per each practicing person and one space per each two employees
Nonprofessional business offices	One space per each 200 square feet of building plus 1 space per each 2 proprietors and employees
Charitable and nonprofit organizations	One space per each 500 square feet of building plus one space per each two employees except where such offices house meeting rooms for membership activities in which case an additional one space per each 125 square feet of building will be required

### Figure 4

### Loading / Unloading Berths Required – Business Uses

Type of Use	Gross Floor Area (Sq. Ft.)	Loading and Unloading Berths Required
Retail Stores	3,000 to 15,000	1
Department Stores	15,001 to 40,000	2
Wholesale establishments, storage uses, and other business uses	Each 25,000 Additional	1 Additional
Office Buildings	100,000 or less	1
	100,001 to 336,000	2
	Each 200,000 Additional	1 Additional

### Figure 5

### Industrial Uses and Requirements

Requirement	Light Industrial	Industrial
Districts in which use is permitted	B2, I1, I2 & I3*	I2 & I3*
Minimum front yard in feet: for Arterial Street for Collector Street for Local Street	75 45 30	75 45 30
Minimum side yard in feet	B2 & I1 10 I2 & I3 20	I2 & I3 25
Minimum rear yard in feet	B2 & I1 20 I2 & I3 30	I2 & I3 35
Maximum building height in feet	B2 125 I3 35 I1 & I2 75	I2 75 I3 35
Maximum lot coverage in percent of lot	B2, I1 & I2 90 I3 80	I2 90 I3 80
Vision clearance on corner lots	Yes	Yes

\*When located in a planned industrial development comprising not less than twenty acres and provided further that the entire area is planned for industrial use with requirements for substantial architectural design of buildings, adequate vehicle parking space and adequate transportation and sanitary facilities. See Figure 9 for additional requirements.

**Figure 6****Loading / Unloading Berth Requirements – Industrial Uses**

Gross Floor Area of Industrial Use in Square Feet	Number of Berths Required
15,000 or Less	1
15,001 to 40,000	2
40,001 to 100,000	3
Each 40,000 Additional	1 Additional

**Figure 7****Contingent Uses and Requirements**

Type of Use	Districts in which Use is Permitted	Number of Parking Spaces to be Provided
Agricultural, of a noncommercial character	All	Not applicable
Boarding or lodging house	R4, B1, B2, B3 & I1	One for each three occupants
Fraternity, sorority, and student cooperatives	R3, R4, B1, B2 & I1	One for each three occupants
Lodge or private club (which is of a non-commercial character)	R3, R4, B1, B2 & I1	One for each 125 square feet of floor area of building(s)
Mortuary	R3, R4, B1, B2, B3, B6 & I1	One for each six seats in main auditorium
Nursing home or homes for the aged	R3, R4, B1, B2 & I1	One for each seven persons
Professional office in residence of practicing professional person	All	Two additional
Plant nursery	All	None required
Public library or museum	All, except B4	One for each 125 square feet of floor area of building
A professional office consisting of two practicing professionals of the same profession located in a dwelling occupied as a residence by at least one individual other than the professionals. Three professionals of the same profession would be permitted if one of the professionals was the owner of the dwelling and also resided therein.	R4	One per employee, plus one for each 500 gross square feet, or fraction thereof, of ground floor area of building. No parking shall be permitted in front yards.

**Figure 8  
Contingent Uses - Maximum Height**

Districts in which Use is Permitted	Maximum Building Height in Feet
R1, R2, B3, & B4	25
R3, B1 & I3, B6	35
R4, B2 & I1	50
I2	75

**Figure 9  
Special Exceptions**

SPECIAL EXCEPTION	DISTRICTS IN WHICH USE MAY BE PERMITTED	REQUIREMENT DESIGNATION
Adult Drive-In Theater	I1	c6, i6, p, r1, s, t, u3, v, w, y
Airport	R1, I1, I2, & I3	b12, g, h2, i1, j1, k1, l2, n2, p, r1, s, t, u2, v, w, y
Arterial Business	B6	a2, c1, g, g1, g2, h1, j6, k33, p, q1, s, t, u, v1, w, x, ee1, ff, gg, hh1, hh2, hh3, ii
Artificial lake of three or more acres	All	c1, i1, j1, p, r1, u1, u3, v, w, y
Automobile filling station	B1, B2, B3, B4, I1 and I2	b1, c1, h1, j1, p, s, t, v, w
Bed & Breakfast Units	All, except B3, B4, I2 & FW	bb1, bb2, bb3, bb4, bb5, bb6, bb7, bb8, bb9, bb10
Cemetery or crematory	All except B3 and B4	b11, c2, p, q, r1, v, w
Church or Temple	All except B3, B4 and I2	b6, c1, k30, and ee
Clinic or medical health center	R3, R4, B1, B2, B3, B4, B6 and I1	b1, c3, h4, j1, k3, l1, r1, v, w, y
College building	All except B3, B4 and I2	b1, c6, d3, g, h4, k4, l2, m1, p, t, v, y
Composting Facility (Indoor)	I1, I2, and I3	c1, dd, e1, g, k32, p, p1, u4
Composting Facility (Outdoor)	I1, I2, and I3	e1, g, i10, k32, p, p1, r1, t, u4
Country club or golf course	All except B3 and B4	c1, d3, j1, k5, l1, p, r1, u3, v, w, y
Fill	All	i1, p, u3
Fire station or police station	All	b1, c1, h1, j1, k6, l1, s, y

## Figure 9 Special Exceptions

Garbage Transfer Station	B2, I1, I2 and I3	c1, e, k25, p, r2, s, t, v, w, y
Greenhouse, commercial	All except B3 and B4	b4, c6, f2, h1, k7, m4, n1, r1, v, w, y
Heliport	All	b6, g, h2, i2, j1, k1, l2, n2, p, r1, s, t, u2, v, w, y
Home occupation	All	b1, c1, f1, h1, k8, v, y
Hospital	All except B3, B4 and I2	b7, c6, g, h5, j1, k9, l2, m5, n1, p, s, t, v, y
Industrial park	All except B3 and B4	a1, b10, c7, d3, g, h3, j2, k10, l2, m6, n2, o, p, q, r1, s, t, v, w, y
Junk yard	I2	c1, e, h1, i4, k11, l5, m2, n3, r1, v, w, y
Kindergarten or day nursery	All except R1, R2, B4, I2 and I3	b3, c8, f3, h1, i3, j1, k12, p, r1, v, y
Mineral extraction, borrow pit, top soil removal, and their storage areas	I1, I2 and I3	c9, e, h1, i5, j1, n3, r1, s, t, u3, v, w, y
Mobile home park/ Manufactured home park	R4, B2, I1, I2 & I3	b8, c12, d2, g, h6, j1, k13, l2, o, p, q, r1, s, u1, v, w, y, jj
Municipal or government building	All	b1, c1, h1, j1, k28, l1, p, y
Open automobile or mobile home sales area and leasing	B1, B2, I1 and I2	b16, c1, e, j1, k29, p, v, z
Outdoor theater; excluding, however, an Adult drive-in theater	All except R1, R2, R3, R4, B1, B2 and B4	c6, i6, p, r1, s, t, u3, v, w, y
Outdoor commercial recreational enterprise	All	c4, d1, g, h1, i1, j3, k14, l2, n1, p, r2, s, t, u1, u3, v, w, y
Penal or correctional institution	B2, I1, I2 and I3	b12, c10, e, g, k15, l5, n3, p, r1, y
Planned industrial development	I3	a3, b10, d2, g, j1, k10, m6, n1, p, r1, s, t, w, cc
Power transmission line	All	p, u3
Practice golf-driving range	All except R1, R2, R3 and R4	c6, i7, j3, k16, l2, r1, v, y
Private recreational development	All	c4, g, h1, j3, k2, l2, r1, v, w, y
Produce terminal, wholesale	I1, I2 and I3	b9, c7, d3, e, h1, i8, j1, k11, l4, m3, n2, p, r1, s, t, v, w, y
Public camp	All except I2 & FW	b15, c6, d1, g, h7, j3, k17, l2, r1, u1, v, w, y

**Figure 9  
Special Exceptions**

Public or commercial sanitary fill or refuse dump	I2 and I3	b11, c11, e, i9, j5, r1, u1, u3, v, w
Public or commercial sewage or garbage disposal plant	I2 and I3	b11, c11, e, k19, r1, u1, u3, v, w
Public or employee parking area	All	b2, p, r1, s, t, v, x, y, z
Public park or public recreational facility	All	c4, g, h1, j2, k21, l2, t, v, w
Radio or television tower	All	k19, p, r1, v
Railroad right-of-way and uses essential to railroad operation	All	h1, k20, r1, u3, v
Raising and breeding of non-farm fowl and animals, commercially, except kennel	B2, I1 and I2	b7, c10, h1, j1, k7, l2, m1, n2, r1, v, w, y
Residential development plan	All, except B2 and I2	a4, b9, c1, f1, g, h1, k22, o, p, q, s, t, u1, w, y, aa
Riding stable	I1 and I2	b5, c10, h1, j1, k21, m1, r1, v, w, y
School, Public and Private	All except B3, B4 and I2	c6, g, k31, l2, p, t, v, y, ee
Seasonal fishing or hunting lodge	All	b1, c1, f4, k22, u3, v, w, y
Shopping center (community)	B4	a2, b7, g, j1, k23, l3, m3, n1, o, p, s, t, u1, v, y
Shopping center (neighborhood)	B3	a2, b15, g, j1, k23, l2, m3, n1, o, p, s, t, u1, v, y
Stadium or coliseum	All except R1, R2, R3, B3 and B4	b7, c2, j1, k24, l2, m2, n1, p, r2, s, t, v, y
Tourist home	All except R1, R2, B2, B4 and I2	b1, c1, f1, h1, k26, r1, v, y
Truck freight terminal	B2, I1, I2 and I3	c1, e, k25, p, r2, s, t, v, w, y
Utility Substation, Exchange, or Power Generating Plant	All	c1, g, j4, k18, r1, v, y, dd

*If the nature of the special exception involves more than one of those listed, the applicant may apply for an improvement location permit for the special exception which most closely relates to the primary use, provided that the requirements of all the related uses will be met.*

## **FIGURE 9 REQUIREMENTS**

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*NOTE: Use of # Symbol in the Figure indicates that the requirements of the District apply to the Special Exception where located.*

The following gives the Requirement Designation and their Requirements:

### **A) CLASSIFICATION OF USE PERMITTED**

- 1) Light industrial
- 2) Local business
- 3) Industrial
- 4) Residential

### **B) MINIMUM LOT AREA**

- 1) #
- 2) 4,000 sq. ft.
- 3) 110 sq. ft. per child
- 4) 25,000 sq. ft.
- 5) 20,000 sq. ft. plus 5,000 sq. ft. per horse over four (4) horses
- 6) One acre
- 7) Five acres
- 8) Five acres including 2500 sq. ft. per mobile home stand
- 9) Six acres
- 10) 20 acres
- 11) 40 acres
- 12) 80 acres
- 13) 320 acres
- 14) Two times requirement for single family dwelling
- 15) Two acres
- 16) 4,000 sq. ft. minimum lot area for sales

**C) MINIMUM YARDS (Feet)**

	<u>Front</u>	<u>Side (each)</u>	<u>Rear</u>
1)	#	#	#
2)	#	50	50
3)	#	10	30
4)	#	40	40
5)	#	–	–
6)	100	40	40
7)	100	Abutting residential-75	Abutting other use-35
8)	#	20	#
9)	150	150	150
10)	100	100	100
11)	300	300	300
12)	60	40	40

**D) BUILDING SETBACK FROM CENTER LINE OF INTERIOR ROAD (Feet)**

- 1) 40
- 2) 50
- 3) 85

**E) USE PERMITTED NOT CLOSER THAN 300 FEET TO A RESIDENTIAL USE**

- 1) Use not permitted closer than 600 feet to a residential structure

**F) MINIMUM GROSS FLOOR AREA OF PRINCIPAL BUILDING(S) (Square Feet)**

- 1) #
- 2) Over 1000
- 3) Determined by number of children to be accommodated
- 4) 400
- 5) Two times single-family dwelling
- 6) 672

**G) PLAN OF LANDSCAPE DEVELOPMENT TO BE SUBMITTED WITH APPLICATION**

- 1) 25% of lot must be developed in green space
- 2) Along the perimeter of parking lot, one tree and two shrubs shall be planted for each five (5) parking spaces which will serve as a visual separator and a physical barrier to aid in controlling circulation of vehicles and pedestrians, to identify entrances and exits, and to improve the appearance of the parking area. Deciduous trees are to be minimum of two (2) inch diameter or eight feet tall at time of planting. Evergreens shall be a minimum height of five (5) to six (6) feet. These plantings are to be considered separately from the bufferyard requirements.

**H) MAXIMUM HEIGHT OF STRUCTURE (Feet)**

- 1) #
- 2) As required by appropriate state or federal agency
- 3) Same as light industrial
- 4) 45
- 5) 70
- 6) 35
- 7) 18

**I) FENCE**

- 1) Six-feet wire mesh where accessible to the public
- 2) Six-feet wire mesh when located at ground level
- 3) Four-feet wire mesh around play area
- 4) Solid wall or solid painted fence eight feet high
- 5) Four-feet wire mesh abutting residential use
- 6) Painted board fence eight feet high
- 7) Adequate to protect abutting use
- 8) Six-feet wire mesh
- 9) Six-feet solid painted for refuse dump
- 10) Six-feet earth berm abutting residential use or thoroughfare

**J) SCREEN PLANTING WHERE ABUTTING RESIDENTIAL USE  
(Tight screen, effective at all times)**

- 1) Six-feet height by six-feet width
- 2) 25 feet abutting residential district or use
- 3) Eight-feet height by six-feet width
- 4) Adequate to screen power substation from street view

- 5) Six-feet high along streets for refuse dump
- 6) Bufferyard required in the rear and side yards

**K) PARKING SPACES (All handicapped spaces shall meet ADA standards)**

- 1) One per two employees plus one per four seats in waiting room
- 2) One per two customers or members
- 3) One per two employees plus three per doctor
- 4) One per three employees plus one per six students
- 5) One per three employees plus one per 10 members
- 6) One per three employees per shift
- 7) One per three employees plus one per 125 square feet of sales area
- 8) One additional
- 9) One per four beds plus one per doctor plus one per three employees plus one per hospital vehicle
- 10) One per two employees on largest shift
- 11) One per two employees
- 12) One per two employees plus one per five children to be accommodated
- 13) One per two employees plus one per mobile home stand
- 14) One per three employees plus one per 500 square feet of use area
- 15) One per three employees plus one per 10 inmates at estimated capacity
- 16) One per three employees plus one per driving tee
- 17) One per campsite and one per cabin
- 18) Telephone exchange - one per employee
- 19) One per employee per shift
- 20) One per two employees where headquartered
- 21) One per 5,000 square feet
- 22) One
- 23) One per 60 square feet of sales area
- 24) Three per four employees plus one per four seats

- 25) One per two employees plus four for customers
- 26) One per employee plus one per sleeping accommodation
- 27) #
- 28) One per employee plus one for each six seats in main auditorium
- 29) One parking space per 1,000 sq. ft. of lot area
- 30) One parking space per each two seats in the main sanctuary and adjoining seating areas connected to the main sanctuary.
- 31) One parking space per staff member plus one parking space per each 5,000 sq. ft. of building space, and one parking space per each four students of driving age.
- 32) Three parking spaces plus one additional parking space for each employee.
- 33) As per development plan with a minimum front yard setback of 15 feet to be maintained as green space and being a minimum of 10 feet from the side property lines. The Board of Zoning Appeals shall have the right to determine if the number of parking spaces is adequate.

**L) DISTANCE OF PARKING AREA FROM RESIDENTIAL USE (Feet)**

- 1) 10
- 2) 25
- 3) 50
- 4) 100
- 5) 300

**M) NUMBERS OF LOADING AND UNLOADING BERTHS (shall not face on bordering highway)**

- 1) One
- 2) Two
- 3) Per development plan
- 4) 15,000 square feet - One; Over 15,000 feet - Two
- 5) Up to 200 beds - One; 200 to 500 beds - Two; Over 500 beds - Three
- 6) Per Figure 6 on page 10-

**N) DISTANCE OF LOADING AND UNLOADING BERTH FROM RESIDENTIAL USE (Feet)**

- 1) 50
- 2) 100

- 3) 300
- O) PLAT APPROVAL BY PLAN COMMISSION AFTER APPROVAL BY BOARD OF ZONING APPEALS**
- P) DEVELOPMENT PLAN TO BE SUBMITTED WITH APPLICATION**
- 1) The development plan for a composting facility shall include signage, landscaping, lighting, and drainage plans, a topographic map, and it shall be accompanied by a description of the composting facility, the estimated volume of materials to be received, the area that it will serve, and the manner in which it will operate the facility.
- Q) COVENANT BY OWNERS TO PERPETUATE MAINTENANCE AND APPROVE FUTURE IMPROVEMENTS**
- 1) Covenant by landowner to maintain the bufferyard and green space, as approved by the Board of Zoning Appeals, stating that all plant materials which die must be replaced within six (6) months so as to maintain the approved landscape plan.
- R) MAXIMUM NUMBER OF PRINCIPAL ENTRANCES FROM MAJOR THOROUGHFARE**
- 1) One
- 2) Two
- S) ACCEPTABLE RELATIONSHIP TO MAJOR THOROUGHFARE**
- T) THOROUGHFARES MUST BE ADEQUATE TO CARRY ADDITIONAL TRAFFIC ENGENDERED BY USE**
- U) OTHER AUTHORITY APPROVAL REQUIRED WHERE APPLICABLE**
- 1) State and/or Madison County Board of Health
- 2) Aeronautics Commission of Indiana
- 3) Indiana Department of Natural Resources
- 4) Indiana Department of Environmental Management
- V) DVERTISING SIGNS AND OUTDOOR ARTIFICIAL LIGHTING SHALL BE APPROVED BY THE BOARD OF ZONING APPEALS**
- 1) All lighting located on a lot abutting or across the street from any residential use shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m. except during such time as the business is open and in operation.
- W) DISPOSAL OF LIQUID AND OTHER WASTES SHALL MEET THE APPROVAL OF THE STATE BOARD OF HEALTH**
- X) NO SALES, DEAD STORAGE, REPAIR WORK OR DISMANTLING ON THE LOT**
- Y) NO PARKING IN THE FRONT YARD, EXCEPT AS PROVIDED IN THE BUSINESS DISTRICTS**

**Z) EXCEPT FOR APPROVED EXITS AND ENTRANCES, A MASONRY WALL 4-FEET IN HEIGHT AND 6-INCHES THICK ERECTED AT REQUIRED FRONT LINE OF BUILDING AND MAY BE REQUIRED ALONG BOUNDARIES OF PARKING AREA AS DETERMINED BY THE COMMISSION FOR THE PROTECTION OF RESIDENTIALLY ZONED OR USED PROPERTY**

**AA) AREA PER FAMILY FOR RESIDENTIAL DEVELOPMENT PLAN - FIGURE 1 ON PAGE 10-**

**BB) BED AND BREAKFAST UNITS**

- 1) The residence shall be owner-occupied.
- 2) The bed and breakfast use shall be confined to the principal residential structure.
- 3) No structural additions or enlargements shall be made to accommodate the bed and breakfast use, and no exterior alterations to the structure shall be made which would change the residential appearance of it.
- 4) The minimum total floor area of the principal residential structure needed to establish a bed and breakfast use shall be 1,500 sq. feet. Each bed and breakfast unit in excess of one shall require an additional 500 square feet of total floor area.
- 5) One additional off-street parking space shall be provided for each bed and breakfast unit established, screening and buffering shall be required.
- 6) Dining and other facilities shall not be open to the public but shall be exclusively for the use of the residents and registered bed and breakfast guests.
- 7) Only one non-animated, non-illuminated, non-flashing sign shall be permitted. Said sign shall be attached flat against the wall of the principal residential structure and shall not exceed one square foot in area.
- 8) There shall be no non-resident employees hired solely for the purpose of working in the bed and breakfast use.
- 9) The applicant is responsible for obtaining all inspections, permits and licenses, etc., as may be required by law.
- 10) The applicant is responsible for determining the effect, if any, of the bed and breakfast use upon any subdivision restrictions, deed covenants, etc. that may encumber his/her property.

**CC) OUTDOOR STORAGE SHALL BE PERMITTED ONLY IN THE INTERIOR REAR YARDS ENCLOSED BY AN 8 FT. HIGH MASONRY WALL OR VISION BLOCK FENCE NOT TO EXCEED 75% OF THE GROSS FLOOR AREA FOR THE MAIN BUILDING. THE OUTDOOR STORAGE CANNOT EXCEED THE HEIGHT OF THE MASONRY WALL OR VISION BLOCK FENCE.**

**DD) ALL LIGHT INDUSTRIAL STANDARDS SHALL APPLY.**

**EE) PUBLIC SIDEWALKS SHALL BE LOCATED ON ALL ADJACENT STREETS.**

- 1) Sidewalks may be required by the Board of Zoning Appeals when applicable.

**FF) PUBLIC WATER AND SEWER LINES SHALL BE EXTENDED ACROSS THE FRONT OF THE PROPERTY SO AS TO SUPPORT THE CONTINUANCE OF AN OVERALL SYSTEM. ALL NEW UTILITIES SHALL BE PLACED UNDERGROUND.**

**GG) THE BUFFERYARD SHALL HAVE A MINIMUM WIDTH OF 25 FEET AND IS A PART OF YARD SETBACK. THE BUFFERYARD REQUIRES AN EARTHEN BERM HAVING A MINIMUM HEIGHT OF THREE (3) FEET AND MINIMUM SLOPE OF 25 PERCENT. A MINIMUM OF EIGHT (8) CANOPY. LARGE DECIDUOUS OR EVERGREEN TREES, SEVEN (7) UNDERSTORY DECIDUOUS OR EVERGREEN TREES, AND TWENTY (20) DECIDUOUS OR EVERGREEN SHRUBS PER 100 LINEAR FEET OF BUFFERYARD IS REQUIRED. THE BUFFERYARD SHALL BE GRASSED OR MULCHED. THIS SHALL PROVIDE A SOLID SCREEN OF WHICH NOTHING IS VISIBLE THROUGH IT AT ANY TIME OF THE YEAR. WHEN A PARCEL OF LAND CONTAINS A "PANHANDLE" OR OTHER NARROW SHAPE, THE BUFFERYARD REQUIREMENTS MAY BE MODIFIED ALONG THE IRREGULAR PORTION OF THE PARCEL PERIMETER WITH THE APPROVAL OF THE BOARD OF ZONING APPEALS.**

**THE BOARD OF ZONING APPEALS MAY IN ITS DISCRETION APPROVE A SOLID WOOD EU OF AND/OR IN ADDITION TO THE BUFFER YARD REQUIREMENTS HEREIN.**

**HH) ACCESS WAYS**

- 1) The location and number of access ways shall be so arranged that they will reduce traffic hazards. Reduction of access points through cross-access easements and joining driveways will be utilized. Driveways will be right-in, right-out only unless specified by the Board of Zoning Appeals. The specific location of access ways shall be determined by the applicable governmental entities.
- 2) At vehicular entrances and exits, no off-street parking, landscaping or other material shall be an impediment to visibility between the heights of three (3) feet to eight (8) feet; nor shall it create potential hazards to pedestrians or approaching vehicular traffic.
- 3) The minimum number of stacking spaces for each drive up and or drive thru service window thru which business is transacted shall be determined by the Board of Zoning Appeals based upon the use, the development design, and current engineering standards.

**II) ALL EXTERIOR FACADES, INCLUDING THE REAR, MUST BE CONSTRUCTED IN THE SAME ARCHITECTURAL STYLE AND WITH THE SAME QUALITY BUILDING MATERIALS AS THE SIDE FACING THE ARTERIAL THOROUGHFARE.**

**JJ) MOBILE/MANUFACTURED HOME PARKS**

- 1) A maximum of eight (8) mobile/manufactured home(s) shall be permitted on each acre of land within a mobile/manufactured home park.
- 2) There shall be a minimum of ten (10) feet separating the closest point of a mobile/manufactured home from all other mobile/manufactured homes and their attached accessory structures.
- 3) There shall be minimum of six (6) feet separating all detached accessory buildings from each mobile/manufactured home and all other detached accessory structures.
- 4) All additions, carports, enclosures and garages require Improvement Location Permits and Building Permits prior to construction.

# **THE ZONING GUIDE**

## **SECTION 11**

### **SIGNS**

- Definitions
- General Requirements
- Permitted signs not requiring an Improvement Location
- Permit and allowable in all districts
- On-premise signs
- Permitted signs requiring Improvement Location Permit
- Prohibited Signs
- Penalty

## **DEFINITIONS**

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**BUILDING SURFACE:** The total surface of a building face to which a sign is attached.

**CONSTRUCTION SIGN:** Any sign announcing the names of architects, engineers, contractors, or other individuals or firms involved with the construction, alteration, or repair of a building project or announcing the character of the building enterprise for the purpose for which the project is intended.

**DIRECTIONAL OR WARNING SIGN:** An on-premise sign in front of the building containing information relative to expediting pedestrian or vehicular traffic flow and parking.

**DRIVEWAY VISION CORNER CLEARANCE:** A triangular space at the intersection of the driveway and adjoining property line. The triangular space is determined by a diagonal line connecting two points measured fifteen (15) feet equidistant from the point of intersection along the property line and the driveway, then connecting those two points to form a triangle. No mobile signs shall be permitted in this triangular space.

**EMBELLISHMENT:** Letters, figures, characters or representatives in irregular form which are to be used as a supplement to the primary sign structure.

**ENTRANCE SIGN:** A sign used to identify a planned district or platted subdivision with the intention of providing knowledge about the complete project and not a single entity or unit.

**FACIA SIGN:** A sign attached to or erected against a wall of a building.

**FREESTANDING BUILDING:** An independent building which is physically separated from any other structures on the same parcel and is further identified by its own parking lot and landscaping layout, circulation flow, and other features which qualify a building as a complete independent unit.

**FRONTAGE:** The length of the property line of any parcel along each street which it borders.

**GROUND SIGN:** A low-profile, on-premise sign completely or principally self-supported by posts or other sign apparatus independent of any building or other structure.

**HEIGHT OF SIGN:** The vertical distance measured from the base ground level to the highest point of the sign.

**HOME OCCUPATION SIGN:** A sign stating solely the name of the person and the name of the permitted occupation as approved by the Board of Zoning Appeals.

**IDENTIFICATION SIGN:** Any permanently attached, freestanding, roof, or projecting on-premise sign which advertises or identifies the premises where a business, service, or activity is located.

**INSTITUTION SIGN:** An on-premise sign identifying a society, corporation, or group facility of a public character.

**MARQUEE SIGN:** A sign displayed, erected, or supported upon an overhanging marquee, canopy, awning, or other similar cover or shelter.

**MOBILE SIGN:** A sign which is designed to be moved from one location to another and is not intended to remain as a permanent sign.

**MULTI-FACED SIGN:** Any sign in a three-dimensional configuration, including but not limited to cubes, spheres, and cylinders.

**OFFICE SIGN:** An on-premise sign in a B-5 zone district not exceeding 32 square feet in area.

**OFF-PREMISE SIGN:** Any sign which directs attention to a use, business, product, service, or activity not conducted, sold, or offered upon the premises where the sign is located.

**ON-PREMISE SIGN:** Any sign identifying or advertising a business, person, activity, goods, product, or service located on the premises where the sign is installed.

**PAINTED GRAPHICS:** Any advertisement painted directly onto the wall of a building.

**POLE SIGN:** A high-profile, on premise sign completely and principally self-supported by posts or other sign apparatus independent of any building or other structure.

**POLITICAL SIGN:** Any temporary sign pertaining to an election or a referendum or carrying the picture or name of a person seeking election or appointment to a public office.

**PRIMARY ARTERIAL:** Those streets or highways so designated on the map contained in the city's Thoroughfare Plan.

**PROJECTING SIGN:** A sign which is affixed to any building, wall, or structure and extends greater than 18 inches beyond the building wall or parts thereof.

**PUBLIC SERVICE SIGN:** Signs of a public, noncommercial nature to include safety signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, and all signs erected by or on order of a public office in the performance of a public duty.

**RENTAL AGENT:** Any person, firm, corporation or organization which provides, by lease or otherwise, a mobile sign to any other person, firm, corporation or organization.

**RIGHT-OF-WAY:** That portion of real property reserved and appropriated by the City of Anderson or any other governmental unit to be used for easements for utility purposes or street improvements. In determining the boundary lines of real property located within the City of Anderson, such lines shall not extend into any legal right-of-way.

**ROOF SIGN:** A sign erected upon or above a roof or parapet of a building.

**SECONDARY ARTERIAL:** Those streets or highways so designated on the map contained in the city's Thoroughfare Plan.

**SHOPPING CENTER SIGN:** An on-premise sign identifying a shopping center.

**SIGN:** Any identification, description, illustration, or device which is in view of the general public and which directs attention to a person, place, commodity, activity, institution, organization, or business. SIGN shall include any and all supportive apparatus identification, description, illustration, or device.

**TEMPORARY SIGN:** A sign which is not permanently installed, such as an advertising display constructed of cloth, canvas, light fabric, cardboard, or other light material and temporarily installed for a maximum period not to exceed two weeks.

**WALL SIGN:** An on-premise sign attached to, or erected against a wall of a building or structure.

## **GENERAL REQUIREMENTS**

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Signs may be erected and maintained as long as the requirements of this subsection and all applicable ordinances and codes of the city, state, and federal government are met.

- A) Permit requirements. Improvement location permits shall be obtained prior to placement of any new sign, in any zone, including mobile signs, excepting those signs which are otherwise exempted by this subsection.
- B) Application requirements. The application for an improvement location permit shall require a site plan and set forth the name, address, and telephone number of the individual, corporation, or business responsible for repair and maintenance of the sign.
- C) Traffic hazard. Any sign that is deemed a traffic hazard because it obstructs the view of any approaching road or intersection, railroad, school, playground or park, or pedestrian crosswalk, or contributes to any other situation which may endanger the health and welfare of any pedestrian or occupant of any vehicle shall be prohibited.
- D) Lighting. Whenever an external artificial light source is used to illuminate a sign, illumination shall be located, shielded, and directed to as not to be directly visible from any public street or adjacent residentially used property at grade level. All artificial illumination shall be so designed, located, shielded, and directed as to illuminate only the sign face and to prevent the casting of glare or direct light upon the adjacent properties or street.
  - 1) Level of Illumination. In no event shall the illumination of any sign, resulting from internal or external artificial light source, exceed 50 foot candles when measured with a standard light meter held perpendicular to the sign face at a distance of four (4) feet.
  - 2) B6 district, signs adjacent to residential uses. Any illuminated sign located on a lot abutting or across the street from any residentially used property shall not be illuminated during the hours of 11:00 p.m. through 7:00 a.m.; except such sign may remain illuminated during such time as the activity to which the sign pertains is engaged in the operation of business.
- E) Obsolete signs. A sign face which advertises a product or service no longer available on the premises of a business, or which advertises a business which has closed permanently or which has moved from the business location on which the sign is located, must be removed within one year from the happening of the event which renders the sign face obsolete.
- F) Area of a sign.
  - 1) Single-faced signs. The area shall be determined by the smallest circle, triangle, or rectangle that can be used to enclose the sign exclusive of supporting members that bear no message.
  - 2) Double-faced signs. The area of these signs will be determined in the same manner as single-faced signs provided that the facings are back-to-back. A v-type sign may be permitted, if the greatest point of separation between sign faces does not exceed 15 feet.
  - 3) Multi-faced signs. Area shall be determined by the smallest circle, triangle, or rectangle that can be used to enclose the largest single surface or largest cross-section of the sign, exclusive of supporting members that bear no message.
- G) Nonconforming signs.

- 1) Lawful nonconforming signs. All permanently attached or affixed signs legally existing prior to the enactment of this subsection, shall be regarded as lawful nonconforming signs and may be continued, subject to being properly repaired and maintained, so long as the existing sign is not expanded in size or relocated, unless the expansion or relocation brings the sign into conformity with this subsection, and so long as no additional signs are placed on the same sign apparatus upon which the existing sign is located.
- 2) Destroyed sign. Whenever an existing lawful nonconforming sign and apparatus located in any zone district, except the floodway or floodway fringe district, shall be destroyed by more than 50% of its replacement value, by explosion, fire, windstorm, flood, earthquake, act of God, riot, or act of public enemy, the sign and apparatus may be reinstated only in compliance with the provisions of this subsection.
- 3) Permitted alterations. Nothing in the foregoing shall prevent ordinary maintenance; poster panel replacement; copy changes or lettering; repair; or the reconstruction and upgrading of the nonconforming signs, provided that there shall be no enlargement of size, or change of location of the signs, unless the entire nonconforming sign and structure are brought into conformance with the provisions of this subsection.
- 4) Amortization of Nonconforming Signs in a B6 District. All nonconforming signs shall be removed or made to conform to the requirements of the B6 zone district within five (5) years of the effective date of this amendment (1/12/95).

H) Abandoned Signs.

- 1) Whenever it appears that a sign or sign structure has been abandoned or that an establishment advertised or identified by a sign or other identifying device is no longer in business, the Planning Director shall attempt to contact the owner and arrange for its removal. Failing to this attempt, a notice shall be placed in the local newspaper which shall declare the intentions of the City to remove the sign. The advertisement shall run twice per week per two consecutive weeks; and if the sign is not removed or suitable arrangements made for its removal within thirty (30) days of the first notice published, the Planning Director shall cause the sign to be removed at the owner's expense.

I) Flags.

- 1) In a B6 zone district, flags of government or political, civic, philanthropic, education or religious organization or bearing corporate logos are permitted subject to the following requirements:
  - a) Three (3) flags which are no larger than fifty square feet in area or which extend beyond the property line of the lot on which it is installed.
  - b) All flags must be mounted on flag poles. The mounting of flags on light standards or other poles not expressly made as flag poles shall be prohibited.
  - c) The national policy of illuminating flags or removing them at sunset will be enforced.

## **PERMITTED SIGNS NOT REQUIRING IMPROVEMENT LOCATION PERMIT AND ALLOWABLE IN ALL DISTRICTS**

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Except as may be otherwise specifically provided in this section, the following signs shall not require an improvement location permit: public or governmental signs; window signs; plaques; no trespassing, dumping, or hunting signs; political signs; directional signs; real estate signs; public information signs; and temporary signs.

- A) Directional or warning sign. If the sign is illuminated, the light source shall not be directed towards any street or any adjoining property in a residential zone. Signs identifying ingress and egress points of a property shall be placed in such a manner as not to interfere with the visibility of motorists or pedestrians.
- B) Political sign. A political sign shall be removed within 30 days following the election. The person responsible for the removal of a political sign shall be the owner of the property upon which the political sign is located. If these signs are not removed within a specified time period, the administrative zoning officer may initiate action for removal of the sign.
- C) Public service sign. A public service sign can be any specially licensed sign, permitted by a legislative body, by franchise, or by special license such as a sign on a bus, bench, trash receptacle. A public service sign may be a sign established by a public service agency as an aid to safety or service. A public service sign may also be a governmental or traffic sign.
- D) Home occupation sign. The home occupation sign shall not be illuminated nor be greater in area than two square feet. A home occupation sign shall be permitted only when the property has obtained a special exception approval from the Board of Zoning Appeals. The location of the sign on the property shall be approved at the same time that the Board of Zoning Appeals approves the special exception.

## **ON PREMISE SIGNS**

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The following provisions designate maximum sign areas, districts in which signs are permitted, sign locations, and separation distances required.

- A) Construction signs. Construction signs having a maximum area of 100 square feet shall be permitted in all districts and shall be limited to one sign per entrance for each parcel of land, provided that an improvement location permit shall be required prior to placement.
- B) Entrance signs. Entrance signs which identify a planned district or plat, including office parks, industrial parks, and subdivisions, shall be permitted in all zoning districts and shall be permitted to be placed on each side of the ingress point, provided that the combined area of the two signs does not exceed 200 square feet. One entrance sign to shopping centers shall be permitted to be placed on each thoroughfare at the entrance to the shopping center.
- C) Facia signs. Coverage up to 30% of all wall surface upon which the sign is located is permitted in B-1, B-2, I-1, and I-2 Districts; permit required.
- D) Identification signs. Identification signs shall be permitted in all zoning districts, provided that placement of the signs shall be subject to the obtaining of an improvement location permit.
- E) Shopping center signs. Shopping center signs shall be permitted in B-1, B-2, B-3, and B-4 Zoning Districts. Roof signs shall not be permitted. One projecting sign not to exceed eight square feet in area shall be permitted per business on site. An improvement location permit shall be required prior to placement of such signs.
- F) Office signs. Office signs are permitted in B-1, B-2, B-5, and I-1 Districts. An improvement location permit shall be required prior to placement of the signs.
- G) Institutional signs. One sign is permitted per frontage in all zoning districts; permit required.
- H) Mobile signs.
  - 1) Mobile signs are permitted in R-1, R-2, R-3, R-4, B-5, I-2 and I-3 zone districts for a maximum of seven (7) days per year. In B-1, B-2 and I-1 zone districts, mobile signs are permitted for a maximum of two (2) sixty-day periods of time separated by not less than thirty days. Churches, schools and qualified non-profit organizations shall be permitted to have a mobile sign for a maximum of fifty days per year in any zone district; however, the mobile sign shall not be displayed for more than two consecutive weeks at any one time. In the enforcement of this provision, the replacement of a mobile sign with any other mobile sign shall not extend the time limitations set forth herein.
  - 2) Only one mobile sign shall be permitted on a parcel of land at any one time. However, if a property is zoned business or industrial and has more than two hundred lineal feet of road frontage on two public streets with a principal structure over 50,000 square feet, then two mobile signs, one on each public street, shall be permitted.
  - 3) The maximum area of display surface on a mobile sign shall be 32 square feet in area, and no such sign shall be converted to a permanent sign or have any flashing lights.
  - 4) A mobile sign shall not be located in the vision clearance on corner lots and/or the driveway vision corner clearance of a lot or driveway right-of-way of any governmental unit. Such sign shall be located no closer than five (5) feet from any existing street or highway right-of-way.

- 5) A Rental Agent and/or Sign Owner must secure an improvement location permit for a mobile sign on forms provided by the Anderson City Planning Department prior to the placement of a mobile sign. Such permit shall be displayed at all times in a clear weather proof display window which shall be made a part of the sign.
- 6) In lieu of the filing fees required to obtain an improvement location permit provided in Section 160.05 (A)(1) of the Zoning code, the Rental Agent and/or Sign Owner shall pay a user and inspection fee of \$5.00 for any mobile sign placed for a period not to exceed two (2) weeks, and a fee of \$10.00 for any mobile sign placed for a period of more than two (2) weeks but not to exceed sixty-day period of time. If a mobile sign is placed for an additional sixty-day period, the rental agent and/or owner shall pay a fee of \$25.00 for the second sixty-day period. Provided however, that if a mobile sign is placed prior to obtaining an improvement location permit, the user and inspection fee shall be Twenty-five Dollars (\$25.00).
- 7) All mobile signs in existence on December 14, 1989, shall have one (1) year from date of passage of the ordinance to come into compliance with the requirements set forth herein. Provided however, that all such signs which have flashing lights or apparatus, shall cease flashing on December 14, 1989. Further all existing mobile signs shall abide by the placement requirements on December 14, 1989.
- 8) In addition to any other penalties set forth in the Zoning Code, any Rental Agent and/or Sign Owner, who is found in violation of the terms and conditions of this Ordinance three (3) or more times in any one calendar year shall not be issued any additional permits for that year.

## **PERMITTED SIGNS REQUIRING IMPROVEMENT LOCATION PERMIT**

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### A) Ground Signs.

- 1) A ground sign shall not be at any point over three feet in height above ground level when the sign is located within five feet of the right-of-way line. No ground sign shall be at any point over five feet in height above the ground level nor located closer than five feet behind the right of way line or within ten feet of any other sign.
- 2) Lighting reflectors shall not be more than six feet away from the ground sign which they are designed to illuminate.
- 3) One ground sign shall be permitted per development provided it meets the definition of 'shopping center' for this section.
- 4) Embellishments shall not be included as a portion of the height calculations provided the total square footage of the embellishments do not exceed more than 20% of the sign face area per one side.
- 5) The maximum square footage of a ground sign is 32 sq. ft.
- 6) An improvement location permit shall be obtained prior to the placement of a ground sign.
- 7) In a B-6 District the following shall apply:
  - a) Minimum front yard setback - 10 feet
  - b) Square footage will be restricted to one 2-sided ground sign or one pole sign not to exceed 20 ft. in height per development. The maximum area will be 150 square feet per side.
  - c) Landscaping around a sign shall be submitted within the landscape plan.

### B) Roof Signs.

- 1) No roof sign shall project beyond the outer edge of the walls of the building in any direction.
- 2) No roof sign having a tight, closed, or solid surface shall at any point be over 25 feet above the roof level. No roof sign with a tight, closed, or solid surface shall be erected on any building four stories or over in height, but roof sign structures not having a tight, closed, or solid surface may be erected on fire-resistant buildings to a height not exceeding 35 feet above the roof level, and upon non-fire-resistant buildings to a height not exceeding 30 feet above the roof level.
- 3) The solid portions of the structures shall not exceed 40% of the superficial area thereof.
- 4) All signs which are erected on the roof of a fire-resistant building shall be thoroughly secured to the building upon which they are installed, erected, or constructed, by iron or metal anchors, bolts, supports, seven strand guy cable, steel rods, or braces. All roof signs erected on non-fire-resistant buildings shall be so erected that the live- and dead-load stresses shall not in any manner adversely affect the building.
- 5) Wind pressures not less than 30 pounds to the square feet of the area of the sign must be withstood by said sign.
- 6) All roof signs shall be composed entirely of noncombustible material, including sign apparatus and supports, except the ornamental molding and battens behind the steel facings.

7) An improvement location permit shall be obtained prior to the placement of a roof sign.

C) Off-premise signs.

1) Off-premise signs shall have a ten-foot clearance beneath the sign board including cut-outs. Embellishments allowed shall not exceed 200 square feet in area. Maximum embellishments of cut-outs shall be above the sign six feet, below the sign board one foot, and any sides of the sign board three feet. The maximum area of display surface per off-premise sign shall not exceed 300 square feet per side. A V-type sign may be permitted, if the greatest point of separation between sign faces does not exceed 15 feet.

a) In B-1, B-2, and I-1 Zoning Districts, off-premise signs not exceeding 300 square feet in area per side shall be permitted if the following conditions are met.

i) A minimum separation between lawfully established off-premise signs shall be 1,000 feet, linear measure taken along the right-of-way lines on both sides of a street or highway from which the sign is intended to be viewed.

ii) Signs shall not be located closer than 15 feet to any existing right-of-way of any street or highway.

iii) All off-premise signs must be of a single pole construction and are limited to a single panel (No double stacked panels are permitted).

iv) A maximum of four (4) Improvement Location Permits will be issued for off-premise signs during any one calendar year. The date of issuance of the Improvement Location Permit shall begin the 120 days during which construction of the off-premise sign must commence; otherwise the permit becomes null and void. This does not apply to off-premise replacement boards.

v) There shall be a minimum distance of 150 feet, linear measure, from any off-premise sign to any residential zone district and 150 feet from the nearest property line of any school, church, institution for human care.

vi) For the purpose of this subsection, an "INTERSECTION" shall be described as the property located within 50 feet linear measure taken along the intersecting right-of-way lines at any intersection of any street or highway.

a) An off-premise sign may be located at any intersection of any street or highway as long as it meets all requirements set forth in this subsection.

b) A second off-premise sign may be permitted at any intersection or highway as long as it is located a minimum distance of 50 feet linear measure from the point of intersecting right-of-way lines of that specific intersection and meets all other requirements of this subchapter.

vii) Signs shall have a maximum height of 35 feet from grade to the top edge of the sign. "GRADE" shall be defined as the level of the street or highway from which the sign is intended to be viewed.

viii) Signs shall have a ten-foot clearance from grade to the bottom edge of sign, including any embellishments.

ix) Back-to-back signs may be separated in the shape of the letter V if the greatest point of separation between the sign does not exceed 15 feet.

b) In B-1, B-2, and I-1 Zoning Districts with the exception of the Downtown Central Business District defined with boundaries for the purposes of this subsection as follows:

North - Third Street

- i) South - South of Dillon Street to
  - ii) include the adjacent railroad tracks
  - iii) East - White River to Wheeler
  - iv) Avenue to Fletcher Street to railroad tracks
  - v) West - Brown-Delaware Street
- c) No new billboards will be permitted in the Downtown Central Business District.

- 2) An improvement location permit shall be obtained prior to the placement of an off-premise sign, and shall require the payment of a fee in the amount of \$50.00. The City Administrative Zoning Officer shall prepare and maintain a map indicating the location of all off-premise sign sites within the corporate limits of the City, and the number of off-premise signs on each site. An off-premise sign site shall be that area described by legal description on the deed to the property as recorded in the Office of the Madison County Recorder.

- D) Pole sign. A pole sign shall have a minimum clearance of ten feet between the bottom of the face of the sign and grade or sidewalk level. If the pole sign is supported by more than one pole, the space between the poles shall not be enclosed in a manner which would impair general public visibility. The maximum width of pole covers shall be the sum total of 18 inches in a horizontal direction, plus the width of the pole covered. Except as provided below for B-3 and B-4 zone districts, no pole sign shall be erected in excess of 25 feet in vertical height or exceed 125 square feet in area per side. A maximum of one Shopping Center sign is permitted in B-1 and B-2 zone districts having a maximum height of 35 feet and a maximum sign face area of 250 sq. ft. and a minimum clearance of 10 feet from the bottom of the sign face to grade level. A single shopping center sign for B-1 and B-2 zoned districts will be required provided it meets the definition of 'shopping center' of this subchapter. The shopping center sign shall identify the shopping plaza/center/complex and permit the businesses located within said area to identify their businesses on said sign. Once a pole sign becomes inactive, as defined in this subchapter, the pole or sign apparatus must be removed along with the sign itself. An improvement location permit shall be obtained prior to the placement of a pole sign.

Subject to approval by the Board of Zoning Appeals, in B-3 and B-4 zone districts, a shopping center sign may have a maximum height of 35 feet. The shopping center sign shall identify the shopping center and permit the business within the shopping center to identify their business on the sign. The shopping center sign shall be located on a major thoroughfare. All outlots within B-3 and B-4 zone districts and business locations within a shopping center which do not provide a shopping center sign may have a freestanding sign not to exceed 20 feet in height identifying the business. All signs in B-3 and B-4 zone districts shall maintain a minimum clearance of 10 feet from the bottom of the sign face to grade level, and each sign shall also maintain a minimum 15 foot setback from the property line.

- E) Projecting sign.

- 1) A projecting sign is an on-premise sign attached to a building or structure and extending wholly or partly beyond the surface of the portion of the building or structure to which it is attached; or extending beyond the building line; or over public property.
- 2) A projecting sign shall be placed at a distance not greater than two feet from the face of the wall to which it is attached, measured from the part of the sign nearest thereto. No projecting sign or part thereof shall extend nearer to the curb line than five feet, nor be placed lower than ten feet above grade or sidewalk level. No projecting sign shall be erected to a height greater than 60 feet above grade or higher than the cornice of any building which is three stories or more in height, unless the same is entirely of steel skeleton construction and shall present only 40% of the solid surface area to be affected by wind pressure. No projecting sign shall be erected when the area of one face of the sign shall exceed 240 square feet in area.
- 3) Any movable part of the sign shall have an area not to exceed 100 square feet to a vertical sign, or 50 square feet for a horizontal sign. No projecting sign shall be secured with projecting wood, nails, or wire,

unless with seven strand guy wire; nor shall any projecting sign be hung or secured to any other sign. Turnbuckles shall be placed in all chains and guy wires supporting projecting signs weighing 200 pounds or more. A projecting sign exceeding ten square feet in area, or 50 pounds in weight shall not be attached to nor supported by frame buildings, nor wooden framework of a building. Other projecting signs shall be attached to masonry, or, like walls, with galvanized expansion bolts of at least 3/8 - inch in diameter or shall be fixed in the wall by means of bolts extending through the wall.

- 4) Projecting signs shall have no reflectors of the goose-neck type. No glass faces can be used in projecting signs, any other glass used shall be safety or plate glass at least 1/4 - inch in thickness.
- 5) An improvement permit shall be obtained prior to the placement of a projecting sign.

F) Wall sign.

- 1) A wall sign shall not project away from the wall more than twelve (12) inches. When a wall sign is located over a sidewalk and projects more than six (6) inches over the pedestrian area, the minimum distance from the sidewalk grade and the base of the sign shall be eight (8) feet. The area of a wall sign shall not exceed one and one-half (1½) square feet for every linear foot of wall frontage. The total square feet of all wall signs may not exceed the allowable square footage for the front wall. Additional wall signs may be permitted on frontage where public access is provided. Where more than one establishment occupies a building, each establishment will be allocated sign area based on the amount of linear frontage it controls.
- 2) If the wall sign is an illuminated one, overhead lighting reflectors may project six feet beyond the building line. All reflectors extending over the sidewalk shall be secured and safely anchored.
- 3) No wall sign shall be so erected as to prevent free ingress to or egress from the building, or any fire escape.
- 4) An improvement location permit shall be obtained prior to the placement of a wall sign.

G) Awnings or Canopy Signs.

- 1) Letters or logos may be painted or affixed to any permissible awning or canopy subject to the following requirements.
  - a) Letters or logos shall not project above, below or beyond the physical dimensions of the awning or canopy.
  - b) Letters or logos shall not be larger than twelve (12) inches from top to bottom.
  - c) All awnings or canopy signs shall maintain a free clearance district from grade to the bottom of the sign of at least eight (8) feet.
  - d) Letters or logos shall denote only the name and address of the business conducted on the premises and/or a product or products sold or service rendered therein.

## PROHIBITED SIGNS

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The following signs shall not be permitted under any circumstance.

- A) Signs bearing statements, words, or pictures which relate to sexual matters of an obscene and indecent character, such as would be patently offensive by contemporary standards.
- B) Signs which, because of its size, close resemblance to or may appear to be an imitation of highway traffic signs or signals; or signs which incorporate in any manner, a flashing, revolving, rotating, swinging, moving, or otherwise attract attention through movement of flashing parts.
- C) Signs which interfere, imitate, and obstruct the view or can be confused with any authorized traffic signal, traffic sign or other device, or street sign.
- D) Inactive signs or sign apparatus as defined in this subsection.
- E) Deteriorated, leaning, derelict, or structurally unsafe signs which constitute hazards by reason of inadequate maintenance, age, or abandonment, as defined in this subsection.
- F) Signs on trees, telephone or light poles, fences, and on city streets or rights-of-way, alleys, or sidewalks.
- G) Signs which obstruct ingress and egress from a door, window, fire escape, or exit.
- H) Signs which are unlawfully erected or maintained.
- I) Additional prohibited signs in a B6 district:
  - 1) Mobile or portable signs.
  - 2) Vehicular signs. These are vehicle signs which are not used in the day-to-day operations of the business for which it advertises or vehicles parked on property and used for signage purposes shall be considered portable signs and therefore prohibited.
  - 3) Rate, price, and sandwich signs.
  - 4) Temporary signs.
  - 5) Roof signs.
  - 6) Neon used on a wall sign abutting a residential use.

## **PENALTY**

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An additional fee of \$250 shall be assessed against each professional sign company who constructs, erects, or places a sign within the City of Anderson prior to obtaining an Improvement Location Permit.