

Anderson Township Proposed Text Amendments – April 2024

Exhibit A – “D and DD” Multi-family Residence Districts

Proposed changes to Articles 3.8 and 3.9 correct numbering errors that were the result of a previous reformatting. In addition, it is proposed to remove the minimum of 1 acre requirement for rest homes, convalescent homes, day care center, nursery school, prekindergarten, kindergarten, or similar private schools. Lastly, the proposed changes add single-family residence district conditional uses to the multi-family residence district.

Exhibit B - Planned Unit Development Overlay

Proposed changes will permit the Zoning Commission to increase the density of a residential development in the “E” Retail zoning district only, greater than the underlying density requirements in the “E” zoning district.

Exhibit C – Short Term Rentals

Since the adoption of the conditional use requirement for short term rentals, two conditions have caused confusion during the review process. The intent of the conditions is to ensure that the short term rentals take the appearance and activity of a single-family residence. The condition requiring parking outside the front yard setback is often unrealistic when properties may have a front-loaded garage, or in a zoning district with a smaller front yard setback, and the driveway is completely in the front yard setback. In addition, short term rentals are not required to be inspected by Fire & Rescue nor the building department, therefore, the condition requiring an emergency response plan is not needed.

Exhibit D – Decks

While the Building Code has specific setback requirements for decks, the Zoning Resolution only had a side yard setback requirement. Therefore, the proposed changes require a minimum of a 5’ setback to the rear property line.

Exhibit E – Office Zoning Districts

The proposed changes include the adding “Day Care Centers” as a permitted use in the “O” Office zoning district. Staff feels that this use is compatible with office uses, and provides the opportunity for childcare near places of employment.

In addition, edits to correct numbering errors that were the result of a previous reformatting are proposed.

Exhibit A

Proposed changes are underlined or ~~struck through~~.

Text Amendment:

Article 3.8, B, 1 "D Residence"

B. Use Regulations: A building or premises shall be used only for the following purposes permitted and conditional use purposes. Conditional uses require the issuance of a conditional use zoning certificate, after public hearing, by the Board of Zoning Appeals, as outlined in Article 5.5 of this Resolution.

1. **Permitted Uses:** The following describes permitted uses for the D Residence District.
 - a. 3.8, C,1 Agriculture,
 - b. 3.8, C,2 Single and two family dwellings;
 - c. ~~3.18~~, C,3 Multiple dwellings;
 - d. ~~3.18~~, C,4 Boarding and lodging houses;
 - e. ~~3.18~~, C,~~5~~ 9 Fraternities, sororities, dormitories and lodges;
 - f. ~~3.18~~, C,~~6~~ 12 Public and private forest and wild life reservations;
 - g. 3.1, C,~~7~~ 14 Accessory Buildings;
 - h. ~~3.18~~, C,~~15-17~~ Day Care Center, Type B.
2. **Conditional Uses:** The Following describes conditional uses for the D residence district
 - a. ~~3.18~~, C,5 Cemeteries;
 - b. ~~3.18~~, C,6 Places of Worship (Church/Sunday School etc.);
 - c. ~~3.18~~, C,7 Clubs;
 - d. ~~3.18~~, C,8 Fire House;
 - e. ~~3.18~~, C,10 Golf Course;
 - f. ~~3.18~~, C,11 Hospitals and Assorted Institutions;
 - g. ~~3.18~~, C,~~10~~ 13 Public Properties (Parks etc.);
 - h. ~~3.18~~, C,14 Rest Home, Day Care Center, Nursery School;
 - i. ~~3.18~~, C,15 Schools;
 - j. ~~3.18~~, C,18 Adult Family Home.

Article 3.8 C, 14 "D" Residence

C. Use Descriptions

14. Rest home, convalescent home, day care center, nursery school, prekindergarten, kindergarten, or similar private school. ~~Located on a site of less than one (1) acre.~~

Article 3.9, B "DD Planned Multiple Residence District Regulations"

B. Use Regulations: Any use permitted in Article 3.8,B,1 and any conditional use in Article 3.8,B,2 may be permitted in the "DD" Planned Multiple Residence District provided, however that the district shall be laid out and developed as a unit according to an approved development plan as defined in Article 6, in order that the specific use or uses may be properly integrated with the surrounding area, and provided further, that a service establishment such as a restaurant, a bar, barber shop, beauty shop, and the like, principally serving the residents and having no entrance except from within the building may be permitted after review by the ATZC which may consider the recommendation of the Regional Planning Commission, and found to be warranted by the size of the development.

Exhibit B

Proposed Changes are underlined.

Text Amendment:

Article 4.1, C, 3 Planned Unit Development Overlay and PUD Review Procedures

C. Authority

3. Approval of Modifications of Specific Requirements: The specific requirements in this Resolution for lot areas, height, yards, buffers, perimeter setbacks, parking (including provision of compact car spaces), landscaping, signs, lighting, and noise shall apply to all planned unit developments unless they are modified by the Anderson Township Zoning Commission or Anderson Township Board of Trustees with specific findings that the general standards in Article 4.1,G will continue to be met. Nothing in this Subsection shall be deemed to enable modification of the average net density (dwelling units per acre) requirements for PUD applications, except for properties located in the "E" Retail District.

Exhibit C

Proposed changes are underlined or ~~struck through~~.

Text Amendment:

5.4 Conditional Uses in Single and Multi-Family Residence Districts

H. Specific Criteria Pertaining to Conditional Uses: In addition to the general considerations contained in this Article, each conditional use is subject to one or more specific criteria as identified in this Article. The following list contains all the specific criteria with each preceded by a letter for reference in **Article 5.4,I**.

1. Conditional Use Criteria:

f. Parking shall not be permitted in the area defined as the front yard setback of the existing zone district.

z. An emergency response plan shall be submitted detailing safety measures and response procedures.

I. Uses Requiring Conditional Use Certificate In Single Family And Multi Family Residence Districts: The following uses shall require a conditional use zoning certificate. The specific criteria that are required for each area identified with letters corresponding to the items found in **Article 5.4,H,1**:

15. Short Term Rentals – ~~(f)~~, (h), (l), (m), (s), (v), (x), ~~(z)~~;

Exhibit D

Proposed changes are underlined or ~~struck through~~.

Text Amendment:

5.2 Additional Use, Height and Area Regulations and Exceptions

- A. The district regulations hereinafter set forth in this Article qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Resolution.
10. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a required front or rear yard, but shall not be closer to any side lot line than the side yard requirement, and not closer than 5 feet to a rear property line. In the "E", "F" and "G" Districts canopies may be erected over service station pump islands. No canopy shall be closer than five (5) feet to a front right-of-way line and shall not be more than eighteen (18) feet above the ground nor less than fourteen (14) feet above the ground. On a corner lot no canopy shall be closer than (10) feet to an inter of the front right-of-way line.

Exhibit E

Proposed changes are underlined or ~~struck through~~.

Text Amendment:

Article 3.10, B "O" Office District Regulations

B. Use Regulations: A building or premises shall be used only for the following purposes:

1. Any use permitted in Article 3.8, B, 1
2. Hotels and motels, including a restaurant, provided that such restaurant is subordinate and incident to the hotel or motel, and provided further that the floor of the restaurant does not exceed twenty-five percent (25%) of the floor area of the hotel or motel.
3. Office buildings devoted exclusively to professional services, banking, and other similar financial services, the management of commercial, industrial, religious, public institutions. The uses permitted by this subordinate section shall not include the manufacture or sale of commodities, unless such sale is incidental and subsidiary to the principal service rendered, but may include the display or storage of commodities incidental to the principal use, provided that the gross floor area of any one tenant or occupant devoted to such display or storage shall not exceed ten percent (10%) of the total floor area occupied by such tenant or occupant, and provided further that no display or commodities shall be visible from the exterior of the building.
4. Restaurants, pharmacies, and other accessory services subordinate and incident to the principal uses permitted by this section when conducted and entered only from within the principal building, and where there is no display or advertising pertaining to such accessory service visible from the exterior of the building and health, wellness or fitness facilities, when associated with or related to medical offices, medical clinics or rehabilitation services provided that (i) such health, wellness or fitness facilities are located in or attached to the same Building where the associated or related medical offices, medical clinics or rehabilitation services are located (ii) the associated or related medical offices, medical clinics or rehabilitation services occupy at least 20% of the space in such building and (iii) the site upon which such building is located contains at least five (5) acres.
5. Funeral homes, including the display or storage of incidental commodities, provided that the gross floor area devoted to such display or storage shall not exceed ten percent (10%) of the total floor area occupied by the principal use.
6. Studios for the broadcasting of radio, facsimile and television, including rooms, spaces, and aerials incident to the operation of such studios.
7. Storage garages and other accessory buildings devoted to uses customarily incident to the use of the principal building when located on the same lot as the principal building and not involving the sale, display or storage of commodities.
8. Day Care Centers

Article 3.11, B, 1 "O-1" Limited Office District

B. Use Regulations: A building or premises shall be used only for the following permitted uses purposes.

1. The following describes Permitted Uses for the O-1 Limited Office District.

- a. 3.11, DC, 1 Office
- b. 3.11, DC, 2 Restaurants, Pharmacies, Accessory
- c. 3.11, DC, 3 Funeral Homes
- d. 3.11, DC, 4 Day Care Center
- e. 3.11, DC, 5 Storage Garages