

(e) Blank Spaces on the Chart

Land uses for which a blank space is shown for a specific zoning district are not permitted in that district, except as legal nonconforming uses (see Chapter 7.07).

(f) Permitted Uses Subject to All Provisions of this Title

Although a land use may be noted as permitted by right, permitted as a Special Use, or permitted as an accessory or temporary use, it does not follow that such land use is permitted or permissible on every parcel in such district. No land use is permitted or permissible on a parcel unless it can be located thereon in full compliance with all of the standards and regulations of this Title which are applicable to the specific land uses in question, or unless an appropriate variance has been granted. (Ord. 99-5, May 24, 1999) (Ord. 96-02, S1, March 25, 1996)

**7.04.030 Detailed Land Use Descriptions and Regulations.** The land use categories used by this Title are defined in this Section. Land uses which are not listed in this Title are not necessarily excluded from locating within any given zoning district. Section 7.09.070 empowers the Zoning Administrator to make interpretations of specific land use proposals so as to note them as unlisted permitted uses or unlisted Special Uses.

(a) Agricultural Land Uses

(1) Agricultural Services

Agricultural service land uses include all operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used by agricultural operations. Examples of such land uses include agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities (except commercial composting uses).

Permitted by Right in the following districts: AG.

Special Use in the following districts: GC.

(2) Cultivation

Cultivation land uses include all operations primarily oriented to the on-site, outdoor raising of plants. This land use includes trees which are raised as a crop to be replaced with more trees after harvesting such as a nursery or Christmas tree farm. Cultivation also includes the raising of plants for the consumption of farm animals.

Permitted by Right in the following districts: AG.  
Special Use in the following districts: Not applicable.

(3) Husbandry

Husbandry land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity equal to or less than the numbers in the livestock chart below, includes apiaries.

Permitted by Right in the following districts: AG  
Special Use in the following districts: Not applicable.

*The livestock chart* is a means for defining a husbandry or intensive agricultural use. The measures relate to the carrying capacity of one acre of land and is related to the amount of feed various species consume, and the amount of waste they produce. The following table notes common farm species and their permitted numbers per acre.

<i>Type of Livestock:</i>	<i>Number of Animals per Acre:</i>
Horse (2 years or older)	1
Colt (under 2 years)	2
Cattle (2 years or older)	1
Cattle (1 to 2 years)	2
Calves (under 1 year)	4
Brood Sow or Boar	2.5
Hogs (up to 220 pounds)	5
Sheep	7
Lambs	14
Chickens	200
Other Poultry	200

*Source: Stockman's Handbook*

(4) Intensive Agriculture

Intensive agricultural land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity exceeding the numbers in the livestock chart above and/or agricultural activities requiring large investments in structures. Examples of such land uses include feed lots, hog farms, poultry operations, fish farms, and commercial greenhouse operations.

Permitted by Right in the following districts: Not applicable.

Special Use in the following districts: AG.

(b) Residential Uses

(1) Boarding, Lodging, and Rooming Houses

Boarding, lodging and rooming houses are dwellings with on-site owners or operators renting rooms with or without meals provided which do not contain private bathroom facilities (with the exception of approved bed

and breakfasts operations). See also group housing and hotels.

Permitted by Right in the following districts: DR, MR, DC, GC.

Special Use in the following districts: AG.

State Law Reference: Chapters 16-41-29 to 32, Indiana Code.

(2) Dwelling, Multiple-Family

Multiple-family dwellings are single buildings containing three or more dwelling units as the principal use of the property. Examples include apartment buildings and attached single-family dwellings such as townhouses and condominiums. See also Commercial Apartments and Agricultural labor camps as accessory uses. See Section 7.07.010 (f) for special exceptions for existing buildings designed for or previously used for residential purposes in the GC - General Commercial District.

Permitted by Right in the following districts: MR.

Special Use in the following districts: DR, GC.

Special Use regulations:

- A. Multiple-family dwellings shall be located in transitional areas of the Downtown Residential and General Commercial districts. In the DR zoning district such uses should be located on the fringes of the district near non-residential or other multiple-family uses, rather than in a cohesive single-family residential area. In the GC zoning district, such uses should be located near existing residential uses rather than in a cohesive commercial area.
- B. Two or more multiple-family buildings may be permitted on a single tract of land held in common ownership and control with common areas, provided:
  - i. The development shall be reviewed as a Special Use by the Board of Zoning Appeals.
  - ii. The development shall be designed so that it is compatible with surrounding land uses.
  - iii. The required densities or floor area ratios shall be adhered to for the site as a whole.
  - iv. A minimum of fifty (50) percent of the site shall be devoted to open space other than buildings and paved or hard surfaces.

- v. All buildings and structures shall comply with required setbacks from property lines.
- vi. All buildings shall be located a minimum of twenty (20) feet from one another.
- vii. Parking shall be distributed in a manner so that it is easily accessible from all buildings.

(3) Dwelling, Single-Family

Single-family dwellings are dwellings designed for and occupied by not more than one (1) family. Single-family dwellings when referred to in this Title include only detached single-family dwellings. Manufactured homes are considered single-family dwellings. See Section 7.07.010 (f) for special exceptions for existing buildings designed for or previously used for residential purposes in the GC - General Commercial District.

Permitted by Right in the following districts: AG, CR, SR, DR, MR.

Special Use in the following districts: GC.

Special Use regulations:

Single-family dwellings shall be located in transitional areas of the General Commercial district. In the GC zoning district, such uses should be located near existing residential uses rather than in a cohesive commercial area.

(4) Dwelling, Two-Family

Two-family dwellings are detached buildings containing two dwelling units in a duplex arrangement with units side by side, or in a two-flat arrangement with units upper and lower, or in rare instances due to building design—combinations thereof.

Permitted by Right in the following districts: SR, DR, MR.

Special Use in the following districts: CR, GC.

Special Use regulations:

Two-family dwellings shall be located in transitional areas of the General Commercial district. In the GC zoning district, such uses should be located near existing residential uses rather than in a cohesive commercial area.

(5) Group Housing

Group housing is the use of any residential structure in which care is provided in a supervised living program on a twenty-four (24) hour basis or temporarily in the case of shelter care for not more than ten (10) children nor more

than eight (8) adults in accordance with state regulated care facilities in home settings. Community residential facilities for the mentally ill and developmentally disabled, adult care homes, group homes, shelters for domestic violence, and shelter care facilities for children are group housing. See also child care homes and institutional housing.

Permitted by Right in the following districts: AG, CR, SR, DR, MR.

Special Use in the following districts: GC.

State Law Reference: Title 12, Human Services, Indiana Code.

(6) Institutional Housing

Institutional housing is housing of individuals in connection with an established institution such as convents, monasteries, dormitories, fraternities, and sororities, and the housing and care of individuals in care facilities in an institutional rather than home setting on a twenty-four (24) hour basis such as nursing homes, community mental health centers, or developmental disability centers for nine (9) or more adults, extended care facilities, and private psychiatric institutions. See also group housing for home settings, and institutional non-residential uses for hospitals.

Permitted by Right in the following districts: Not applicable.

Special Use in the following districts: DR, MR, NC, DC, GC.

State Law Reference: Title 12 and 16, Human Services and Health, Indiana Code.

(7) Manufactured Home

Manufactured homes are single-family dwelling units; a minimum of nine hundred fifty (950) square feet in area; with pitched roofs with a minimum rise of 2/12; with conventional roofing and siding materials; with wheels, axles, and towing chassis removed; designed and built in a factory; which bear a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards law of 1974 and which is installed as a permanent residence on a permanent foundation of masonry construction with a permanent perimeter enclosure constructed in good, proper, and workmanlike manner.

Permitted by Right in the following districts: AG, CR, SR, DR, MR.

Special Use in the following districts: GC.

State Law Reference: Section 36-7-4-1106, Indiana Code.

(8) Mobile Home Park

A mobile home park is a land use regulated by the State of Indiana as a mobile home park and is an area of land on which at least five (5) mobile homes are harbored on temporary supports for the purpose of being occupied as residences. See also mobile home under temporary land uses and manufactured home.

Permitted by Right in the following districts: Not applicable.

Special Use in the following districts: MR.

Special Use regulations:

Mobile home parks as a condition of approval of the Special Use shall comply with the applicable requirements of Chapter 16-41-27 Health, Sanitation and Safety: Mobile Homes of the Indiana Code.

State Law Reference: Chapter 16-41-27, Indiana Code.

(c) Institutional/Public Uses

(1) Institutional Non-Residential

Institutional land uses are generally public, quasi-public, and nonprofit uses or private uses commonly operated by public entities, and include cemeteries; public and private schools; churches; nonprofit clubs, civic, and fraternal

organizations; community centers; indoor swimming pools; museums; libraries; public gymnasiums; public auditoriums; hospitals and similar land uses. See indoor commercial entertainment uses for private indoor recreational uses and personal and professional services for medical centers.

Permitted by Right in the following districts: NC, DC, GC.

Special Use in the following districts: AG, CR, SR, DR, MR.

(2) Outdoor Public Recreational

Outdoor public recreational land uses include all recreational land uses located on public property which involve passive or active recreational activities. Such land uses include playcourts (such as ball diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, hiking trails, bike trails, picnic areas, nature areas, fishing areas, open grassed areas, fitness courses, public golf courses, and similar land uses. See institutional non-residential land uses for indoor public recreational land uses and see outdoor commercial entertainment for outdoor private recreational land uses.

Permitted by Right in the following districts: All Districts.  
Special Use in the following districts: Not applicable.

(3) Public Services - General

General public service land uses are those operated by a governmental agency or jurisdiction or by a public utility with most of the activity found indoors and include fire and police stations, public garages and parking lots, post offices, public works garages, radio and television broadcasting stations, railroad stations, telephone relay stations and water towers. See also intense public services outdoor public recreational land uses, and communication tower.

Permitted by Right in the following districts: All Districts.  
Special Use in the following districts: Not applicable.

(4) Public Services - Intense

Intense public service land uses are those land uses operated by a governmental agency or jurisdiction or by a public utility with most of the activity occurring outdoors and include airports; heliports; bus terminals; public works storage yards; radio and television towers; sewage treatment facilities; telephone exchange; switching and transmitting facilities; utility substations; utility yards; and water treatment facilities. See also general public services, outdoor public recreational land uses, and communication tower.

Permitted by Right in the following districts: Not applicable.

Special Use in the following districts: All Districts

(d) Commercial Land Uses

(1) Animal Boarding

Animal pounds, shelters and kennels are commercial animal boarding facilities which provide short-term and/or long-term boarding for animals. Examples of these land uses include commercial kennels and commercial stables. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require consideration as a separate principal use.

Permitted by Right in the following districts: AG.

Special Use in the following districts: GC.

(2) Bed and Breakfast Establishment

A bed and breakfast establishment is an operator occupied residence other than a hotel, motel, boarding house or food service establishment that provides sleeping accommodations to the public for a fee, has not more than fourteen (14) guest rooms, provides breakfast as part of the fee and provides sleeping accommodations for not more than thirty (30) consecutive days to a particular guest.

Permitted by Right in the following districts: MR, NC, DC, GC.

Special Use in the following districts: AG, CR, SR, DR.

Special use regulations:

Bed and breakfast establishments in agricultural or residential areas should be located on the perimeter of such areas, preferably along main traffic routes rather than internally located in an established or proposed subdivision on a local residential street. Bed and Breakfast uses may erect one (1) sign up to ten (10) square feet in area.

State Law Reference: Section 16-41-31, Indiana Code.

(3) Campground

Campgrounds include any facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or vehicles. See also mobile home park.

Permitted by Right in the following districts: Not applicable.

Special Use in the following districts: AG.

(4) Child Care Center (Nine or More Children)

A child care center is a building where at least seventeen (17) children receive child care from a qualified provider while unattended by a parent, legal guardian or custodian, for regular compensation, and for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. Examples of such land uses include day care centers and nursery schools. Such land uses shall not be located within a dwelling unit. Such land uses may be operated on a for profit or a not for profit basis. Such land uses may be operated in conjunction with another principal land use on the same parcel, such as a church, school, business, or civic organization. In such instances, child care centers are not considered accessory uses and therefore require review as a separate land use.



Permitted by Right in the following districts: MR, NC, DC, GC.

Special Use in the following districts: AG, CR, SR, DR.

State Law Reference: Section 12-17.5-4, Indiana Code.

(5) Funeral Homes and Parlors

Funeral homes and parlors are buildings used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

Permitted by Right in the following districts: MR, NC, DC, GC.

Special Use in the following districts: AG, CR, SR, DR.

Special Use regulations: Adequate parking and stacking spaces for vehicles lined up for processions must be provided to avoid any negative impacts on surrounding residential land uses.

(6) Hotels and Motels

Commercial indoor lodging facilities such as hotels, motels, inns and motor courts include land uses which provide overnight housing in individual rooms or suites of rooms, each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens, and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurant, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate land use.

Permitted by Right in the following districts: DC, GC.

Special Use in the following districts: NC.

(7) Indoor Commercial Entertainment

Indoor commercial entertainment land uses include all land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.), bowling alleys, dance halls, arcades, roller rinks, and pool halls.

Permitted by Right in the following districts: DC, GC.

Special Use in the following districts: NC.

(8) Indoor Retail Sales and Service

Indoor retail sales and service land uses include all land uses which conduct or display sales or rental merchandise or equipment, or conduct non-personal or non-professional services, entirely within an enclosed building. This includes self-service facilities such as coin-operated laundromats. All general retail uses, services uses, indoor maintenance and repair uses, and uses such as art galleries, veterinary clinics, auction houses, and ticket and travel agencies are considered indoor retail or service uses. See also outdoor retail sales and service uses and personal and professional services.

Permitted by Right in the following districts: NC, DC, GC.  
Special Use in the following districts: Not applicable.

(9) Mini-Warehouse

Mini-warehouse facilities are land uses oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. The facility shall be designed so as to minimize adverse visual impacts on nearby developments. The color, exterior materials, and orientation of proposed buildings and structures shall complement surrounding development.

Permitted by Right in the following districts: GC, LI, HI.  
Special Use in the following districts: AG, NC, DC.

(10) Office

Office land uses include all exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or appointment basis. Examples include government offices, general or business offices, and political organization offices.

Permitted by Right in the following districts: NC, DC, GC, LI, HI.

Special Use in the following districts: Not applicable.

(11) Outdoor Commercial Entertainment

Outdoor commercial entertainment land uses include all land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash and late operating hours.

Examples of such land uses include outdoor commercial swimming pools, driving ranges, miniature golf facilities, golf courses, amusement parks, skating rinks, drive-in theaters, go-cart tracks, and racetracks.

Permitted by Right in the following districts: Not applicable.

Special Use in the following districts: AG, GC.

(12) Outdoor Retail Sales and Service

Outdoor retail sales and services include all land uses which perform maintenance services, including repair, and have all, or any portion of the operations, including vehicle staging, located outside of an enclosed building and uses which conduct sales or display sales or rental merchandise or equipment outside of an enclosed building. Such uses because of their nature tend to be associated with more noise and disturbances due to the outdoor nature of the use than typical indoor retail uses.

Example of such land uses include vehicle, boat and similar sales; vehicle rental; manufactured housing sales and monument sales; automobile repair uses and body shops, motor vehicle towing services; service stations and automobile mini-markets; car washes; building materials and supply stores; outdoor nurseries and garden centers; permanent flea markets; taxicab services; and delivery services.

Permitted by Right in the following districts: Not applicable.

Special Use in the following districts: DC, GC.

Special Use regulations:

- A. The display of items shall not be permitted in required bufferyards.
- B. In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
- C. Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.

D. Inoperative vehicles or equipment, or other items typically stored or displayed in a junkyard or salvage yard, shall not be displayed under the provisions of this land use.

(13) Personal or Professional Service

Personal and professional service land uses include all exclusively indoor land uses, except Health Service uses, whose primary function is the provision of services directly to an individual on a walk-in or appointment basis.

Example of such land uses include professional services, insurance services, realty offices, financial services, banks and savings and loans, veterinarian clinics, barber shops, beauty shops, tanning salons, and related land uses.

Permitted by Right in the following districts: NC, DC, GC.  
Special Use in the following districts: Not applicable.

(14) Sexually-Oriented Land Uses

Sexually-oriented land uses include any facility oriented to the display of sexually-oriented materials such as videos, movies, slides, photos, books, or magazines; or actual persons displaying and/or touching sexually specified areas, including massage establishments. For the purpose of this Title, "sexually specified areas" includes any one or more of the following: Genitals, anal area, female areola or nipple; and "sexually-oriented material" includes any media which display sexually specified area(s).

Permitted by Right in the following districts: Not applicable.

Special Use in the following districts: HI.

Special use regulations:

Exterior building appearance and signage shall be designed to ensure that the use does not detract from the ability of businesses in the vicinity to attract customers, nor affect the marketability of properties in the vicinity for sale at their assessed values.

Rationale: The incorporation of this subsection into this Title is designed to reflect the City's finding that sexually-oriented commercial uses have a predominant tendency to produce certain undesirable secondary effects on the surrounding community, as has been demonstrated in other, similar jurisdictions. Specifically, the City is concerned with the potential for such uses to limit: the attractiveness of nearby locations for new development, the ability to attract and/or retain customers, and the ability to market and sell nearby properties at a level

consistent with similar properties not located near such facilities. It is explicitly not the intent of this subsection to suppress free expression by unreasonably limiting alternative avenues of communication, but rather to balance the need to protect free expression opportunities with the need to implement the City's Comprehensive Plan and protect the character and integrity of its business areas and neighborhoods.

(15) Health Service

Health service land uses include all exclusively indoor land uses which involve: the performing of any type of medical or dental procedure or medical or dental activity on a human being; the performing of any type of surgical operation, for medical, dental or aesthetic purposes, whereby human skin or tissue is, with the aid of any needle, knife, laser or other instrument, penetrated, cut, burned or vaporized; diagnosis, treatment, correction or prevention of any disease, ailment, defect, injury, infirmity, deformity, pain, or other condition of the mind or body of a human being; or the drawing of human blood or bodily fluids.

For the purpose of this Title, "Health Service" includes not only uses strictly relating to the practice of medicine or dentistry, but also uses which involve, for aesthetic or non-medical purposes, any of the aforementioned activities, including but not limited to tattooing, body piercing, acupuncture and other related activities.

Permitted by Right in following districts: Not applicable.

Special Use in the following districts: All Districts.

Special Use Regulations: Any health service use must, as a condition to operation, abide by any and all health regulations presently in effect with respect to the intended use.

Rationale: The incorporation of this subsection into this Title is designed to reflect the City's cognizance that uses which involve contact with human skin, tissue or bodily fluids require the taking of special precautions with respect to the manner in which such contact is made and the risk involved with the handling and containment of potentially infectious waste and bloodborne pathogens. The City is concerned with the heightened potential for such uses to contribute toward the spread of infectious diseases and the need for the proper handling and containment of potentially infectious waste and bloodborne pathogens in order to protect the public health, safety, morals, general welfare, and overall well-being of the City and its citizens. The City has further given due consideration to customer flow patterns, traffic,

hours of operation, in determining the appropriateness of this category in various Zoning Districts. In categorizing such uses as tattoo parlors and establishments which perform body piercing, with uses related to the practice of medicine or dentistry, it is explicitly not the intent of this subsection to or in any way suppress free expression by unreasonably limiting alternative avenues of communication, or to restrict the practice of either of those occupations as a trade or business, but rather to balance the need to protect free expression opportunities and the unrestricted right to engage in those trades, with the need to implement the City's Comprehensive Plan and to protect the health, safety, and general welfare of the City.

(e) Industrial Land Uses

(1) Communication Tower

Communication towers include all private free-standing broadcasting, receiving, or relay structures, and similar principal land uses; and any office, studio or other land uses directly related to the function of the tower. The tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse shall be completely contained on the property.

Permitted by Right in the following districts: Not applicable.

Special Use in the following districts: AG, LI, HI.

(2) Composting Operations

Composting operation include all collection, storage, and processing of vegetation wastes over twenty (20) cubic yards which shall not involve food scraps or other vermin-attracting materials.

Permitted by Right in the following districts: Not applicable.

Special Use in the following districts: LI, HI.

(3) Heavy Industrial Land Use

Heavy industrial land uses are industrial facilities which may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances which are detectable at the property line; and may involve materials which pose a significant safety hazard. However, in no instance shall a heavy industrial land use exceed the performance standards of this title or as regulated by the State of Indiana. Examples of heavy industrial land uses include meat product producers;

alcoholic beverage producers; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay or glass product producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; and recycling facilities not involving the on-site storage of salvage materials.

Permitted by Right in the following districts: HI.

Special Use in the following districts: Not applicable

(4) Junkyard, Salvage Yard, or Automobile Wrecking Yard

Junkyard or salvage yard facilities are any land or structure used for a salvaging operation including but not limited to: the above-ground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of 2 or more unlicensed and/or inoperative vehicles. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use. See Chapter 7.08 bufferyard requirements.

Permitted by Right in the following districts: Not applicable.

Special Use in the following districts: HI.

(5) Light Industrial Land Uses

Light industrial land uses are industrial facilities at which all operations (with the exception of loading operations):

- A. are conducted entirely within an enclosed building;
- B. are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line;
- C. do not pose a significant safety hazard (such as danger of explosion); and
- D. comply with all of the performance standards of this Title. Light industrial land uses may conduct retail sales activity as an accessory use.

Permitted by Right in the following districts: LI, HI.

Special Use in the following districts: Not applicable.

(6) Mining, Extraction and Related Uses

Mining and extraction uses include any land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities. All such uses shall comply with all County, State, and Federal regulations.

Permitted by Right in the following districts: Not applicable.

Special Use in the following districts: AG, NC, DC, GC, LI, HI (outside corporate boundaries). AG, LI, HI (inside corporate boundaries).

Special use regulations: Required site plans shall include detailed site restoration plans, which shall include at a minimum, detailed grading and revegetation plans, and a detailed written statement indicating the timetable for such restoration.

State Law Reference: Section 36-7-4-1103, Indiana Code.

(7) Motor Freight Terminal

Freight terminals are facilities oriented to the short-term storage and trans-shipment of materials, and/or the outdoor storage of trucks and related equipment.

Permitted by Right in the following districts: Not applicable.

Special Use in the following districts: LI, HI.

(8) Waste Disposal Facility

Waste disposal facilities are any areas used for the disposal of solid wastes but not including composting operations. Permitted by Right in the following districts: Not applicable.

Special Use in the following districts: HI.

Special Use regulations:

- A. Shall comply with all County, State and Federal regulations.
- B. Operations shall not involve the on-site holding, storage or disposal of hazardous materials in any manner.
- C. Required site plans shall include detailed site restoration plans, which shall include at a minimum, detailed grading and revegetation plans, and a detailed written statement indicating the timetable for such restoration. (Ord. 99-5, May 24, 1999) (Ord. 97-08, S2, September 22, 1997) (Ord. 96-02, S1, March 25, 1996)



#### **7.04.040 Accessory Uses, Buildings, and Structures**

(a) General Provisions

Accessory uses, buildings and structures are those which are incidental to the principal activity conducted on the subject property and subordinate in area, extent and purpose thereto. All accessory structures including those described in detail below, shall comply with the following general provisions unless specifically noted elsewhere in this Title:

(1) **Restriction on Residential Inhabitation**

In no instance shall an accessory structure, cellar, basement, tent or trailer be used as a residence unless permitted herein.

(2) **Prohibition in Front Yards and Street Side Yards**

Accessory uses, buildings and structures including garages and sheds shall not be located between the building line and the front or street side lot line unless specifically noted except open fences (such as split rail, chain link, wrought iron) a maximum of four (4) feet in height.

(3) **Height**

All necessary structures in a residential zoning district shall not exceed sixteen (16) feet in height nor one thousand (1,000) square feet in area. (Ord. 97-08, S1, Sept. 22, 1997)

(4) **Setbacks from Property Lines**

All accessory use and structures other than fences shall be located a minimum of five (5) feet from all property lines in all zoning districts.

(5) **Swimming Pools**

All swimming pools shall be enclosed by a six (6) foot high fence prior to filling with water.

(b) Agricultural Labor Camp

Agricultural and migrant labor camps include at least one (1) building or structure, tent, trailer, or vehicle, including land, established, operated, or used as living quarters for at least five (5) adult seasonal or temporary workers engaged in agricultural activities, including related food processing.

Permitted by Right in the following districts: Not applicable.

Special Use in the following districts: AG, LI, HI.

Special Use regulations:

Agricultural labor camps shall be accessory uses to an active principal use, under the same ownership, which is located within the City of Cannelton or its extraterritorial area.  
State Law Reference: Chapter 16-41-26 Indiana Code.

- (c) Commercial Apartment  
Commercial apartments are dwelling units which are generally located above the ground floor of a building used for a commercial land use. Commercial apartments may be allowed in the rear of the first floor of a building only if permitted after review by the Board of Zoning Appeals as a Special Use. Parking spaces provided by nonresidential land uses on the site may be counted for required parking for the apartment with the approval of the Zoning Administrator.  
Permitted by Right in the following districts: DC, GC.  
Special Use in the following districts: AG, NC.
- (d) Child Care Home  
Child care homes are residential structures in which children receive child care from a provider while unattended by a parent, legal guardian, or custodian, for regular compensation, and for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.  
Permitted by Right in the following districts: All Districts.  
Special Use in the following districts: Not applicable.  
State Law Reference: Sections 12-7-2-28.6, 12-17.2-5, and 36-7-4-1108, Indiana Code.
- (e) Drive-Up Facility  
Drive-up facilities include all land uses which perform sales to persons in vehicles on a drive-through basis. Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include restaurant and banking drive-ups, and drive-through windows connected with office uses (such as a bill payment window) or retail establishments (such as a photo processing drive-up window). See also fuel stations, car washes, and quick oil changes under outdoor retail sales and drive-in theaters under outdoor commercial entertainment. In some instances this use may be the principal use of a zoning lot, in which case the use shall also be reviewed as a Special Use under the standards below in addition to meeting the setback, etc. requirements of a Principal use on a lot.  
Permitted by Right in the following districts: Not applicable.  
Special Use in the following districts: NC, DC, GC.  
Special use regulations:
- (1) The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for

pedestrian/vehicular conflicts. Each drive-up lane shall have a minimum stacking length of thirty (30) feet behind the pass through window and fifteen (15) feet beyond the pass through window.

- (2) The setback of any overhead canopy or similar structure shall be a minimum of ten (10) feet from all street rights-of-way lines, a minimum of twenty (20) feet from all residentially-zoned property lines, and shall be a minimum of five (5) feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed twenty (20) feet as measured to the highest part of the structure.

(f) Home Occupation

Home occupations are economic activities performed within the dwelling unit by the residents thereof which are clearly incidental to the uses as a residence and which comply with the following requirements. Examples include personal and professional services, and handicrafts. Specifically excluded from home occupations are Health Service land uses, due to health risks associated with among other things, the appropriate handling of and containment of potentially infectious waste and bloodborne pathogens.

Permitted by Right in the following districts: All Districts

Special Use in the following districts: Not applicable.

- (1) The home occupation shall be conducted only completely within the dwelling unit, and not in any accessory building or structure, and not within any garage or on any porch, deck, patio or other unenclosed or partially-enclosed portion of the dwelling unit.
- (2) The home occupation shall be conducted by a resident of the dwelling unit, and no more than two (2) other persons shall be employed, on either a part-time or full-time basis at that site.
- (3) No more than twenty-five (25) percent of the total living area of the dwelling (exclusive of garage and porch areas) shall be used for the home occupation.
- (4) The dwelling unit used for the home occupation shall not serve as a storage facility for a business conducted elsewhere.
- (5) The sale of items at the location of the home occupation shall be limited to items produced on-site and shall be conducted only on an appointment basis.
- (6) No activity, materials, goods, or equipment incidental to the home occupation shall be externally visible.

- (7) Only one (1) sign, not to exceed two (2) square feet, may be used to advertise a home occupation. Said sign shall not be located within a right-of-way, and shall be of an appearance which is harmonious with nearby residential areas.
- (8) The use of the dwelling unit for a home occupation shall in no way be incompatible with the character of nearby residential areas or create a nuisance for neighboring properties.
- (9) No more than two (2) home occupations shall be carried on in any single dwelling unit.
- (3) Other than typical handicrafts, no production or manufacturing shall be conducted in the dwelling unit.
- (11) No deliveries shall be permitted by other than passenger automobile or commercial delivery van.

(g) Individual Septic Disposal System  
 This land use includes any State or County approved septic disposal system.  
 Permitted by Right in the following districts: AG.  
 Special Use in the following districts: CR, SR, DR, MR, NC, DC, GC, LI, HI.  
 Special use regulations:

- (1) Minimum lot size of 0.5 acres.
- (2) No available public sewage disposal system within one thousand (1000) feet of any point on the subject property.
- (3) Development shall attach to public sewage disposal system within one (1) year of its availability to the subject property. Each building shall install and continually maintain a conventional sewage system tap-in line upon development, so as to facilitate hook-up to the public system upon its availability.

(h) Outdoor Display Incidental to Indoor Sales and Service  
 Sales and service uses may display items outdoors as an accessory use either on a daily basis or on a temporary basis for special events and/or special sales. Displays exceeding twenty-five (25) percent of the gross floor area of the principal building shall be considered outdoor retail sales and service uses.  
 Permitted by Right in the following districts: NC, DC, GC.  
 Special Use in the following districts: Not applicable.

- (1) The display area shall not exceed twenty-five (25) percent of the gross floor area of the principal building on the site.
- (2) The display of items shall not be permitted in required bufferyards.
- (3) In no event shall the display of items be located so as to cause vehicles to park in areas other than designated parking stalls.
- (4) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, or pedestrian or vehicular traffic flow.
- (5) Inoperative vehicles or equipment, or other items typically stored or displayed in a junkyard or salvage yard, shall not be displayed under the provisions of this land use.
- (6) The display of items on public property such as public sidewalks shall in no way cause a threat to the public, health, safety, comfort, convenience and general welfare.
- (7) If the subject property abuts a residential use, sales and display activities shall be limited to daylight hours.

(i) Outdoor Storage

(1) Permitted Locations

Outdoor storage of any materials, equipment, merchandise, or vehicles in unenclosed areas for more than forty-eight (48) hours is permitted only as follows:

- A. Outdoor industrial storage is permitted in approved storage areas per the adopted site plan for the property in the Heavy Industrial district.
- B. Outdoor display and storage in connection with approved outdoor sales and service uses is permitted in locations approved per the adopted site plan for the property.
- C. Outdoor storage is permitted accessory to agricultural activities in agricultural zoning districts.
- D. Outdoor storage is permitted in approved junkyards and salvage yards.

(2) Residential Zoning Districts

- A. General Outdoor Storage  
Outdoor storage of any kind other than firewood and yard equipment is not permitted in any residential district unless specifically allowed hereunder.
- B. Storage of Motor Vehicles  
Motorized recreational equipment in operable condition including boats, snowmobiles, all terrain vehicles, and motor homes, shall be permitted to be stored in the open on a lot if owned by the owner of the lot and if said equipment is stored a minimum of five (5) feet from any and all property lines, and located outside any front yard or any required street side yard (except for designated parking spaces). Said equipment storage shall not be located in a minimum required parking space during said equipment's off-season. Motor homes which are used on a year-round basis shall be permitted in said areas on a year-round basis. (Winterization of such vehicles shall be a conclusive indication of non-use.)

(j) Signs  
This Title is intended to regulate some, but not all signs placed on private or public property. It is not the intent to regulate the content of signs, but merely their size and placement. Signs equal to or less than two (2) square feet in area are not considered signs for the purposes of this section. Signs permanently affixed to vehicles, attached to vending and similar machines, and directional and informational signs for the conduct of business on the premises shall not be considered signs for overall number and area requirements herein.

(1) Permanent Signs - Residential

Except as otherwise provided herein for bed and breakfast inns and home occupations, no signs shall be permitted for any residential use other than one (1) building/wall sign and one (1) free-standing sign per lot not to exceed two (2) square feet in area each and one subdivision or apartment identification sign not to exceed twenty (20) square feet in area per frontage.

(2) Permanent Signs - Non-Residential

Commercial, industrial and agricultural land uses may erect on-premise signs that comply with the following:

- A. No more than one (1) free-standing sign shall be located on any street frontage with an area not to exceed one (1) square foot of sign for each one (1) linear foot of street frontage (includes all sign faces). A free-standing sign for the purposes of this section shall mean any nonmovable sign not attached to a building such as pylon signs, ground signs and pole signs.
- B. The total of all signs erected on a single building facade shall not exceed one (1) square foot of sign for every one (1) linear foot of building facade on which said sign is located (such as roof, awning, suspended, projecting, and wall signs).
- C. One (1) portable sign per lot a maximum of twenty-four (24) square feet in area shall be permitted (such as sandwich board signs, changeable copy signs or similar signs).
- D. Signs shall be placed and located so as to maintain the integrity of the building or structure, shall not conflict with pedestrian or traffic movements, shall not be injurious to the public health, safety or welfare, and shall be designed in keeping with the character of the structure and surrounding land uses.

(3) Temporary Signs

Temporary signs, including political signs shall not be located on any tree or public utility pole. Temporary signs for the purpose of this section shall mean any display or sign constructed of fabric, canvas, plastic, plywood or other light material and designed or intended to be displayed for a short period of time (such as banners, balloons, construction signs, sales event signs, political signs, yard sale signs). All temporary signs shall be removed within forty-eight (48) hours after the event they advertise and shall not be erected no more than sixty (60) days prior to the event. In the event such signs are not removed from the public right-of-way or public property within forty-eight (48) hours, the City may remove the sign and abate the violation per Section 7.10.070.

(4) Billboards and Outdoor Advertising Signs

No outdoor advertising signs or billboards shall be permitted except along state highways as defined and in accordance with Chapter 8-23-20-5 of the Indiana Code.

Rationale: The restriction of outdoor advertising signs furthers two public interests: that of reducing visual clutter which has been determined to be a cause of unsafe traffic conditions and that of promoting the goal of the Comprehensive Plan of improving the visual appearance of the City thereby protecting its historical and architectural resources. Adequate and ample channels of commercial speech remain available for the message portrayed on such signs including print media, broadcast media, and point-of-purchase display.

(5) Non-Conforming and Exempt Signs

Lawful signs which do not conform to the provisions of this section existing as of the effective date of this Title, shall be considered non-conforming and shall be subject to the provisions of Chapter 7.07. No non-conforming sign shall be altered, rebuilt, or moved without being brought into compliance with the requirements of this Title. Routine maintenance and repainting or sign face changes are permitted and are not considered alterations for the purposes of this section. Government and community signs are exempt from the provisions of this section.

(6) Other Off-Premise Signs besides Billboards

No signs other than those permitted per (4) above shall be located on any site other than the site on which the activity the sign advertises is located. The only exemptions other than (4) above are temporary signs and directional signs a maximum of four (4) square feet in area. No off-premise sign shall be erected without the property owner's permission. No off-premise signs shall be permitted in public rights-of-way or on public property without the approval of the Zoning Administrator. The Zoning Administrator may regulate the style, design, location, placement and other aspects of signs placed on public property so as to protect the public health, safety, morals, comfort, convenience, and general welfare, and to prevent clutter, confusion, or alleviate maintenance concerns. (Ord. 99-5, May 24, 1999) (Ord. 97-08, S1, Sept. 22, 1997) (Ord. 96-02, S1, March 25, 1996)

**7.04.050 Temporary Uses.**

(a) General Temporary Uses

Any temporary use or structure not specified below connected with construction, special events or emergency operations, shall be permitted to locate on a zoning lot for a maximum of six (6) months and shall be in character with the surrounding area and



compatible with adjoining land uses. Any temporary use not meeting these standards shall be reviewed as a Special Use by the Board of Zoning Appeals. See outdoor display under accessory uses for temporary outdoor sales and display uses.

(b) Mobile Home

A mobile home is any vehicle without motive power designated by the manufacturer or maker with hitch and undercarriage to permit the attachment of axles and wheels, and so designed to permit its being conveyed upon public streets and highways and so designed, constructed or reconstructed as to permit the vehicle to be temporarily used as a single family dwelling.

Permitted by Right in the following districts: Not applicable.  
Special Use in the following districts: AG, MR (if exemption for certain mobile home "upgrades" is not applicable).

Special Use regulations:

The mobile home shall be compatible with nearby land uses and shall not detract from the area in terms of sightlessness and property values. A photograph of the mobile home shall be kept on file, and the mobile home shall be continuously maintained in the same condition as the day it was erected. The Board of Zoning Appeals may place a time period up to a maximum of five (5) years in which the mobile home may be temporarily placed on the proposed lot.

Exemption from Special Use regulations available for certain Mobile Home "Upgrades":

The foregoing Special Use regulations shall be applicable to situations where an exemption is not available (i.e., petitioners seeking permission to erect a mobile home in an Agricultural zoning district; petitioners seeking permission to erect a mobile home in a Multi-Family Residential zoning district upon which no mobile home is currently lawfully situated). Petitioners seeking permission to replace an existing mobile home with a newer, replacement, or upgraded mobile home in a Multi-Family Residential zoned district, in the same location as where their mobile home is currently lawfully situated, will be able to apply to the Zoning Administrator for an exemption from the Special Use regulations otherwise in effect. In order to secure permission to replace an existing mobile home with another newer or upgraded mobile home within the Multi-Family Residential zoning district, the petitioner must submit a written request for exemption to the Zoning Administrator setting forth at least the following criteria: (1) a mobile home is currently lawfully situated on real estate located within a Multi-Family Residential zoning district and include the address of that location; (2) whether the Board of Zoning Appeals previously granted a Special Use allowing the mobile home to be erected at its present location; and (3) the petitioner seeks permission to

replace the existing mobile home with a newer or upgraded version. The petitioner can supplement the request with further information as to whether the allowance of the replacement will make the area upon which the replacement mobile home is situated even more compatible with nearby land uses; that it will not detract from the area in terms of sightliness or property values; and/or that it will enhance the area upon which the mobile home is situated and nearby land uses. A photograph of the replacement mobile home as well as the existing mobile home shall be submitted to the Zoning Administrator along with a short written request for exemption setting forth the criteria enumerated above. No fee, notice or publication is required to request such an exemption. The intent of the paragraph is to allow advantageous changes to uses which are already allowed subject only to the review of the Zoning Administrator. In the event that the Zoning Administrator finds it questionable as to whether or not the requisite criteria have been met or is unable, based upon the information provided, to issue an exemption, the Zoning Administrator should treat the exemption request as a Special Use request, promptly refer the matter to the Board of Zoning Appeals for Special Use Review, and the procedures set forth in Section 7.09.040 shall be followed. As long as the requisite criteria can be met by subsequent owners or petitioners, the exemption allowed for by this section shall be continued regardless of any change in ownership of the subject property. The Zoning Administrator shall examine each written request and accompanying information and the premises upon which the replacement mobile home is proposed to be located. If it shall appear that the replacement proposed is in compliance with all the requirements of this section and any other applicable sections, the Zoning Administrator shall then approve the exemption request by stamping such approval on a copy of the written request for exemption and delivering the same to the petitioner. Another copy of such approval shall be retained in the City records maintained by the Zoning Administrator. The Zoning Administrator is authorized and empowered to revoke any exemption approved by him upon failure of the petitioner to fully comply with any provision of this Ordinance.

Rationale:

The City of Cannelton has mobile homes situated in the Multi-Family Residential Zoning district and, despite being maintained in the condition upon which they were erected, have aged and deteriorated, at least to some extent, through the passage of time. Having a newer or upgraded version of such mobile homes could serve to enhance the property values of nearby land uses making an exemption appropriate in Multi-Family Residential zoning districts where such older structures already lawfully exist. Requests for exemption from the Special Use regulations shall be considered a Zoning Administrator review, thus

eliminating more stricter standards and the notice and publication and fee requirements otherwise necessary to obtain a Special Use from the Board of Zoning Appeals in situations where the compatibility with adjacent land uses is actually enhanced. (Ord. 2005-09, June 27, 2005)

(c) Outdoor Assembly

Includes any organized outdoor assembly of more than one hundred (100) persons on private property for thirty (30) days or less. Any use wishing to locate temporarily on a lot for over thirty (30) days as an outdoor assembly land use shall receive approval by the Board of Zoning Appeals as a Special Use. Outdoor assembly may include land uses such as carnivals, circuses, and outdoor arts and crafts shows.

Permitted by Right in the following districts: AG, DC, GC, LI, HI.

Special Use in the following districts: CR, SR, DR, MR, NC.

The following regulations shall apply to all outdoor assembly land uses:

- (1) Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- (2) Adequate parking, drinking water, and toilet facilities shall be provided.
- (3) If subject property abuts a residential neighborhood, activities shall be limited to daylight hours.
- (4) Adequate provisions for crowd control shall be made.

(d) Outdoor Display

Refer to Section 7.04.040 (h) for regulations applicable to outdoor display as an accessory use and as a temporary use. (Ord. 96-02, S1, March 25, 1996)

## Chapter 7.05

### BULK, DENSITY AND INTENSITY REGULATIONS

#### Sections:

<b>7.05.010</b>	<b>Purpose</b>
<b>7.05.020</b>	<b>Bulk, Density and Intensity Standards</b>
<b>7.05.030</b>	<b>Front Yard or Street Side Yard Setback Adjustment</b>
<b>7.05.040</b>	<b>Exceptions to Maximum Height Regulations</b>
<b>7.05.050</b>	<b>Permitted Intrusions in Required Yards</b>
<b>7.05.060</b>	<b>Blanket Variances</b>

**7.05.010 Purpose.** The purpose of this Chapter is to outline the requirements for building location and bulk, as well as, density regulations for residential projects and intensity regulations for nonresidential projects for sites within the jurisdiction of this Title. How a site may be developed is determined in part by 1) the area or size of the site, 2) the configuration of the site, 3) the area of the site devoted to streets, easements, wetlands, steep slopes, and other restricted areas or environmental constraints, 4) the zoning district in which the site is located, 5) the presence of any overlay zoning districts such as floodplains or historic preservation, 6) adjoining zoning districts, land uses, and roadways, and 7) the uses proposed.

**Rationale:** This Chapter is designed to ensure that the goals and objectives of the Comprehensive Plan are implemented. Appearance and community character are primary concerns of the Plan and are essential for economic development. These regulations are intended to maintain the small town character of the community, the feeling of enclosure by the higher densities of the historic structures in the downtown area, the open character of the residential subdivisions, to provide for intense downtown industrial areas and open industrial parks, and to enhance the appearance of the State Highway 66 corridor. Lot sizes and gross density are intended to maintain the existing degree of compactness of dwellings in the city's various neighborhoods and prevent overcrowding. Lot size and floor area ratios are intended to ensure that commercial and industrial uses are compatible with each other and nearby land uses and viable for the conduct of business. Lot width is aimed at providing proper access to lots from public ways and reducing traffic hazards. Building heights are intended to maintain the feel and the character of existing areas, preserve views, support fire-fighting capacity, and protect solar access. Yard and setback requirements protect privacy, reduce dangers from fire and other hazards, and preserve character, provide open space, and preserve views. These regulations individually and in combination provide an array of benefits in addition to those mentioned here, with the overall aim of providing for a rational pattern of land uses which maintains and improves property values. (Ord. 96-02, S1, March 25, 1996)