Effective January 8, 2025

City of Indianapolis

Consolidated Zoning / Subdivision Ordinance

LIVABILITY PRINCIPLES

Provide More Transportation Choices

Develop safe, reliable and affordable transportation choices to decrease household transportation costs, reduce energy consumption and dependence on foreign oil, improve air quality, reduce greenhouse gas emissions, and promote public health.

Promote Equitable, Affordable Housing

Expand location- and energy-efficient housing choices for people of all ages, incomes, races, and ethnicities to increase mobility and lower the combined cost of housing and transportation.

Enhance Economic Competitiveness

Improve economic competitiveness through reliable and timely access to employment centers, educational opportunities, services and other basic needs by workers, as well as expanded business access to markets.

Support Existing Communities

Target Federal funding toward existing communities – through strategies like transit-oriented development, mixed-use development, and land recycling – to increase community revitalization and the efficiency of public works investments and safeguard rural landscapes.

Coordinate Policies & Leverage Investment

Align Federal policies and funding to remove barriers to collaboration, leverage funding, and increase the accountability and effectiveness of all levels of government to plan for future growth, including making smart energy choices such as locally generated renewable energy.

Value Communities & Neighborhoods

Enhance the unique characteristics of all communities by investing in healthy, safe, and walkable neighborhoods – rural, urban, or suburban.

Legislative History	
G.O. 15, 2016	Flood per FEMA—City-County Council 5/9/2016, 2016-AO-002, MDC approved 5/9/2016; changes in 740-202 Definitions and Flood secondary district for FEMA.
G.O. 11, 2016	Flood—City-County Council 4/11/2016, 2016-AO-001, MDC approved 3/11/2016. changes in 740-202 Definitions and Flood secondary district for FEMA.
G.O. 72, 2016	Signs—City-County Council 11/30/2015, 2015-AO-004, MDC Approved 11/18/2015; changes in 740-202 Definitions and Sign Regs (terminology, exempt signs, ancillary, incidental for content-neutrality).
G.O. 24, 2015	Indy Rezone—City-County Council 9/28/2015, 2015-AO-002, MDC Approved 6/17/2015, 2015-P-010, MDC Ratified 10/7/2015. Effective date, April 1, 2016.
G.O. 53, 2017	Amends portions of Indy Rezone, Commercial Vehicles, MDC Approved, 2017-AO-002, 11/15/17. City-County Council, 10/9/17.
G.O. 37, 2018	Amends portions of Indy Rezone, Technical Corrections, MDC Approved, 2018-AO-001, 4/18/18, City-County Council, 5/21/2018.
G.O. 10, 2019	Amends portions of Indy Rezone—Sign Ordinance, MDC Approved, 2018-AO-002, 12/5/18, City-County Council, 2/27/19 (Amended). MDC Approval, 3/20/2019.
G.O. 66, 2019	Amends provisions of the Wellfield Protection Secondary Zoning District of Indy Rezone, MDC Approved, 10/16/19, 2019-AO-002, City-County Council, 12/9/19.
G.O. 24, 2019	Amends portions of Indy Rezone—Split Context Subdivisions. MDC Approved, 7/3/19, City-County Council, 8.12.19.
G.O. 26, 2021	Amends Chapters 740, 742 and 744 related to Transit-Oriented Development. MDC Approved 2021-AO-001 (Amended) 5/19/21, City-County Council, 8/9/21 (Amended), MDC Approved, 9/1/21. Effective date, 11/1/21.

G.O. 17, 2022	Amends Chapter 741 related to Stormwater Management, MDC Approved 2022-AO-001, 3.16.22, City-County Council, 5.2.22.
G.O. 23, 2023	Amends portions of Indy Rezone, Technical Corrections and Commercial Parking Lots, Chapters 740, 742, 743 and 744. MDC Approved 2023-AO-01, 3.15.23. City County Council, 5.8.23.
G.O. 1, 2025	Amends portions Chapter 744 - Development Standards relating to Outdoor Advertising Signs and maintenance. MDC Approved 2024-AO-002, 10.23.24. City-County Council, 1.8.25.

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Chapter 740. General Provisions

Article I. PURPOSE AND APPLICATION

Section 01. Title

This chapter and chapters 741, 742, 743 and 744 shall officially be known as the Zoning Ordinance for Marion County, Indiana (hereinafter "the Zoning Ordinance"). The regulations in the Zoning Ordinance shall apply to all lands within Marion County, Indiana.

Section 02. Purposes

The purposes of the Zoning Ordinance are to:

A. Implement those plans for the future development of Marion County, Indiana, including but not limited to comprehensive plans, land use plans, thoroughfare plans, transportation plans adopted by the Metropolitan Development Commission.

B. Protect and improve the quality of life in Marion County, Indiana, by improving the number and quality of housing and transportation options, improving global economic competitiveness, and protecting and improving strong neighborhoods.

C. Protect and improve residential, commercial, institutional, industrial, and mixed-use real property values in Marion County, Indiana, and to promote the efficient development and redevelopment of vacant properties in the county.

D. To promote development and redevelopment that reduces crime and opportunities for crime in Marion County, Indiana.

E. To promote development and redevelopment patterns that reduce the length and frequency of automobile trips and offer increased opportunities for efficient public transit service in order to reduce carbon dioxide emissions, improve access to employment, and improve the efficiency of infrastructure use and investment.

F. To protect and enhance tree cover in Marion County, Indiana, in order to realize the numerous benefits and services to city residents, including increased property values, reduced storm water runoff and soil erosion with associated cost savings, noise buffering, improved aesthetics, reduced energy costs from shade in summer and windbreaks in winter, removal of greenhouse gases and other pollutants from the air, and protection of the city's water quality while recognizing the need to remove some trees for development, safety, view preservation and other purposes.

G. To ensure that parking in Marion County, Indiana, is adequate but not excessive for the associated use, and that the design and construction of parking areas minimizes their impact on the City's water resources by utilizing Low-Impact Development techniques to manage stormwater and reduce urban heat island effects.

Section 03. Establishment of zoning map

A. The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be

a part of the Revised Code of the Consolidated City and County for Indianapolis-Marion County, Indiana.

B. Where a zoning boundary line follows the edge of or lies within the rights-of-way of a street, alley, thoroughfare or freeway within Marion County, that zoning boundary shall be extended to the centerline of that right-of-way and shall be construed as following the centerline of the right-of-way.

C. Where a zoning boundary line approximately follows section lines, city corporate limit lines or platted lot lines, that zoning boundary shall be construed as following such lines.

D. Where a zoning boundary line approximately follows the centerlines of streams, rivers, canals, lakes or other body of water, that zoning boundary shall be construed as following such centerlines. Where a zoning boundary line approximately follows shorelines, that zoning boundary shall be construed as following such lines, and in event of change in that shore line, it shall be construed as moving with the actual shore line.

E. The official zoning map shall be maintained in electronic form and depicted in various formats and scales as appropriate. The Director of the Department of Metropolitan Development shall be the custodian of the official zoning map.

F. When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.

G. No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the Zoning Ordinance and state law.

Section 04. Compliance

A. The Zoning Ordinance shall be in full force and effect the first day of the month that is six months after the date of adoption in compliance with IC 36-7-4.

B. Nothing in the form standards shall require any change in the plans, construction, size, or designated use of a building or part of a building for which a building permit was granted, or building plans were on file with the Department of Metropolitan Development or the Department of Code Enforcement before the first day of the month that is six months after the date of adoption, provided that construction pursuant to that permit is completed within 3 years of the issuance date of the permit.

Article II. Definitions and Construction of Language

Section 01. Construction of language

The language of this article shall be interpreted in accordance with the following regulations:

A. General

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this article and any illustration or diagram, the text shall control.
3. The words “must”, “will”, "shall" and “may not” are always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part of the building or structure.
6. When used with numbers, “up to X”, “not more than X” and “a maximum of X” all include X.
7. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
8. Unless the context clearly indicates the contrary, where a regulation involves 2 or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . or," the conjunction shall be interpreted as follows:
    a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
    b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
    c. "Either . . . or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

B. References to Other Regulations. Unless specifically stated otherwise, any reference to other city, county, state, or federal regulations are for informational purposes, and do not constitute a complete list of such regulations. These references do not imply any responsibility by the city for enforcement.

C. Current Versions and Citations. All references to other city, county, state, or federal laws or regulations refer to the most current version and citation for those regulations, unless expressly indicated otherwise.

D. Successor Departments and Agencies. All references to a federal, state, regional, or Indianapolis governmental or quasi-governmental department or agency that no longer exists shall refer to the successor agency or agencies charged with those responsibilities, as determined by the Administrator.

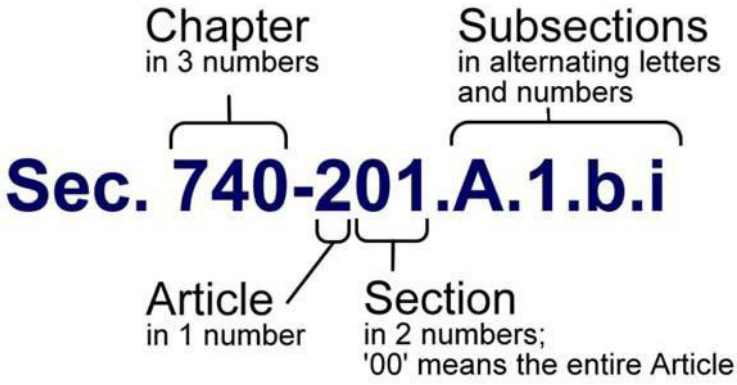
E. **Lists and Examples**. Unless otherwise expressly indicated, lists of items or examples that use "including", "such as", or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possible included terms.

F. **Catch lines.** Catch lines of sections in the Zoning Ordinance are intended to indicate the title, contents and application of the sections.

G. **Abbreviations.** Abbreviations are used and if not otherwise indicated their common usage meaning is intended. Frequently used abbreviations, in upper or lowercase, include:

a/k/a	means	also known as
ft.	means	foot or feet
sq.	means	square
sf	means	square-foot or square-feet
ac	means	acre or acres
Sec.	means	Section
w/in	means	within
w/o	means	without
in.	means	inch or inches
min.	means	minimum
max.	means	maximum
n/a	means	not applicable
ht	means	height

H. **Citation Format.** Through the Zoning Ordinance, references to other portions of the Zoning Ordinance are given. An abbreviated citation format may be used and is generally the Chapter number followed by a hyphen followed by the Article and Section numbers followed by a period followed by the subsection letters and numbers each separated by a period. Example is below:



A citation can end after the Chapter, Section, or subsection. All sections and subsections contained within the referenced citation would be applicable. A citation in which the section number ends with '00' is referencing the entire Article. The name of the chapter or section may follow the alpha-numeric citation as a parenthetical.

Section 02. Definitions

The words in the text or illustrations of this article shall be interpreted in accordance with the following definitions. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

A.

A-frame Sign: A portable sign containing two sign faces and whose framing is hinged at the apex at an angle less than 45 degrees.

Abandoned Well: A well, the use of which has been permanently discontinued or that is in a state of disrepair such that it cannot be used for its intended purpose or for observation purposes.

Abandoned Sign: Any sign or its supporting sign structure which remains without a message or whose display surface remains blank for a period of: a. one (1) year or more (for a sign or its supporting sign structure which conforms to this chapter at the time of adoption); or b. sixty (60) days (for a sign or its supporting sign structure which does not conform to the provisions of this chapter at the time of adoption); or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned.

Aboveground Storage Tank: Any one or combination of tanks, including underground pipes connected thereto, that is used to contain an accumulation of potential groundwater contaminants and the volume of that, including the volume of underground pipes connected thereto, is less than 10% beneath the surface of the ground. Flow-through process tanks are excluded from the definition of aboveground storage tanks.

Abut: To physically touch or border upon, or to share a common property line.

Access: The way by which vehicles shall have ingress to and egress from a land parcel or property to the street fronting along said property or parcel or an abutting alley.

Accessory: A subordinate structure, building or use that is customarily associated with, and is appropriately and clearly incidental and subordinate in use, size, bulk, area and height to the primary structure, building, and use, and is located on the same lot as the primary building, structure, or use.

ADA: The Americans with Disabilities Act.

Administrator: Administrator of the Division of Planning of the Department of Metropolitan Development, or the Administrator's appointed and authorized representative.

Adult Bookstore: An establishment having at least 25% of its:

1. Retail floor space used for the display of adult products; or
2. Stock in trade consisting of adult products; or
3. Weekly revenue derived from adult products.

For purposes of this definition, the phrase adult products means books, films, magazines, motion pictures, periodicals or other printed matter, or photographs, video cassettes, slides, tapes, records or other forms of visual or audio representations that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. For purposes of this definition, the phrase adult

products also means a device designed or marketed as useful primarily for the stimulation of human genital organs, or for sadomasochistic use or abuse. Such devices shall include, but are not limited to bather restraints, body piercing implements (excluding earrings or other decorative jewelry), chains, dildos, muzzles, non-medical enema kits, phallic shaped vibrators, racks, whips, and other tools of sado-masochistic abuse.

Adult Cabaret: A night club, bar, theatre, restaurant or similar establishment that regularly features:

1. Live performances by bottomless or topless dancers, exotic dancers, go-go dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas;
2. Films, motion pictures, slides, video cassettes, or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons;
3. Persons who appear in a state of nudity or semi-nudity as defined in Chapter 807, Article I of the Revised Code of the Consolidated City and County; or
4. Persons who engage in erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customer.

Adult Drive-in Theatre: An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of films, motion pictures, theatrical productions, and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

Adult Entertainment Business: An adult bookstore, adult mini motion picture theatre, adult motion picture theatre, adult motion picture arcade, adult cabaret, adult drive-in theatre, adult live entertainment arcade or adult services establishment.

Adult Entertainment Business, Retail: See “Adult Entertainment Business.”

Adult Live Entertainment Arcade: Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or screened area or booth a series of live dance routines, strip performances or other gyrational choreography, which performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure to specified anatomical areas.

Adult Mini Motion Picture Theatre: An enclosed building with a capacity of more than 5 but less than 50 persons, used for presenting films, motion pictures, slides, video cassettes, or similar photographic reproductions in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult Motel: A hotel, motel or similar establishment offering public accommodations, for any form of consideration, that offers a sleeping room for rent for a period of time that is less than 10 hours or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours, and that provides patrons, upon request, with closed-circuit television transmissions, films, motion pictures, slides, video cassettes, or other photographic reproductions that are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to 5 or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult Motion Picture Theatre: An enclosed building with a capacity of 50 or more persons used for presenting films, motion pictures, slides, video cassettes, or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult Service Establishment: Any building, premises, structure or other facility, or part thereof, under common ownership or control which provides a preponderance of services involving specified sexual activities or display of specified anatomical areas.

Affected Land: For purposes of Gravel, Sand, and Borrow regulations, the area of land from which overburden has been removed, or upon which cast overburden, refuse from mining operations, or minerals have been deposited, or that is disturbed or utilized incidental to mining operation.

Agricultural Machinery and Equipment Sales, Rental, or Repair: Sale, rental, or repair of equipment, farm equipment, large and small animal equipment, and related infrastructure or vehicles used for agricultural, horticultural, or animal husbandry operations.

Agricultural Sciences R& D: An industry sector dealing with the research of production, breeding, and management of crops, horticulture, floriculture, viticulture, and animal and poultry husbandry. Definition does not include onsite agricultural uses, buildings and structures.

Agricultural Uses, Buildings and Structures: The land use of animal and poultry husbandry, farming, cultivation of crops and timber, dairying, pasturage, floriculture, horticulture, viticulture, apiaries (beekeeping), aquaculture (fish farm), hydroponics, together with necessary, accompanying accessory uses, buildings, or structures for housing, composting, packing, treating, or storing of agricultural products, on a site larger than 3 acres in size in common or related ownership. An inherent characteristic of this use is the outside operations, such as plowing, harvesting, storage of equipment, and is considered a primary facet of the use; therefore, the buildings and structures, such as barns and silos, are not considered as accessory outdoor storage and operation, but rather part of the primary activity. This definition includes associated dwellings for those involved in agricultural uses. This use does not include any operation meeting the definition of a Confined Feeding Operation or Concentrated Animal Feeding Operations as defined under IC Title 13 Article 11.

Air-filled Sign: A temporary sign that uses air or wind or other gas to inflate or move. For illustrative purposes only, examples include balloon signs, wind signs.

Airport Conical Surface Area: The land area designated as "airport conical surface area" on the official zoning map, beginning at the periphery of the horizontal surface area and thence extending outwardly a distance of 4,000 feet - such conical surface area not including, however, the instrument and no instrument approach surface areas and transitional surface area.

Airport Horizontal Surface Area: The land area designated as "airport horizontal surface area" on the official zoning map, the perimeter of which is determined by projecting arcs from the center of the inner line of each instrument and no instrument approach surface area (the

dimension of such arcs for instrument approach surface areas being 10,000 feet and for no instrument approach connecting adjacent arcs by lines tangent thereto - not including, however, as a part of the horizontal surface area, the instrument and no instrument approach surface areas and transitional surface area).

Airport Instrument Approach Surface Area: The land area designated as "airport instrument approach surface area" on the official zoning map, located at each end of each instrument runway for landings and take-offs - such surface area having a width of 1,000 feet at a horizontal distance of 200 feet beyond each end of the runway and widening thereafter uniformly to a width of 16,000 feet at a horizontal distance of 50,200 feet beyond each end of the runway, its centerline being the continuation of the runway centerline.

Airport Noninstrument Approach Surface Area: The land area designated as "airport noninstrument approach surface area" on the official zoning map, located at each end of each noninstrument runway for noninstrument landings and take-offs - such surface area having a width of 500 feet at a horizontal distance of 200 feet beyond each end of the runway and widening thereafter uniformly to a width of 3,500 feet at a horizontal distance of 10,200 feet beyond each end of the runway, its centerline being the continuation of the runway centerline.

Airport Transitional Surface Area: The land area designated as "airport transitional surface area" on the official zoning map, located adjacent to each instrument and noninstrument runway - such surface area extending outward as indicated on the official zoning map from a line 250 feet on either side of the centerline of a noninstrument runway, for the length of such runway plus 200 feet at each end thereof, to the inner line of the horizontal surface area, and from a line 500 feet of either side of the centerline of an instrument runway plus 200 feet at each end thereof, to the inner line of the horizontal surface area; further symmetrically located adjacent to each instrument and noninstrument runway approach surface area, on each side thereof, having variable widths, as indicated on the official zoning map, and extending the entire length of such approach surface areas to their intersection with the outline of the conical surface area; and further located beyond such points of intersection, beginning at the outlines of all instrument approach surface areas and extending a horizontal distance of 5,000 feet therefrom, measured at right angles to the continuation of the runway centerline, as indicated on the official zoning map.

Airspace Hazard: Any structure, tree, object or use of land which obstructs the airspace or is otherwise hazardous to the flight of aircraft in landing or taking-off at a public airport or heliport, as determined to constitute an "airspace," "airport" or "heliport" hazard either by the Federal Aviation Administration, the Aeronautics Commission of Indiana or the Indianapolis Airport Authority.

Alley: A public right-of-way that has been dedicated or deeded to and accepted by the public for public use as a secondary means of public access to a lot otherwise abutting upon a public street and not intended for traffic other than services and circulation to and from abutting lots. Typically has a right-of-way width of less than 35 feet

Alteration: Any change in type of occupancy, or any change, addition or modification in construction of the structural members of an existing structure, such as walls, or partitions, columns, beams or girders, as well as any change in doors or windows or any enlargement to or diminution of a structure, whether it be horizontally or vertically.

Amateur Radio Antenna: A device that is designed to transmit and receive radio frequency for the purposes of private recreation.

Amenity Zone: The area of the streetscape that provides a buffer between people walking on sidewalks and the street. It typically includes elements such as lights, trees, bicycle racks, landscaping, benches, signs, public art, transit facilities and green infrastructure. Policies and designs for this area are more specifically defined by policies and standards for public rights-of way.

Amusement Arcade: A type of indoor commercial amusement/recreation establishment where amusement machines are available to the public.

Amusement Machine: An amusement device operated by means of the insertion of a coin, token, or similar object for the purpose of entertainment, amusement or skill and for the playing of which a fee is charged. "Amusement machine" does not include vending machines which do not incorporate gaming amusement or skill features, nor does the term include any coin-operated mechanical musical device.

Ancillary Sign: Freestanding, permanent sign accessory to the primary use of land that is smaller than any frontage sign located on the lot and located at least 40 feet away from the right-of-way of any arterial or freeway, and 10 feet away from any other right-of-way. For illustrative purposes only, examples may include a sign identifying directions, clubhouse rules, menu options, list of tenants.

Animal, Large: Large animals include horses, ponies, cows, calves, mules, alpacas, sheep, rams, lambs, burros, goats, swine, emus, jacks, jennets and other animals that the Administrator determines to be of similar size, weight, and impact on the land.

Animal, Small: Any animal of a species that generally does not exceed 100 pounds in weight and that is not included in the definition of a large animal.

Animal Care, Boarding, Veterinarian Services: A business involved in the care, diagnosis, treatment or hospitalization of animals, and including the boarding of animals. This definition includes uses such as animal day care, kennels, stables, pet shops, animal grooming, obedience schools, and veterinarian services. This use does not include any operation meeting the definition of a Confined Feeding Operation (CFO) or Concentrated Animal Feeding Operation (CAFO) under Indiana statutes.

Animated Sign: Any sign that includes movement or change of lighting to depict action or create motion, a special effect or a scene. Any changeable copy sign on which the message changes more than eight times per day shall be considered an animated sign.

Antenna, Radio or Television Broadcasting: A device that is designed to transmit:

1. Direct broadcast satellite service, including direct-to-home satellite services; or
2. Video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services; or
3. Television broadcast signals.

Applicant: The owners, legal and equitable, of land within the territorial limits of Marion County, Indiana, or persons authorized by the owner, who submit an application for land use or permit approval under the provisions of the Zoning Ordinance.

Art: Original works created by an individual or team that is experienced in their discipline. In general, art is a creative expression by an individual or design team that also ultimately controls the aesthetic outcome. Art does not advertise a business, product, service or activity. The following disciplines are included as having the potential for producing original creative works: (1) Artists - visual arts, performing arts and literary arts, (2) Craftsmen - glass, metal, weaving, quilting, pottery, etc., or (3) Design professionals - architecture, landscapes, interiors, engineers, etc. This definition excludes the use of commercial trademarks, logos and any other commercial message.

Articulation: The means of dividing a structure's façade into distinct and significant parts through the use of windows, change in building materials, building façade insets, artwork, etc. in order to add scale to a structure and break up large expanses of unadorned walls.

Artisan Food and Beverage: Small-scale production or preparation of food made on site with limited to no automated processes involved and may include direct sales to or consumption by consumers. This definition includes uses such as small-batch bakeries, micro-breweries (manufacturing 15,000 barrels per year or less) as regulated by the State of Indiana, artisan distilleries (manufacturing 10,000 barrels per year or less) as regulated by the State of Indiana, small-batch candy shops, and local cheese makers. This use may or may not have outdoor seating or patio as an accessory use depending on the zoning district in which it is located.

Artisan Manufacturing: Application, teaching, making, or fabrication of crafts or products by an artist, artisan or craftsperson either by hand or with minimal automation and may include direct sales to consumers. This definition includes uses that employ activities and processes such as small-scale fabrication, welding, and coating, that are typically not permitted in non-industrial zoning districts. This definition shall not include Artisan Food and Beverage preparation or sales**.**

As-built Condition: The state of being of a structure or building immediately following its construction or placement.

Assisted Living Facility: A residential facility that provides a combination of housing, social activity, supportive services, personalized assistance, and health care, designed to foster independent living, yet respond to the individual needs of those who need help with activities of daily living, such as walking, eating, dressing, bathing, toileting, and transfer between, or in and out of a chair or bed, doing laundry, cleaning of living areas, meal preparation, engaging in recreational or leisure activities, taking medications properly, managing money and conducting business affairs, using public transportation, writing letters, or using the telephone. Supportive services are available 24 hours a day to meet scheduled and unscheduled needs of residents. Facilities have single- or double-occupancy living units that contain most dwelling unit features, such as lockable units, a food preparation area, and a full bathroom facility. This definition shall not include a licensed Nursing Home.

Attached nonhabitable accessory enclosure: For purposes of flood control regulation, an enclosed area of a structure below the elevated first floor used solely for parking vehicles, building access or storage that satisfies all requirements for such a structure as set forth in this article.

Auctioneering and Liquidating Services: Service where the property of others, such as objects of art, furniture, and other goods (except livestock), are offered by a broker or auctioneer for sale to persons who bid on the items in competition with each other at scheduled sales periods or events. The use may include short-term storage. This use shall not include the sale of automobiles or other vehicles. See "Automobile and Vehicle Storage or Auction".

Automated Teller Machine (ATM): A machine that performs limited banking functions for customers such as deposits, withdrawals and transfers of funds upon insertion of a customer identification card, password, or similar device.

Automobile and Light Vehicle Wash: The cleaning, polishing, waxing, washing of the interior or exterior of automobiles or light vehicles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial handwashing of such automobiles, whether by operator or by customer. This definition shall not include facilities for vehicles with a gross vehicle weight rating over 14,000 pounds.

Automobile and Vehicle Storage or Auction: The keeping of operable or temporarily inoperable towed vehicles, automobiles, trucks, buses and recreational vehicles in an impound yard or storage area, and may include related towing, recovery, repossession, or auction sales services. This definition shall not include a Wrecking or Salvage Facility, Commercial Parking Garages, or primary or accessory surface parking lots or parking garages where the primary use is for short term (under 48 hours) parking of vehicles.

Automobile Fueling Station: The retail dispensing or sale of vehicle fuels, including but not limited to gasoline, gas/oil mixtures, diesel fuel, compressed natural gas, electricity, and hydrogen, through fixed approved dispensing equipment by customers or employees. Accessory uses may include uses such as the sale of convenience items, food, lubricants, batteries, car washes, and similar accessory uses. This definition shall not include any facility meeting the definition of an automobile, motorcycle and light vehicle service or repair use or other vehicle sales, rental, or repair use, or any facility providing any automotive services or repairs such as oil changes, tire-rotation, and lubrication services.

Automobile, Motorcycle, and Light Vehicle Sales or Rental: The storage, display, sale, lease, or rental of new or used vehicles, including automobiles, motorcycles, trucks, vans, trailers, scooters, all-terrain vehicles, and similar vehicles under 14,000 pounds gross vehicle weight rating (GVWR). An inherent characteristic of this use is the outside display of vehicles which is considered a primary facet of the use; as a primary use, this display must meet the development standards as a primary use and not the standards associated with an accessory use. This definition includes uses such as new and used automobile dealers; tractor, truck, and bus dealers under 14,000 GVWR; passenger automobile leasing; passenger automobile rental; motorcycle rental; and motorcycle dealers. Accessory uses include repairs to any vehicles permitted to be sold or rented, and sales of vehicle parts for any vehicles permitted to be sold or rented. This definition shall not include a wrecking or salvage facility, a facility meeting the definition of Truck or Heavy Vehicle Sales, Rental, or Repair, or any facility for the sales or rental of farm equipment, recreational vehicles over 14,000 GVWR, mobile homes, or manufactured homes.

Automobile, Motorcycle, and Light Vehicle Service or Repair: The major or minor repair and maintenance of automobiles, motorcycles, trucks, vans, trailers, scooters, all-terrain vehicles, and similar vehicles under 14,000 pounds gross vehicle weight rating (GVWR). This definition includes uses such as automobile oil change or lubrication shop; automobile tune up shop; engine repair shop; air conditioning equipment repair; automobile body repair/paint shop; brake system repair or service; detailing/trim shop; exhaust system (muffler) repair shop; glass replacement shop; rust proofing; speed/tuning shop; parts and supply store; tire alignment, retreading, or repair shop; tire dealers; motorcycle paint shop; motorcycle repair shop; and transmission repair and service shop.

Automobile Rental Station: A portion of a legally established parking area or parking garage that serves as the location for the parking, storage, pick-up and drop-off of a rental automobile.

Awning: A roof-like cover, often of fabric, metal or glass designed and intended to either protect from the weather or as a decorative embellishment, and which is supported and projects from a wall or parapet of a structure over a window, walk, door, or a similar feature.

Awning Sign: A building sign or graphic printed on or in some fashion attached directly to the awning material.

B.

Balcony: An unenclosed platform structure supported by and projecting from or inset into the exterior side of a building gaining sole access from said building and designed and intended for either decorative purposes or lounging, dining, and similar activities.

Balloon Sign: A temporary sign consisting of a bag made of light-weight material that is filled with a gas lighter than air and designed to rise or float in the atmosphere (refer to Sign Diagram 30).

Banner: Any temporary sign of light-weight fabric or similar material mounted to a pole or a building at one (1) or more edges by a permanent frame. Flags of any government or political subdivision shall not be considered banners (refer to Sign Diagram 30).

Bar or Tavern: Facility regulated by the State of Indiana for the serving of liquor by the drink to the general public, but where minors cannot be within the use, and where food or packaged liquors may be served or sold only as accessory to the primary use. This definition shall not include dancing or entertainment facilities.

Basement: That portion of a building with an interior vertical height clearance of not less than 78 inches and having 1/2 or more of its interior vertical height clearance below grade level.

Base Flood: Also known as the regulatory flood. That flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation: The elevation of the one percent chance flood.

Base Panel: The horizontal piece that forms the lowest member of a façade located between grade level and the base of a window (see Diagram A).

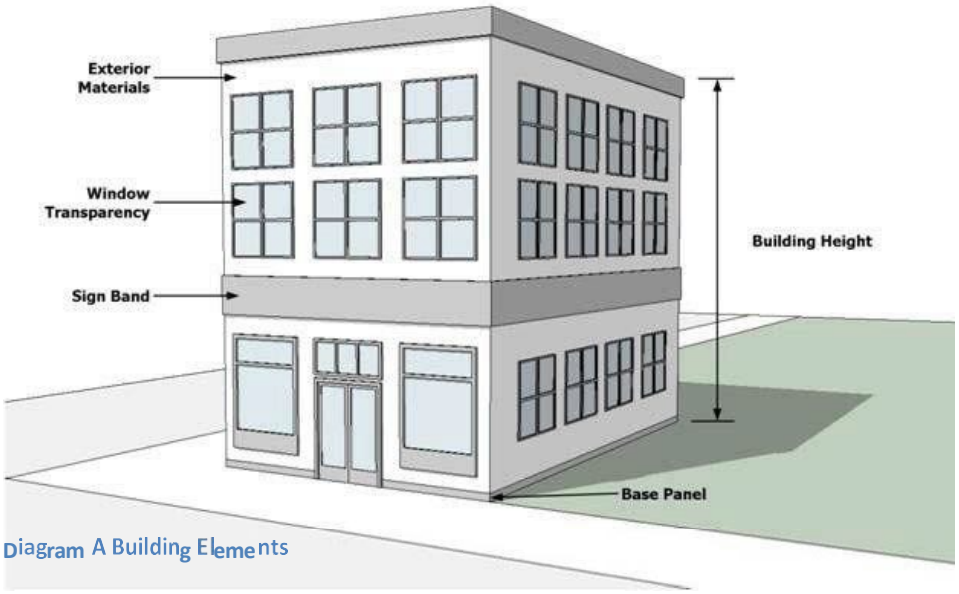


Diagram A Building Elements

Batching Plant: A facility which manufactures or prepares bituminous paving materials, aggregate concrete, or bulk cement.

Bathhouse: An accessory building of one or more rooms, not open to the public, designed and intended for exclusive use by occupants of the primary use and their guests as dressing rooms and may or may not include sanitary facilities.

Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source. Also, any light with one or more beams that rotate or move.

Bed and Breakfast: The commercial rental of up to 6 bedrooms within a private, owner-occupied, single-family detached dwelling unit, and providing temporary accommodations, typically including a morning meal, to overnight guests. This use may also include the temporary accommodation of daytime meetings or receptions for guests for a fee.

Best Available Data: For purposes of flood control regulation, information including but not limited to available topographic mapping, survey data, historic flood records, engineering studies, channel ratings, and engineering judgment, used by the Bureau of License and Permit Services to make flood control zoning district determinations pursuant to Section 742-203 (Flood Control Secondary Zoning Districts) when detailed floodplain data are not available for a particular site.

Best Management Practice (BMP): A single practice or combination of practices that are used to meet the stormwater quality standard. BMP can be structural or non-structural; structural BMPs can be natural or manufactured.

Bicycle Sharing: Service in which bicycles are made available for shared use to individuals on a very short-term basis.

Bioretention area: Structural stormwater controls, including bioretention areas, micro-bioretention areas, and rain gardens, that capture and temporarily store stormwater using soils and vegetation in landscaped areas to remove pollutants from stormwater runoff in accordance with Chapter 700 of the Stormwater Specifications Manual, January 2011, of the City of Indianapolis.

Blasting: For purposes of Gravel, Sand, and Borrow regulations, the use of explosives to break up or otherwise aid in the extraction or removal of rock or other consolidated natural formation.

Blended Transitions: Portion of a walkway with a grade less than 5% that provides the connection between the level of the pedestrian walkway and the level of the crosswalk (See Diagram B).

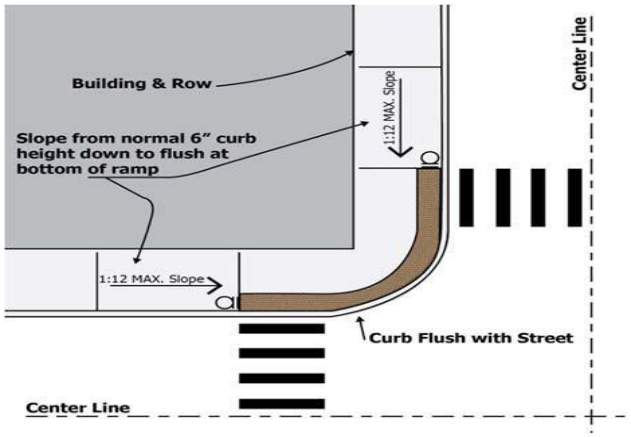


Diagram B Blended Transitions

Board: The Board of Zoning Appeals (BZA) of Indianapolis, unless the context clearly indicates that a different board is clearly intended.

Boardinghouse: A building, other than hotels, motels, hostels, bed and breakfasts or multifamily dwellings, containing accommodation facilities in common where lodging, typically with meals reserved solely for the occupants of the facility, is provided for a fee.

Buffer strip: For purposes of Gravel, Sand, and Borrow regulations, the minimum horizontal distance established by ordinance between a structure or activity and the boundary of a designated protected area, such as a floodplain, wetland, wildlife habitat for threatened or endangered species. (See Diagrams in Section 742-206)

Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having an enclosed space and a permanent roof supported by columns or walls.

Building Sign: Any sign accessory to the primary use of land that is attached to any part of a building. Also known as a business sign.

Building Marker: Small, on-premises, freestanding or building sign accessory to the primary use of land that is located on or in proximity of a building's pedestrian entrance or exit. For illustrative purposes only, examples may include signs indicating an address, owner's name, construction date, or building's historic significance.

Bulk Storage of Commercial or Industrial Liquids: The storage of commercial and industrial liquids, including but not limited to petroleum products, in aboveground containers for subsequent resale to distributors or retail dealers or outlets. This definition shall not include the dispensing of fuel to individual retail customers.

Bureau of License and Permit Services or Bureau: The Bureau of License and Permit Services of the Department of Code Enforcement.

Business, Art, or other Post-Secondary Proprietary School: A school conducted as a commercial enterprise for teaching skills such as art school; barber college/school; beauty or cosmetology college/school; business and secretarial school; clerical school; correspondence school; dance school; computer technology school; junior college; karate or martial arts school; language school; music school; or photography school. This definition shall not include the incidental instructional services in conjunction with another primary use.

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C.

Camouflage: A structural design or treatment, including colors, intended to conceal and make a Wireless Communications Facility visibly compatible with the surrounding area.

Canopy: A roof-like cover, often of fabric, metal, plastic, fiberglass, or glass on a support, that is supported in total or in part from the ground, providing shelter over, for example, a doorway, outside walk or parking area.

Canopy Sign: Any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door, entrance, or window. A canopy sign is not a marquee and is different from pump island canopy signs.

Carport: A roofed structure designed and intended to shelter the automotive vehicle of the premises' occupant or owner, with at least one side permanently open to the weather.

Centerline of the Highway: A line equidistant from the edges of the existing right-of-way separating the main-traveled ways of a divided interstate highway, freeway, expressway, or the centerline of the main-traveled way of a non-divided interstate highway, freeway or expressway.

Certificate of Appropriateness (COA): The written determination by the Indianapolis Historic Preservation Commission that the construction, reconstruction, alteration, or demolition described in an application is not in conflict with the Historic Area Preservation plan. A COA is also needed prior to any zoning matter in an historic district.

Changeable Copy Sign: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged electronically or non-electronically without altering the face or the surface of the sign. The message copy of a changeable copy sign can be changed manually in the field, through the use of changeable letters, numbers, symbols and similar characters, changeable pictorial panels or through the use of rotating panels and other similar devices that are not controlled through remote electronic or electric techniques. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign.

Check Cashing or Validation Service: An establishment that, for compensation, engages in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This definition shall not include a bank, savings & loan association, or credit union or other facility meeting the definition of financial and insurance services, and does not include establishments selling retail consumer goods, such as grocery stores, where the cashing of checks or money orders is incidental to the main purpose of the business.

Child: An individual who is less than 18 years of age, as per IC 12-7-2.

Child Care, per IC 12-7-2-28.2: A service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth, as per IC 12-7-2.

Child Care Home: A residential structure and the residence of a childcare provider in which, as per IC 12-7-2, at least 6 children (not including the children for whom the provider is a parent, stepparent, guardian, custodian or other relative or any child who is at least fourteen (14) years of age and does not require childcare) at any time receive childcare from a provider:

a. While unattended by a parent, legal guardian, or custodian;

b. For regular compensation; and

c. For more than 4 hours but less than 24 hours in each of 10 consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

The term includes a Class I Child Care Home; a Class II Child Care Home.

Class I child care home, per IC 12-7-2: A child care home that serves any combination of full-time and part-time children, not to exceed at any one time 12 children plus three children during the school year only who are enrolled in at least full-day kindergarten. Except as provided in IC 12-17.2-5-6.3(b), the addition of 3 school age children may not occur during a break in the school year that exceeds 4 weeks. A child for whom the provider of care is a parent, stepparent, guardian, custodian or other relative and who is at least 7 years of age; or who is at least fourteen (14) years of age and does not require child care; shall not be counted in determining whether the child care home is within the limit set forth by definition.

Class II child care home, per IC 12-7-2: A child care home that serves more than 12 children but not more than any combination of 16 full-time and part-time children at any one time. A child for whom the provider of care is a parent, stepparent, guardian, custodian or other relative and who is at least 7 years of age; or who is at least fourteen (14) years of age and does not require child care; shall not be counted in determining whether the child care home is within the limit set forth by definition.

Clean Energy R&D: An industry sector focused on the research and application of techniques to generate energy that is designed to reduce dependence on fossil fuels. Includes research and services related to biofuels, alternative battery solutions, hybrid engines, hydrokinetic power, wind power generation, solar power generation, geothermal production, and hydrogen fuel production.

Clear Sight Triangular Area: An area, as prescribed by this Ordinance, in which no buildings, structures, landscaping, or other elements may be located within, unless otherwise exempted by this Ordinance.

Club or Lodge: Nonresidential organization of persons for special purposes or for the promulgation of sports, arts, literature, politics, or other common goals, interests or activities, characterized by membership qualifications, dues, or regular meetings. This definition includes uses such as fraternal lodge; singing society; and social membership club. This definition shall not include residential facilities.

Cluster Subdivision, or Cluster: A form of development for single-family residential subdivisions that permits a reduction in the minimum lot: area, width, setback and open space requirements and to concentrate development in specific areas of the subdivision while the remaining land is reserved in perpetuity. Recreational purposes, common open space and preservation of environmentally sensitive features are examples of some purposes of the remaining land.

Commercial Amusement/Recreation Establishment, Indoor: Same as “Indoor Recreation & Entertainment.”

Commercial and Building Contractor: Establishment or activity that supplies materials and labor to fulfill work at a remote site, typically a building trade or activity associated with construction or maintenance. This definition may include offices for operation of the contracting business, but does not include retail sales of goods to the public, unless such retail sales are permitted by the district. This includes uses such as contractors for awning; building/construction; carpentry work; concrete; decorating; demolition; electrical; excavation; extermination/disinfection; fence; flooring; home remodeling; masonry/stonework/tile/setting; painting; pest control; plastering/drywall; plumbing; roofing; septic system; sheet metal; siding; sign; storm door; window; construction companies, contractors, lumber yards; swimming pool installation and services; home remodeling companies; heating; air conditioning; landscaping; lawn services; tree services; and water softener services.

Commercial Parking Garage: Same as” Parking Garage, Commercial.”

Commercial Vehicle: A vehicle that meets one or more of the following attributes.

1. Any vehicle designed to operate on the road, if appropriately licensed, with a gross vehicle weight rating (GVWR) of more than 10,000 pounds; or

2. Any vehicle, regardless of weight, used or designed to be used as a box truck, bucket truck, bus (carrying 10 or more passengers), commercial tree-trimming equipment, construction or excavating equipment, dump truck, flatbed truck, food truck, garbage truck, package delivery truck, step van, tank truck, tar truck, tow- truck; or

3. Any vehicle with a US DOT number licensed by the State of Indiana as a commercial vehicle or commercial truck; or

4. Any trailer, open or enclosed, with a cargo holder measuring more than 12 feet in length; or

5. Any trailer, open or enclosed, holding landscaping or construction equipment including but not limited to mowers, trimmers, woodchippers or shredders, excavator, or front-loader.

This definition does not include a vehicle meeting the definition of a Recreational Vehicle.

Commission: The Metropolitan Development Commission (MDC) of Marion County, Indiana.

Committee: The Plat Committee of the Metropolitan Development Commission of Marion County, Indiana, or, in the case of a combined hearing as permitted under IC 36-7-4 and Section 740-600 (Application & Nonconformities) of the Zoning Ordinance, the hearing examiner of the Metropolitan Development Commission.

Commitment: Agreement made regarding property in accordance with IC 36-7-4.

Community Center: Public or quasi-public facilities used for recreational, social, educational and cultural activities of a neighborhood or community. This definition includes facilities designed for the conduct of sport and leisure time activities and other customary and usual recreational activities such as athletic clubs; auditoriums; assembly halls; community, multi-service, neighborhood, or senior citizens' centers, swimming pools, and game courts.

Compost: Relatively stable decomposed organic matter or collected and managed decomposing organic matter for use in agricultural and other growing practices usually consisting of materials such as grass, leaves, yard waste, worms, and also including raw and uncooked kitchen food wastes, but specifically excluding bones, meat, fat, grease, oil, raw manure, and milk products.

Comprehensive Plan: The applicable comprehensive or master plan for Marion County, Indiana, or a part of that county, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC 36-7-4-500 Series, and any amendments to that plan.

Condition: An official agreement between the municipality and the applicant concerning the use or development of the land as specified in the letter of grant of a petition, variance, or special exception as signed by the Administrator or secretary of the applicable appointed land use body.

Condominium: A building, group of buildings, or portion thereof, in which units are owned individually as provided for by the lawful recordation of condominium instruments, and the structure, common areas, or facilities are owned by all the owners on a proportional, undivided basis as per IC 32-25.

Connected Piping: In the Wellfield Protection Zoning Districts, any underground piping including valves, elbows, joints, flanges, and flexible connectors attached to a tank system.

Construction Activity: The conduct of land alterations, watercourse alterations, erection, construction, placement, repair, alteration, conversion, maintenance, moving, or remodeling of any new or existing building or structure or any part thereof, or the construction, installation, extension, repair, alteration, conversion, removal or maintenance of building or structure equipment.

Consumer Services or Repair of Consumer Goods: Businesses engaged in the repair or servicing of common household or light commercial goods in which the service or repair is typically conducted on-site rather than at the end-users location. This definition includes uses such as: pick-up stations for dry cleaning or laundry; garment pressing; cleaning and maintenance services; interior decorator; key duplicating shop; locksmith; photocopying services, copy centers and document preparations, parcel packing/ mailing service (excluding industrial); photo finishing; photography studio; plumbing sales and service (excluding contractor); radio or television service; security system services; tailor, seamstress or dressmaker; portable air conditioner service or repair; antique repair or restoration; bicycles; cameras; household, clocks, watches, or jewelry; computers; dental instruments; furniture reupholstery or refinishing; gas appliances; lawn mowers; leather goods; musical instruments; optical goods; radio or television; shoes; sewing machines; mobile phones and devices, glass installation and repair (excluding auto glass repair and installation); internet sales consignment facility.

Container: In the Wellfield Protection Zoning Districts, a receptacle for holding goods or wastes such as tanks, drums, and barrels.

Containment Area: An aboveground area with floors and sidewalls that have been constructed of a material that prevents migration of fluids into the groundwater.

Convenience Market: A retail establishment selling staple groceries, snacks, household items and sundries. The establishment may also provide an accessory facility where gasoline and other motor fuels are stored and subsequently dispensed by use of fixed, approved dispensing equipment on a self-service basis. This use is classified under “Retail, Light General.”

Coping: A cap on a wall for the protection of the structure from weather elements. Typically made of metal, masonry or tile.

Cost: For purposes of flood control regulation, the actual value of the work to be performed based on a method approved by FEMA.

Covenant: A private legal restriction on the use of land contained in the deed, plat and other legal documents pertaining to the property.

Covered Open Space: See "Open Space, Covered."

Crematorium: A freestanding facility containing furnaces for the reduction of dead bodies to ashes by incineration.

Critical Facilities: For purposes of flood control regulation, those facilities that: are critical to the community’s public health and safety; are essential to the orderly functioning of a community; store or produce highly volatile, toxic or water reactive materials that must be protected to prevent further harm or house occupants that may be insufficiently mobile to avoid loss of life or injury. For the purposes of the Zoning Ordinance, wastewater treatment plants and water treatment plants are not considered to be critical facilities regulated by these provisions.

CRS: Community Rating System. A program developed by the Federal Insurance Administration to provide incentives for those communities in the NFIP that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Curb Cut: The opening along the curb line, exclusive of curb ramps, at which point vehicles may enter or leave the street, also known as an access cut (see Diagram C).

Curb Line: A line located on either edge of the pavement, but within the right-of-way (see Diagram C).

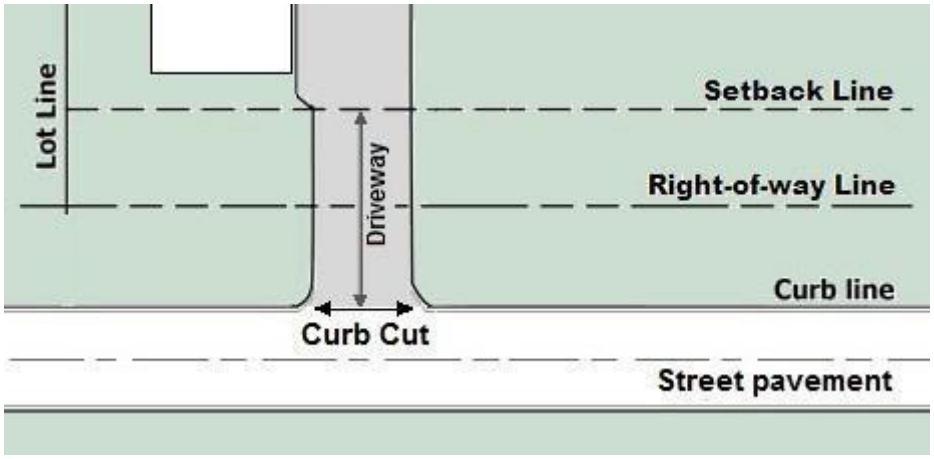


Diagram C Curbs

Cutoff: A means of defining the light distribution of a light fixture based on candela per 1000 lamp lumens. Light fixtures are rated as Full cutoff, Cutoff, Semi-cutoff, or non-cutoff (see Diagram D).

Full cutoff: A light fixture with a distribution where zero candela intensity occurs at an angle of 90 degrees above nadir and all greater angles from nadir. Additionally, the candela per 1000 lamp lumens does not numerically exceed 100 (10 percent) at an angle of 80 degrees above nadir. This applies to all lateral angles around the light fixture.

Cutoff: A light fixture with a distribution where the candela per 1000 lamp lumens does not numerically exceed 25 (2.5 percent) at an angle of 90 degrees above nadir, and 100 (10 percent) at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the light fixture.

Semi-cutoff: A light fixture with a distribution where the candela per 1000 lamp lumens does not numerically exceed 50 (5 percent) at an angle of 90 degrees above nadir, and200 (20 percent) at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the light fixture.

Non-cutoff: A light fixture with a distribution where there is no intensity (candela) limitation in the zone above maximum intensity.

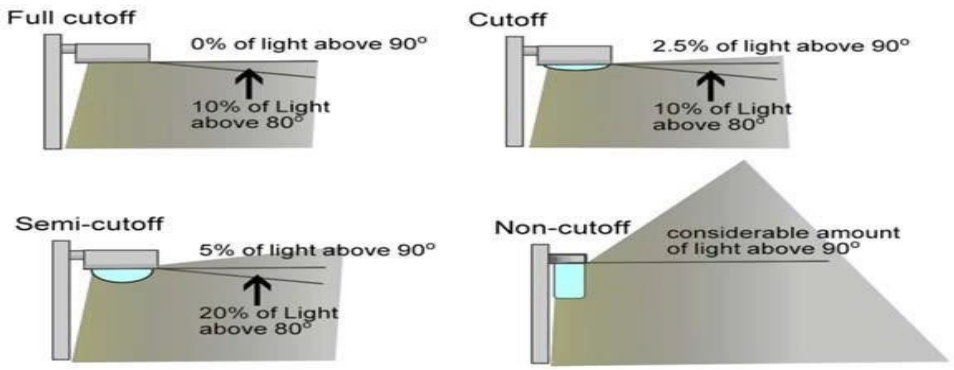


Diagram D Light Fixtures Cutoff ratings

D.

Day Care Center or Nursery School: Either of the two types of institutions listed below.

1. Any institution or place operated for the purpose of providing care, maintenance, supervision or instruction to children who are less than 6 years old and are separated from their parents, guardian, or custodian for more than 4 hours but less than 24 hours a day for 10 or more consecutive workdays, where tuition, fees or other forms of compensation are charged, and that is licensed by and approved to operate as a day care center in accordance with the requirements of the State of Indiana. This definition does not include a childcare home.

2. A facility that provides supervised activities as a principal use, on a daily basis, for adults who do not require specialized care and do not remain on the premises overnight.

DBH: Diameter at Breast Height (of a tree).

Deck: A ground-supported, unenclosed, accessory platform structure, usually constructed of wood, designed and intended for the recreational enjoyment of the occupants and guests of the primary structure or use.

Department Store: Building or use primarily engaged in light merchandise retail use having a gross floor area greater than 50,000 square feet with no one merchandise line predominating. Merchandise lines are normally arranged in separate departments, with or without central customer checkout facilities. Accessory uses include personal services such as hair and body care salon or service; eating establishments; garment pressing or tailoring; photograph studios; and jewelry, watch, or eye-glass sales and repair.

Design capacity: When used in the context of parking or occupancy regulations, the approved capacity of building or facility based on applicable fire and building codes.

Designated Enforcement Entity: The Administrator, Inspector, Law Enforcement officer, or other person or agency, acting within their legal authority and jurisdiction, authorized by the Metropolitan Development Commission of Marion County, Indiana, to act upon the Commission's behalf to execute the authority extended to them by the Commission.

Design Manual for Speedway: The Development Design Manual for Speedway as adopted and amended by the Speedway Town Council and the Metropolitan Development Commission.

Development: For purposes of flood control regulation, any man-made change to improved or unimproved real estate including, but not limited to:

1. construction, reconstruction, or placement of a structure or any addition to a structure;
2. installing a manufactured home on a site, preparing a site for a manufactured home or placing a recreational vehicle on a site for more than 180 days;
3. installing utilities, erection of walls and fences, construction of roads, or similar appurtenances;
4. construction of flood control structures such as levees, dikes, dams, channel improvements;
5. mining, dredging, filling, grading, paving, excavation, or drilling operations;
6. construction or reconstruction of bridges or culverts;
7. storage of equipment or materials; or

8. any other activity that changes the direction, height, or velocity of flood or surface waters.

This definition does not include maintenance of existing structures and facilities such as painting, re-roofing, resurfacing roads; or agricultural practices such as gardening, plowing; or activities that do not involve filling, grading, or excavation. This definition does not include ordinary maintenance and repair conducted under Department of Public Works maintenance programs, such as mowing and activities required as part of necessary maintenance of drainage or flood control facilities so that the facilities will perform the function for which it was designed and constructed, provided that the maintenance of drainage or flood control facilities does not include any activities identified in subparagraphs 1 through 8 above.

Development Plan: As enabled by 1400 Series – Development Plans in IC 36-7-4-1400— through IC 36-7-4-1499.

Dewatering: In the Gravel Sand Borrow Zoning District, removal of water from solid material by wet classification, centrifugation, filtration, or similar solid-liquid separation techniques. Removing or draining water from an enclosure or a structure, such as a riverbed, or caisson, by pumping or evaporation.

Disabled: An individual who has a physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such an impairment; or being regarded as having such impairment.

Disposal: For purposes of wellfield protection regulation, discharge, deposit, injection, dumping, spilling, leaking, or placing of any potential groundwater contaminants into or on any land or water.

Diversion Center: A facility that houses non-violent criminal offenders in lieu of incarceration. Diversion centers house offenders who maintain jobs during the day and are housed in a secure, locked facility at night. Diversion centers are reviewed on a case-by-case basis and require rezoning to a special use district.

Division of Inspections: The Division of Inspections of the Department of Code Enforcement.

DMD: The Department of Metropolitan Development of the City of Indianapolis.

Double Dwelling: Same as "Two-Family Dwelling."

Double-faced Sign: A sign consisting of two parallel faces supported by a single structure.

Drip line: The perimeter of a tree's spread measured to the outermost tips of the branches and extending downward to the ground.

Drive-in: See "Eating Establishment or Food Preparation."

Drive, Interior Access: A minor roadway for vehicular movement providing access within the boundaries of a project beginning at the required setback line, or direct ingress/egress between two or more abutting projects or parcels (see Diagram G under Parking).

Driveway: Access for vehicular movement to egress/ingress between the right-of-way of private or public streets and the building setback line. (See Diagram G under Parking.)

Drive-through: An accessory feature of an establishment including service units and stacking spaces that permits customers to receive services or obtain goods while remaining in or on a motor vehicle.

Dry Cleaning Plant or Industrial Laundry: Establishment that cleans garments, fabrics, draperies, etc., with solvents, steam or water with detergents. The plant is generally not visited

by individual customers, but rather is served by collection vehicles. This definition includes uses such as rug cleaning or repair service; pressing of garments or fabrics; carpet or upholstery; power laundry; industrial launderers; and linen supply.

Duplex: Same as "Two-family Dwelling."

Dwelling Unit: One or more rooms connected together in a residential building or residential portion of a building, that are arranged, designed, used and intended for use by one or more human beings living together as a family and maintaining a common household for owner occupancy or rental or lease on a weekly, monthly, or longer basis; and that includes lawful cooking, eating, sleeping space and sanitary facilities reserved solely for the occupants of the unit.

E.

Eating Establishment or Food Preparation: An establishment where food and drink are prepared on the premises to be served or consumed by the general public within the primary building, on the premises, or off the premises. This definition includes uses such as any type of restaurant; caterer; commissary restaurant; and commercial kitchens. The establishment may have a separate area, or lounge where alcoholic beverages are served without full food service, provided the area is accessory to the primary use in square feet and sales. The establishment may or may not have accessory drive-through facilities depending on the zoning district in which they are located.

Educational Services: See "Schools: Elementary, Middle, or High Schools;" "Business, Art, or other Post-Secondary Proprietary School;" "Business, Art, or other Post-Secondary Proprietary School."

Electronic variable message Sign (EVMS): A sign, or component of a sign, such as an electrically or electronically controlled message center, where the characters, letters, or illustrations can be changed or rearranged either in the field, or from a remote location, without physically altering the face or the surface of the sign.

Elevation certificate: For purposes of flood control regulation, developed by FEMA to collect surveyed elevations and other information about a building that is necessary to verify compliance with the flood control ordinance and regulations and to obtain flood insurance, it is the most recently published official elevation certificate document issued by FEMA.

Emergency Shelter, Daily: A facility that provides congregate style temporary lodging with or without meals and ancillary services on the premises to those seeking relief from social issues, primarily the homeless, for more than 4 weeks in any calendar year. This definition does not include the provision of lodging to any individual (1) who is required because of age, mental disability or other reason to reside either in a public or private institution or (2) who is imprisoned or otherwise detained pursuant to either federal or state law and does not include a diversion center.

Employee Living Quarters: Living space for persons employed in the dwelling or facility where the employee living quarters are located. This definition includes living space for employees such as caretakers, property managers, facilities and janitorial services, and operations crew.

Enlargement (pertaining to adult entertainment only): An increase in the size of the building, structure or premises in which the adult entertainment business is conducted by either construction or use of an adjacent building or any portion thereof whether located on the same or an adjacent lot or parcel of land.

Equipment Structure: Any structure needed to house apparatus needed for the operation and maintenance of a wireless communication antenna and located on the same site as the wireless communication antenna.

Entrance Roadway: Any public street or turning roadway, including acceleration lanes, by which traffic may enter the main-traveled way of an interstate highway, freeway or expressway from the general street system within Marion County, irrespective of whether traffic may also leave the main-traveled way by such street or turning roadway.

Erect: Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, or any other way of bringing into being or establishing.

Established Front Setback Line: The line that parallels the front lot line and is located at the closest point of any legally established building on the lot to the front lot line, measured at grade level.

Establishing an Adult Entertainment Business: Shall mean and include any of the following:

1. The opening or commencement of any such business as a new business;
2. The conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment businesses defined herein;
3. The relocation of any such business.

Excavation: Breaking of ground, digging, mining, removal, or displacement of the natural surface of the earth, whether sod, dirt, soil, sand, gravel, stone, loam, rock, clay, silt, or other naturally deposited material, whether alone or in combination. For purposes of wellfield protection regulation, this does not include activities in a personal garden, ground care, or agricultural activities.

Existing Mobile Dwelling Project or Subdivision: A mobile dwelling project for which the construction of facilities for servicing the lots on which the mobile dwellings are to be affixed (including, at a minimum, the installation of utilities, construction of streets and either final site grading or pouring of concrete pads) is completed before December 20, 1989.

Exit Roadway: Any public street or turning roadway, including deceleration lanes, by which traffic may leave the main-traveled way of an interstate highway, freeway or expressway to reach the general street system within Marion County, irrespective of whether traffic may also enter the main-traveled way by such street or turning roadway.

Expansion to an Existing Mobile Dwelling Project or Subdivision: The preparation of additional sites for an existing mobile dwelling project by the construction of facilities for servicing the lots on which the mobile dwellings are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Extension: For purposes of sign regulation, any vertical or horizontal embellishments to an advertising sign designed as a part of, and integrally incorporated into, the announcement, declaration, device, demonstration or insignia used as a part of such sign (refer to Sign Diagram 35).

F.

Façade: An exterior wall of a building or structure that faces a public or approved private street.

Family: One or more human beings related by blood, marriage, adoption, foster family care or guardianship together with incidental domestic servants and temporary guests that do not pay compensation for lodging; or, not more than 4 human beings not so related, occupying a dwelling unit and living as a single housekeeping unit.

Farmers' Market: A market held in an open area or structure where a group of individual producers offer for sale to the public items such as fresh produce, seasonal fruits, fresh flowers, items created from those products, and food and beverages dispensed from booths located on-site.

FEMA: The Federal Emergency Management Agency.

Fence: A type of structural barrier usually made of posts supporting such items, by way of example, as chain link, wood pickets, lattice-work, and similar items.

Fill: For purposes of flood control regulations, soil material placed upon the ground, compacted and graded for the purpose of elevating the surface of the ground.

Financial and Insurance Services: Economic services such as mortgage lending, insurance, asset and risk management, and similar services to individuals and businesses and may include the on-site circulation of cash money. Includes bank; savings and loan; credit union; stock brokerage, insurance brokerage and financial consultation. This definition does not include check cashing or validation services. Accessory uses may include automated teller machines and offices. Financial institutions may or may not have accessory drive-through services depending on the zoning district in which they are located.

Finished Floor Area: That portion of floor area constructed, completed and usable for living purposes with normal living facilities that includes sleeping, dining, cooking, sanitary, or combination thereof. A floor area or portion thereof that remains unfinished and used only for storage purposes and not equipped with the facilities previously identified is not considered finished floor area.

Firearm Sales: A business in which at least 10% of the gross floor area is used for or 10% of sales revenues are earned from, the wholesale or retail sale of firearms and ammunition, the repair of firearms, or the creation or fitting of special barrels, stocks, or trigger mechanisms for firearms.

Fireworks Sales, On-going: The on-going, nonseasonal sale of fireworks in a permanent building for commercial or home use. This definition does not include "tent"-type temporary fireworks sales or other seasonal fireworks sales.

FIRM: A Flood Insurance Rate Map. The official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to a community.

Flag: Any fabric or similar light-weight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes.

Flashing Sign: A directly or indirectly illuminated sign that exhibits changing light, color or effect by any means, so as to provide intermittent illumination, or that includes the illusion of intermittent or flashing light by means of animation.

Flea Market: An indoor or outdoor premises where any person or aggregation, congregation or assembly of vendors, whether professional or non-professional, offers for sale, trade or barter,

whether new or used, any household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment in small quantities, in broken lots or parcels, not in bulk, for the use or consumption by the immediate purchaser. The term "flea market" does not include wholesale sales establishments or rental services establishments, retail sidewalk sales, or garage sales.

Fleet Terminals: A central facility for the distribution, storage, loading and repair of fleet vehicles, with or without associated dispatch services and offices. This definition includes uses such as ambulance services; courier, delivery, and express services; cleaning services; key and lock services; security services; motor truck terminals; limousine services; armored car services; and taxi services. This definition does not include waste or recycling transfer facilities. An inherent characteristic of this use is the parking of operable vehicles which is considered a primary facet of the use; as a primary use, this area is not be construed as outside storage.

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 Insurance Study Base Flood Profile: The base flood elevation profile included in the official hydraulic and hydrologic report (flood insurance study) provided by FEMA. The report contains flood profiles, as well as the FIRM, and the water surface elevation of the base flood.

Floodplain: The channel proper and the areas adjoining any wetland, lake, or watercourse that has been or may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe.

Floodplain Administrator: Employee authorized and directed to enforce the provisions of the Flood Control Secondary Zoning District Ordinance.

Floodproofing: A method of protecting a nonresidential structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Flood-proofing Certificate: The most recently published official document for flood-proofing certificate for nonresidential structures issued by FEMA. This form developed by FEMA to certify compliance for nonresidential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

Flood Protection Grade: The elevation above the base flood plus two feet at any given location in the SFHA.

Floodwater: The water of any lake or watercourse that is above the banks or outside the channel and banks of such watercourse.

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: The portion of the regulatory floodplain lying outside of the floodway.

Floor Area: The sum of all horizontal surface areas of all floors of all roofed portions of a building measured from the exterior faces of the exterior walls or roofs, or the centerlines of party walls separating abutting buildings or portions thereof. However, this does not include the following:

a. Areas with a vertical height clearance less than 78 inches;

b. Exterior open balconies, and open porches;

c. Floor or basement floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space.

Floor Area, Gross: The sum of all horizontal surface areas with a vertical height clearance of at least 78 inches of all floors of all roofed portions of a building, or specified portion of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating abutting buildings.

Floor Area, Main: The area of a horizontal plane, fully bound by the exterior walls of the primary building or structure, of the floor surface at or above grade level exclusive of vent shafts, decks, garages, uncovered or covered open space.

Foster Family Care: The provision of food, lodging, healthcare, supervision, education, and training for a child or children not related to the caretaker by blood or adoption on a regular 24-hour-a-day basis, provided that such child or children is received from any state operated institution for child care or from any child placement agency.

Fourplex: A building designed for residential occupancy by four families, or later approved by the City for occupancy by four families, living independently of each other that contain four (4), legally complete, dwelling units and no dwelling unit may be located on a separate lot. Each unit in a fourplex is completely separated from the other by either an unpierced wall extending from ground to roof; or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to two or more of the dwelling units. Dwelling units may be a part of a condominium as defined by Chapter 551.

Fraternity or Sorority: A building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for fraternity or sorority members and their guests or visitors and affiliated with an institution of higher learning.

Freestanding Sign: Any sign that has supporting framework that is placed on, or anchored in, the ground and is independent from any building or other structure.

Front Building Line: When established as a requirement for location of the principal building, the distance or a range from the front lot line, at or within which distance the front building line of the principal structure shall be established. When expressed as a requirement to measure something else (i.e., parking or accessory buildings located behind the front building line), the front building line shall mean the actual linear which the front of the building is established, extending across the entire lot. (See Established Front Setback Line)

Front Building Line, required: The percentage of the lot frontage which must be occupied by at least a portion of the front building.

Frontage: The common line of contact of a property with the right-of-way along a lot line that may allow unobstructed, direct access to the property. Frontages may be further distinguished by the type of right-of-way or type of property abutted.

Frontage (Private): The area at the front of lots that is generally between the established front setback line and the front lot line, which establishes the relationship between the private lot and building and the public streetscape. Private frontage types in this code are applied to private property; however, the specific frontage types may be used to coordinate policies and standards for public rights of way based on the context.

Frontage, Street (street frontage): A frontage in which the right-of-way is a street. Public or private may be distinguished as well.

Fuel Dispensing Location: Any facility or premise where fuel, typically gasoline or diesel, is dispensed from an underground or aboveground storage tank.

Fugitive Dust: Dust that is generated by non-point sources like movement of equipment and the effects of wind and rain on stockpiles and areas stripped of vegetation.

Full Control of Access: The condition where the right of the owner or occupant of abutting property, or of other persons, to access said property, including the location and connection with public streets, is limited and controlled by public authority to give preference to through vehicular traffic movement, by restricting access connections to selected public streets only, by limiting crossings at grade level and by prohibiting direct driveway connections. Such frontages include, but are not limited to, the frontages along: Binford Boulevard; North Shadeland Avenue between 48th Street to the Fall Creek waterway; and North Keystone Avenue between Woodfield Crossing Boulevard and 96th Street. See related "Partial Control of Access."

G.

Game Courts: An outdoor recreation facility that consists of an unpaved or paved, accessory, surface area of ground open and essentially unobstructed to the sky, on the same lot as the primary structure, designed and intended for the playing of a recognized sport as an accessory, recreational activity. Game courts may include fencing, screening, nets, goals, or other necessary appurtenances required for the recreational use.

Garage, Residential: A building accessory to a residential use, or an enclosed area attached or integrated into a residential building, that is primarily designed and intended to be used for the storage of the private vehicles for the occupants of said residence and is not a separate commercial enterprise available to the general public.

Garden as a Primary Use: An area of land managed and maintained by one individual or a group of individuals to cultivate fruits, flowers, vegetables, or ornamental plants, for personal or group use, consumption, or donation. Garden as a Primary Use may be divided into separate plots for cultivation by one or more individuals or collectively. Garden as a Primary Use may include bee-keeping (apiculture) and may include common areas maintained and used by group members.

Governmental Sign: Signs designed for control of, or to provide information to, traffic and other regulatory functions and signs of public service companies indicating danger and aids for service or safety that are erected by the order of a public officer in the performance of his/her public duty. See related "Public Sign".

Grade, Established Street: The elevation of the street pavement abutting the property as fixed by the appropriate government agency measured at the crown of the street, which is the highest point, most often at the centerline, of a street cross-section of the street pavement between the curb lines.

Grade Level: The lowest point of elevation of the finished surface of the ground, paving or sidewalk and similar surface improvements. For purposes of sign regulation, grade level is the lower of 1) existing grade prior to construction, or 2) existing grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

Greenbelt: The portion of a front yard of a lot that is immediately adjacent and parallel to a street right-of-way and specified as such for landscaping purposes.

Green Roof: The roof of a building that is partially or completely covered with vegetation and soil, or a growing medium, planted over waterproofing membrane.

Greenway: A linear open space that is open to the public and connects parklands, improves recreational opportunities, and aids in the protection of wildlife and scenic regions. Greenways include the corridors described in the Indy Greenways Full Circle 2014-2024 Master Plan.

Grocery Store: A commercial establishment, primarily engaged in the retail sale of canned foods and dry goods, such as tea, coffee, spices, sugar, and flour; fresh fruits and vegetables; and fresh and prepared meats, fish and poultry. This definition includes uses such as supermarket, food store, and delicatessen. Accessory uses may include providing services to customers such as banking and check-cashing, rental of household equipment or medical supplies, pharmacy services, bakery services, or eating establishment or food preparation.

Grocery Store (Transit-Oriented Development Secondary District): For the Transit-Oriented Development Secondary District, the following refined categories apply:

Convenience grocery store (3,000sf. or less) - a convenience type grocery and/or sundry store with 3,000 or less square feet of gross leasable area.

Small grocery store (3,001-10K sf.) - a grocery store with between 3,001 and 10,000 square feet of gross leasable area.

Medium grocery store (10,001 - 30,000 sf.) - a grocery store with between 10,001 and 30,000 square feet of gross leasable area.

Large grocery store (30,001 - 50,000 sf.) - a grocery store with between 30,001 and 50,000 square feet of gross leasable area.

Supermarket grocery store (50,000 or more sf.) - a grocery store with more than 50,000 square feet of gross leasable area.

Gross Leasable Area: The total floor area that is designed for the tenant's occupancy and exclusive use.

Ground Cover: Low-growing herbaceous plants less than eighteen (18) inches in height with a spreading growth habit, used to provide protection from erosion and drought, and typically to improve aesthetic appearance, such as grasses, vines, flowers. This definition does not include noxious weeds as defined by IC 15-16-7-2.

Ground Floor: That story that contains finished floor area closest to, but not below, grade level. In cases in which the only story with finished floor area is below grade level, that story with finished floor area closest to grade level is considered the ground floor.

Ground Sign: Any freestanding sign constructed in or on the ground surface with its sign face extending downward to or near the ground surface and is supported on a frame by one or more uprights or braces.

Groundwater: For purposes of wellfield protection regulation, any water existing within the zone of saturation in a geologic formation beneath the surface of the earth. The zone of saturation is the area in which the pore spaces between the soil and rock particles are completely filled with water; the water table is the top of the zone of saturation.

Group Home: A residential facility for 2 or more individuals meeting the definition of a handicapped person under the Federal Fair Housing Act and court decisions interpreting that act. This definition includes Community residential facilities for persons with developmental disabilities (as defined by IC 12-7-2-61) as licensed by the Division of Disability and Rehabilitative Services – Bureau of Developmental Disabilities Services, per 460 IAC 9-2. This definition includes residential living facilities for persons with psychiatric disorders or addictions as licensed by the Division of Mental Health and Addiction, per 440 IAC 7.5. For purposes of this definition, the term handicapped does not include persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program, nor does it include half-way houses for individuals in the criminal justice system, or diversion centers.

GVWR: Gross vehicle weight rating. GVWR is the maximum total weight of the vehicle, passengers, and cargo that the vehicle can safely handle. The GVWR for a vehicle can typically be found inside the driver's side door.

H.

Habitable space: For purposes of flood control regulation, the enclosed area of any building used for living area including but not limited to bedrooms, bathrooms, kitchens, living rooms, family rooms, dining rooms, recreation rooms, utility rooms and workshops.

Hair and Body Care Salon or Service: The provision of services generally to individuals involving the care of a person's appearance, such as haircare, manicure, pedicure, tanning, and massage therapy. Massage therapy must be provided by a practitioner licensed by the State of Indiana. This definition does not include an adult entertainment business or any business where a massage is distinguished or characterized by an emphasis on specified sexual activities or involving specified anatomical areas.

Hard-surfaced: For purposes of wellfield protection regulation, a quality of an outdoor area being solidly constructed of asphalt, concrete, or other material approved by the Technically Qualified Person. For all other purposes, a quality of an outer area being solidly constructed of pavement, brick, paving stone, tile, wood, or a combination of those materials.

Hardware Store: A commercial establishment primarily engaged in the retail sale of a number of basic hardware lines, such as tools, builders' hardware, paint and glass, housewares and household appliances, and cutlery.

Haulageway: For purposes of Gravel, Sand, and Borrow regulations, any road utilized for mining operations, together with that area of land over which material is transported, that are located within the land controlled by the operator.

Hazardous Material: For purposes of wellfield protection regulation, any material present in large enough quantity to pose a significant physical or health hazard to public health, public safety or the environment due to its chemical composition. For all other purposes of the Zoning Ordinance, a hazardous material can be a pure chemical substance or a mixture, a raw material, a product or a waste material.

Heavy Equipment Sales, Service or Repair: The sales, service, leasing and repair of heavy equipment including, but not limited to, tire recapping, crane repair, construction equipment repair, and other large equipment repairs. For purposes of this definition, equipment does not include self-propelled vehicles. This definition does not include any facility meeting the definition of a Truck or heavy vehicle sales rental and repair use. An inherent characteristic of this use is the outside display of vehicles offered for sale which is considered a primary facet of the use; as a primary use, this display must meet the development standards as a primary use and not the standards associated with an accessory use.

Heavy Outdoor Storage: See "Outdoor Storage, Heavy."

Heavy Vehicle Wash: The cleaning, polishing, waxing, washing of the interior or exterior of vehicles, equipment, fleet vehicles, trucks or buses that exceed 14,000 GVWR.

Hedge: A row or rows of closely planted shrubs, bushes, or combination thereof creating a vegetative barrier.

Height, Building: The vertical distance above grade level measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitched or hipped roof. Refer to Sec. 740-303 (Building Measurements and Calculations) for calculation.

Heliport or Helistop: An area of land, water or structural surface that is intended for the lawful landing and takeoff of helicopters. Heliports provide appurtenant areas that are intended for use for heliport buildings and auxiliary facilities, such as, parking areas, waiting rooms, fueling, storage and maintenance equipment areas, and helistops are without any appurtenant areas or auxiliary facilities.

Heliport or Helistop Approach Surface Area: The land area designated as "heliport approach surface area" on the official zoning map, located at the edge of the heliport landing and take-off area and widening thereafter uniformly to a width of 500 feet at a horizontal distance of 4,000 feet from the landing and take-off area.

Heliport or Helistop Landing and Take-Off Area: The area of the heliport used for the landing and taking-off of helicopters.

Heliport or Helistop Primary Surface Area: That area coinciding in size and shape with the heliport landing and take-off area.

Heliport or Helistop Transitional Surface Area: The land area designated as transitional surface area on the official zoning map, located adjacent to the heliport primary surface area-such surface extends outward perpendicular to the centerline of the primary and approach surfaces for a horizontal distance of 250 feet.

Heritage Tree: A tree over 18 inches Diameter at Breast Height (DBH) and one of the Heritage tree species. Heritage tree species include: Sugar Maple (Acer saccharum), Shagbark Hickory (Carya ovata), Hackberry (Celtis occidentalis), Yellowwood (Cladrastus kentukea), American Beech (Fagus grandifolia), Kentucky Coffeetree (Gymnocladus diocia), Walnut or Butternut (Juglans), Tulip Poplar (Liriodendron tulipifera), Sweet Gum (Liquidambar styraciflua), Black Gum (Nyssa sylvatica), American Sycamore (Platanus occidentalis), Eastern Cottonwood (Populus deltoides), American Elm (Ulmus americana), Red Elm (Ulmus rubra) and any oak species (Quercus, all spp.)

High Impact Project: For purposes of regional center regulations, projects that are: new construction valued at a hard cost value exceeding a specific threshold value; remodeling or modification of existing development values at a hard cost value exceeding a specific threshold value; proposing a floor area exceeding a specific threshold value measured in square footage; proposing an area of surface parking exceeding a specific threshold value measured in square footage; or demolition of historic structure, as determined by the Administrator. The threshold values of High Impact Projects are established by a resolution of the Metropolitan Development Commission.

High-power Electric Transmission Line: A line segment in an electric utility system having an operating voltage of 69,000 volts or greater.

Historic District: A historic district established under IC 36-7-11.1.

Historic Structure: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in accordance with state historic preservation programs that have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by the Secretary of the Interior or by an approved state program as determined by the Secretary of the Interior; or.
5. Individually listed on the local inventory in the historic district plan of a locally-designated historic district.

Historic Preservation Plan: A plan, prepared by the Indianapolis Historic Preservation Commission (as per IC 36-7-11.1-6) and adopted by the Metropolitan Development Commission (MDC), designating one or more historic areas or structures as having historic or architectural significance. This Historic Preservation Plan, once adopted by the MDC, shall be considered a part of the county's comprehensive plan.

Home Improvement Store/center: A facility for the sale of home, lawn, and garden materials and supplies, brick, lumber, hardware items and other similar materials. This use is classified as "Heavy General Retail."

Home Occupation: An occupation, profession, craft, service, or business activity carried on within a legally established dwelling unit, or associated legally established accessory building, by a resident of a dwelling unit on the same lot or parcel, where the occupation or business activity is clearly incidental and subordinate to the residential use. Examples of professional services that are permitted home occupations include but are not limited to accounting, counseling, cabinet making, computer programming, web design, graphic design, law, medicine, dentistry, architecture, engineering, sewing, real estate brokerage, tailoring, weaving, therapy provided by a practitioner licensed by the State of Indiana, tutoring, writing, painting, photography, music instruction, web design, and such services as are provided by clergyman, insurance agents, and manufacturer's agents. A child care home is not a home occupation. Foster family care is included in the definition of a family and is not a home occupation. Produce sales is not a home occupation.

Hospital: An institution that provides primary health services and psychological, medical or surgical care to persons suffering from illness, disease, injury, deformity and other physical or mental conditions, that provides overnight accommodation for persons receiving treatment, and that includes as an integral part of the institution, related facilities such as laboratories, outpatient or training facilities.

Hotel, Motel, or Hostel: Any building or group of buildings containing guest rooms designed or intended to be occupied for sleeping purposes by guests for a fee, often with general kitchen and dining room facilities provided within the building or an accessory building, and that caters to the traveling public. The use may include associated administrative offices and the sale of food, beverages, and convenience items, and meeting rooms.

I.

ICC: Increased Cost of Compliance. For purposes of flood control regulations, a program offered through FEMA to offset the additional cost to bring a repetitively and/or substantially damaged structure into current compliance with the Flood Control Zoning Ordinance.

IDNR: The Indiana Department of Natural Resources.

Illuminated Sign: Any sign that contains an auxiliary design element designed to emanate artificial light internally or externally from the sign, including signs illuminated from the exterior by spotlights or other lighting apparatus directed upon the sign structure either from the ground or from a lighting fixture attached to the exterior of the sign structure.

IMUTCD: Indiana Manual on Uniform Traffic Control Devices.

INRC: The Indiana Natural Resources Commission.

Incidental Sign: Small, permanent, freestanding or building sign accessory to the primary use of land that is that is located on or within 5 feet of specific areas of a site including pedestrian entrances and exits, parking areas, loading areas, service areas, drive-through service areas, natural landscaping areas, rain gardens, bioswales and storm water management features, and hazardous materials areas.

Indoor Recreation & Entertainment: The offering of entertainment or games of skill to the general public within a fully enclosed building. This definition includes uses such as amusement arcade; bowling alleys; billiard parlor; ballroom; bathhouse; bingo establishment; dancing; firing (gun) range; gymnasium; instruction in baseball, basketball, gymnastics; miniature golf; ice or roller skating rink; or other similar indoor commercial amusement/recreation establishment. This definition shall not include off-track mutuel wagering facilities or adult entertainment business.

Indoor Spectator Venue: The offering of entertainment for the general public to watch within a fully enclosed building, typically beginning at a specific time. This definition includes uses such as theater, auditorium, cinema, convention space, exhibition space. This definition shall not include off-track mutuel wagering facilities or adult entertainment business or adult entertainment theater.

Information Technology R&D: An industry sector focused on the research and development of information technology such as software; geographic information systems; computer sciences; cell chip technology; fiber optics; application development; or wireless technologies.

Informational Site: An area or site established and maintained within or adjacent to the right-of-way of a highway on the interstate system by or under the supervision or control of a state highway department, wherein panels for the display of signs may be erected and maintained.

Inoperable Vehicle:

1. A motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle from which there has been removed engine, transmission or differential parts or that is otherwise partially dismantled or mechanically inoperable; or
2. Any motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle, that cannot be driven, towed or hauled on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate.

Inspector: An employee of the Division of Inspections authorized to enter, examine and survey all lands within Marion County to accomplish the enforcement of all Codes and land use

regulations of Marion County; and employees of the Marion County Public Health Department authorized by the Administrator to enter, examine and survey all lands within Marion County in the Wellfield Protection Zoning Districts, Gravel, Sand and Borrow Districts, and Flood Control Zoning Districts to accomplish the enforcement of the Zoning Ordinance and land use regulations of Marion County.

Instrument Runway: A runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.

Integrated Center: An area of development (commercial, industrial or any combination of commercial, industrial and residential uses) that includes multiple businesses or uses in one or more buildings that share common-site facilities. Specifically, an area of development with a single building that includes two or more separate businesses or uses is classified as an integrated center. Two or more buildings are classified as an integrated center if the development encompassing and serving the two or more buildings:

1. Is three acres or more in size;
2. Is comprised of one or more lots;
3. May include any combination of commercial or industrial uses; and
4. Has three or more of the following characteristics:
    a. Two or more separate businesses or uses occupy the buildings.
    b. Shared vehicle access to a public street.
    c. Common property ownership.
    d. Development is regulated by shared conditions of approval of a land use petition.
    e. Included in the common naming of the property or shared marketing of the property.

In addition, any lot that abuts a lot determined to be an integrated center is also considered a part of the integrated center if the abutting lot shares vehicle access to a public street with that integrated center and does not have its own direct vehicle access to a public street.

Interior Access Drive: Same as “Drive, Interior Access.”

Interior Sign: Any sign not visible from the exterior of the building or structure and located within the interior of any building or structure, or within an enclosed lobby or court of any building.

Interstitial Monitoring: For purposes of wellfield protection regulation, a system designed, constructed and installed to detect a leak from any portion of a storage tank or connected piping that routinely contains potential groundwater contaminants by monitoring the space between the primary (inner) tank and connected piping and the secondary (outer) tank or connected piping.

Isoseismic Study: For purposes of Gravel, Sand, and Borrow regulation, an analysis of blasting events and local geologic conditions by qualified and independent vibration experts to determine the optimum conditions under which blasting can be accomplished to reduce ground vibration and structural response.

J.

Junk Yard: See Wreckage and Salvage Facility.

K.

Kennel: See Animal Care, Boarding, Veterinarian Services.

L.

Land Alteration: For purposes of flood control regulation, any change in the topography of land caused by activities including but not limited to excavation, filling, deposit or stockpiling of materials and construction of ponds, dams, or levees outside of a watercourse. For purposes of flood control regulation, land alterations do not include the construction, placement of, or other activities involving buildings or nonbuilding structures or those activities that are defined as open land use in this article, or ordinary maintenance and repair of an IDNR approved land alteration.

Landing Area: The area of the airport, heliport or helistop used for the landing, taking-off or taxiing of aircraft.

Land Use Petition: A rezoning petition, variance petition, approval petition, special exception petition, or any other petition permitted by the Rules of Procedure adopted by the Metropolitan Development Commission of Marion County or the Metropolitan Board of Zoning Appeals.

Landscaping: Any combination of vegetation, such as trees, shrubs, ground cover, thickets or grasses, that are planted, preserved, transplanted, maintained and groomed to develop, articulate and enhance the aesthetic quality of the area as well as provide erosion, drainage and wind control. Landscaping may include hardscape elements, such as walks, terraces, sculpture, fountains, and pools,

Laundromats: An establishment providing washing or drying machines on the premises for rental use by the general public and may include incidental drop-off laundry service. This definition includes automatic, self-service only, coin-operated, or hand laundries. This definition shall not include a dry-cleaning plant or industrial laundry, and shall not include dry cleaning or processing with any solvents.

Law Enforcement Officer: Any sworn member of the Marion County Sheriff's Department, Indianapolis Metropolitan Police Department, Beech Grove Police Department, Lawrence Police Department, Southport Police Department, Speedway Police Department or Cumberland Police Department, acting within their legal authority and jurisdiction.

Legally Established Nonconforming Building or Structure: Any continuous, lawfully established building or structure erected or constructed prior to the time of adoption, revision or amendment of the Zoning Ordinance, or granted variance of the Zoning Ordinance, but that fails, by reason of such adoption, revision, amendment or variance, to conform to the present requirements of the Zoning Ordinance.

Legally established nonconforming Sign: Any sign and its support structure lawfully erected prior to the effective date of the adoption of this ordinance that fails to conform to the requirements of this chapter. A sign that was erected in accordance with a variance granted prior to the adoption of this chapter and does not comply with this chapter shall be deemed to be a legal nonconforming sign. A sign that was unlawfully erected shall be deemed to be an illegal sign.

Legally Established Nonconforming Use: Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment of the Zoning Ordinance, or granted a variance of the Zoning Ordinance, but that fails, by reason of such adoption, revision, amendment or variance to conform to the present requirements of the Zoning Ordinance.

Legible: Capable of being read with certainty without visual aid by a person of normal visual acuity.

Letter of Final Determination (LFD): A letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to

the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.[1]

Letter of Map Change (LOMC) is a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F). The definitions are presented below:[2]

> **Letter of Map Amendment (LOMA)** means an amendment by letter to the currently effective FEMA map that establishes that a property is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.
>
> **Letter of Map Revision (LOMR)** means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.
>
> **Letter of Map Revision Based on Fill (LOMR-F)** means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

Life Sciences R&D: An industry sector focused on the research and development in the fields of science related to living organisms, including but not limited to human beings, animals, and plants, including related fields such as medicine, and medical technology. Life sciences include biology, microbiology, zoology, botany, anatomy, genetics, bio-engineering, and neuroscience.

Liquid: For purposes of wellfield protection regulation, a substance or mixture that is fluid at 68 degrees Fahrenheit (20 degrees Centigrade).

Liquid transfer area: For purposes of wellfield protection regulation, an off-street area maintained and intended for temporary parking of a commercial vehicle while transferring potential groundwater contaminant to and from a facility.

Liquor Store: A facility principally for the retail sale of alcoholic beverages for off-premises consumption.

Live/Work Unit: A unit containing an integrated living and working space with shared access that is intended to function predominately as business workspace with incidental residential use that has bathing facilities. The unit typically has the workspace, public display area, or show-room on the ground floor of the unit and the majority of the residence located either on an upper floor or at the back of the unit.

Livestock: Animals commonly regarded as farm animals, including but not limited to, cattle, horses, goats, llamas, sheep, rabbits, poultry, and domestic fowl but excluding pet and companion animals such as dogs and cats.

Livability Space (LS): The non-vehicular area within a project that is outdoors and available for use and enjoyment. For calculations refer to Sec. 740-303 (Building measurements and calculations).

Livability Space Ratio (LSR): Expresses the relationship between the size of the development and the size of the outdoor, natural areas. For calculations refer to Sec. 740-303 (Building measurements and calculations).

[1] Required by IDNR
[2] Required by IDNR

Loading Area: A hard-surfaced off-street area maintained and intended for the maneuvering and temporary parking of vehicles while transferring goods or materials to and from a facility.

Loading Space: A hard-surfaced, off-street area used for the temporary parking of a commercial vehicle while transferring goods or materials to and from a facility.

Local Street: Same as "Street, Local."

Lodging: A commercial use providing accommodations for temporary, short-term overnight occupancy, and accessory uses associated with typical guest services such as food service, recreation or similar accommodations to support overnight-guests. For the purposes of the Transit Oriented Secondary District, lodging is refined to the following scales based on building type, format and intensity of use.

Lodging, Bed and Breakfast. A small residential building used for short-term lodging with one or more meals for compensation and shared living space between the primary occupants and patrons and includes at least 2 but no more than 5 guest rooms.

Lodging, Inn. A large residential building or small commercial building providing accommodations for short-term overnight occupancy for at least 6 but less than 20 guest rooms.

Lodging, Small Hotel. A commercial building providing accommodations for short-term overnight occupancy for at least 21 but less than 100 guest rooms.

Lodging, Large Hotel. A commercial building providing accommodations for short-term overnight occupancy for 101 or more guest rooms.

Logistics R&D: An industry sector focused on the research and development of logistics services, such as cargo and shipment industry; delivery service; warehousing for online shipments; technological components for digital industry; and port services.

LOMA: A Letter of Map Amendment issued by FEMA.

LOMR: A Letter of Map Revision issued by FEMA.

Lot: A piece, parcel, plot or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single ownership or control and occupied or intended for occupancy by a use permitted by the Zoning Ordinance, including one or more main buildings, accessory uses, and the yards required by the Zoning Ordinance, which may consist of:

1. A single lot of record; or
2. A portion of a lot of record; or
3. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.

Lot Area: The area of a horizontal plane bounded on all sides by the front, rear, and side lot lines that is available for use or development and does not include any area lying within the right-of-way of any public or private street or easement for surface access ingress or egress into the subject lot or adjoining lots.

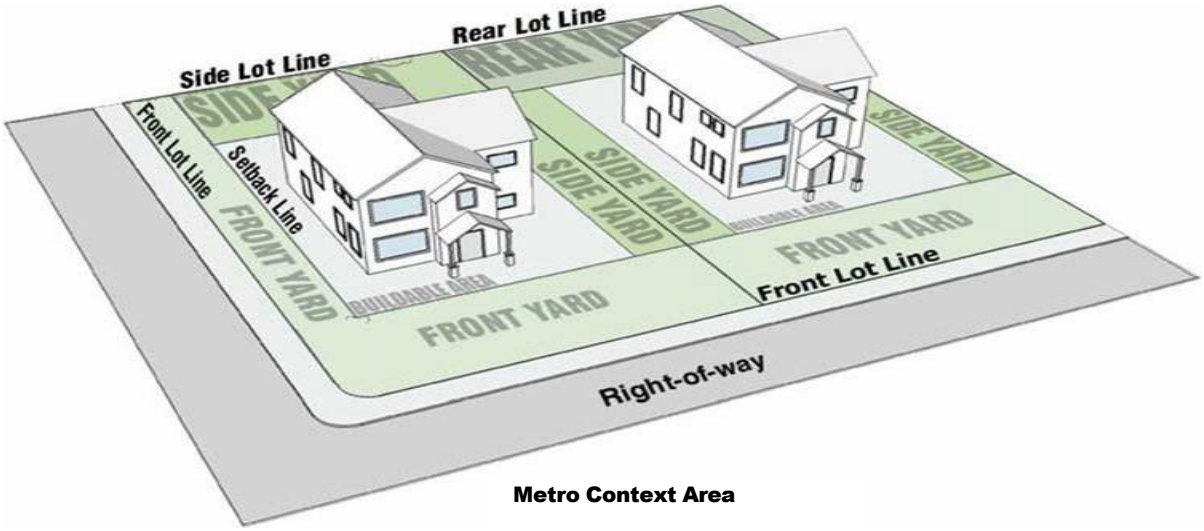
Lot Line: The legal boundary of a lot as recorded in the Office of the Marion County Recorder.

Lot Lines (See Diagram E)

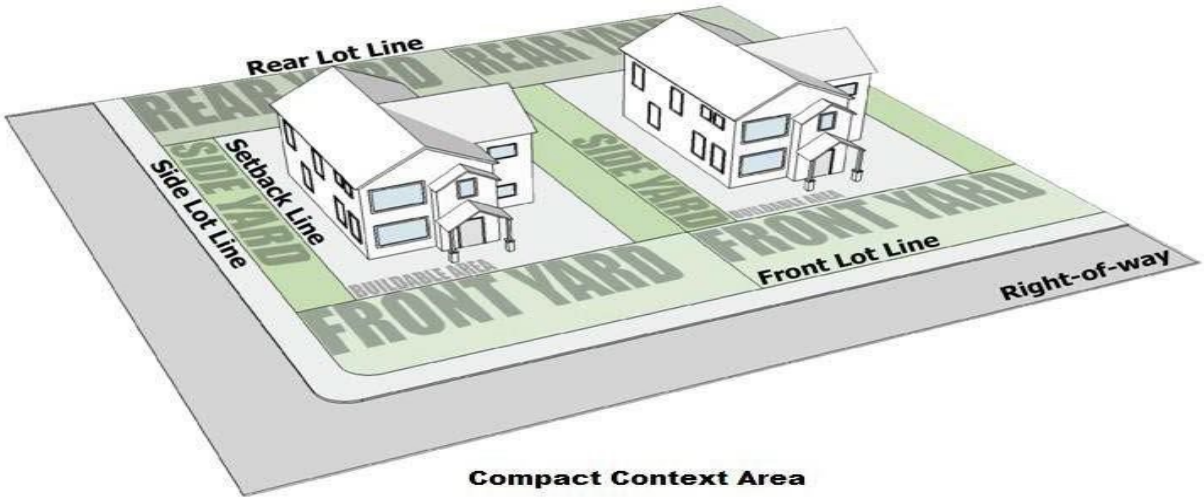
Front Lot Line: The lot line separating the lot from street rights-of-way; in the case of a corner lot, both lot lines separating the lot from the street rights-of-way are considered front lot lines; or, in the case of a through lot, the lot line that most closely parallels the primary entrance of the primary structure is considered the front lot line. However, on corner lots in the D-3, D-4, D-5, D5II, and D-8 districts in the Compact Context Area, the front lot line is along the street that has the greater number of lots fronting upon it and the other lot line along a right-of-way is to be considered a side lot line.

Rear Lot Line: A lot line that is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line. However, in the case of a corner lot line, any lot line that intersects with a front lot line is not to be considered a rear lot line.

Side Lot Line: Any lot line not designated as a front or rear lot line.



Metro Context Area



Compact Context Area

Diagram E Lot lines

Lot Width: The horizontal distance between side lot lines measured along a line that is parallel to the front lot line. The lot width shall be measured at the front building setback line.

Lot of Record: A lot that is part of a subdivision or a lot or a parcel described by metes and bounds, the description of which has been so recorded in the Office of the Recorder of Marion County, Indiana. A lot of record is not necessarily a piece, parcel, plot or tract designated or used for single ownership.

Lots (See Diagram F)

Corner Lot: A lot abutting upon 2 or more streets at their intersections, or upon 2 parts of the same street forming an interior angle of less than 135 degrees.

Freestanding Lot: A lot that is not located in or a part of an industrial park, integrated center, or project.

Through Lot: A lot that fronts upon 2 parallel streets, or that fronts upon 2 streets that do not intersect at the boundaries of the lot.

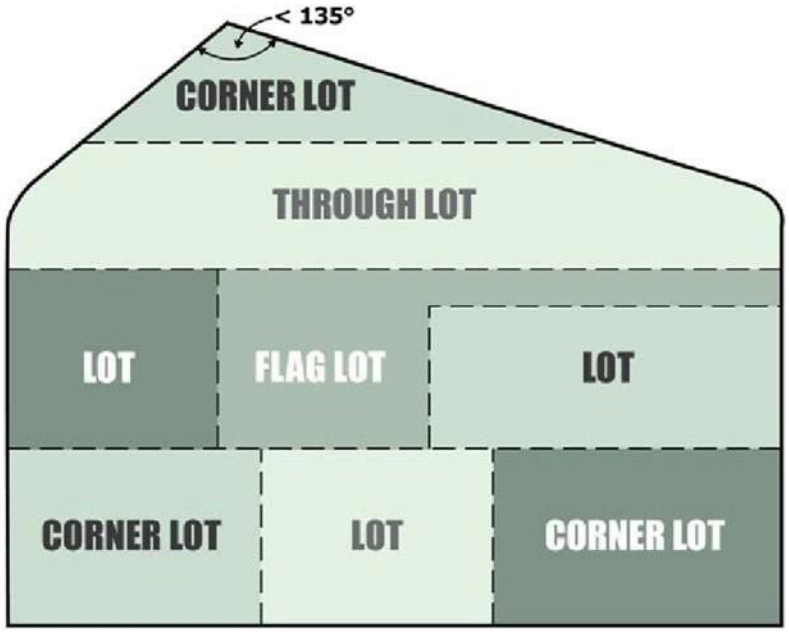


Diagram F Lot Types

Low-Impact Development (LID): Approach to land development using techniques that simultaneously protect and use on-site natural features to manage stormwater and are prescribed in Chapter 700 of the Indianapolis Stormwater Specifications Manual and the Green Infrastructure Supplemental Document. LID techniques may be integrated with engineered, small-scale hydrologic controls as well. Most LID techniques are also pre-approved BMPs.

Lower-Level Building Sign: A permanent building sign located in its entirety on either the first 26 feet of building height, or the building height, whichever is lesser (measured from grade level). Examples include wall, projecting, awning, canopy, marquee, or window sign.

Lowest Adjacent Grade: For purposes of flood control regulation, the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor: The lowest elevation described among the following:

1. The top of the lowest level of the structure.
2. The top of the basement floor.
3. The top of the garage floor, if the garage is the lowest level of the structure.
4. The top of the first floor of a structure elevated on pilings or pillars.

5. The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:
    a. 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) in a minimum of two exterior walls; if a structure has more than one enclosed area, each shall have openings on exterior walls;
    b. the total net area of all openings shall be at least one square inch for every one square foot of enclosed area; the bottom of all such openings shall be no higher than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and,
    c. such enclosed space shall be usable solely for the parking of vehicles and building access.

M.

Maintain: For purposes of sign regulation, maintain is to repair, service or refurbish a sign or structure or any part thereof, in an identical manner or change any identical component of the sign.

Main-Traveled Way: The traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. The term "main-traveled way" does not include such facilities as frontage roads, turning roadways or parking areas.

Manufactured Home: A unit that is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process. Every module must bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards. The unit must have been built after January 1, 1981, and must exceed 23 feet in width. This definition does not include recreational vehicles or mobile dwellings.

Manufacturing, Hazardous Materials or Objectionable Substances: Any light, medium or heavy manufacturing operation or food manufacturing that stores materials on-site or produces materials on-site in sufficient enough quantities to create an immediate risk of impacts beyond the boundaries of the facility. These risks of impacts include those resulting from explosion, fire, migration to waterways, toxic gas release or release of radioactive gases. This definition includes uses such as manufacturing of batteries, storage of primary batteries, wet or dry; cement, lime and gypsum; creosote, including treatment of products; explosives, matches, and fireworks; fertilizer; oil and other petroleum products, including refining or processing; and granaries, grain processing, and milling.

Manufacturing, Heavy: Creation or production of a non-edible item that includes some transformation by way of heating, chilling, adding a liquid, adding a coating, or chemical or biochemical reaction or alteration. This use may also involve packaging, repackaging, assembling, or mechanical reshaping. This definition includes the manufacturing of bicycles, motorcycles, and parts; boats; ceramic and clay products; computers and computer equipment; electric lighting and wiring equipment; cosmetics, perfumes; glass or glass products; leather tanning and curing; major household appliances; construction machinery and equipment; processing of forest products; detergents and soaps; and engines and turbines.

Manufacturing, Light: The packaging, repackaging, fabricating or producing a non-edible item by means of physically assembling solid parts. This definition includes the manufacturing of carpets and rugs; clocks and watches; cloth products; fabricated steel metal products; leather products; light component parts of products; paper box and paper products; pre-manufactured parts, subassemblies, or components; prefabricated wood buildings or structural members; and upholstering shops.

Manufacturing, Medium: The creation or production of a non-edible item that includes some transformation by way of mechanical reshaping. This use may also involve packaging, repackaging, or assembling solid parts. This definition includes the manufacturing of jewelry; unfinished cabinets; cutlery; mattresses; and optical instruments.

Marina: A facility or area for storing, servicing, fueling, berthing, securing, and launching of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owners, crews and guests. This definition includes uses such as boat and canoe rentals.

Market Value: For purposes of flood control regulation, the market value of the structure itself, not including the associated land, landscaping or detached accessory structures. The market value must be determined by a method approved by FEMA and the Bureau of License and Permit Services. If an appraisal is used, the appraiser must have at least one of the following designations:

1. Member of the American Institute of Real Estate Appraisers (MAI);
2. Residential member of the American Institute of Real Estate Appraisers (RM);
3. Senior real estate analyst of the Society of Real Estate Appraisers (SREA);
4. Senior residential appraiser of the Society of Real Estate Appraisers (SREA);
5. Senior real property appraiser of the Society of Real Estate Appraisers (SRPA);
6. Senior member of the American Society of Appraisers (ASA);
7. Accredited rural appraiser of the American Society of Farm Managers and Rural Appraisers (ARA); or
8. Accredited appraiser of the Manufactured Housing Appraiser Society.

Marquee: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

Marquee Sign: Any building sign painted, mounted, constructed or attached in any manner on a marquee (refer to Sign Diagram 24).

Massage Therapist: A person licensed by the State of Indiana to provide Massage Therapy.

Massage Therapy: The application of massage techniques to the human body, including (a) the use of touch, pressure, percussion, kneading, movement, positioning, nonspecific stretching, stretching within the normal anatomical range of movement, and holding, with or without the use of massage devices that mimic or enhance manual measures; and (b) the external application of heat, cold, water, ice, stones, lubricants, abrasives, and topical preparations that are not classified as prescription drugs. This use does not include spinal manipulation or the diagnosis or prescribing drugs for which a license is required.

Medical or Dental Offices, Centers, or Clinics: A facility principally engaged in providing services for health maintenance, diagnosis or treatment of human illness, disease, pain, injury, deformity or physical condition. This use may include medical or dental laboratories as an accessory activity. This definition includes facilities such as blood donor stations; chiropractor offices and clinics; dentist offices and clinics; immediate care facilities; nursing care (skilled) facilities; optometrist offices and clinics; osteopathic physician offices and clinics; outpatient clinics; physician (MD) offices and clinics; and podiatrist offices and clinics. This use does not include a plasma center.

Medical or Dental Laboratories: A facility for conducting medical or dental research, investigation, testing, experimentation or the production of customized medical or dental appliances.

Message Center: A sign or component of a sign that contains a changing display within the copy area that turns on and off or changes electrically or electronically for a specific period of time.

Methadone Clinic or Treatment Facility: A clinic or facility engaged in dispensing Methadone (dolophine) for the purpose of elimination or reduction of opiate use by drug addicts and abusers.

Mile Square: The geographic area within the Regional Center and North Meridian Street Corridor secondary zoning district bound by North Street, East Street, South Street, and West Street and including any lot with frontage on North Street, East Street, South Street, and West Street.

Mine: An excavation in the earth for extracting earthen materials.

Minerals: Any naturally-formed, usually inorganic rocks, stone, gravel, sand, soil, clay, limestone, or other naturally occurring chemical element or compound located on or below the surface of the earth, excluding geothermal resources, natural gas, and petroleum.

Mini-barn (or Shed): A freestanding, completely enclosed, accessory building constructed of stone, brick, metal or wood designed with a rural character and intended for the storage of personal property solely of the occupants of the primary use on the lot. Same as "Shed." This is classified under “Minor Residential Structure.”

Mini-Warehouses (or Self Storage Facility): A building or group of buildings containing one or more individual compartmentalized storage units for the inside storage of customers' goods or wares, where no unit exceeds 600 square feet in area.

Mining Face: The exposed vertical or near vertical portion of soil or rock that results from mining operations.

Mining Operation: The activity of surface, underwater, or underground extraction and treatment of deposits of minerals, ores, and other solid matter using techniques including, but not limited to, excavating, dredging, drilling, crunching, grinding, sorting, sifting, sizing, washing, drying, blasting, trimming, punching, splitting, gauging, and sawing and cutting of stone. The term also includes the construction and use of buildings, facilities and equipment to carry out similar activities, exclusive of manufacturing processes, and includes the removal of overburden to provide access to minerals. The term also includes processes related to the preparation or processing of mineral aggregates obtained from the site, including, but not limited to, stockpiling of materials, dewatering, and grading of land. The term does not include the excavation, removal and disposition of minerals from construction projects or excavations in aid of agricultural activities.

Mining Pit: All of the land area used in the excavation, processing, or storage of sand, gravel, crushed stone, or soil, and all of the land owned by the same owner that is contiguous to an excavated area unless the owner can show that some portion of that land cannot or will not be used as a site for extraction or excavation.

Minor Emergency Repairs: Those maintenance repairs necessitating an immediate solution yet not posing an immediate life-safety hazard, nor altering the existing character of the structure. See also “Alteration.”

Minor Mobile Home Structures: Structures that are incidental and secondary to the primary mobile home use of a property, such as carports, canopies, covered patios, storage rooms, mini-barns, porches, awnings, swings and other play structures or equipment, and other accessory buildings or structures similar and comparable in character to these uses.

Minor Residential Features: Structures that are incidental to a dwelling unit, characterized as less than 18 inches in height, or having a footprint of 50 sq. ft. or less, and not elsewhere defined as an accessory use. Examples include decks or patios that are less than 18 inches in height, wheelchair ramps, outdoor fireplaces, personal gardens, raised planting beds, awnings, canopies, children's playhouses, swings or other play structures or equipment, walkways, driveways.

Minor Residential Structures: Structures that are subordinate and secondary to the primary residential use of a property, such as garages, carports, porches, decks or patios 18 inches or greater in height, mini-barns, sheds, workshops, swimming pools, hot tubs, porte-cocheres, bathhouses, cabanas, secondary dwelling unit, shelters for personal livestock, greenhouses, and other accessory buildings or structures similar and comparable in character to these uses. This definition does not include minor mobile home structures or residential support facility or amenity.

Mobile Dwelling (or Mobile Home): A movable or portable unit fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process. The unit is designed for occupancy by one family, and erected or located as specified by Section 536-831 et seq. of the Revised Code of the Consolidated City and County, and that was either:

1. Constructed prior to June 15, 1976, and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or,
2. Constructed on or subsequent to June 15, 1976, and bears a seal certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards law.

Mobile Home Display: A mobile dwelling unit representative of other mobile dwellings or units offered for sale or lease within a mobile dwelling project.

Mobile Dwelling Project:

1. An area of contiguous land separated only by a street upon which 3 or more mobile dwellings are designated spaces or lots for the purpose of being occupied as primary residences and includes all real and personal property used in the operation of the mobile dwelling project; or
2. An area of contiguous land separated only by a street, that is subdivided and contains individual lots that are or intended to be sold, leased or similarly contracted for the purpose of being occupied as a primary residence, is a mobile dwelling project if 3 or more lots or sites are designated specifically to accommodate mobile dwellings.

Model Home: A dwelling or dwelling unit representative of other dwellings or units offered for sale or lease or to be built in an area of residential development. A model home may be used as a residential real estate sales office for the development in which it is located before occupancy by a family.

Modular Home Dwelling: A unit that is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process, designed for occupancy by one family unit. Every module must bear the seal certified that it was built in compliance with Indiana Public Law 360. The unit must have been built in compliance with the CABO One- and Two-Family Dwelling Code.

Monitoring Station: For purposes of Gravel, Sand, and Borrow regulations, a physical location identified by city, county, State, or Federal authorities where measurement of environmental conditions may be required.

Mortuary, Funeral Home: An establishment for the preparation of the deceased for burial and the display of the deceased and rituals connected with, and conducted before burial or cremation. This definition includes columbaria and may include a facility for the permanent storage of cremated remains of the dead. This definition does not include freestanding crematoria facility.

Motor Truck Terminal: A building or area in which trucks, including tractor or trailer units are parked, stored, or serviced, including the transfer, loading or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to transshipment. This definition does not include waste or recycling transfer facilities. See “Fleet Terminals.”

Motorsports Industry: An industry or industry sector focused on the research, development, and application of motorsports technologies. This definition includes uses such as engine testing; racing logistics and engineering; performance technology; race team facilities, and other associated uses to the motorsports industry or speedway logistics.

Mulch: A protective covering of organic substances placed around plants to control weeds and prevent evaporation of moisture or freezing. Plastic, loose gravel, stones or rocks are not considered as mulch.

Multifamily Dwelling: A building for residential purposes with 5 or more dwelling units, having common or party walls, on a single lot. Each unit is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for common or individual stairwells exterior to any dwelling units. Includes vertically stacked dwelling units such as apartment buildings.

Municipal Bus Bench: A seating structure caused to be erected, maintained and managed by Indianapolis Public Transportation Corporation, or their successor, to provide temporary seating for people waiting to use or ride public transportation.

Municipal Bus Shelter: A roofed structure caused to be erected, maintained and managed by or on behalf of the Indianapolis Public Transportation Corporation, or their successor, to provide temporary protection of people waiting to use or ride public transportation.

Municipal Bus Stop: A location designated by Indianapolis Public Transportation Corporation or their successor, for people waiting to use or ride public transportation that is located next to a roadway served by an operational public transit corridor.

Mural: A design or representation painted, drawn or similarly applied on the exterior surface of a structure and the only text includes the artist’s name and date of installation.

Museum, Library, Art Gallery: A facility or area that is open to the public and is intended for the acquisition, preservation, study, and exhibition of works of artistic, cultural, literary, historical or scientific value. This definition includes facilities such as planetariums, and public and semipublic structures.

N.

Native Vegetation: The growth of various grasses, sedges, rushes, forbs (wildflowers), ferns, trees, shrubs, and vines identified as species native to the Indianapolis area in commonly accepted publications, such as *Flora of Indiana* by Charles C. Deam; *101 Trees of Indiana: A Field Guide* by Dr. Marion T. Jackson; and *Go Native! Gardening with Native Plants and Wildflowers in the Lower Midwest* by Carolyn Harstad.

Natural Landscaping: Any landscaping technique in a yard or on a development site that preserves or uses primarily native vegetation in a design intended to exhibit the character and spirit of nature by arrangement of the plants and drainage patterns similar to the arrangements of natural prairie, woodland, or wetland plant communities and drainage.

New Mobile Dwelling Project or Subdivision: A mobile dwelling project or subdivision for which the construction of facilities for servicing the lots on which the mobile dwellings are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after December 12, 1989.

NFIP: National Flood Insurance Program, a voluntary agreement between the federal government and participating communities in which the federal government offers subsidized flood insurance to communities that agree to adopt and enforce a flood ordinance that, at a minimum, meets the federal standards to reduce future flood risk to new construction in floodplains.

Night Club or Cabaret: An establishment engaged primarily in offering entertainment to the general public in the form of music for dancing or live and recorded performances. The establishment may engage in the preparation and retail sale of alcoholic beverages for consumption on the premises. An establishment of a similar nature that caters to, or markets itself predominantly to, persons under 21-years of age is not a night club but an Indoor Recreation & Entertainment facility. This definition does not include adult entertainment business.

Nonbuilding Structure: For purposes of flood control regulation, structures other than buildings including but not limited to public utilities, on-site wastewater disposal systems, water supply systems, sanitary sewers, on-site wastewater treatment systems, lift stations, transmission towers, well pumps, electrical units, bridges, culverts, and any other structures determined by the Bureau of License and Permit Services to constitute a potential hazard to life, health, safety or property caused by exposure to floodwaters during the base flood.

Nonconforming Adult Entertainment Business: Any building, structure or land lawfully occupied by an adult entertainment business or lawfully situated at the time of passage of General Ordinance 44, 1984, adopted on July 9, 1984, or amendments to that ordinance, that does not conform after the passage of that ordinance or amendments thereto with the regulations of this chapter.

Noninstrument Runway: A runway other than an instrument runway.

Nonresidential Premises: A platted lot or part of a lot or an unplatted lot or parcel of land, with or without a structure or building, and including any structure, building, accessory structure, adjoining alley, easement or drainage way not intended for residential use. This definition does not include mixed-use developments with both residential and nonresidential uses.

Nonsubstantial Addition: For purposes of flood control regulation, a structural enlargement of a structure, the cost of which is less than 50% of the market value of the structure before the start of construction.

Nonsubstantial Damage: For purposes of flood control regulation, damage of any origin sustained by a structure and not intentionally caused or inflicted by the owner or occupant whereby the cost of restoring the structure to its predamaged condition would be less than 50% of the market value of the structure before the damage occurred. See related “Substantial Damage” and “Substantial Improvement.”

Nonsubstantial Improvement: For purposes of flood control regulation, any structural improvement of a structure that does not consist of a structural enlargement or repair of damage, the cost of which is less than 50% of the market value of the structure before the start of construction of the improvement. This term does not include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions;
2. Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure;” or
3. Ordinary maintenance and repair as defined in the Zoning Ordinance.

North Meridian Street Corridor: The geographic area within the Regional Center and North Meridian Street Corridor secondary zoning district bounded on the:

1. North by 30 Street;
2. South by 16 Street;
3. East by Talbott Street, north of Fall Creek; the first alley east of Pennsylvania Street from Fall Creek to 17 Street; and then Talbott Street from 17 Street to 16 Street;
4. West by the first alley west of Illinois Street extended from 30 Street to 16 Street.

Nursing Home: Licensed facilities primarily engaged in providing shelter, food and intermediate or long-term nursing and health related care for individuals that may include assisted living facilities, but does not include hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. This definition includes uses such as convalescent care.

O.

Objectionable Substance: Substances that are: (1) of a quantity and a type so as to damage waters; and (2) present for a duration and in a location so as to damage waters.

Off-street: A location completely within the boundaries of the lot, and completely off of public or private rights-of-way or alleys or any interior surface access easement for ingress and egress.

Office: Business, Professional or Government: An enclosed building in which executive, management, administrative, government, or professional services are provided. Includes, but is not limited to, fraternity and sorority offices; business or personal service; professional offices; governmental office complex; automobile owner’s association or club; condominium association, contractor’s association; data processing and analysis center; farm bureau or grange; governmental offices (including social services); homeowner’s association; radio and television stations (but not antennas, which are an accessory use, or broadcast towers, which are included under Substations and Utility Distribution Nodes); tenant association; and manufacturer’s institute.

Office (Transit-Oriented Secondary District): For the Transit Oriented Secondary District, the following refined categories apply:

> *Office - small* (under 10,000 sf.) - an office use with under 10,000 square feet of gross leasable area.
>
> *Office - medium* (10,001 - 50,000 sf.) - an office use with between 10,001 and 50,000 square feet of gross leasable area.
>
> *Office - large* (50,000 + sf.) - an office use with more than 50,000 square feet of gross leasable area.

Off-premises Sign: A sign that directs attention to a business, profession, commodity, or service offered on the property other than that on which the sign is located. This limitation does not apply to the content of noncommercial messages.

On center: Distance at grade level between the center of one element to the center of the next, such as trees.

On-premises Sign: A sign that directs attention to a business, profession, commodity, or service offered on the property on which the sign is located. This limitation does not apply to the content of noncommercial messages.

One percent annual chance flood: The flood that has a one percent chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See “Regulatory Flood”.

One-time event sign: A temporary sign that is authorized for a 3-day or 10-day period. One-time event signs may be a freestanding or building sign. One-time event signs may be made of nondurable materials, such as pennants, banner, flags (unofficial or official), air-filled, as well as more durable materials such as wood, metal, plastic.

Open Land Use: For purposes of flood control regulations, the production of crops, pasture, forests, parks, and recreational uses that do not involve any structure, obstruction, construction, excavation or deposit in a floodway as defined by IDNR, or any land alteration or watercourse alteration as otherwise defined in the Zoning Ordinance. The following specific activities are classified as open land use:

1. Excavation of cemetery grave;
2. Exploratory excavations or soil testing under the direction and control of professional engineers, soil engineers, geologists, civil engineers, architects or land surveyors, that are backfilled;
3. Ordinary cultivation of agricultural land including tilling, construction of minor open ditches, and crop irrigation; and
4. The planting and tilling of gardens, flower beds, shrubs, trees and other common uses and minor landscaping of land appurtenant to residences.

Open Space: The land area that is exposed to the weather. For calculations refer to Sec. 740-303 (Building measurements and calculations).

Open Space, Covered: The land area that is exposed to the weather, but not open above to the sky. For calculations refer to Sec. 740-303 (Building measurements and calculations).

Open Space Ratio: Expresses the relationship between the size of the building development and the remaining land area. For calculations refer to Sec. 740-303 (Building measurements and calculations).

Open Space, Uncovered: The land area that is not roofed or similiarly covered. For calculations refer to Sec. 740-303 (Building measurements and calculations).

Operations Plan: For purposes of Gravel, Sand, and Borrow regulations, a plan of activities to be performed by an operator to mine the land over the life of the mine, including description of the proposed method of mining, map and phasing schedule of mining operations, and measures taken to minimize environmental impacts, with special emphasis on minimizing negative impacts to surrounding residential areas.

Operator: For purposes of Gravel, Sand, and Borrow regulations, any person, whether individually, jointly, or through subsidiaries, agents, employees, contractors, or subcontractors who is engaged in, or who has applied for a permit to engage in, mining operations.

Ordinary Maintenance and Repair: For purposes of flood control regulations, construction activity commonly accomplished in or on an existing structure or existing building equipment for the purposes of preventing deterioration or performance deficiencies, maintaining appearance, or securing the original level of performance. Preventing deterioration or deficient performance include such activities as caulking windows, painting, pointing brick, oiling machinery and replacing filters. Maintaining appearance does include such activities as sandblasting masonry and cleaning equipment. Securing the original level of performance does include such activities as replacing broken glass, patching a roof, disassembling and reassembling a piece of building equipment, welding a broken part and replacing a component of a heating system (but not a furnace) with an identical component. Ordinary maintenance and repair does not include any construction activity that alters the prior or initial capacity, performance, specifications, type or required energy of functional features of an existing structure or building equipment.

Other Vehicle Sales, Rental, or Repair: Sales, rental, or repair of vehicles not included in Automobile, Motorcycle, and Light Vehicle Sales or Rental; or Truck or Heavy Vehicle Sales, Rental, or Repair. This definition includes uses such as boat dealers; recreational vehicle dealers; mobile home dealers, and manufactured home dealers. An inherent characteristic of this use is the outside display of vehicles offered for sale which is considered a primary facet of the use; as a primary use, this display must meet the development standards as a primary use and not the standards associated with an accessory use.

Outdoor Advertising Off-Premise Sign: Any off-premises sign that directs attention to any business, profession, product, activity, commodity, or service that is offered, sold, or manufactured on property or premises other than that upon which the sign is located. This limitation does not apply to the content of noncommercial messages. Same as billboard or advertising sign.

Outdoor Display and Sales, Ongoing: An accessory use that places products or materials offered for sale or exchange outside of a permanent building. The use must be associated with a business in a building on the site. Examples include stacks of bagged materials, bundles of firewood, and racks of items for sale such as lumber or plants. This definition does not include farmers' market; sidewalk café; vending machines or self-service kiosks; or outdoor seating area or patio.

Outdoor Display and Sales, Temporary: The offering or sale of products or services outside of a permanent building for a specified period of time. The use may or may not be associated with a business in a building on the site. This use does not include the construction or alteration of any permanent building or structure. This definition includes the activities conducted by Transient Merchants. Examples include the retail sale of seasonal products like Christmas trees, pumpkins and live plants. This definition does not include temporary outdoor events, temporary fireworks sales, farmers' markets, outdoor seasonal produce sales, sidewalk café, vending machines or self-service kiosks, outdoor seating area or patio, or the on-site preparation of food.

Outdoor Recreation and Entertainment, General: An open area offering entertainment or sports, athletics or games of skill to the general public. This definition includes facilities such as golf courses, swimming pools, baseball/softball fields; live entertainment or performances; boat and canoe rentals (as accessory use to a fishing lake operation); fishing lake operations (commercial or private); go cart raceways; scenic railroads; and drive-in theaters. This definition does not include Sports Stadium.

Outdoor Seasonal Produce Sales: A market held in an open area or under a temporary structure where a single merchant offers for sale to the public only such items as fresh produce, seasonal fruits, fresh flowers, or items created from those products, dispensed from a booth or booths located on-site. It shall not include food items prepared for sale and consumption on-site.

Outdoor Seating or Patio (nonresidential): On-site service facilities or seating areas accessory to a restaurant or establishment serving items to be consumed on site. This definition does not include sidewalk cafes in the public right-of-way.

Outdoor Storage and Operations: An outdoor area used for the long-term deposit (more than 24 hours) of any goods, material, merchandise, vehicles or junk as an accessory use to and associated with a primary use on the property. Outdoor operations include activities outside of a building that are associated with the primary use, such as the cutting and loading of pipe from an outdoor stockpile. See related "Outdoor Storage, Heavy."

Outdoor Storage, Heavy: The keeping of any goods, material, or merchandise outdoors and typically weighing more than 75 pounds for the long-term deposit (more than 24 hours) and does not meet the definition of Automobile and Vehicle Storage or Auction. This definition includes uses such as storage of heavy equipment; railroad equipment; rail yard and terminal; and utility pole yards and pipe yards. See related "Outdoor Storage and Operations."

Overburden: Earth, vegetation, topsoil, subsoil, caprock or non-specification material that must be removed to provide access to minerals.

P.

Parapet (wall): That portion of a building wall that rises above the roof level.

Park or Playground: Public or private land area that is developed and maintained for active or passive recreational use and is open for the general public's use and enjoyment, or for the use of customers, residents, or guests of a related facility. A park may include public playfields, courts, and other recreation facilities, or may include greenways, water features, picnic areas, natural areas, boating facilities, fishing facilities, arboreta, and botanic gardens.

Parking Area: An area of paving other than an open exhibition or display area, not inclusive of interior access drives, and driveways intended for the temporary storage of automotive vehicles including parking spaces and the area of access for the parking spaces and the area of access for the egress/ingress of automotive vehicles to and from the actual parking space (see Diagram G).

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Parking Bay: The parking module consisting of one or 2 rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces (Refer to Figure 740-306-A in Measurements and Calculations).

Parking Garage: A structure or part of a structure used primarily for the housing, parking, or temporary short-term placement of motor vehicles including parking spaces, and the area of access for the egress/ingress of automotive vehicles to and from the actual parking space.

Parking Garage, Commercial: A parking garage that is a primary use of land.

Parking Lot: A hard-surfaced area other than an open exhibition or display area, inclusive of interior access drives and driveways intended for the temporary placement of vehicles, including parking spaces, bicycles and bicycle sharing facilities, and the area of access for the egress/ingress of vehicles and bicycles to and from the actual parking space (see Diagram G).

Parking Lot, Commercial: A parking lot that is a primary use of land.

Parking Space: An off-street portion of the parking area that is used only for the temporary placement of an operable vehicle (see Diagram G).

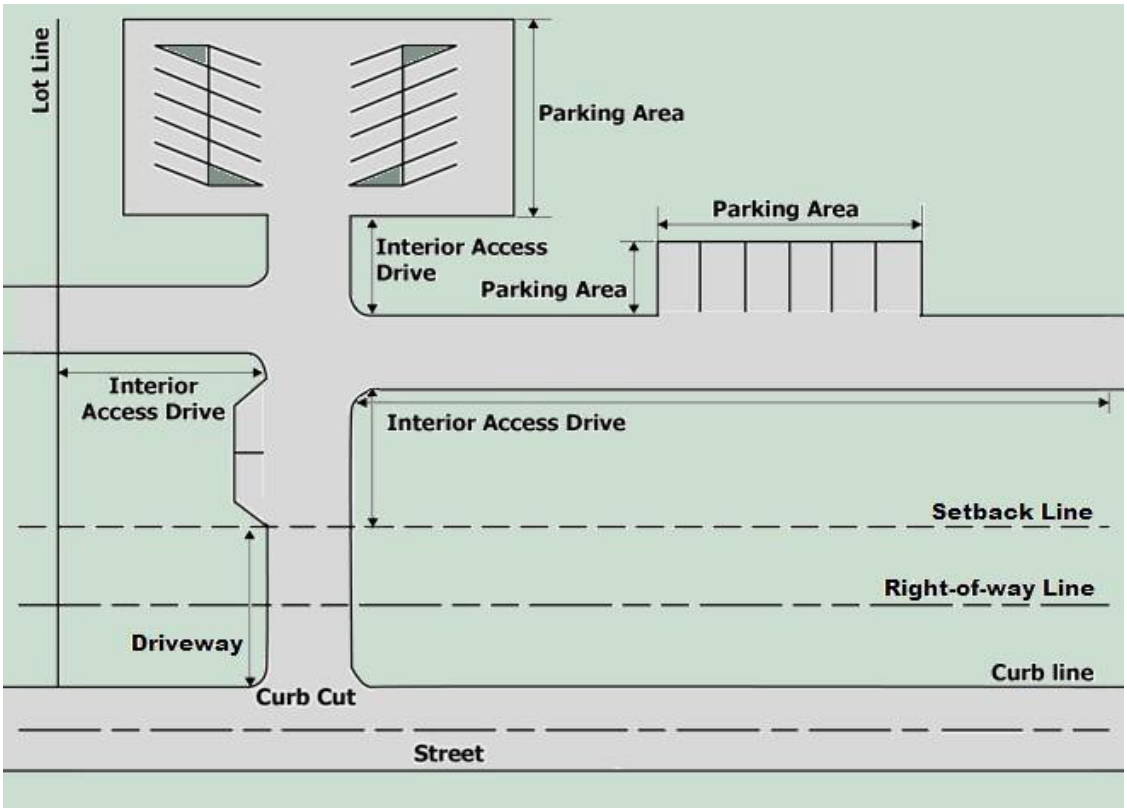


Diagram G Parts of Vehicle and Parking Areas

Partial Control of Access: The condition where the right of the owner or occupant of abutting property, or of other persons, to access said property, including the location and connection with public streets, is controlled by public authority. Partial control of access gives preference to through vehicular traffic movement to a degree that, in addition to access connections with selected public streets, there may be crossings at grade level and some driveway connections. See related “Full Control of Access.”

Patio: A hard-surfaced area accessory to the primary structure or use of which the horizontal area is at grade level with at least one side open to the weather and essentially unobstructed to the sky. This area is specifically designed and intended for the recreational enjoyment of the occupants and guests of the primary structure or use and not designed or intended for use by automotive vehicles. See related "Deck."

Patio, Covered: A hard-surfaced area accessory to the primary structure or use of which the horizontal area is at grade level with at least one side open to the weather and permanently roofed or similarly covered. This area is specifically designed and intended for the recreational enjoyment of the occupants and guests of the primary structure or use and not designed or intended for use by automotive vehicles.

Paved stand: A permanent area specifically designed and intended for the location, securing, and use of a mobile dwelling on a non-temporary basis encompassing completely the area immediately below or covered by such dwelling including necessary plumbing, power, and other utility installations. The mobile dwelling's foundation, consisting of runners, ribbons or piers, usually made of concrete for the purpose of blocking the dwelling, are within this area.

Pavement (or paving): A layer of concrete, asphalt or coated macadam or a layer of bricks, modular pavers, used on street, parking areas, sidewalks, walkways, or airport surfacing; or permeable paving materials when approved by the City for specific portions of a site as an alternative to concrete, asphalt, or coated macadam.

Pawn Shop: An establishment where money is loaned on the security of personal property pledged in the keeping of the business owner or operator. Accessory uses include the retail sales of primarily used items after the property securing the loan becomes the property of the business owner or operator.

Pedestrian Ramp: An inclined access opening along the curb line at which point pedestrians, unassisted or assisted by a wheelchair, walker or similar feature, may enter or leave the street; or, an incline providing pedestrians, unassisted or assisted by a wheelchair, walker or similar feature, access from the ground to an elevated surface.

Pedestrian Sign: Small freestanding sign that is located in pedestrian areas, such as sidewalks or plazas, and that is less than 40 lbs. and movable. Pedestrian sign may be an A- or T-framed sign. Banner may be a pedestrian sign if located on fencing or a landscaping wall.

Pergola: A minor residential feature with a permanently open framed roof, often latticed, supported by regularly spaced posts or columns.

Permanent Sign: A non-temporary sign designed and intended for long-term use.

Permit Application. A complete application with all accompanying information required by the Zoning Ordinance or regulations adopted pursuant to the Zoning Ordinance and including both an initial application and any applicable renewal application of an existing permit, such as in the GSB district, that has not expired.

Permitted Use: Any use authorized by right in a particular zoning district and subject to the restrictions applicable to that use and zoning district.

Personal Garden: A private facility or area for the cultivation of vegetables, grasses, fruits, flowers, shrubs, vines, trees, and domesticated bees as an accessory use by a resident or occupant of the site whether it be for purposes of producing food or materials. This definition includes the composting of on-site materials. This definition does not include high weeds and grass, nor does it include farming or beekeeping for commercial purposes.

Personal Livestock: Accessory activity of raising domesticated poultry, rabbits, sheep, donkeys, mules, alpacas, llamas, horses, and goats, of which may be standard-sized or miniature, pygmy or dwarf for use by the resident or occupant of the property. This definition does not include domestic dogs or cats and does not include animals associated with a business activity, such as an agricultural use (farm) or boarding.

Pick-Up Station for Dry Cleaning or Laundry: A facility, which may be attended or not, where dry cleaning or laundry is dropped off or picked up by customers but does not include any on-site laundry, cleaning or dry cleaning activities.

Planned Unit Development: A development designed to accommodate varied types of residential development in patterns or layouts not otherwise permissible in other zoning districts of the Zoning Ordinance. Planned unit developments are designed to provide additional amenities or benefits to the City in return for flexibility in the design, layout, and dimensions of the development.

Plasma (Blood) Center: A facility at which individuals donate plasma, blood, or other blood products in return for money or other consideration.

Plat: An officially recorded map, as recorded in the Office of the Marion County Recorder, or a map to be recorded indicating the subdivision of land including, but not limited to, boundaries and locations of individual properties, streets, and easements.

Pole Sign: Any freestanding sign that has its supportive structures anchored in the ground and has a sign face elevated above ground level (refer to Sign Diagram 31).

Porch: A roofed structure with at least one side exposed to the weather, supported from the ground and attached to or part of the building providing a surface at the door facilitating access into the building from the ground. Screens and curtains on the porch are considered open to the weather. A porch is considered covered open space. See related “Porch, Open.”

Porch, Open: An unenclosed structure, open to the sky, supported from the ground and attached to or a part of a building providing a surface at the door facilitating access into the building from the ground, also known as a stoop. See related “Porch.”

Portable Storage: A container designed and rented or leased for the temporary storage of commercial, industrial, or residential items, and does not contain a foundation or wheels for movement. This definition includes facilities such as piggyback containers that can be transported by mounting on a chassis, and “POD” type boxes that can be transported on a flatbed or other truck; but do not include prefabricated sheds that are not designed for transport after erection, or commercial trailers used by construction or other uses in the regular performance of their business.

Porte-cochere: A roofed, sheltering structure supported from the ground and attached to or a part of a building, that projects over an entrance/exit, walkway, driveway, or similar feature. A porte-cochere is considered covered open space.

Potential Groundwater Contaminant: Any material that because of its toxicity, persistence, or mobility in groundwater, poses a significant hazard to the quality of groundwater resources used for public water supply. Potential groundwater contaminants does include objectionable substances or hazardous materials.

Power Generating Facility, Local: A plant that is used for the production of electricity to a defined area including at least 5 buildings, including appurtenant yards, equipment and facilities for local or district-wide service, and that is not owned or operated by a public utility. This definition is exclusively limited to compressed natural gas conversion; solar; wind; and geothermal facilities. For on-site accessory power generation, see “Renewable Energy Facility, Solar and Geothermal” or “Renewable Energy Facility, Wind.”

Power Generating Facility, Major: A large-scale facility or area that generates electricity from mechanical power produced by the firing of fossil fuels; or that produces heat or steam for space heating and other similar uses from thermal plants or biomass facilities; or does not otherwise meet the definition of a power generating facility, local.

Premises: A platted lot or part of a lot or an unplatted lot or parcel of land, either occupied or unoccupied by any structure, and including any such building, accessory structure, adjoining alley, easement, or drainage way.

Primary Building: The building in which the permitted primary use of the lot is conducted.

Primary Residential Structure: For purposes of flood control regulation, the residential building in which the permitted primary use of the lot is conducted.

Primary Street Façade: The building façade facing the street from which the building gets its street address.

Principal Homestead: The dwelling unit in which the primary users of the agricultural use reside.

Printing Services: A commercial facility that reproduces a large quantity of copies or books and other printed material including newspapers and magazines. Includes newspaper publishing and printing; and blueprinting and engraving. This definition does not include uses such as copy centers and document preparation, and photo finishing services, which are included in Consumer Services or Repair of Consumer Goods.

Processing: In general use, processing means a series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner. For purposes of Gravel, Sand, and Borrow regulations, processing means washing, crushing, grinding, sorting, sizing, and other activities undertaken to prepare extracted materials for productive use, and the operation of plants, machinery, dams, ponds, canals, power lines, pipe lines, telephone lines, roads, stockpile areas, buildings or offices, and any other machinery or equipment required for the processing of minerals, but not including manufacturing processes.

Processing and Packaging of Food and Beverages: The packaging, repackaging, processing, or production of an edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for animal or human digestion, or chewing gum. This definition includes uses such as bottling of alcoholic or nonalcoholic beverages; canning, bottling, processing, and packaging of food; bakery; coffee roasting; food products (initially processed off the premises); oleomargarine; malt products, brewing; and distillation of liquor and spirits. This definition does not include slaughtering of animals or fowl, establishments for retail sales directly to the consumer, or Artisan Food and Beverage uses.

Processing of Extracted Materials: The extraction of minerals, sand, gravel, and ores, from their natural occurrences on affected land and processing and distribution of extracted materials. This definition includes uses such as sand, gravel, and aggregate washing, sorting, sizing or processing.

Produce Sales: A structure or land area used for the accessory retail sale of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located, including but not limited to a “pick your own” establishment where customers gather their own produce from the fields for purchase and off-site consumption. This definition includes, when accessory to a primary use of the property, the sale of items such as: other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts, provided that no commercially packaged handicrafts or commercially processed or packaged foodstuffs are sold. Produce sales is not considered as Temporary Outdoor Display and Sales.

Professional Architect: An architect registered under 804 IAC 1 authorized IC 25-4-1.

Professional Engineer: An engineer registered under 864 IAC 1 authorized IC 25-31-1.

Professional Geologist: A geologist licensed under 305 IAC 1 authorized by IC 25-17.6-3.

Professional Surveyor: A surveyor registered under 865 IAC 1 authorized IC 25-21.5.

Project: A lot or parcel or multiple lots, parcels, or sites of contiguous land to be developed for a use or uses that at the time of development is under one ownership or control, and in accordance with Chapter 741 Subdivision Regulations, may subsequently be subdivided, developed, or conveyed into smaller lots or parcels.

Project Area: The area within the perimeter lot lines encompassing an entire project.

Projecting Sign: Any sign that is affixed to a building or wall in such a manner that its leading edge extends more than eighteen inches beyond the surface of such building or wall face (refer to Sign Diagram 31).

Protected Areas: All areas inside the boundaries of Marion County which are adjacent to and within 660 feet of the edge of the right-of-way of all highways within the county. When a highway terminates at a county boundary that is not perpendicular or normal to the centerline of the highway, the term "protected areas" also refers to all areas inside the boundary of such county which are within 660 feet of the edge of the right-of-way of the highway in the adjoining county.

Protected District. Specific classes of zoning districts that, because of their low intensity or the sensitive land uses permitted by them, require buffering and separation when abutted by certain more intense classifications of land use. A protected district does include any dwelling district, historic preservation district, hospital district, parks district, university quarter district, SU-1 (church) district or SU-2 (school) district.

Protected Structure: For purposes of Gravel, Sand, and Borrow regulations, any occupied building, or other structure designated as a protected structure by the Administrator that is, or may be, impacted by blasting or other processes of an operation. This term does not include structures owned and operated by the operator.

Public Airport or Heliport: An airport or heliport publicly owned or operated.

Public Area: Land owned or controlled by a governmental unit for public use, including but not limited to sidewalks, plazas and parks.

Public notice: Official notice posted by public officers or their representative in the performance of their duties.

Public Improvement: Any drainage way or easement, street, culvert, pedestrian way, sidewalk, street sign, monument, flood control or storm drainage system, sewage disposal system, art installation, entry/gateway feature, or other facility for which the municipality may ultimately assume the responsibility for maintenance and operation, or that may affect an improvement for which municipal responsibility is established.

Public Safety Facility or Post Office: A public facility meant to protect or serve the general safety and welfare of the public. Includes fire stations, police stations, emergency operationcenters, and post offices.

Public Sign: Any sign required or specifically authorized for a public purpose by any law, statute or ordinance which may be of any type, number, area, height above grade, location, illumination or animation, required by the law, statute or ordinance under which the signs are erected. See also “governmental sign.”

Public way: A right-of-way for transportation purposes among other purposes, such as a highway, street, transit line, avenue, boulevard, road, lane, or alley.

Pump island canopy Sign: Any sign that is part of or attached to the pump island canopy.

Pump island Sign: Any sign either affixed directly to a fuel pump or otherwise attached to the pump or pump island (refer to Sign Diagram 25).

Pylon Sign: Any freestanding sign anchored in the ground with its sign face extending upward from the ground surface and has a height exceeding four feet (refer to Sign Diagram 31).

Q. [reserved]

R.

Reclamation: For purposes of Gravel, Sand, and Borrow regulations, the rehabilitation of a surface mine's affected area to establish a land use specified in a reclamation plan required by this Article, and including removal or reuse of refuse from mining operations; replacement of removed or stored topsoil; backfilling, grading and compaction of the mining operation; stabilization of soil conditions; re-establishment of vegetative cover; control of surface water and groundwater; prevention of environmental pollution; and the protection and enhancement of wildlife and aquatic resources.

Reclamation Plan: For purposes of Gravel, Sand, and Borrow regulations, a description of activities to be performed by an operator to reclaim the mine's affected area over the life of the mine, including the proposed method of reclaiming the affected land and a description of continuing reclamation concurrent with phases of the mining operation, and including grading plans, erosion and sedimentation control plans, and revegetation plans.

Reconstruction (pertaining to adult entertainment only): The rebuilding or restoration of any nonconforming adult entertainment business that was damaged or partially destroyed by an exercise of the power of eminent domain, or by fire, flood, wind, explosion or other calamity or act of God, if the damage or destruction exceeds two-thirds (2/3) of the value of the structure or the facilities affected.

Recreation Facility, Private: A recreation facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests without a fee.

Recreational Vehicle: A vehicle including any associated transport trailer, which may be motorized, non-motorized, self-propelled or towed, designed and intended specifically for non-commercial use, such as temporary living, travel, and leisure activities. Examples include but not limited to boats, jet skis, race cars, all-terrain bikes, motor homes, travel trailers, and camping trailers. For a trailer with a cargo holder measuring more than 12 feet in length to qualify as a recreational vehicle it must be loaded with the water craft or other recreational item it is used to transport.
For the purpose of flood control regulation, a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Recreational Vehicle Parking: The location of operable recreational vehicles owned by a resident of the site as an accessory to the primary use of the property.

Recycling Collection Point: An unstaffed location where individuals bring household recyclable materials, such as cans, newspapers, books, clothing, or cardboard, to drop off without compensation, or to redeem the materials for monetary compensation. Completely enclosed containers are provided for the recyclable materials to be placed within while awaiting shipment to a recycling facility. Examples of such completely enclosed containers are recycling containers such as "igloos," kiosks, reverse vending machines, covered trailers, or similar structures. Recycling collection points are accessory to a primary use of the property. Initial sorting of materials, but no other processing of the material, may take place at the location. This definition does not include recycling receptacles for individuals for private collection.

Recycling Facility: A recycling operation, the process by which waste products of any type are reduced to raw materials and may further be transformed into new and often different materials.

Recycling Station: A manned collection site operated by a private or governmental entity for the acceptance by donation, redemption or purchase of recyclable materials from the public, including but not limited to bottle exchanges. Sorting but no other processing of the material takes place at the site. This use may include the crushing or compacting of aluminum recyclable materials, such as cans, in order to facilitate their handling and transport. This processing step is considered to be an incidental aspect of the center, rather than a characteristic of the use itself.

Regional Center Hearing Examiner: An employee or contracted employee of the City of Indianapolis, appointed by the Metropolitan Development Commission, with specific knowledge and experience in urban design.

Regulatory Flood Profile: A longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the base flood.

Release: For purposes of wellfield protection regulation, any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of any objectionable substance into the environment (surface water, groundwater, drinking water supply, land surface, subsurface strata).

Religious Use: A land use and all related buildings and structures devoted primarily to the purpose of divine worship, together with reasonably related accessory uses including but not limited to, educational, instructional, social, or residential activities.

Renewable Energy Facility, Solar and Geothermal: The accessory use of solar collectors or other devices or structural design features of a structure that rely upon sunshine as an energy source and is capable of collecting, distributing or storing the sun's radiant energy for a beneficial use; or land area and equipment for the conversion of natural geothermal energy into energy for beneficial use.

Renewable Energy Facility, Wind: The accessory use of wind energy turbines, wind chargers, windmills, and related accessory equipment such as utility lines and battery banks, in a configuration necessary to convert the power of wind into mechanical or electrical energy.

Repetitive Loss: A structure that has sustained flood-related damages on two or more separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damage occurred.

Replat: Resubdivision of land.

Research and Development, Other: A facility or group of facilities that engage in research, synthesis, analysis, development of new products, materials, or processes, and related testing laboratories, including the fabrication, assembly, mixing and preparation of equipment and components incidental to those activities, and that does not meet the definition of an artisan, light, medium, heavy, or hazardous substances and objectionable materials manufacturing use. This definition includes facilities such as engineering and research laboratories.

Residential Building: For purposes of flood control regulation, any building that possesses the architectural features, traits and qualities indicating or constituting those distinguishing attributes of a residence, such as height, bulk, materials, detailing and similar features.

Residential in Character: Possessing the architectural features, traits and qualities that distinguish residential areas and structures from nonresidential areas and structures, such as, height, bulk, materials, roof types, landscaping, trees, detailing and similar features.

Residential Support Facility or Amenity: An accessory structure provided for the exclusive comfort and convenience of residents and their guests of more than one unit in a multifamily dwelling, residential subdivision, or mobile home dwelling community, and incidental and secondary to the primary dwelling use, such as a clubhouse, exercise room, laundry, or management office for the dwelling units.

Restaurant, Drive-in or Drive-through: Any eating establishment designed to permit or facilitate the serving of food or beverages directly to, or permitted to be consumed by, patrons in or on motor vehicles parking or stopped on the premises.

Resumption (pertaining to adult entertainment only): Shall mean the reuse or reoccupation of a nonconforming adult entertainment business that has been discontinued for a period of 6 or more consecutive months.

Retail, Light General: Establishments engaged in offering or selling goods or merchandise to the general public for personal or household consumption that typically weighs 75 lbs. or less and removed immediately by the consumer, or if the goods or merchandise is larger, then the size of the establishment is limited to 15,000 sq.ft. or less. Goods and merchandise may be delivered from an off-site warehouse, or occasionally delivered from the site. The establishment typically serves the neighborhood and may also render services incidental to the sale of such goods. The establishment typically buys goods for resale to the public. This definition includes uses such as shoe store; luggage and leather; clothing, apparel, and accessories; computers or computer software; antique store; religious goods; tobacco; variety store; music, recorded; instrument, sheet; camera store; bait and tackle; bike; book store; card store; stationer and scrapbooking; trophy shop; paint, wallpaper, window coverings; small-scale furniture, flooring and appliance stores; hardware; pool or billiard tables; sporting goods store; second hand store; office supply store; office machines; optical goods; drapery or fabric; florist; gift shop; hobby, toys, games; jewelry; telephone store; radio, TV, computer or consumer electronics store; drug store; and convenience market.

Retail, Heavy General: Establishments not included in light general retail that are engaged in offering or selling goods or merchandise to the general public for personal or household consumption that are large in size and typically weigh more than 75 lbs. The establishment may sell products that often require special delivery or delivery directly from the site. The establishment typically draws from a wide area and may also render services incidental to the sale of such goods. The establishment typically buys goods for resale to the public. This definition includes uses such as garage and outbuilding sales; gravestones and monuments; furniture; flea market; tool leasing; appliance store; flooring; playground equipment; air conditioner sales; hot tub sales; gymnasium equipment sales; swimming pool sales; building materials and garden supplies; home improvement store/center; hospital and sick room sales; lumber and other building materials; garden shop, nursery; and lawn and garden supply stores.

Retail Sales and Service (Transit-Oriented Development Secondary District): For the Transit-Oriented Development Secondary District, the following refined categories apply:

Micro retail sales and service (< 1,000 sf.) - a general retail or service use with under 1,000 square feet of gross leasable area.

Small retail sales and service (1,001 - 3,000 sf.) - a general retail or service use with between 1,000 and 3,000 square feet of gross leasable area.

Medium retail sales and service (3,001 - 8,000 sf.) - a general retail or service use with between 3,001 and 8,000 square feet of gross leasable area.

Large retail sales and service (8,001 - 20,000 sf.) - a general retail or service use with between 8,001 and 20,000 square feet of gross leasable area.

Extra-large retail sales and service (20,001 + sf.) - a general retail or service use with more than 20,000 square feet of gross leasable area.

Right-of-way: Specific and particularly described strip of land, property, or interest therein devoted to and subject to the lawful use, typically for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the Office of the Marion County Recorder. Right-of-way can be public or private; it is to be assumed to pertain to both public and private unless it is specifically identified as one or the other.

Right-of-way, Private: A specific and particularly described strip of privately held land, property, or interest in privately held land or property, devoted to and subject to use for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the Office of the Marion County Recorder.

Right-of-way, Proposed: A specific and particularly described land, property, or interest in the Official Thoroughfare Plan as adopted and amended by the Metropolitan Development Commission and identified for public use, typically for general transportation purposes or conveyance of utilities.

Right-of-way, Public: A specific and particularly described strip of land, property, or interest in land of property dedicated to and accepted by the municipality to be devoted to and subject to use by the general public for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, officially recorded by the Office of the Marion County Recorder.

Roof Line: The uppermost edge of the water-carrying surface of a building or structure.

Roof-integral Sign: Any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the roof (refer to Sign Diagrams 10 and 31).

Roof Sign: Any building sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the roof (refer to Sign Diagram 31).

Rotating Sign: Any sign or portion of a sign designed to revolve or move in a similar manner by means of electrical power.

ROW: Right-of-way.

Runway: The surface of the airport used for landing and taking-off of aircraft.

S.

Sanitary landfill: A method of disposing of refuse on land without creating nuisances or hazards to public health, safety, or welfare by utilizing principals of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, covering it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals as necessary. This definition includes uses such as disposal of hazardous, medical, or construction waste if all applicable licenses for those purposes have been obtained.

Satellite Dish Antenna: A device that is designed to receive direct broadcast satellite service, including direct-to-home satellite services. This definition includes all satellite antennas exempted under federal law.

Schools: Elementary, Middle, or High Schools: An educational institution that satisfies the compulsory education laws of the State of Indiana for students in the elementary grades, middle school grades, or high school grades, respectively. This definition includes both public schools and private non-boarding schools that have a curriculum similar to that in the permitted public schools.

Scenic Area: An area of particular scenic interest or historical significance which is designated by or pursuant to local or state law as a scenic area.

Screening: A method of visually shielding or obscuring a nearby structure, building or use on an abutting or adjacent property or lot from another by fencing, walls, berms, or densely planted vegetation.

Secondary Containment: For purposes of wellfield protection regulation, a second barrier or an outer wall of a double enclosure constructed of materials and constructed in such a way that any leak or spill from the primary container would be contained.

Secondary Dwelling Unit: A dwelling unit that is subordinate and accessory to a single-family detached dwelling.

Secondary Plat: A map indicating the subdivision of land, intended to be recorded and prepared in accordance with the requirements of the Zoning Ordinance.

Semipublic Use: A service or facility offered by a not-for-profit organization to the general public for either no charge or a nominal fee.

Service Bay: Individual area within an automobile repair or service facility where services, including but not limited to vehicle washes, oil changes and repairs, are performed on a motor vehicle.

Service Area: An area accessory to the primary use that is occupied by structures, equipment and maneuvering areas necessary to handle pick-up and delivery of materials in support of the primary use of site, such as waste and recycling containers, compactors, and loading docks.

Service Area Enclosure: An accessory structure enclosed on all sides, possessing a solid, securable door or gate for access designed and intended to completely screen waste and recycling receptacles, compactors and other service area elements from view on all sides, and to prevent debris from dispersal outside the receptacles or enclosure.

Service Unit, Drive-Through (or Service Unit): A single element of a drive-through facility, including but not limited to a service window, menu board, order station, or service bay, which facilitates customers receiving goods or services in exchange for monetary compensation, or through which other business is transacted.

Services Involving Specified Sexual Activity or Display of Specified Anatomical areas: Any combination of 2 or more of the following activities:

1. The sale or display of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representation that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas;
2. The presentation of films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons;
3. The operation of coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas;
4. Live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas;
5. The operation of an unlicensed massage school, unlicensed massage parlor, unlicensed massage therapy clinic, bathhouse, escort service, body painting studio or nude modeling studio, as these terms are defined in Chapter 911 of the Revised Code of the Consolidated City and County.

Setback Line: A line that establishes the distance a building, structure, or portion thereof, can be located from a lot line or right-of-way line (see Diagram H).

Setback: The horizontal distance established by ordinance between a right-of-way line or a lot line and the setback line (see Diagram H).

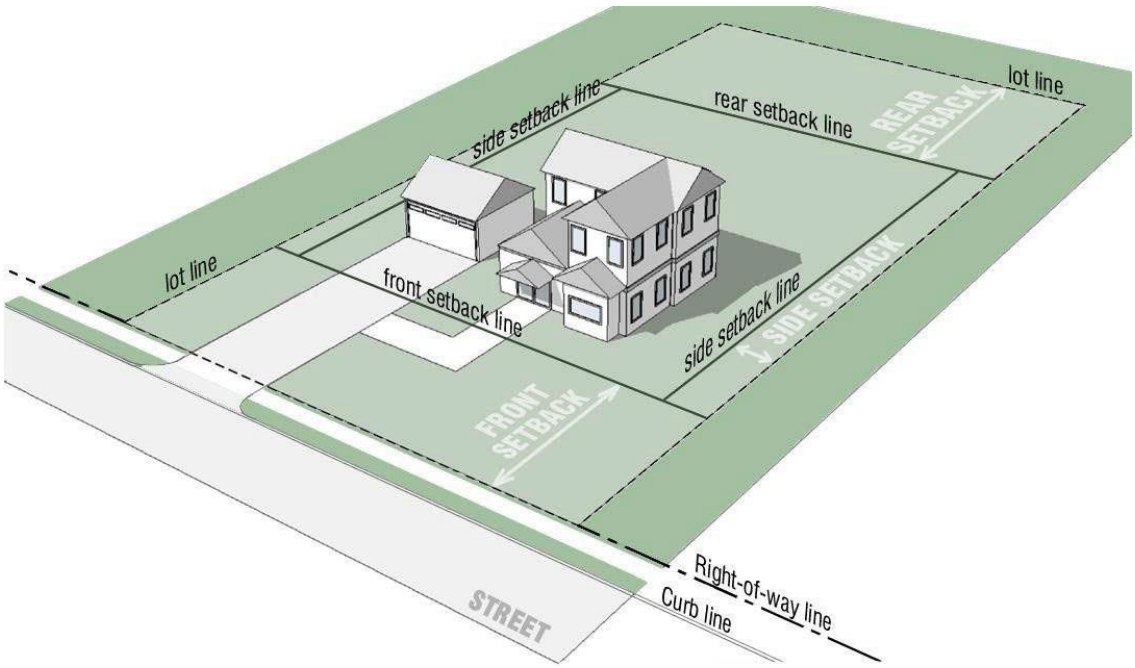


Diagram H Setbacks

SFHA: Special Flood Hazard Area. The land area defined on the flood insurance rate map subject to inundation by the one percent annual chance or regulatory flood. These areas are shown on the FIRM as Zone AE, AH, AO, A.

Shed: Same as "Mini-barn."

Shop Area: A production or repair area equipped with tools and machinery.

Shopping Center: A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access and often with protection from the elements.

Shrub: A woody plant of relatively low height branching from the base not exceeding 10 to 12 feet in height. A Type 1, 2, or 3 deciduous shrub as defined by the American Standard for Nursery Stock (ANSI Z60.1-2004) that is listed on the Indianapolis Selected Plant List, as adopted by the Commission. Type 1 deciduous shrub is a small shrub and Type 2 and 3 deciduous shrubs are considered large shrubs.

Side Yard: Same as "Yard, Side."

Sidewalk: A hard-surfaced walk or raised path and any curb ramps or blended transitions along and generally paralleling the side of the street for pedestrians. Sidewalks do not include the curb or gutter structures.

Sidewalk Café: An outdoor seating area accessory to an establishment that serves food or beverage such as a restaurant, coffee shop, café, bar or tavern in the public right-of-way, for consuming of goods purchased from the primary use of the property. See related "Outdoor Seating or Patio (nonresidential)."

Sight Distance: The length of roadway visible to a driver.

Sign: Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.

Sign Band: The horizontal piece of a façade framework, within which a sign is permitted, located between the top of a first story window or first story door and the base of a second story window (see Diagram A under "Base Panel").

Sign Encroachment: The placement of any sign or sign support structure or the extension of any part of a sign or sign structure into a required yard, street right-of-way or alley right-of-way.

Sign Face: The surface of the sign upon, against, or through which the message of the sign is exhibited.

Sign Structure: Any structure, including the supports, uprights, bracing and framework that supports or is capable of supporting any sign.

Sign Type: Itemized categories of freestanding or building signs.

Single-Family Attached Dwelling: A dwelling unit designed originally for residential occupancy by one family joined by a common wall to another legally complete dwelling unit designed originally for occupancy by another family. Also known as a townhouse or row house. Each dwelling unit is on its own legally established lot or is a part of a condominium as defined by Chapter 551. Each dwelling unit is completely separated from the other by (1) an unpierced wall extending from ground to roof; or (2) an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to the dwelling units. This use does not include a secondary dwelling unit.

Single-Family Detached Dwelling: A building designed originally for residential occupancy by one family on a lot or parcel containing no other primary building.

Site Improvement: The erection, construction, placement, repair, alteration, conversion, removal, demolition, maintenance, moving, razing or remodeling of any new or existing structure or any part thereof; or any activity for which an Improvement Location Permit is required.

Site Plan: The development plan, or series of plans, drawn to scale, for one or more lots on which is shown the existing and proposed location and conditions of the lot as required by the Zoning Ordinance or by administrative regulations or standards applicable to the type of application being submitted.

Skirting: The rigid physical attachments to a mobile dwelling designed and intended to completely screen, shelter, and protect the unit's base and entire area between the unit's floor surface and the ground surface, that includes, but not limited to, all electrical and plumbing conduits, insulation material, and undercarriage.

Sky Exposure Plane: An imaginary sloping surface, consisting of 3 types, rises over designated lots in the CBD-1 and CBD-2, as specified in sections 742-106.B and C for purposes of limiting height of building, signs and other structures. See Sec. 740-309 (Measurements and Calculations).

Spandrel: A roof-like structure that covers the fuel dispenser serving as a second-tier canopy, may be a lighting source for the dispensing area, may serve to identify the individual fuel dispensers or pumps, and may display signage (see Sign Diagram 25).

Spandrel Sign: Any sign that is a part of or attached to the spandrel structure (see Sign Diagram 25).

Specified Anatomical Areas: Any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities: Any of the following:

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 regions, buttocks or female breasts;
4. Flagellation or torture in the context of a sexual relationship;
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
6. Erotic touching, fondling or other such contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation as a part of or in connection with any of the activities set forth in subsections 1 through 6 above.

Spill Prevention Control and Countermeasure (SPCC) Plan: The plan required by the United States Environmental Protection Agency to prevent spills from reaching navigable waters of the United States.

Sports Stadium: A facility designed for professional sporting events, exhibitions, shows or convocations.

Stacking Space, Off-street: An area, separate from or in addition to, the required parking area, reserved for the temporary retention of vehicles that are queuing up or utilizing the services of a drive-through service unit.

Staff: The staff of the Metropolitan Development Commission in the Department of Metropolitan Development.

Standard Flood Insurance Policy: The flood insurance policy issued by the federal insurance administrator, or an insurer pursuant to an arrangement with the federal insurance administrator pursuant to federal statutes and regulations.

Standard Proctor: For purposes of flood control regulation, the maximum dry density of a backfill material as determined by the methods set forth within ASTM D 698. The percent standard proctor density is a ratio of the in-place dry density of a backfill material, determined by those methods set forth within ASTM D 1556, to the maximum dry density (determined by Test Method 698). The resulting quotient must be multiplied by 100, and the value obtained must meet or exceed the minimum values specified in the Zoning Ordinance.

Start of Construction: For purposes of flood control regulation, the date that a floodplain development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit issuance date.

Stock Yards and Processing of Stock: The holding and feeding of livestock, poultry, pigs, or other domesticated animals for commercial purposes in lots, pens, ponds, sheds or buildings for further shipping or processing where food is supplied primarily by means other than grazing, foraging, or other natural means, or a facility for the slaughtering and processing of animals and the refining of their byproducts. This definition includes leather curing and tanning; slaughtering or meat packing; and fat rendering. This definition does not include Confined Feeding Operations or Concentrated Animal Feeding Operations as defined IC Title 13 Article 11.

Stockpiling: For purposes of Gravel, Sand, and Borrow regulations, storage of an aggregate product or material in a large mound for later use, sale or disposal.

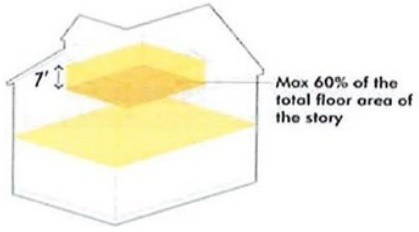
Storage: For purposes of wellfield protection regulation, the deposit and holding of goods, material, merchandise, or vehicles typically for more than 24 hours.

Storage, Outdoor: See “Outdoor Storage and Operations.”

Storage Room: An enclosed area integrated into and sharing a common or party wall or walls within a primary building, while designed and intended for the purpose of reserving property for a future use.

Story: That part of a building, with an open height of not less than 7 feet 6 inches, except a mezzanine, included between the upper surface of one floor and the lower surface of the next floor, or if there is no floor above, then the ceiling next above. A basement constitutes a story only if it provides finished floor area.

Story, Half: The space under a sloping roof that has a line of intersection of the roof and exterior wall face not more than 2 feet above the floor level, and where the possible floor area with headroom of 7 feet or more is no greater than 60% of the total floor area of the story directly beneath.



Stream: A surface watercourse with a well-defined bed and bank, either natural or artificial that confines and conducts continuous or periodic flowing water.

Stream bank: The sloping land that contains the stream channel and the normal flows of the stream.

Stream base flow: Flows of groundwater origin distinguished by any of the following physical indicators:

1. Hydrophytic vegetation, hydric soil, or other hydrologic indicators in the area where groundwater enters the stream channel, in the vicinity of the stream headwaters, channel bed or channel banks;
2. Flowing water not directly related to a storm event;
3. Historical records of a local high groundwater table, such as well and stream gauge records.

Stream channel: Part of a watercourse that contains an intermittent or perennial base flow of groundwater origin.

Stream, Category Two: An intermittent stream that flows in a well-defined channel during wet seasons of the year but not necessarily for the entire year. These streams generally exhibit signs of water velocity sufficient to move soil, material, litter, and fine debris. Aquatic organisms, such as fish, are often difficult to find or not present at all in these streams. These streams are identified on the United States Geological Survey (USGS) topographic maps and on the Department of Natural Resources Conservation Service (NRCS) soils maps.

Stream, Category One: A perennial stream that flows in a well-defined channel throughout most of the year under normal climatic conditions. Some may dry up during drought periods or due to excessive upstream uses. Aquatic organisms such as some fish are normally present and easily found in these streams. The Category One Streams are listed in Table 744-205-2: Category One Streams.

Stream Protection Corridor: A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir, and where alteration is strictly limited. Functionally, stream protection corridors provide erosion control, improve water quality (lower sedimentation and contaminant removal), offer flood water storage, provide habitat, and improve aesthetic value.

Street: An improved public way, in which the right-of-way is typically 35 feet or more in width. See also "Streets."

Streets (see Diagram I)

Collector Street: A Street primarily designed and intended to collect traffic from an area and move it to an arterial while also providing substantial service to abutting land uses.

Corridor Street: Principal streets within the SZ-1 and SZ-2 Districts, more specifically defined as 16th Street, Holt Road, and 10th Street.

Cul-de-sac: A Street having only one open end that is permanently terminated by a vehicle turnaround.

Eligible Public Street: Pertaining only to sidewalks, that portion of a public street abutting a lot or project, or that portion of a public street between the lot lines extended from which a lot or project can gain access.

Diagram I Street Type examples

Expressway: A Street so designated by the Official Thoroughfare Plan for Marion County, as amended, primarily designed as access controlled routes with design and operational characteristics similar to freeways, with some intersections at grade level. Access control is usually obtained by using medians, frontage roads, and by selectively locating intersections. These roads are designed for relatively high-speed operation.

Freeway: A Street so designated by The Official Thoroughfare Plan for Marion County, as amended, primarily designed as divided highways with full control of access and grade-separated interchanges. Primary function is movement of traffic, in particular long trips made within and through the study area. These roads are designed for relatively high-speed operation (e.g. 55 mph). Also known as an interstate.

Interior Street: Streets within the SZ-1 and SZ-2 Districts that are not identified as Corridor Streets are considered Interior Streets.

Local Street: A street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds (e.g. 20 to 30 mph) within the immediate geographic area. Their primary function is to service abutting land-uses.

Marginal Access Street (or Marginal Access Road): A local street with control of access auxiliary to and located on the side of an arterial, thoroughfare, expressway, or freeway for service to abutting property.

Parkway: A street serving through vehicular traffic and generally equal to or more than 5,280 feet in length, the adjoining land on one or both sides of which is predominantly dedicated or used for park purposes, and conforms to the Comprehensive Plan and the Official Thoroughfare Plan for Marion County, Indiana, as amended. Partial control of access to a parkway permits access connections only at street intersections.

Primary Arterial: A Street so designated by The Official Thoroughfare Plan for Marion County, as amended, primarily designed and intended to have greater traffic-carrying capabilities and higher levels of service than other grade level routes to channel major traffic movements. They either carry higher volumes than other adjacent routes or have the potential to carry higher volumes. They serve as connecting routes to the freeway system and to other primary arterials and are oriented primarily to moving through traffic rather than serving abutting land use.

Private Street: A privately held right-of-way, with the exception of alleys, essentially open to the sky for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for said purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and similar features.

Public Street: A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for said purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and similar features.

Secondary Arterial: A street so designated by The Official Thoroughfare Plan for Marion County, as amended, primarily designed and intended to serve a higher percentage of short trips than do primary arterials. They carry significant volumes and are needed to provide system continuity.

Structural Alteration: Any change that would prolong the life of the supporting members of a building or structure such as bearing walls, columns, beams or girders, except such changes as are ordered made pursuant to the provisions of the Unsafe Building Law, IC 36-7-9-1, and any amendments to that law.

Structural Barrier: A physical structure, such as a fence, wall, or railing that forms a boundary between, or enclosure to, portions of a property or acts as a division between properties.

Structural Soil: A product that consists of stone, voids and a soil matrix. Originally developed by Cornell University, the product is designed to be used under pavements that are adjacent to landscape islands for the purpose of expanding the potential root zone area of the landscape island.

Structure: A combination or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water, and whether permanently affixed to the ground, temporary, or mobile, including but not limited to signs, fences, and underground storage tanks. For purposes of flood control regulations, anything that can be constructed, altered, repaired or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, gas or liquid storage tanks, cabins, manufactured homes, travel trailers to be placed on a site for more than 180 consecutive days, and other similar items.

Subdivision: The division of any parcel of land into two (2) or more lots, parcels, sites or other divisions executed in the manner defined and prescribed by Chapter 741 for the purpose, whether immediate or future, of sale, transfer, gift, or lease which results in one (1) or more new building sites.

Suspended Sign: Any building sign that is suspended from the underside of a horizontal plane surface and is connected to this surface (refer to Sign Diagrams 13 and 32).

Substance Abuse Treatment Facility: A facility, the primary function of which is to administer or dispense a schedule II controlled substance (as listed under IC 35-48-2-6(b) or (c)) to a narcotic addict for maintenance or detoxification treatment. This definition does not include a methadone clinic or treatment facility.

Substantial Addition: For purposes of flood control regulations, a structural enlargement of the enclosed space of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction. See related “Nonsubstantial Addition.”

Substantial Damage: For purposes of flood control regulations, damage of any origin sustained by a structure and not intentionally caused or inflicted by the owner or occupant, whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. See related “Nonsubstantial Damage” and “Substantial Improvement.”

Substantial Improvement: For purposes of flood control regulations, any structural improvement of a structure that does not consist of a structural enlargement or repair of damage, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. The term includes any improvements to repair, replace or reconstruct damage or demolition intentionally caused or inflicted by the owner or occupant. The term does not include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions;
2. Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure;” or
3. Ordinary maintenance and repair as defined in the Zoning Ordinance.

Substations and Utility Distribution Nodes: A hub or distribution facility for any physically connected utility systems such as electricity, gas, cable/fiber optic communications, telephone, and water services, including facilities that transform electric voltage or natural gas pressure to

the level supplied to the distribution system, but not including any facility that occupies less than 16 sq. ft. of ground area and is less than 8 ft. in height.

Surface, Impervious: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

Surface, Permeable (or pervious surface): A surface that permits water to enter the ground by virtue of its porous nature or by large spaces in the material.

Surface Impoundment: For purposes of wellfield protection regulation, a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials) that is not an injection well.

Swimming Pool or Hot Tub: Any man-made, structurally confined body of water exceeding 200 square feet in water surface area, or greater than 18 inches in depth, designed, used, or intended to be used for swimming or bathing purposes. This definition does not include ponds or lakes.

T.

T-frame Sign: A portable sign utilizing an inverted "T" style of framing structure to support the sign (refer to Sign Diagram 30).

Tailings: For purposes of Gravel, Sand, and Borrow regulations, material of inferior quality or value resulting from the removal, preparation, or processing of minerals.

Tandem Parking: A parking space in which two vehicles are parked end to end or stacked vertically using lift equipment and in which one vehicle must be moved before the second vehicle can access a street, driveway, alley, or parking lot or parking garage driving aisle.

Tank: For purposes of wellfield protection regulation, a type of container designed to fully enclose and hold an accumulation of liquid or gas and is constructed of nonearthen materials such as concrete or steel.

Tattoo Parlor: A facility where permanent marks, scars, or designs are made on the skin by a process of pricking and ingraining an indelible pigment or by raising scars; or in which other bodily decorations, such as piercing, are provided.

Technically Qualified Person (or TQP): For purposes of wellfield protection regulation, either an employee of the Department of Metropolitan Development, or any person with whom the Department of Metropolitan Development has a services contract for the review of Wellfield activities, who is competent to evaluate Site and Development Plans for contamination risk to groundwater quality. Examples include professional engineers, certified professional geologists and environmental and other scientists with specialized training and experience in hydrogeology, contaminant transport, and hazardous materials management.

Temporary Construction Yard, Office, or Equipment Storage: The temporary use of land prior, during, and after construction activities that involve equipment, storage, loading or unloading of construction materials or equipment, or offices, and accessory structures such as fences, walls, buildings, and barricades. Includes temporary construction offices; temporary real estate offices.

Temporary Fireworks Sales: Temporary facility in a “tent-type” or permanent structure properly registered with the State Fire Marshal’s office through the Indiana Department of Homeland Security, engaged in the sale of fireworks for either commercial or home use, pursuant to all state and federal regulations.

Temporary Outdoor Event: Use limited in duration to typically less than 14 days including recreational and amusement activities; carnivals; festivals; concerts; car washes by not for profit organizations; block parties; garage sales; yard sales; estate sales. This definition does not include temporary outdoor display and sales, or temporary fireworks sales.

Temporary Sign: Any sign that is not permanently affixed or installed and is intended to be displayed for a limited period only. For illustrative purposes only, examples of such signs may include signs posted by a realtor or candidate, banners, pennants, wind and balloon signs.

Temporary Use: An impermanent land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Terrace: An open, raised bank or banks of earth having a vertical or sloping side and a horizontal top.

Thoroughfare: A public way serving vehicular traffic that is included in the Official Thoroughfare Plan of Marion County, Indiana. The term includes the entire right-of-way for public use of the thoroughfare and all surface and subsurface improvements on it, such as sidewalks, curbs, shoulders, and utility lines and mains. Examples are freeways, expressways, primary thoroughfares, and secondary thoroughfares.

Thoroughfare Plan: The Thoroughfare Plan for Marion County, Indiana, as most recently adopted or amended by the Commission. The Thoroughfare Plan is a segment of the Comprehensive Plan for Marion County, Indiana, pursuant to IC-36-7-4 that sets forth the location, alignment, dimensions, identification and classification of freeways, expressways, highways, primary arterials, secondary arterials, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.

Topsoil: The top layer of soil that is predominantly fertile and ordinarily moved in tillage and which is the natural medium for plant growth, or the equivalent in uncultivated soils.

Tower: A structure designed and intended to support one or more antennas. This term includes lattice-type structures, either guyed or self-supporting, and monopoles, that are self-supporting pole-type structures, tapering from base to top and supporting a fixture designed to hold one or more antennas.

Transient Merchant: A person or entity licensed under Chapter 987 that is engaged in the offering of goods or the provision of services for payment or benefit, at a non-permanent outdoor location that is not owned or leased long-term by the operator to which consumers come to the merchant. This definition includes uses such as mobile car wash, mobile oil change, and retail sales. This definition does not include on-site preparation of food, or activities authorized by a Special Event license issued under Chapter 986.

Transit Center: A single facility designed to facilitate transfers between multiple transit routes. Transit centers vary in size and service characteristics.

Transit Corridor: Corridors that have existing local or regional transit routes including all variations of frequency and operating characteristics.

Transit Station. A location served by the Indianapolis Public Transportation Corporation (IndyGo) where transit users can board or disembark. Transit stations include facilities of substantial physical investment along Transit Emphasis Corridors that are intended to serve transit routes that have limited stop locations.

Transit Stop: A location served by the Indianapolis Public Transportation Corporation (IndyGo) where transit users can board or disembark. Transit stops include facilities of minimal (signage, waiting pads) or moderate (shelters) physical investment, and are intended to serve transit routes that have many stop locations.

Transit Emphasis Corridor: Key arterial corridors built or recommended for enhanced transit service according to the Indianapolis Public Transportation Corporation (IndyGo) Comprehensive Operational Analysis (a/k/a Bus Plan). These corridors may include high-frequency, rapid, limited stop, and/or express route service, and may connect to major destinations in Central Indiana that lie outside of Marion County.

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Transitional Building: Building or portion of a building located within 100 feet of a lot line shared by an abutting lot that is improved with a single-family detached dwelling or is adjacent to a lot separated by a right-of-way less than 30' that is improved with a single-family detached dwelling.

Transitional Living Quarters: A residential facility providing temporary lodging for families or individuals in immediate need. The facility may also provide limited temporary counseling, referral, mediation and similar human service functions. This definition does not include a group home, daily emergency shelter, diversion center, or residential facilities or shelters for residents who are required to leave during the day for work or other purposes.

Transparent: Having the property of transmitting rays of light and not reflect more than 30% of visible light through its substance so that bodies situated on both sides can be distinctly seen.

Transparency: Expressing the level of visibility provided and maintained between an inside and outside activity area of ~~the w~~hole building, which is usually through the windows and doors; this ratio is expressed as a percentage. Transparency must be maintained and unobstructed to allow visibility between the two areas. For calculations, refer to Sec. 740-303 (Building Measurements and Calculations).

Transportation Facilities and Accessories (Ground): Uses accessory or incidental to transportation facilities such as waiting rooms; bus and other transit stops; vending machines, and storage and associated commercial uses at transportation hubs or facilities.

Traveled Way: The portion of a roadway for the movement of vehicles, exclusive of shoulders.

Tree, Overstory (or Shade Tree): A Type 1 or Type 2 Shade tree as defined by the American Standard for Nursery Stock (ANSI Z60.1-2004) that is listed on the *Indianapolis Selected Plant List*, as adopted by the Commission.

Tree, Ornamental (or Understory Tree): A Type 3 Shade tree or Type 4 small upright tree as defined by the American Standard for Nursery Stock (ANSI Z60.1-2004) that is listed on the *Indianapolis Selected Plant List*, as adopted by the Commission.

Tree Survey: An inventory of all trees on a lot or project before construction, alteration or excavation activity occurs identifying species, location, caliper, and drip line of trees. In the case of tree stands 600 square feet or larger in area and with 75% or greater branch coverage of the ground surface, the location of the outer boundary of the drip line of the tree stands with a listing of the predominant species and caliper is often substituted for a detailed inventory.

Triplex: A building designed originally for residential occupancy by 3 families, or later approved by the City for residential occupancy by three families, living independently of each other that contains 3 legally complete, dwelling units and no dwelling unit may be located on a separate lot. Dwelling units may be a part of a condominium as defined by Chapter 551. Each unit in a triplex is completely separated from the other by an unpierced wall extending from ground to roof; or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to one or more of the dwelling units. This use also includes townhouses or larger residences split into 3 dwellings.

Truck or Heavy Vehicle Sales, Rental, or Repair: The storage, display, sale, lease, rental, or repair of new or used self-propelled vehicles, including trailer, truck or bus rental; truck or bus rustproofing; truck or bus maintenance garage; and truck or bus dealer (of any load capacity). This definition does not include any use or activity included in the definition of other or light vehicle sales, rental, or repair. An inherent characteristic of this use is the outside display of vehicles offered for sale which is considered a primary facet of the use; as a primary use, this

display must meet the development standards as a primary use and not the standards associated with an accessory use.

Truck Stop: An establishment engaged primarily in the fueling, servicing, repair or parking of tractor trucks and similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles, including chartered bus stations and dispatch facilities. This definition includes facilities such as showers and restaurant facilities primarily for the use of truck crews or bus passengers.

Turfgrass: Areas covered with turf or perennial sod forming grass.

Two-Family Dwelling: A building designed originally for residential occupancy by two families, or later approved by the City for residential occupancy by two families, living independently of each other that contains two (2), legally complete, dwelling units, and each dwelling unit may or may not be located on a separate lot and may be a part of a condominium as defined by Chapter 551. Also known as a duplex or double. Each unit in a two-family dwelling is completely separated from the other by an unpierced wall extending from ground to roof; or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to one of the dwelling units.

U.

Uncovered Open Space: In D-6, D-6II, D-7, D-8 (other than single-family and two-family dwellings), D-9, D-10, and D-11 districts: the Lot Area, minus the building area, plus the Usable Roof Area. In D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II and D-8 (single-family and two family dwellings) districts: the Lot Area, minus the Building Area.

Underground Storage Tank: For purposes of wellfield protection regulation, any one or combination of tanks and underground pipes connected to the tanks that are regulated under 40 CFR Part 280. Notwithstanding the exceptions in 40 CFR Part 280, for purposes of wellfield protection regulation this definition also includes:

1. A tank that would otherwise be regulated by 40 CFR Part 280 but for the fact that it contains hazardous waste as regulated under Subtitle C of the Federal Solid Waste Disposal Act.
2. A tank that would otherwise be regulated by 40 CFR Part 280 but for the fact that it is used to store heating oil for consumptive use on the premises where stored.

Underground Storeroom or Safe Room: A hardened structure specifically designed to provide near absolute protection or survival supply in extreme weather or manmade events. These are either attached to a permitted structure or constructed separately entirely beneath the finished floor elevation.

Upper Level Building Sign: A permanent building sign, located in its entirety, on a building façade above 26 feet in height, measured from grade level. Examples include wall, projecting, or roof-integral signs.

Usable Roof Area: The total roof area, within the project or residential buildings, garages and accessory buildings that has been improved for outdoor uses of occupants. Roof areas used for the storage of automotive vehicles are not included.

Utility Lines: Electrical, telephone, data and cablevision distribution and service wires and cables accessory to primary uses, excluding, without limitation, all transmission lines, main feeder distribution lines and other similar nonaccessory lines, the function of which is not to serve exclusively the end consumer.

Utility Pole: Any pole or structure utilized for electric, telephone, telegraph, cable television, radio, microwave, television services, streetlights, other lighting standards, or comparable purposes.

V.

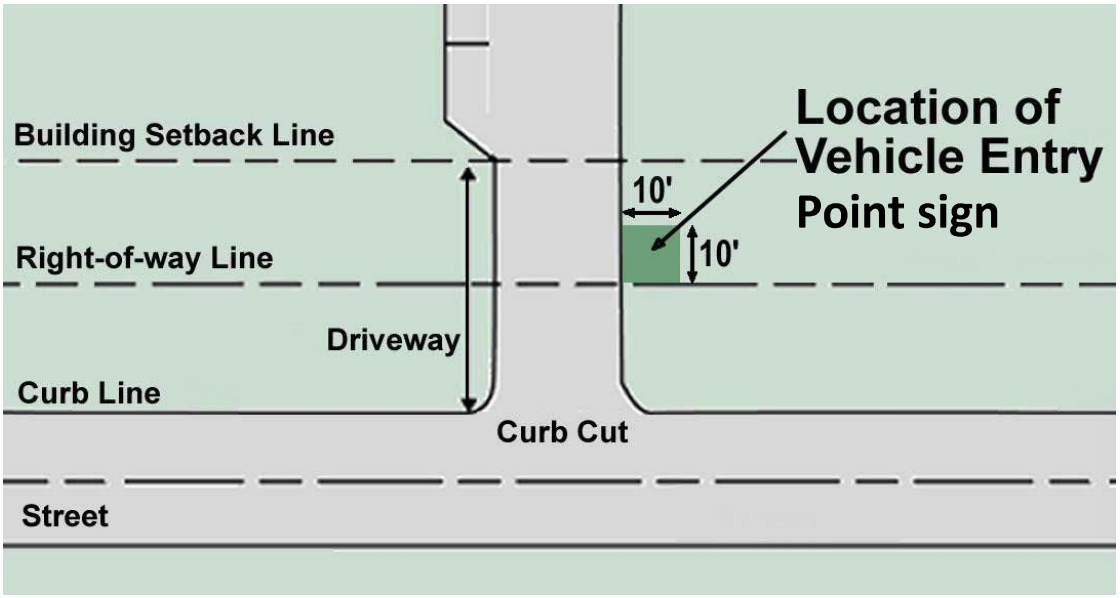
Valance: A vertically hanging or suspended fringe on an awning or canopy, often used as a decorative element.

Variance: A grant of relief from the terms of the Zoning Ordinance approved by the Board of Zoning Appeals.

Variety Store: Commercial establishments primarily engaged in the retail sale of a variety of merchandise in the low price range. Sales usually are made on a cash-and-carry basis, with the open-selling method of display and customer selection of merchandise. These stores generally do not carry a complete line of merchandise, are not departmentalized, do not carry their own charge service, and generally do not deliver merchandise. See related "Retail, Light General."

Vehicle Area: Uncovered or covered area used for vehicular traffic, maneuvering and parking. Included are all parking, loading, and stacking areas, parking lots, driveways, interior access drives and rights-of-way of all streets and alleys within the project.

Vehicle Entry Point Sign: Freestanding, permanent on-premises sign accessory to the primary use of land that is located within 10 feet of the right-of-way and the pavement of a driveway. Refer to Diagram Below.



Vehicle or Equipment Repair Area: For purposes of wellfield protection regulation, an area designated, designed and intended for the purpose of repairing automotive vehicles or equipment.

Vehicle Wash: See "Heavy Vehicle Wash" or "Automobile and Light Vehicle Wash"

Vending Machine: An outside automatic device that dispenses goods or services to the customer upon receipt of monetary compensation or dispenses monetary compensation to a customer in return for the deposit of goods or materials. This use includes self-service kiosks

and reverse vending machines but does not include indoor vending machines or Automatic Teller Machines (ATMs).

Violation: The failure of a structure or development or use to be fully compliant with the Zoning Ordinance. For purposes of flood control regulation, this includes a structure or use or development without the elevation certificate, other certifications, or other evidence of required compliance with the flood control regulations in the Zoning Ordinance.

Visibly Obstructed: The view of an object that is blocked by a building or other manmade structure so as to be incapable of being seen from that line of sight.

Vocational, Technical, or Industrial School or Training Facility: A school conducted as a commercial enterprise for teaching skills and vocations, or skills in which machinery is employed as a means of instruction including vocational or technical school, and industrial schools and training facilities. This definition includes training in areas such as masonry; truck driving; carpentry; welding; and machining. This definition does not include the incidental instructional services in conjunction with another primary use.

W.

Walk-Up Window: An accessory use incidental to an establishment where customers may walk up to the window to purchase goods rather than entering the structure or using a drive-through. Examples are walk-up eating establishments and walk-up pharmacies.

Walkway: A hard-surfaced walk or raised path for pedestrians.

Wall Sign: Any building sign attached parallel to, but within 18 inches of, a wall, painted on the wall surface of, or erected on an outside wall of any building or structure, that is supported by such wall or building with no more than fifty percent (50%) of the sign structure extending above the wall, to a maximum extension of four feet, and displays only one sign surface (refer to Sign Diagram 32).

Warehousing, Wholesaling and Distribution: Establishments or places of business primarily engaged in handling freight (with or without maintenance); selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies; or the intake of goods and merchandise, individually or in bulk, the short-term holding or storage of such goods or merchandise, or the breaking up into lots or parcels and subsequent shipment off-site of such goods and merchandise. This definition includes facilities such as distribution operation; storage and transfer establishments; and distribution from truck yards.

Waste or Recycling Transfer Facility: A site or facility where solid waste is unloaded from collection vehicles and transferred onto transport vehicles, either immediately or following a temporary storage period, aggregation, composting, or sorting. The facility may feature sorting, use of a crushing apparatus, and the storage of the material until it is transported. The definition includes solid waste and recyclables that are transferred from a vehicle or container to another vehicle or container for transportation purposes. This definition does not include motorized vehicles or vehicle parts, which is instead included in a Wrecking or Salvage Facility.

Water Tank: A structure or piece of equipment for storing water or maintaining water pressure, but not including a container for collecting rooftop or site rainwater with a capacity of less than 100 gallons.

Watercourse: Natural streams, man-made ditches, lakes, reservoirs, ponds, retention or detention basins, and drainage swales. A watercourse is distinguished from overland flow, sheet

flow, shallow swale flow, and storm sewer flow by the following characteristics that must be present to constitute a watercourse:

1. Defined and distinguishable stream banks under natural conditions; and
2. Regularity of flow in the channel evidenced by a distinguishable waterline vegetation limit or hydrologic characteristics.

Watercourse Alteration: Any encroachment, diversion, relocation, impoundment, draining, damming, repair, construction, reconstruction, dredging, enclosing, widening, deepening, filling or other modification of a watercourse. Watercourse alteration does not include the clearing of dead or dying vegetation, debris or trash from the channel, nor does it include ordinary maintenance and repair of an IDNR approved watercourse alteration.

Well: A bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

Wetland: Those areas not influenced by tidal fluctuations, that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wheelchair Ramp: A structure built with durable materials, designed to convey a wheelchair and occupant from the finished floor elevation of a building to a suitable offloading location, such as a public sidewalk, and designed to conform to ADA Standards for slope and geometry.

Wind Sign: A sign of light-weight fabric or similar material attached at one end to a pole or similar apparatus so as to swing freely, inflate and flutter by movement of the wind (refer to Sign Diagram 30).

Window Sign: Any sign that is placed: 1) inside of, and within two feet of, a window; or 2) upon the window panes of glass, and is visible from the exterior of the window (refer to Sign Diagram 32).

Wireless Communications Facility (WCF): Any facility used by a licensed commercial wireless telecommunications provider to provide service, such as cellular, personal communication services, specialized mobilized radio, enhanced specialized mobilized radio, paging, and other similar services that are marketed to the general public.

WCF Design Package: Information used to portray all visual aspects of wireless communications facilities, and the apparatus needed to attach it to a structure, including, but not limited to, dimensions, colors, and materials.

Wrecking or Salvage Facility: A service in which towing or emergency services are provided to disabled automotive vehicles or equipment. This definition includes activities such as junk or salvage storage or operation; vehicle wrecking and salvage operation; shredder; and vehicle storage (wrecked or inoperable).

X. [reserved]

Y.

Yard (See Diagram J)

Yard, Front: An open space unobstructed to the sky, extending fully across the lot while situated between the front lot line and a line parallel to the front lot line, that passes through the nearest point of any building and terminates at the intersection of any side lot line.

Yard, Interior: An open space unobstructed to the sky, extending fully across the mobile dwelling site while situated between the edge of pavement of the street or interior access drive and a line paralleling thereto, that passes through the nearest point of any building and terminates at the intersection of the individual mobile dwelling site's boundary lines.

Yard, Perimeter: An open space unobstructed to the sky, required in addition to the front yard, situated between and extending along the project boundary or lot line that abuts adjoining property or an alley and an interior line paralleling thereto. The width of said yard is determined by the applicable zoning district of the ordinance.

Yard, Rear: An open space unobstructed to the sky, extending fully across the lot situated between the rear lot line and a line parallel to the rear lot line that passes through the nearest point of any building and terminates at the intersection of any side lot line.

Yard, Required: That portion of any yard, unobstructed to the sky, abutting a lot line having a minimum depth as area required by the particular zoning district in which it is located.

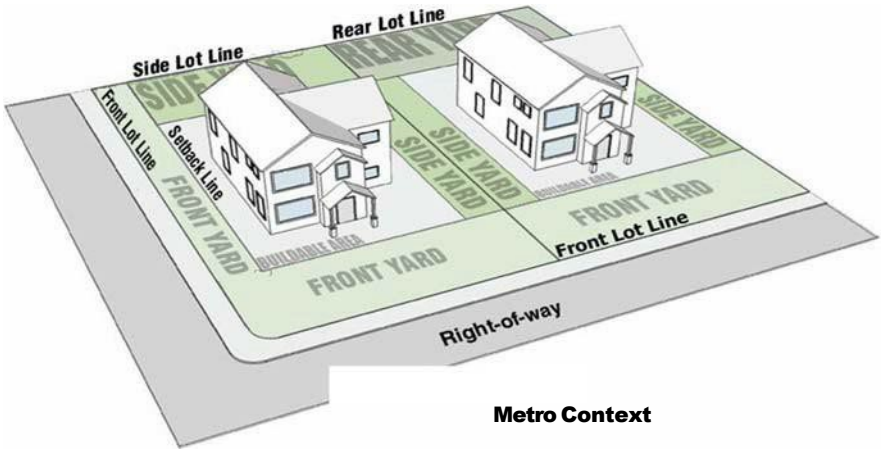


Diagram J Yards

Yard, Side: An open space unobstructed to the sky extending the length of the lot situated between a side lot line and a line parallel to the side lot line that passes through the nearest point of any building and terminates at the point of contact with any rear or front yards or any lot line, whichever occurs first.

Yard, Transitional: That portion of any yard abutting a protected district having a minimum depth as required by the particular zoning district in which it is located and acting as a buffer between 2 or more land uses of different intensity. A transitional yard is provided in lieu of the minimum required front, side or rear yard specified for the district in which it is located when an above noted protected district abuts.

Yard Signs: Freestanding sign accessory to the primary use of land that is located in the yard of a lot, may be permanent or temporary, and may be either an on-premises or off-premises sign. For illustrative purposes only, examples may include signs posted by a realtor or home improvement company, sign expressing an opinion, and garage sale advertising.

Z.

Zone A: Areas within the floodplain established by the flood insurance rate maps where no base flood elevation is provided.

Zone AE: Areas within the floodplain established by the flood insurance rate maps where base flood elevations are provided.

Zone AO: Areas within the floodplain established by the flood insurance rate maps that are subject to sheet flow, ponding, or shallow flooding and where base flood depths (feet above grade level) are provided.

Zone AH: Areas within the floodplain established by the flood insurance rate maps that are subject to shallow flooding and where base flood elevations are provided.

Zone X, Shaded: Areas between limits of the one percent annual chance flood, also known as, 100-year flood and 0.2% percent annual chance flood, also known as 500-year flood; certain areas subject to one percent annual chance flooding with average depths less than one foot or with drainage areas generally less than one square mile; and areas protected by levees from the base flood.

Zone X, Unshaded: Areas where the annual exceedance probability of flooding is less than 0.2 percent, also known as, 500-year flood.

Zoo: A facility, indoor or outdoor, where animals are kept for viewing by the public. Office, retail, and other commercial uses commonly established in such facilities and related parking structures are allowed as accessory appurtenances.

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Article III. MEASUREMENTS AND CALCULATIONS

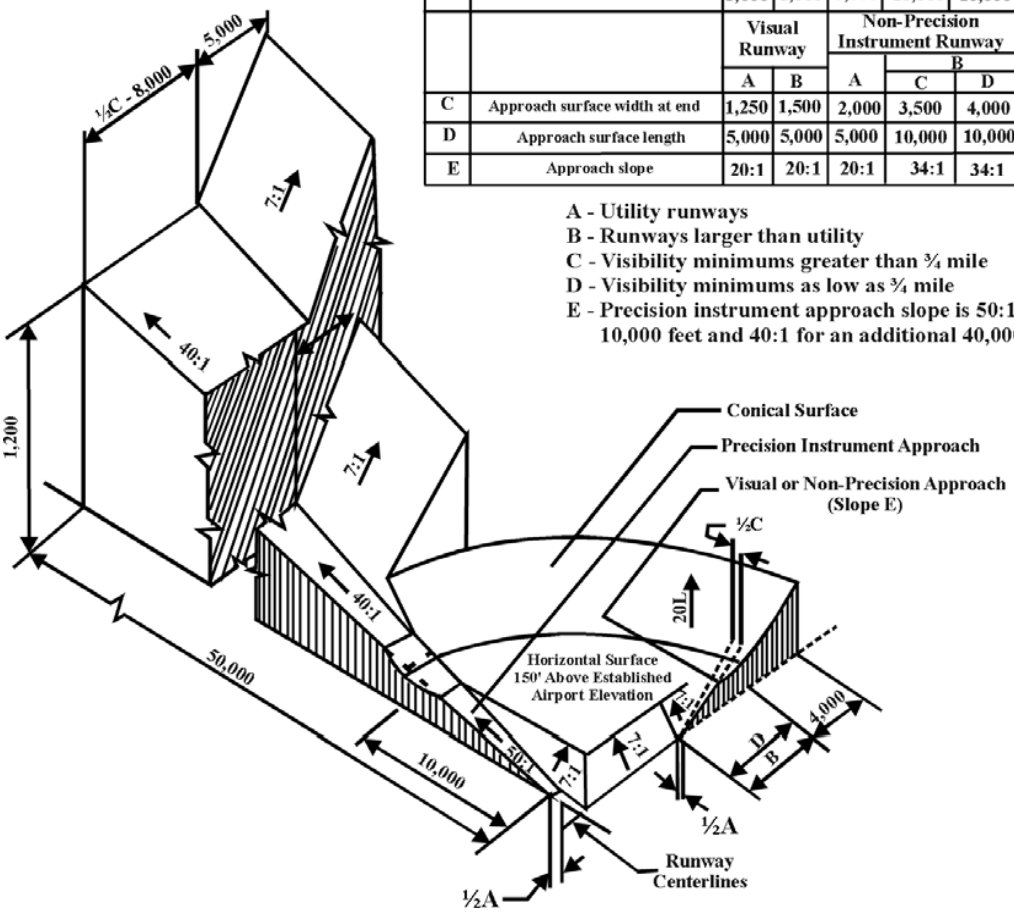
Section 01. Airspace Measurements and Calculations

A. Determining the Airspace Height

Height limits in the Airspace zoning district shall be computed from the applicable runway elevation, airport elevation, or heliport landing and takeoff area elevation.

DIM	ITEM	Dimensional Standards (Feet)					
		Visual Runway		Non-Precision Instrument Runway			Precision Instrument Runway
				A	B		
		A	B		C	D	
A	Width of primary surface and approach surface width at inner end	250	500	500	500	1,000	1,000
B	Radius of horizontal surface	5,000	5,000	5,000	10,000	10,000	10,000
		Visual Runway		Non-Precision Instrument Runway			Precision Instrument Runway
				A	B		
		A	B		C	D	
C	Approach surface width at end	1,250	1,500	2,000	3,500	4,000	16,000
D	Approach surface length	5,000	5,000	5,000	10,000	10,000	*
E	Approach slope	20:1	20:1	20:1	34:1	34:1	*

A - Utility runways
B - Runways larger than utility
C - Visibility minimums greater than ¾ mile
D - Visibility minimums as low as ¾ mile
E - Precision instrument approach slope is 50:1 for inner 10,000 feet and 40:1 for an additional 40,000 feet



Section 02. Lot Measurements and Calculations

A. Lot Area

Lot area is the total horizontal area of the land bounded on all sides by the front, rear, and side lot lines. Neither public nor private right-of-way is included in the lot area. Floodway and Floodway Fringe areas are included in the calculation. Easements for surface access ingress or egress into the subject lot or adjoining lots are included in the calculation.

B. Lot Coverage

Lot coverage is the ratio between the Building Area and the Lot Area.

$$\text{Lot Coverage} = \frac{\text{Sum of areas covered from above (sq.ft.)}}{\text{Lot Area (sq.ft.)}} \text{ X } 100 = \ \%$$

C. Minimum Lot Width

Any plat of a subdivision consisting of five (5) or more lots, submitted for approval in accordance with Chapter 741, may reduce the required minimum lot width, as measured at the required setback line, by up to 10%, for up to 20% of the proposed lots.

Section 03. Building Measurements and Calculations

A. Building Area

When looking perpendicularly from above, the total horizontal area of ground, within the lot or project, covered by the primary structures plus area covered by all accessory buildings, all minor residential structures and all residential support facilities or amenities.

Permanent overhangs, balconies, eaves and similar extensions are included in building area. The ground area of the extension not provided with surrounding exterior walls is the area immediately under the extension, projection of the roof, or the floor above (see Diagram K). Temporary extensions, such as fabric awnings, are not included. Building area does not include improvements at grade level or within 18 inches of grade level, such as patios, inground pools, gardens, or walkways. The following types of improvements are not included in Building Area:

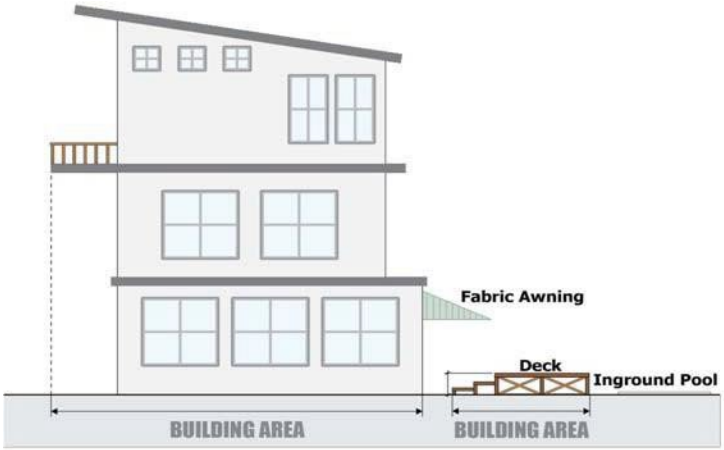


Diagram K: Example of what is included in Building Area

1. Amateur Radio Antenna;
2. Fences or similar structural barrier;
3. Geothermal, Solar or Wind Renewable Energy Facility;
4. Minor Residential Features;
5. Personal Garden;
6. Satellite Dish Antenna;
7. Underground Storeroom or Safe Room;
8. Walkways and driveways.

B. Building Height

For buildings in which the highest roof is a flat roof, the vertical distance from the grade level abutting the façade measured to the highest point of the coping of the flat roof.

For buildings in which the highest roof is a mansard roof, the vertical distance from the grade level abutting the façade measured to the deck line of a mansard roof.

For buildings in which the highest roof is a pitched or gabled roof, the vertical distance from the grade level abutting the façade measured to the height of the highest gable of a pitched or hipped roof (see Diagram L).

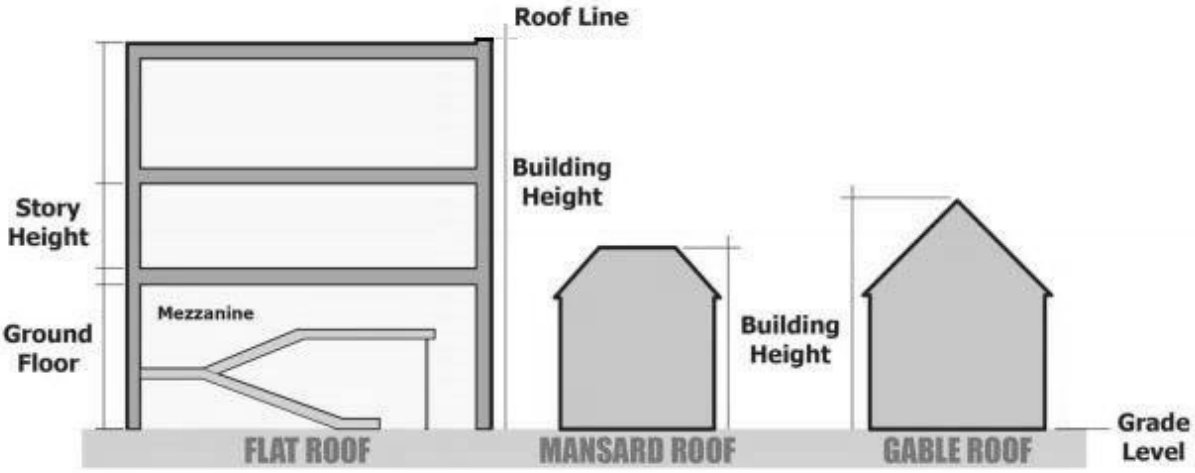


Diagram L Building Height

C. Floor Area Calculations

1. Calculating Floor Area

Floor Area is the sum of all horizontal surface areas of all floors of all roofed portions of a building measured from the exterior faces of the exterior walls or roofs, or the centerlines of party walls separating abutting buildings or portions thereof.

However, this does not include the following:

a. Areas with a vertical height clearance less than seventy-eight (78”) inches;

b. Exterior open balconies, and open porches;

c. Floor or basement floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space.

2. Calculating Floor Area Ratio

Floor Area Ratio is the ratio of total square footage of all floors in all buildings within the project to the square footage of the project. The sum of the floor area for each floor in all buildings within the project is divided by the Lot Area of the project to yield the Floor Area Ratio.

3. Calculating Net Floor Area

Net Floor Area is the sum of the gross horizontal areas of the floors and basements of the building devoted to permitted uses, except floor areas devoted primarily to storage purposes; floor area devoted to off-street parking or loading facilities, such as aisles, ramps, and maneuvering space; floor area used for utilities, elevator shafts, main corridors and stair wells, or floor area for toilets, lounges, or cafeterias for the use of employees only. Provided, however, for the purposes of determining off-street loading requirements, net floor area shall include floor area devoted primarily to storage purposes, but shall otherwise be defined as above.

D. Open Space calculations

1. Calculating Uncovered Open Space

In the D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II districts and in the D-8 district on lots improved with a single-family detached dwelling, or two-family dwelling, Uncovered Open Space is the Lot Area minus the Building Area. Any Game Court area counts as Building Area. In other instances, Uncovered Open Space is the Lot Area, minus the Building Area plus the Usable Roof Area.

2. Calculating Covered Open Space

Covered Open Space is the horizontal area of all exterior space within the lot or project that is open and exposed to the weather, but not open above to the sky, and is not used for vehicles. It includes total horizontal area of all exterior balconies over 25 sq.ft. in size, porches, and exterior spaces covered by portions of buildings.

3. Calculating Open Space

In the D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II districts and in the D-8 district on lots improved with a single-family detached dwelling, or two-family dwelling, Open Space is Uncovered Open Space.

In other instances, Open Space is the total of Uncovered Open Space plus Covered Open Space.

4. Calculating Open Space Ratio

In the D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II districts and in the D-8 district on lots improved with a single-family detached dwelling, or two-family dwelling, the Open Space is divided by the Lot Area and then multiplied by 100 to yield the percentage of open space.

In other instances, Open Space Ratio is the ratio of the area of all open space to all of the floor area. The Open Space is divided by the Floor Area to yield the Open Space Ratio for the project.

E. Livability Space Calculations

Livability Space is the Lot Area minus total Building Area minus all Vehicle Areas plus Covered Open Space plus Usable Roof Area.

Livability Space Ratio is the Livability Space divided by the total Floor Area within the project.

F. Transparency Calculations

1. Calculating Ground Floor Transparency

Each side of the building is measured separately. Any reference to building width does not include eaves, awnings or similar projections.

Determination of ground floor wall area:

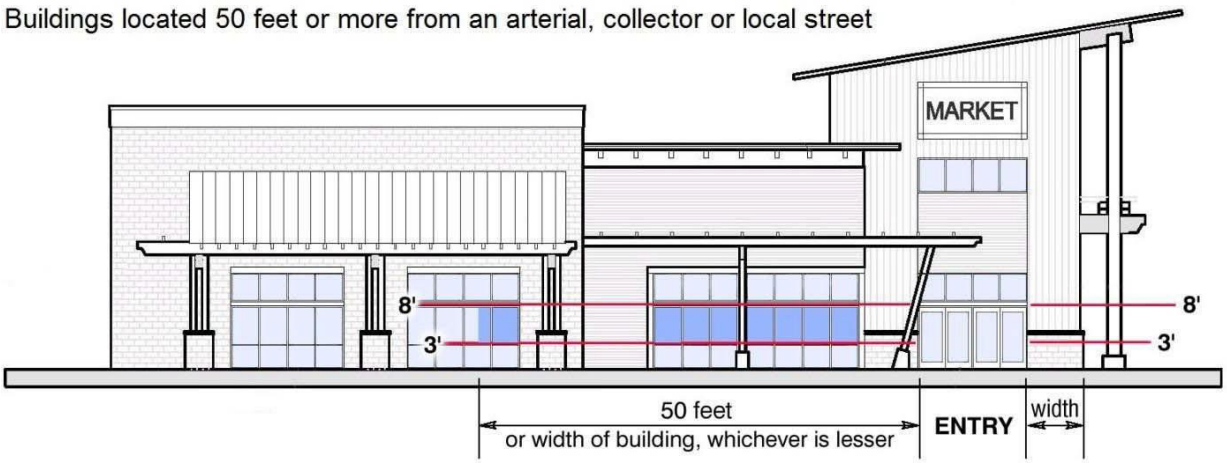
On any facade or side of a primary building that is located 50 feet or more of a local, collector or arterial street and has a public pedestrian entrance, the height between 3 feet and 8 feet above grade level (i.e. 5 feet) is multiplied by the portion of the width of that side of the building that is located within 50 feet of each side of each entrance.

On any facade or side of a primary building that is located within 50 feet of a local, collector or arterial street, the height between 3 feet and 8 feet above grade level (i.e. 5 feet) is multiplied by the total width of that side of the building.

Within this ground floor wall area, the transparent areas are those in which a person with normal acuity is able to see in and out of the building. These transparent areas may be covered with glass, plastic or completely open and may be incorporated into the wall or part of a door.

The sum of the transparent areas of the ground floor wall area is divided by the ground floor wall area and then multiplied by 100 to yield the percentage of transparency.

$$\text{Transparency ratio} = \frac{\text{Sum of transparent areas within the ground floor wall area (sq.ft.)}}{\text{Ground floor wall area between 3 ft. and 8 ft. above grade level (sq.ft.)}} \times 100 = \ \%$$



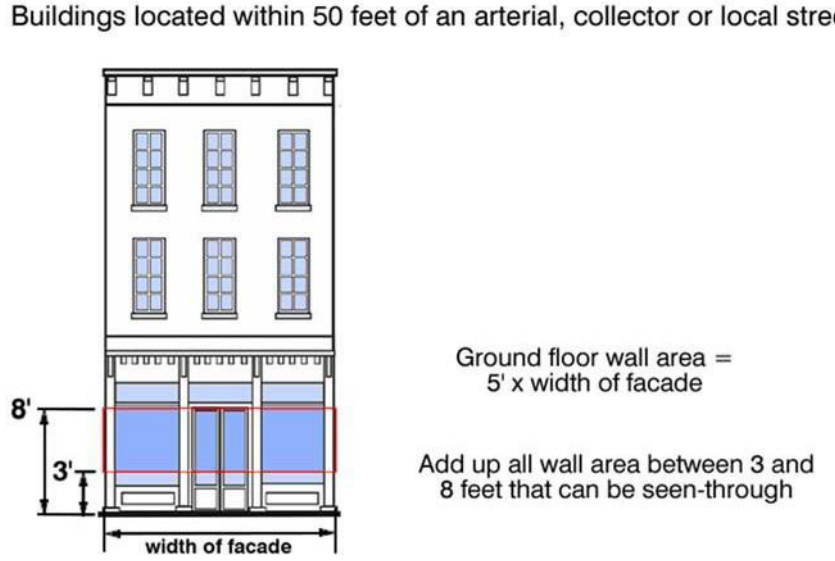


Diagram M: Ground floor transparency

2. Calculating Transparency of Upper Floors

Each upper floor is measured separately. Each side of the building is measured separately.

The distance between the floor level and the ceiling of the floor is multiplied by the width of that side of the building at that floor level; this is the wall area. Building width does not include eaves, awnings, balconies or similar projections. Within this wall area, the areas in which a person with normal acuity is able to see in and out of the building are totaled; these transparent areas may be covered with glass, plastic or completely open. The sum of the transparent areas of the wall area is divided by the wall area and then multiplied by 100 to yield the percentage of transparency.

$$\text{Transparency ratio} = \frac{\text{Sum of transparent areas within the wall area (sq.ft.)}}{\text{Wall area of one side of one floor (sq.ft.)}} \times 100 = \ \%$$

Each floor must meet the minimum transparency standard except for the top floor of any building 5 or more floors in height.

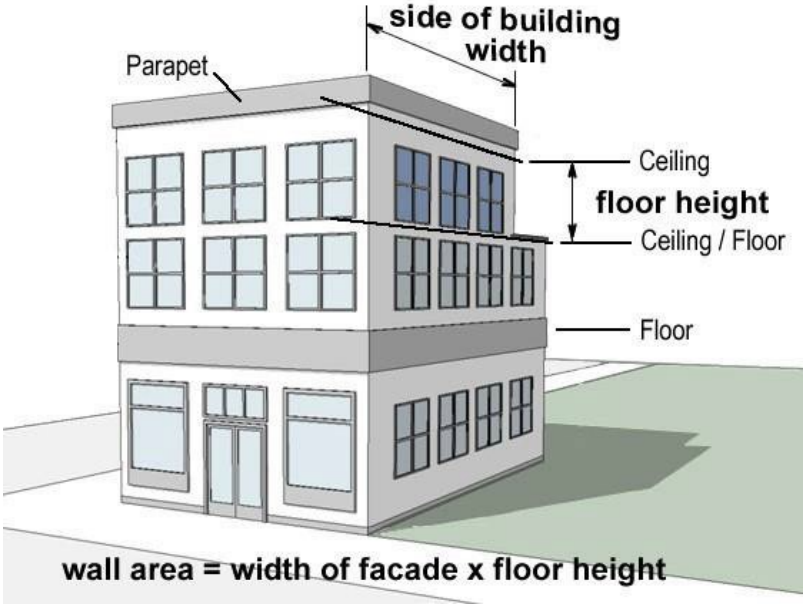


Diagram O: Upper floor transparency—side of building

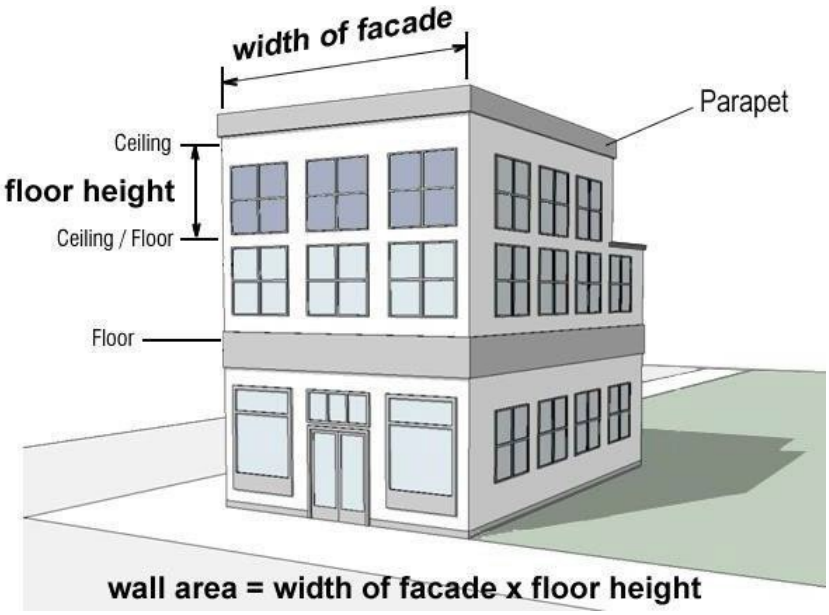


Diagram N: Upper floors transparency--facade

Section 04. Clear Sight Measurements and Calculations

A. Clear Sight Triangular Area in non-Industrial districts

The clear sight triangular area is formed by the right-of-way centerline and the centerline of the driveway and the line connecting the two end points.

In districts other than Industrial districts, the distance along the centerline of the driveway must extend 20 feet from the street edge of pavement extended across the driveway. The distance along the right-of-way centerline must be as indicated in Table 740-304-A: Clear Sight distances for non-industrial districts (see Diagram Q).

Table 740-304-A: Clear Sight distances for non-industrial districts

Street classification	Distance along the right-of-way centerline
Expressway	Direct access not permitted
Arterials, Highways, or State Roads	200 feet
Collector	150 feet
Local	100 feet
Alley	30 feet
Railroad	75 feet
Greenway	20 feet

B. Clear Sight Triangular Area in Industrial districts and GSB district

The clear sight triangular area is formed by the right-of-way centerline and the centerline of the driveway and the line connecting the two end points.

In Industrial Districts and any active mining operation in the GSB district, the distance along the centerline of the driveway must be 65 feet from the street edge of pavement extended across the driveway. The distance along the right-of-way centerline must be as indicated in Table 740-304-B: Clear Sight distances for Industrial and GSB districts (see Diagram P).

Table 740-304-B: Clear Sight distances for Industrial and GSB districts

Street classification	Distance along the right-of-way centerline
Expressway	Direct access not permitted
Arterials, Highways, or State Roads	400 feet
Collector	300 feet
Local	250 feet

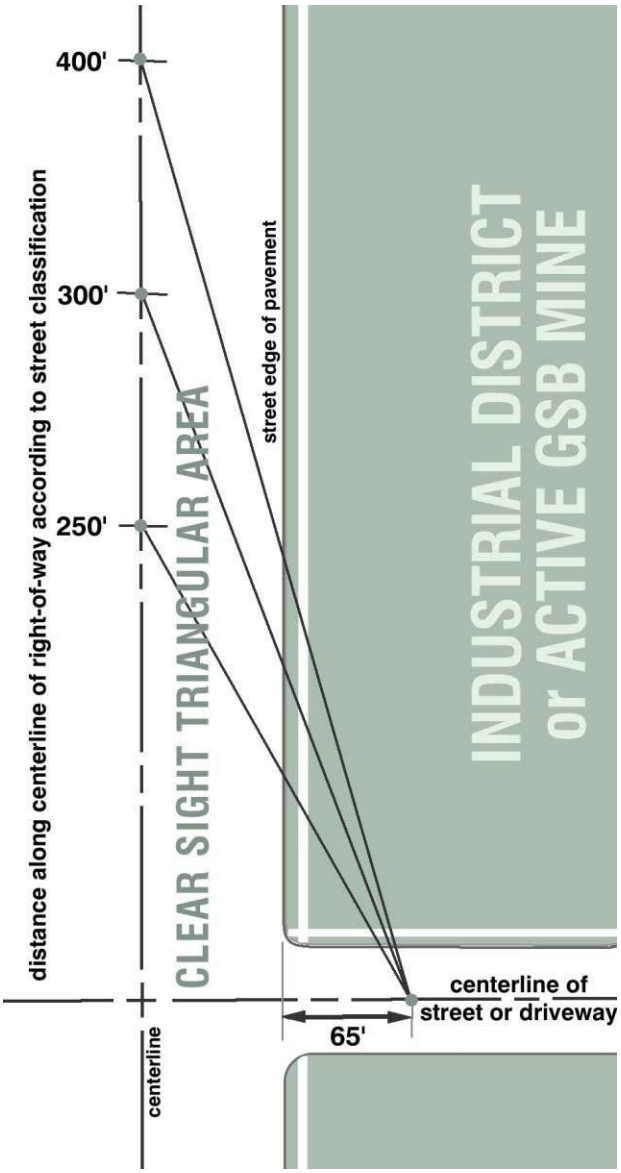


Diagram P: Clear Sight Triangle Area—Industrial Districts and active GSB mining sites.

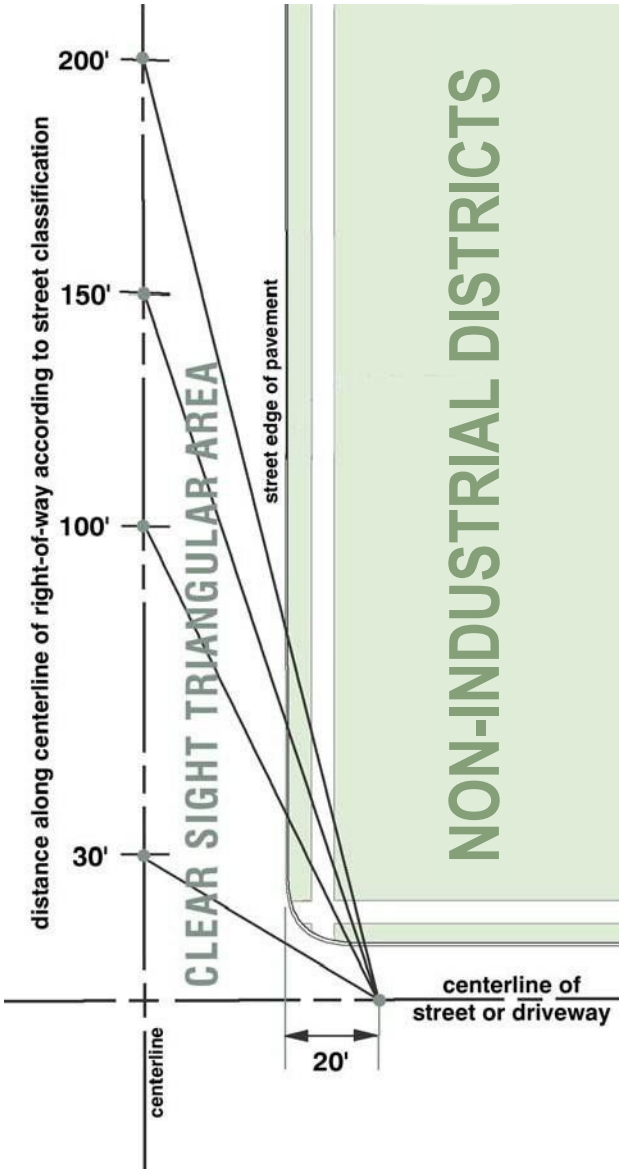


Diagram Q: Clear Sight Triangle Area—nonindustrial districts

C. Clear Sight Triangular Area at intersections of rights-of-ways

The clear sight triangular area is formed by the intersecting centerlines of each right-of-way and the line connecting the two end points of each extended centerline. The distance along the right-of-way centerlines must be as indicated in Table 740-304-C: Clear Sight distances at intersections of ROW (see Diagram R).

Table 740-304-C: Clear Sight distances at intersections of ROW

ROW or Street classification	Distance along the right-of-way centerline
Expressway	Direct access is not permitted
Arterials, Highways, or State Roads	120 feet
Collector	95 feet
Local	75 feet
Alley	40 feet
Railroad	75 feet
Greenway	20 feet

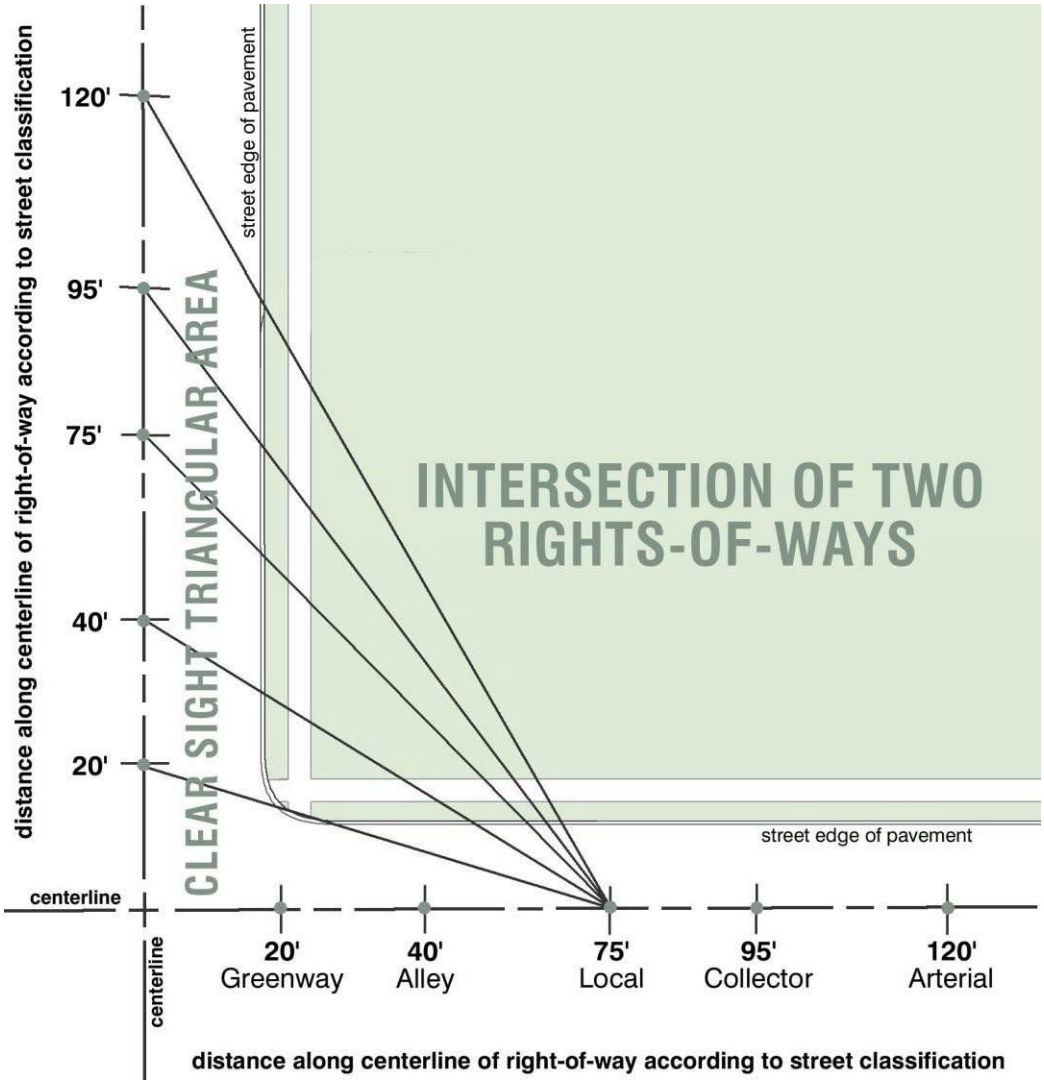


Diagram R: Clear Sight Triangular Area—intersection of 2 ROWs; illustrates local street intersecting with another right-of-way.

Section 05. Flood Control Measurements and Calculations

A. Calculating Fifty Percent (50%) Limit

In the Flood Control Zoning Districts, the maximum amount of work allowed in or on a legally established nonconforming use before the work is not eligible for the special allowances provided for restoration of nonsubstantial damage, nonsubstantial improvements and nonsubstantial additions as provided herein. The proposed work shown on an application for a floodplain development permit in or on a legally established nonconforming use shall be evaluated to determine whether the 50% limit has been exceeded by taking the ratio of the projected cost of the work divided by the market value of the structure upon which the work is to be accomplished before the start of construction of the legally established nonconforming use (excluding the value of the land or detached structures) as a percentage.

$$\text{Amount of work} = \frac{\text{Projected cost of the work}}{\text{Market value of the structure upon which the work is to be accomplished}} \text{ X } 100 = \quad \%$$

Section 06. Landscape Measurement and Calculations

A. Calculating Amount of Landscape Elements

Where tree planting requirements are based on linear street frontage, areas occupied by driveways or other structures shall be included when calculating the number of trees required to be planted.

When a computation of required trees or plantings results in a fraction, the number of required trees or plantings shall be rounded up to the next whole number.

Landscaping may be counted as interior landscaping for a parking lot if it is located within 8 feet of the parking lot and is not part of the street frontage landscaping, the minimum side or rear yard, transitional yard or edge buffering required by this ordinance.

B. Measuring Fences and Walls

The measurement of a fence or wall height must be taken from grade level to the top of the fence, exclusive of fence posts. Changes in grade level over 2 feet must be included in the height calculation of the fence or wall. Mounding that increases the elevation of the fence or wall and is inconsistent with the ground level of the land surrounding the fence or wall must be included in the measurement of the fence height.

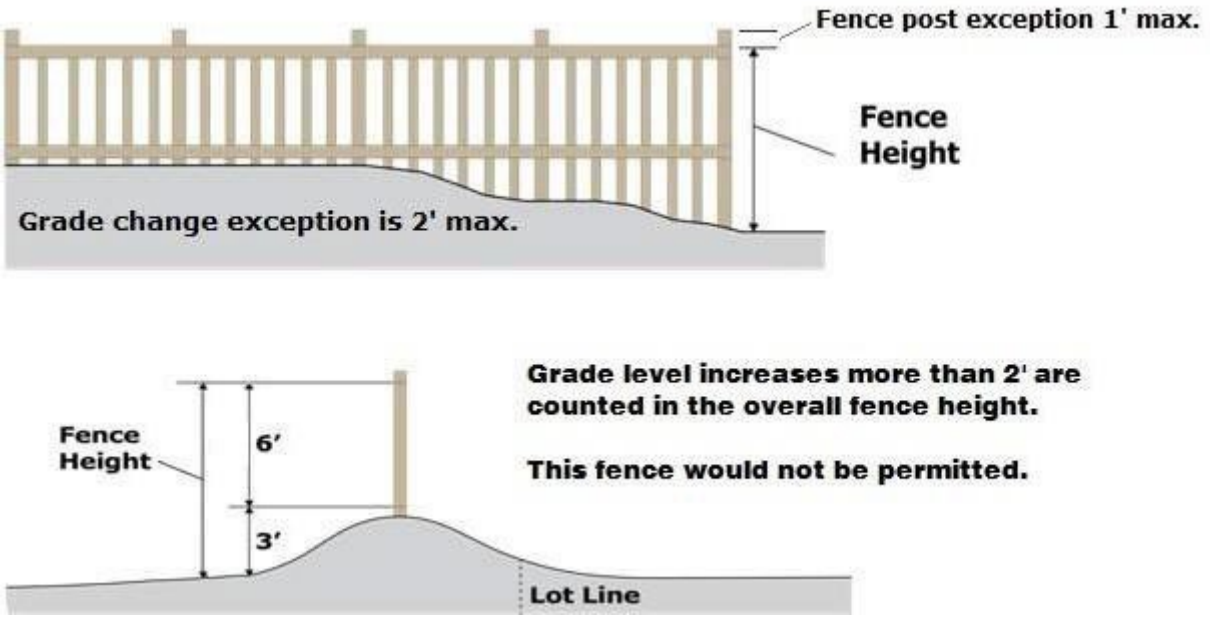


Diagram S Fence Height

C. Measuring Tree Size

Diameter at breast height (DBH) is the primary method of measuring the diameter of a tree trunk. Diameter measurement is taken 54 inches above the ground. If the tree splits into multiple trunks at a height below 54 inches, but above the ground, the diameter is measured at the highest point beneath the split.

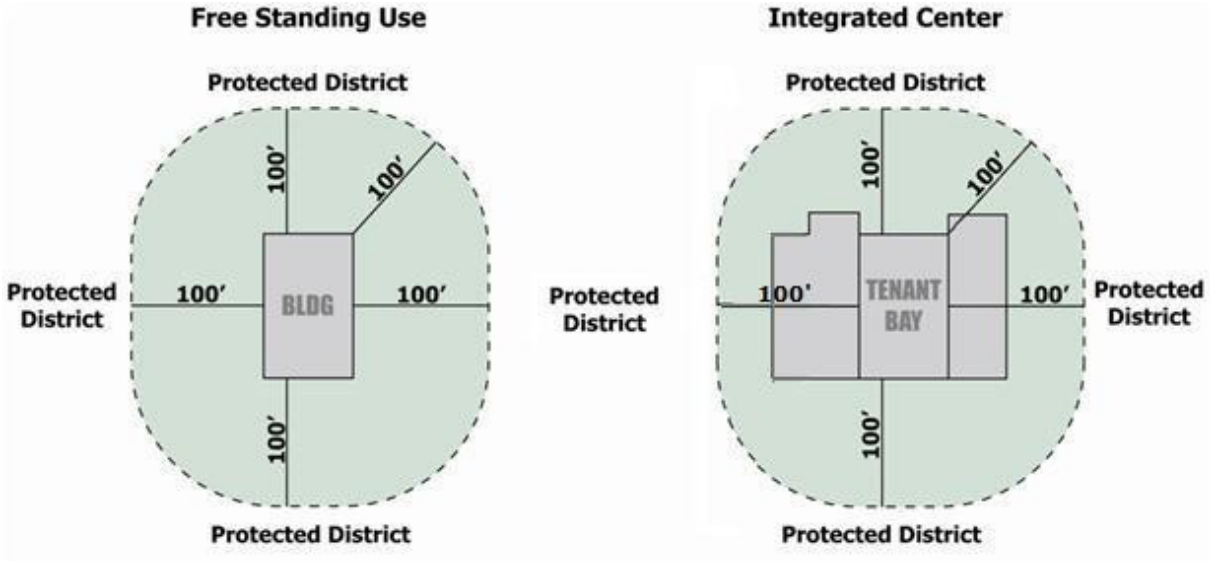
D. Measuring Tree Drip Line

The perimeter of a tree's spread measured to the outermost tips of the branches and extending downward to the ground.

Section 07. Building Separation Measurements and Calculations

A. Measuring the Distance between a use and a protected district.

Measured in any direction, the measurement must be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center) to the zoning boundary of the protected district. When there is an intervening street, the entirety of the right-of-way will be included in the calculation (see Diagram T).



The radius measurement for a protected district must be no less than 100' for: Car Washes, Recycling Containers, Package Liquor Stores, Fast Food or Drive Through Restaurants, and such establishments where food or alcoholic beverages may be carried out.

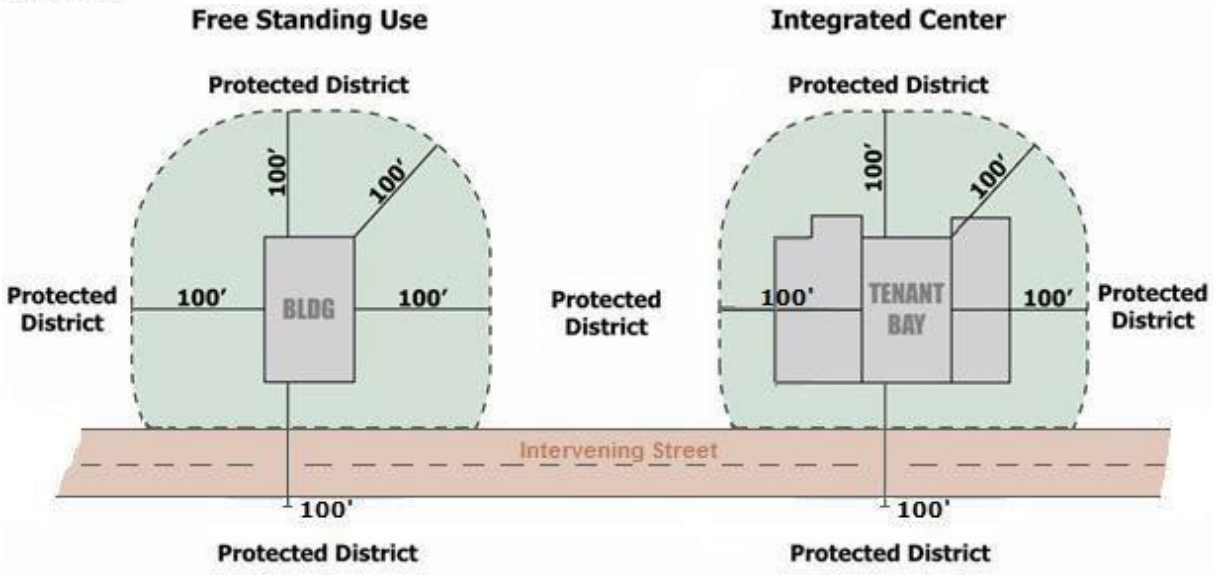


Diagram T Buffer from Protected Districts

B. Measuring the Distance between a use and another use.

Measured in any direction, the measurement must be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center) to the **property line** of the other use or establishment.

Section 08. Sky Exposure Plane Measurements and Calculations

A. Determining Sky Exposure Plane One

1. The Sky Exposure Plane One applies to lots in the CBD-1 district, excepting Monument Circle, that abut the following streets: New York Street, Ohio Street, Market Street, Washington Street, Maryland Street, Capitol Avenue, Illinois Street, Meridian Street, Pennsylvania Street, Delaware Street, Indiana Street, Massachusetts Avenue, Kentucky Avenue, and Virginia Avenue.
2. The Sky Exposure Plane One also applies to lots within the CBD-2 district abutting the following:
    a. The north side of New York Street between Illinois Street and Capitol Avenue;
    b. The east side of Delaware Street between New York Street and Maryland Street;
    c. The south side of Maryland Street between Delaware Street and Capitol Avenue; or
    d. The west side of Capitol Avenue between New York Street and Maryland Street.
3. Sky Exposure Plane One must have a base that is coincident with the centerline of the street (See Diagram U).
4. The elevation of that base is the average elevation of the street centerline from the intersection of one street center to the intersection of the next; and
5. The Sky Exposure Plane One is inclined at an angle of 78 degrees measured from the horizontal; and

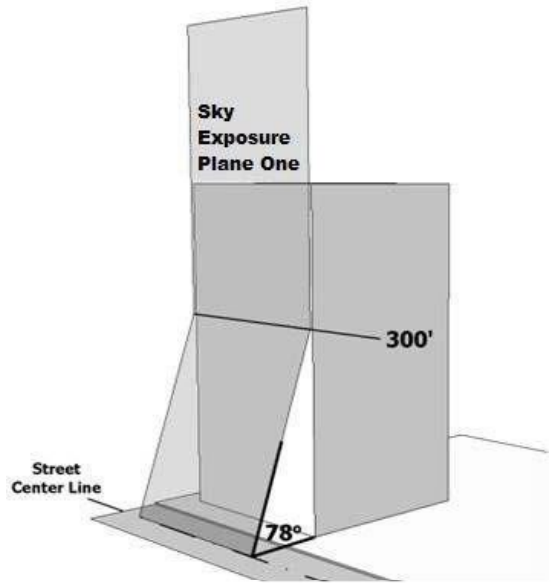


Diagram U Sky Exposure Plane One

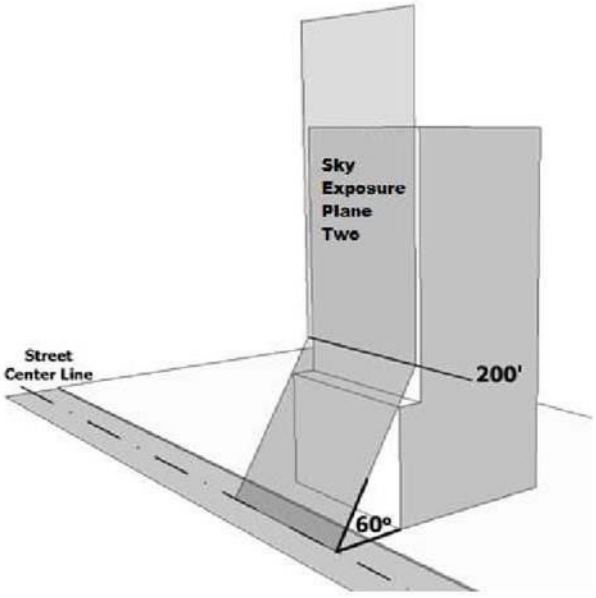


Diagram V Sky Exposure Plane Two

6. Extending from the base to a vertical elevation of 300 feet above the base; and
7. Then continues vertically to infinity at an angle of 90 degrees measured from the horizontal.

B. Determining Sky Exposure Plane Two

1. The Sky Exposure Plane Two applies to all lots in the CBD-2 district except those designated for Sky Exposure Plane One (see Diagram V).
2. Sky Exposure Plane Two must have a base that is coincident with the centerline of the street; and
3. The elevation of that base is the average elevation of the street centerline from the intersection of one street centerline to the intersection of the next; and
4. Sky Exposure Plane Two is inclined at an angle of 60 degrees measured from the horizontal; and
5. Extending from the base to a vertical elevation of 200 feet above the base; and
6. Then continues vertically to infinity at an angle of 90 degrees measured from the horizontal.

C. Determining Sky Exposure Plane Three

1. The Sky Exposure Plane Three applies to all lots abutting Monument Circle (See Diagram W).
2. Sky Exposure Plane Three must have a base that is coincident with the centerline of the street; and
3. The elevation of that base is the average elevation of the street centerline from the intersection of one street centerline to the intersection of the next; and

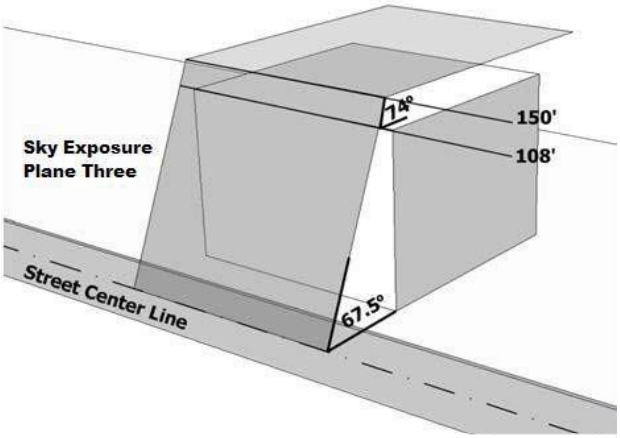


Diagram W Sky Exposure Plane Three

4. Sky Exposure Plane Three is inclined at an angle of 67.5 degrees measured from the horizontal; and
5. Extending from the base to a vertical elevation of 108 feet above the base; and
6. Then continues at an angle of 74 degrees measured from the horizontal; and
7. Extending to a vertical elevation of 150 feet above the base; and
8. Then continues horizontally at an angle of zero degrees measured from the horizontal; and
9. Extending to the alleys known as Wabash, Scioto, Bird and Court Streets.

Section 09. Sign Measurements and Calculations

A. Clearance

The distance measured from the bottom of a sign face which is elevated above grade level and the grade level below (refer to Diagram X)

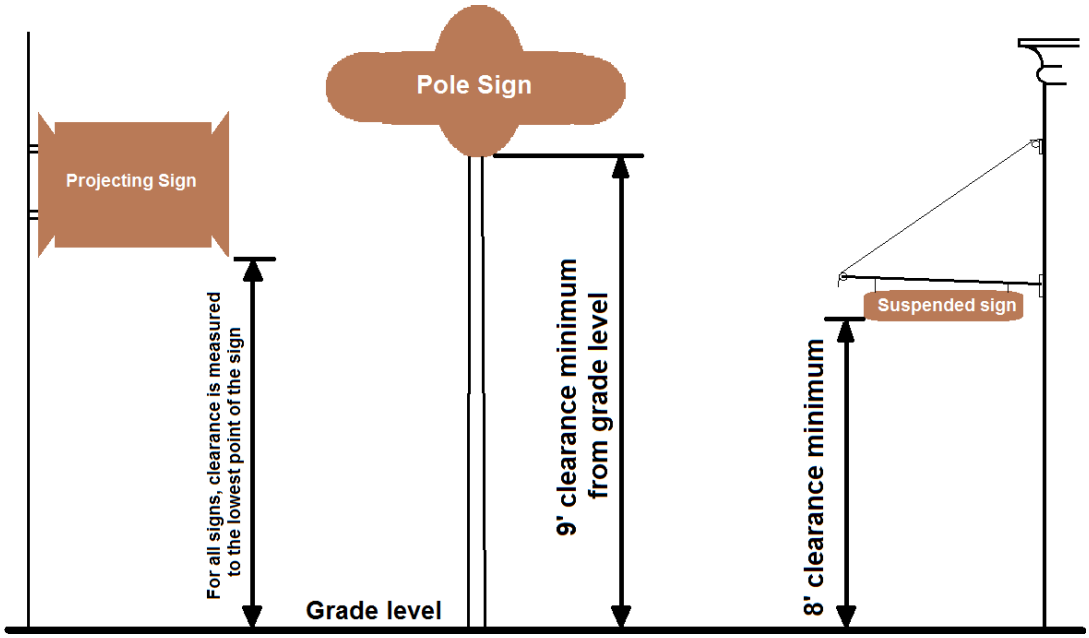
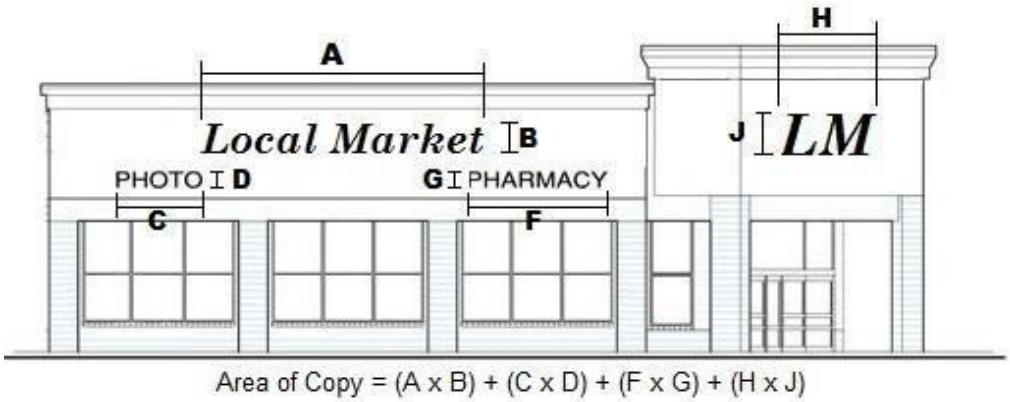


Diagram X Sign Clearance

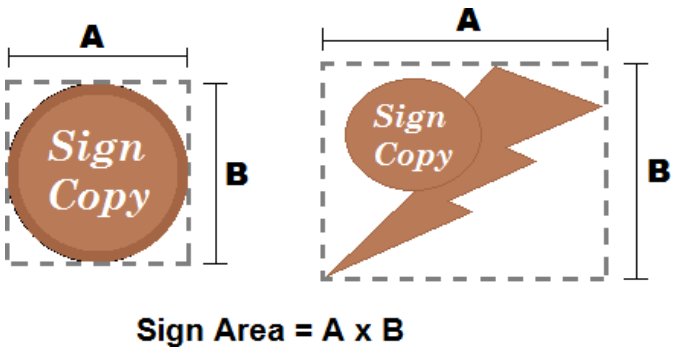
B. Sign area

The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face). Sign area shall be computed by using the smallest square, rectangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself (refer to Diagram Y).



Area of Copy

The entire area within a single, continuous perimeter composed of squares or rectangles, which enclose the extreme limits of the advertising message, announcement or decoration on a fascia or wall sign



Area of Sign

The area of the largest single face of the sign within a perimeter which forms the outside shape including any frame, forms an integral part of the display, but excluding the necessary supports or uprights on the sign may be placed. If the sign consists of more than one section or module, all areas will be calculated.

Diagram Y Sign Area Calculation

C. Sign Height

The height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign (refer to Diagram Z).

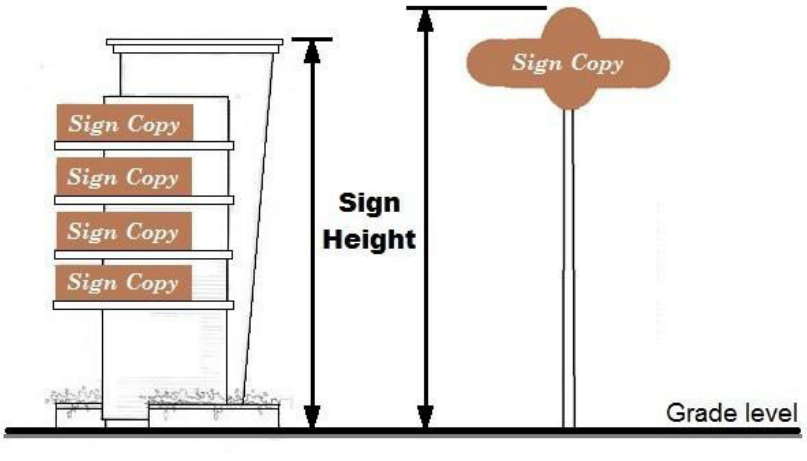


Diagram Z Sign Height

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Article IV. PERFORMANCE STANDARDS

Section 01. Performance Standards

A. Applicability

All uses established or placed into operation after April 8, 1969 shall comply with the following performance standards. No use in existence on April 8, 1969 shall be so altered or modified as to conflict with these standards.

B. Standards that apply to all districts

1. Vibration

No use shall cause earth vibrations or concussions beyond the lot lines endangering the public health, safety or welfare, or causing injury to property.

2. Smoke, dust or particulate matter

Smoke, dust, particulate matter and any other airborne material shall be subject to the standards and regulations of Chapter 511 of the Revised Code of the Consolidated City and County. The standards and regulations noted in Chapter 511 of the Revised Code of the Consolidated City and County for the emissions of smoke, dust and particulate matter are hereby incorporated by reference and made a part hereof.

3. Noxious matter

No use shall discharge across the lot lines noxious, toxic or corrosive matter, liquids, fumes, or gases in such concentration as to be detrimental to or endanger the public health, safety, or welfare or cause injury to property.

4. Odor

No use shall emit across the lot lines odorous matter in such quantities as to be readily detectible at any point along the lot lines and as to be detrimental to or to endanger the public health, safety, or welfare, or to cause injury to property.

5. Noise

No use shall emit sound beyond the lot lines in such a manner or intensity to endanger the public health, safety, or welfare, or cause injury to property.

6. Heat or glare

No use shall produce heat or glare of such intensity beyond the lot lines as to endanger the public health, safety, or welfare, or cause injury to property.

7. Waste matter

No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; the Indiana Department of Environmental Management; and the Department of Public Works of Indianapolis,

Indiana; or in such a manner as to endanger the public health, safety or welfare; or cause injury to property.

8. Storm water drainage

No use shall discharge beyond the lot lines any surface storm water in violation of the applicable standards and regulations of the Department of Public Works of Indianapolis, Indiana; or in such a manner to endanger the public health, safety or welfare; or cause injury to property.

C. Standards that apply to industrial districts

1. Fire and explosive hazards

The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association for the storage, utilization or manufacture of all products or materials are hereby incorporated by reference and made a part hereof. Such storage, utilization or manufacturing shall not produce a hazard or endanger the public health, safety or welfare.

Section 02. Maintenance Standards

A. Continual Provision

All requirements of this zoning ordinance shall be met and maintained at all times thereafter in a manner that fulfills the requirements of this zoning ordinance. Alterations, replacements, or failure to maintain improvements to a site pertaining to any requirement of this zoning ordinance may not cause a nonconformity nor shall the degree of any legally-established nonconformity be increased except as provided for by this zoning ordinance.

B. Maintenance Responsibility

All outdoor landscaping, fencing, lighting, parking areas, outdoor equipment, or other items including without limitation playground equipment, dumpster enclosures, outdoor display and sales areas, recycling collection points, street furniture, recreational facilities, and art installations, shall be maintained in a safe, serviceable, and rust-free condition by the owner of the property on which they are located.

1. All outdoor play equipment that through age, deterioration, damage, or lack of maintenance becomes a hazard to children shall be promptly removed by the owner of the property on which they are located.
2. If any items or improvements required to be installed pursuant to the Zoning Ordinance or an approval granted pursuant to the Zoning Ordinance, then are required to be installed pursuant to the Zoning Ordinance or an approval granted pursuant to the Zoning Ordinance, then:
    a. If such items are later damaged, they shall be promptly repaired by the owner of the property on which they are located.
    b. If such items are later destroyed, damaged beyond repair, or removed, other than as part of an approved redevelopment plan for the property, they shall be promptly replaced by the owner of the property on which they are located.

Article V. COMPACT AND METRO CONTEXT AREAS

Section 01. Context Areas

In order to address the wide variety of land use and development contexts in Marion County, Indiana, the Zoning Ordinance has adopted the Primary and Secondary Districts identified in Chapter 742. In addition, there are some cases where an existing zoning district has been applied in areas that were platted and developed prior to 1945 and areas platted after that date. In order to tailor development standards to promote compatible development and redevelopment in these two types of areas, the Zoning Ordinance sometimes includes different development standards for the following two types of context areas.

A. **Compact Context** (C) areas were generally platted and developed before 1945 and areas platted after that date that are generally characterized by smaller platted lots, narrower platted streets, greater walkability, a more varied mix of uses, and a need to promote redevelopment of lots and parcels that may not meet modern platting standards.

B. **Metro Context** (M) areas were generally platted and developed after 1945 and are generally characterized by larger lots and wider streets designed for higher levels of automobile ownership, access, and circulation, greater separation of uses, and a mix of developed and undeveloped land.

Section 02. Context Area map

The Department of Metropolitan Development, through the City of Indianapolis Information Services Agency and IndyGIS shall maintain a current map of all parcels and their designation within the Compact and Metro Context Areas.

Article VI. APPLICATION & NONCONFORMITIES

Section 01. Application and Exceptions

A. Application

1. Use or occupancy

a. With the exception of legally established nonconforming uses, and except as set forth in subsection b, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this zoning ordinance.

b. The property containing a nonconforming use may replace that nonconforming use with another nonconforming use from the same land use category (e.g. “commercial and building contractors”, “financial and insurance services”), provided however, the replacement use meets all use-specific standards and does not include activities that include alcohol.

2. Buildings or structures

No building, structure, premises or part thereof shall be constructed, erected, altered, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by the Zoning Ordinance.

3. Creation of Nonconformity prohibited

A lot may be subdivided into 2 or more lots in accordance with Chapter 741, provided that all resulting lots and all buildings thereon shall comply with all the applicable provisions of the Zoning Ordinance. If such a lot, however, is occupied by a nonconforming building, such lot may be subdivided provided such subdivision does not create a new noncompliance or increase the degree of noncompliance of such building.

B. Legal establishment of nonconforming uses that were not legally initiated prior to April 8, 1969

1. Any nonconforming use in a district of the Zoning Ordinance shall be deemed to be legally established if the use:

   a. Existed prior to April 8, 1969; and

   b. Has continued to exist from April 8, 1969, to the present; and

   c. Has not been abandoned; and

   d. Of the entire building has not been vacant voluntarily for any period of 365 consecutive days.

A certificate stating the use and development of a property are legally established under this section shall be available from the Administrator on the presentation of sufficient evidence. The rules of procedure of the Metropolitan Development Commission shall outline the procedure to be followed in order to obtain an official certificate.

2. All construction, erection, conversion (including, but not limited to, the addition of dwelling units), enlargement, extension, reconstruction or relocation occurring after April 8, 1969, must have been done in conformity with the zoning ordinance in place at the time and have been done for uses permitted at that time. Any such future activity shall not be permitted except in conformity with these regulations and for uses permitted by the Zoning Ordinance.
3. This subsection shall have no effect upon the powers of the Consolidated City of Indianapolis, Marion County, or any unit or agency thereof, or the Health and Hospital Corporation of Marion County, Indiana, to enforce other public health and safety laws and ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance) and shall not relieve any property of the legal obligation to comply with conditions or commitments which lawfully apply to the property made in connection with any variance, rezoning, platting, or other zoning decision.

C. Legally established schools

All legally established nonconforming uses for an elementary, middle, junior high or high school (including any structures, facilities, and parking areas accessory thereto) located in a dwelling district may be converted, enlarged, extended, reconstructed or relocated for such school use on the same lot or parcel as it existed on August 8, 1966, provided such school building, structure, facilities and parking area shall conform to the minimum yard and setback requirements of the applicable dwelling district.

Section 02. Restoration of Nonconformities

A. Restoration of legally established nonconforming uses, structures, buildings

1. Legally established nonconforming uses and structures or buildings not located in any flood control zoning district that are damaged or partially destroyed by flood, tornado, fire, explosion, act of God, or the public enemy, may be restored to their original dimensions and conditions if:
    a. the use, structure, or building is a residential use in an originally designed and constructed single-family attached dwelling, single-family detached dwelling, or two-family dwelling, or
    b. the damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the building or structure affected, however, all land within any wellfield protection district shall, also, be subject to all of the requirements of Chapter 742-204 Wellfield Protection.
2. A legally established, detached, accessory garage serving and located on the same lot as a single-family attached dwelling, single-family detached dwelling, or two-family dwelling and not located in any flood control zoning district may be reconstructed on an existing foundation, even though such reconstruction would not comply with required side or rear yards.

Section 03. Discontinuation of Nonconforming Uses

A. Restoration of legally established nonconforming uses, structures, buildings

The lawful nonconforming use or occupancy of any lot, in any district, existing on April 8, 1969, may be continued as a nonconforming use, but if such nonconforming use is discontinued, any future use or occupancy of such land shall be in conformity with the use provisions of the Zoning Ordinance. If a portion of the premises occupied by the nonconforming use is discontinued, the future use of that portion discontinued shall be in conformity with this ordinance. A nonconforming use is considered discontinued if the premises used by the nonconforming use is vacant for five consecutive years or replaced by a conforming use.

Article VII. PROCEDURES

Section 01. Metropolitan Development Commission; Rules

The Metropolitan Development Commission shall make rules governing the time that the commission holds its hearings, the voting procedures of the commission, and the procedures for conducting its business as authorized under IC 36-7-4. All proceedings brought under the Zoning Ordinance shall be subject to the Rules of Procedure of the Commission, where not inconsistent with the procedure otherwise stated in the Zoning Ordinance.

For matters pertaining to a zoning map amendment within the corporate boundaries of an excluded city, the Commission shall refer the matter to the excluded city's legislative body, who, at their first regularly scheduled meeting, may conduct the public hearing within 30 days of that meeting in accordance with IC 36-7-4-604(h).

Section 02. Board of Zoning Appeals

A. The Metropolitan Board of Zoning Appeals is established, as per IC 36-7-4-901, and comprised of 3 divisions. Each division of the Metropolitan Board of Zoning Appeals consists of 5 members as follows: 2 citizen members appointed by the Mayor of the City of Indianapolis; 2 citizen members appointed by the City-County Council of the City of Indianapolis; and one citizen member, who may also be a member of the Metropolitan Development Commission, appointed by the Commission.

B. The Metropolitan Board of Zoning Appeals has territorial jurisdiction over all the land subject to the Zoning Ordinance, except for the corporate boundaries of the excluded cities of Lawrence, Speedway, and Beech Grove. The Municipal Board of Zoning Appeals established by an excluded city shall have jurisdiction within the corporate boundaries of that municipality. All divisions of the Metropolitan Board of Zoning Appeals have concurrent territorial jurisdiction throughout the remainder of the county. The legislative body of the consolidated city may adopt ordinances to regulate the time of the meetings and the voting procedures of the Metropolitan Board of Zoning Appeals.

C. The municipal board of zoning appeals for an excluded city shall consists of 5 members as follows: 3 citizen members appointed by the legislative body of the excluded city, and 2 citizen members, who may also be members of the Metropolitan Development Commission, appointed by the Commission.

D. The Metropolitan Board of Zoning Appeals shall make rules prescribing the time of the meetings, the voting procedures of the Metropolitan Board of Zoning Appeals, and the procedures for conducting its business.

Section 03. Combined hearing

A. Authority to conduct combined hearing

The Metropolitan Development Commission is authorized to designate a hearing examiner or Committee of the Commission to conduct a combined hearing procedure relative to developments that require more than one hearing under IC 36-7-4. In conducting this combined hearing procedure, the hearing examiner or Committee of the Commission may exercise the following:

Powers of the hearing examiner under IC 36-7-4-402(d) in relation to the 600 series of IC 36-7-4.

Powers of the Plat Committee under the 700 series of IC 36-7-4.

Powers of the Board of Zoning Appeals under the 900 series of IC 36-7-4.

Powers of the staff or hearing examiner or Committee of the Commission under the 1400 series of IC 36-7-4.

B. Appeals and exceptions

Decisions of the hearing examiner or Committee of the Metropolitan Development Commission under the combined hearing procedure may be excepted to or appealed as follows:

1. Decisions under the authority of IC 36-7-4-402(d) in relation to powers under the 600 series of IC 36-7-4 shall be excepted to in the same manner as exceptions may be filed to decisions of the hearing examiner or Committee under IC 36-7-4-402(d).
2. Decisions under the authority of the 700 series of IC 36-7-4 shall be appealed to the Metropolitan Development Commission, in the same manner as decisions of the Plat Committee may be appealed.
3. Decisions under the authority of the 900 series of IC 36-7-4 may be appealed to the Metropolitan Development Commission within 5 days after the decision is rendered and the Commission shall consider the petition in the same manner as the petition would be considered by a Board of Zoning Appeals.

C. Rules

The Metropolitan Development Commission shall make rules governing the hearing of cases under the combined hearing procedure. The rules may not require a petitioner or an applicant to use the combined hearing procedure.

Section 04. Powers in historic districts

A. Authority for Indianapolis Historic Preservation Commission

The Indianapolis Historic Preservation Commission is authorized to exercise the powers of the Commission under the 600 series as authorized in IC 36-7-4-402 within an historic area or a historic zoning district established under IC 36-7-11.1. The Indianapolis Historic Preservation Commission is authorized to exercise the powers of a Board of Zoning Appeals within an historic area or a historic zoning district established under IC 36-7-11.1. However, this authorization does not eliminate the need for the Indianapolis Historic Preservation Commission to issue a Certificate of Appropriateness before the approval of a variance by either:

1. A Board of Zoning Appeals; or
2. The Indianapolis Historic Preservation Commission exercising the powers of a Board of Zoning Appeals.

B. Rules

The Indianapolis Historic Preservation Commission shall make rules governing the hearing of cases under this section.

Section 05. Special Exceptions

The Board of Zoning Appeals is hereby authorized to grant Special Exceptions to permit those uses designated as requiring a Special Exception in Table 743-1: Use Table, in the zoning districts indicated in that table, subject to the following requirements:

A. A petition for special exception shall be filed with the Board of Zoning Appeals in accordance with the Board's Rules of Procedure. In addition to the site plan and area map filing requirements of the Board's Rules of Procedure and Special Exception petition forms, the petitioner shall file with the Special Exception petition:

1. An area map, drawn to scale, indicating the existing zoning classification of all land within 500 feet of the perimeter of the site and any elementary school, junior high school, or high school, as defined in IC 20-10.1-1, located within such distance.
2. Proposed detailed findings of fact in support of the determinations by the Board in subsection B below. The petition, or evidence presented to the Board at the public hearing, may include any additional pertinent exhibits, such as photographs depicting the site or other land uses and properties in the area; neighborhood or community economic, social, land use or environmental impact statements; or other relevant evidence.

B. A Special Exception may be granted following public hearing of the petition and only upon the Board's determination that:

1. The proposed use meets the definition of that use in Chapter 740, Article II.
2. The proposed use will not injure or adversely affect the adjacent area or property values in that area.
3. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property.
4. The proposed use will be compatible with the character of the district, land use authorized therein and the Comprehensive Plan for Marion County.
5. The proposed use conforms to the development standards in Chapter 744 applicable to the zoning district in which it is located.
6. The proposed use conforms to all provisions of the Zoning Ordinance, including the performance standards in Chapter 740 and the development standards in Chapter 744 applicable to the zoning district in which it is located.
7. The proposed use conforms to all of the use-specific standards in Chapter 743 for that use, including any Special Exception standards for that use.

C. The Board may impose reasonable restrictions or conditions in connection with the grant of any Special Exception, including restrictions and conditions that are more restrictive than the applicable development standards, to ensure compliance with the standards above. All such conditions shall be imposed by the Board to ensure compliance with standards above. Such conditions may include any reasonable site, development, operational and performance standards, requirements and restrictions. The grant of the Special Exception may be for a limited period of time, as specified by the Board.

D. The grant of such Special Exception shall be conditioned upon conformance all provisions of the Zoning Ordinance, including the performance standards in Chapter 740

and the development standards in Chapter 744 applicable to the zoning district in which it is located, except as specifically modified by the grant of the Special Exception.

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Article VIII. IMPROVEMENT LOCATIONPERMITS

Section 01. Applicability of regulations

A. Requirement

1. Within Marion County, Indiana, no structure shall be located, erected, altered or repaired unless the use, character and location of the structure are in conformity with the provisions of the applicable Codes, Official Thoroughfare Plan for Marion County, Indiana, and other ordinances relating to land use, including the Zoning Ordinance.
2. No structure shall be located, erected, altered or repaired upon any land within Marion County, Indiana, until an Improvement Location Permit has been applied for by the owner (or authorized agent) thereof and issued by the Metropolitan Development Commission of Marion County, Indiana, through the Bureau of License and Permit Services, unless specifically exempted in the Section 740-801.A.3 below.
3. An Improvement Location Permit (ILP) shall not be required for the creation or alteration of the following structures or for accomplishing the following types of improvements. All provisions and regulations of the Zoning Ordinance applicable in the particular situation shall continue to apply to exempted structures and improvements:
    a. Air conditioning units;
    b. Antennas;
    c. Children's play equipment for exclusive use by a household (not common area), including aboveground pools that have 200 square feet or less in water surface area, or are 18 inches or less deep;
    d. Enclosure of a portion of a residential building that already lawfully has a foundation and a roof;
    e. Fences or structural barriers;
    f. Landscape strips and landscape plantings;
    g. Mini-barns or sheds that are 200 square feet or less and are not on a permanent foundation;
    h. Minor Residential Structures that extend less than 18 inches above grade level (measurement excludes handrails);
    i. Movable, Temporary Construction Yard, Office, or Equipment Storage utilized during construction projects for which a valid Improvement Location Permit or structural permit has been issued;
    j. Pergolas;
    k. Raised planting beds;
    l. Repairs or alterations that do not change the height, size or lateral bulk of the structure;
    m. Residential awnings with a projection of 48 inches or less;

n. Sign face replacement that does not change the size, bulk, or materials and is outside the Regional Center and North Meridian Street Corridor District;

o. Walkways on private property out of the public right-of-way;

p. Waste receptacles, recycling containers, and associated screening;

q. Wheelchair ramp.

Section 02. Application for permit

A complete application for Improvement Location Permits shall be made upon forms prescribed by the Administrator, shall include a legal description of the lot, and shall be accompanied by the following:

A. Required site plan

An accurate site plan in duplicate, drawn to scale, showing major circulation; specific location and dimensions of buildings, structures, and parking areas; open space areas, recreation facilities, and other details to indicate the character of the proposed development and its compliance with the zoning ordinance. The submission shall also include:

1. Boundary lines, dimensions and acreage of the entire development site;
2. Address of proposed structure or use, as assigned by the Department of Code Enforcement;
3. Location of right-of-way line or lines of all streets, alleys and easements located adjacent to or within the lot. Location of centerline of all streets and dimension to right-of-way lines;
4. Names of all adjacent streets, private drives and interior access roads;
5. Location and dimensions of existing and proposed frontage lanes and passing blisters;
6. Location, boundaries and name of any stream, creek, ditch, legal drain or other water course that traverses or abuts the property;
7. Location of any on-site or adjacent transit facilities;
8. Existing structures (location, dimensions to lot lines and size), except structures to be razed prior to or contemporaneously with construction pursuant to the permit;
9. Proposed location of structures on lot, indicating dimensions to all lot lines;
10. Accurate dimensions and height of structures proposed;
11. Setbacks, minimum required front, side and rear yards;
12. Location and dimensions of existing and proposed curb cuts, driveways and interior access drives, including connection to public streets;
13. Parking schedule with quantity of vehicle and bike parking, and calculations and credits indicated;
14. For non-residential facilities, design capacity and amount of any seating;
15. For commercial parking facilities, (i) the width of driveways; (ii) location of driveways from the nearest point of 2 intersecting street rights-of-way; and (iii) the design and location of frontage lanes and passing blisters;

16. Off-street and on-street parking areas, loading areas, stacking spaces and circulation patterns for vehicles, truck, equipment and bicycles showing dimensions; and tabulation of the number of off-street and on-street parking, loading, and stacking spaces in a conspicuous place on the plan;
17. Signs, including location, dimensions to lot lines, type, illumination and size.

B. Elevations

For all proposed buildings, additions and parking garages, exterior elevation plans shall be provided. Exterior elevation plans of existing and proposed (front, rear, left & right sides) must indicate:

1. Type of exterior finishing and textures;
2. Floor and ceiling heights;
3. Dimensions of doors, windows, roof overhangs;
4. Height, location, and materials of foundation;
5. Door and window schedule listing the details of each, quantity used on site, and the transmissivity rating and reflectivity rating of the glass;
6. Table with transparency calculations for each side and each floor;
7. Location, and dimensions of all roof elements, such as chimney, HVAC, elevator housing.

C. Landscaping Plan

For all development that is required to provide landscaping by the Zoning Ordinance, a landscape plan must be provided. The landscape plan shall be drawn upon a copy of the site plan and shall indicate:

1. If the development is subject to the Green Factor requirements, a completed Green Factor worksheet;
2. Location of existing trees and landscaping materials, indicating size, species (common and botanical name) and if it is to be removed;
3. Placement of proposed trees and landscaping materials, indicating size at time of planting and species (common and botanical name);
4. Existing and proposed screens, walls, and fences, indicating materials, height, and location;
5. Placement of all proposed drainage facilities, indicating type of facility and if the facility is to be designed to be wet or dry;
6. Square footage of each area used in calculating the Green Factor requirements;
7. Other information demonstrating compliance with Chapter 744, Article IV: Landscaping and Screening.

D. Lighting Plan

For all proposed buildings, additions and parking garages 1,000 square feet or greater, except for single-family detached dwellings, single-family attached dwellings, and two-family dwellings, a lighting plan shall be provided indicating all exterior lighting fixtures existing and proposed on site, and the proposed light fixture locations and a light fixture

schedule listing the cutoff details of each light fixture, quantity used on site, and lumens rating.

In addition, for all proposed buildings, additions and parking garages 45,000 square feet or greater, a photometric layout shall be provided with the lighting plan indicating all photometric calculations including foot-candle levels on a regular grid across the site and extending beyond the lot; and the aiming direction of the light fixtures.

E. Other required information and submission

1. Any other information, plans or exhibits required by or to indicate compliance with applicable Codes, this article, covenants, commitments and conditions of grants of variance.
2. All other applicable information, plans or exhibits required by the Improvement Location Permit form, including but not limited to:
    a. Evidence of the applicant's submission of required plans to the Bureau of License and Permit Services; and
    b. Evidence of the applicant's submission of a required drainage plan to the Bureau of License and Permit Services. Provided, however:
        1. The Improvement Location Permit issuance may be withheld for a period not to exceed 5 business days if in the opinion of the administrator of the Bureau of License and Permit Services commencement under such plan may result in a hazard to the public health, safety or general welfare.
        2. If the bureau approves such plan, or at the expiration of such 5 business days has neither approved nor disapproved the plan, the permit shall be issued.
        3. If the bureau disapproves the plan, the permit shall not be issued except in accordance with the following:

            In the event of disapproval of the drainage plan by the bureau, a written statement of the reasons for disapproval shall be provided to the administrator and to the applicant. The Administrator of the Bureau of License and Permit Services may then authorize issuance of the Improvement Location Permit if the applicant shows an immediate hardship will accrue if such permit is not issued, the applicant covenants to comply with the requirements of any drainage permit, and the administrator of the Bureau of License and Permit Services, upon consultation with the bureau, determines that proceeding with construction would not result in a hazard to the public health, safety or general welfare.

Section 03. Additional application requirements in the Wellfield Protection Zoning Districts

In addition to the application and documents required indicated in Section 02 above, the following information on or with the site and development plan shall also accompany any application for an Improvement Location Permit for all development in a W-1 or W-5 district:

1. Description of slopes near containment vessels and waste storage areas, in the form of topographic maps.
2. Interior plumbing and floor plans.

3. Sewage disposal facilities.
4. Vicinity map.
5. Brief history of the site and the new building or addition (usage, historical environmental concerns, abandoned wells, underground storage tanks, septic tanks, etc.)
6. Paved and unpaved areas.
7. Existing and proposed utility lines (inside and outside structures) including sanitary sewers, storm sewers, storm retention ditches, basins, French drains, dry wells, etc. The following shall be identified and labeled:
    a. Floor drain locations and outlets;
    b. Product storage locations;
    c. Waste storage locations;
    d. Liquid transfer areas;
    e. Site surface water bodies (streams, rivers, ponds);
    f. Existing and proposed underground storage tanks; and
    g. Existing and proposed aboveground storage tanks.
8. List and quantities of all on-site chemicals.
9. Detailed drawing of any existing or proposed containment areas (area, height, materials, construction specifications, etc.)
10. Description of proposed operations such as hazardous materials or objectionable substances used or generated, product storage area descriptions, waste generation quantities, equipment cleaning processes, maintenance procedures, heating source (oil, gas, electric, etc.), liquid transfer or loading areas.
11. Methods and locations of receiving, handling, storing, and shipping hazardous materials or objectionable substances.
12. Response measures and reporting procedures in the event of a release or spill of a hazardous material or objectionable substance.

Section 04. Additional application requirements for mining operations

In addition to the application and documents required for an Improvement Location Permit indicated in Section 02, all development in a GSB district shall provide the following additional information on or with the site and development plan:

1. A legal description and stated acreage of the proposed Affected Land.
2. A vicinity map of the area in a scale sufficient to show: the Affected Land, any dedicated right-of-way or easement, and the boundaries of all parcels lying within 600 feet of the Affected Land and Mining Operation, or a depth of two property ownerships, whichever is less.
3. The name and address of the following:
    a. The mine operator if the operator is someone other than the applicant;

b. Every legal owner of the Affected Land;

c. Every legal owner of the mining operation (surface and mineral);

d. Every owner of any leasehold interest in the Affected Land;

e. Every owner of any leasehold interest in the mining operation;

f. All purchasers of record of the Affected Land under a real estate contract;

g. All purchasers of record of the mining operation under a real estate contract;

h. The single proprietor, if the applicant is a single proprietor;

i. The highest ranking officer, member or partner that resides in the State of Indiana, if the applicant is a partnership, corporation, association or other business entity other than a single proprietor; and

j. All registered agents required by the Secretary of State

4. If the applicant is a partnership, corporation, association, or other business entity other than a single proprietor a list of names under which the applicant, partner, or principal shareholder previously operated a mine within the State of Indiana within 5 years preceding the date of application shall be provided.

5. The names and addresses of the property owners of property lying within 660 feet of the Affected Land and mining operation, or a depth of 2 property ownership, whichever is less, as shown by records of the Marion County Assessor and dated not more than 45 days prior to the date of application.

6. A copy of all applications, approvals, or permits required by other city, county, State or Federal agencies for the proposed mining operation or Affected Lands.

7. Financial guarantee, pursuant to Sec. 742-206 (Gravel, Sand, and Borrow Secondary Zoning District).

8. An Operations Plan, pursuant to Sec. 742-206 (Gravel, Sand, and Borrow Secondary Zoning District).

9. A Reclamation Plan, pursuant to Sec. 742-206 (Gravel, Sand, and Borrow Secondary Zoning District).

10. A Spill Prevention Control and Countermeasure Plan, pursuant to Sec. 742-206 (Gravel, Sand, and Borrow Secondary Zoning District).

Section 05. Additional review procedures for mining operations

The following describes the general procedure for the processing of an Improvement Location Permit application for a mining operation.

Before an application is submitted, the applicant shall request a pre-application meeting with the Administrator to discuss the proposed operation and to clarify application requirements.

1. At any time during the review of an Improvement Location Permit application, the Administrator may request, in writing, additional information that is reasonably necessary to make any findings, determinations, or decisions on an application. A request for additional information shall specify a date by which the Administrator is to

receive the additional information. Failure to provide information in a timely manner may be grounds for denial of the application.

2. The Administrator shall review the Improvement Location Permit application and make a determination of completeness within 30 days of receipt of the application. In determining whether or not the application is complete or incomplete, the Administrator shall communicate this determination in writing to the applicant. In the event that the Administrator determines that the application is incomplete, a new completeness review period of 30 days shall commence from the date of receipt of the missing or inadequate information. If the Administrator fails to make a determination of a complete application within the time frames specified above, the application will be deemed complete.
3. Once an Improvement Location Permit application has been determined to be complete, the applicant shall be required to submit a full and complete copy of the application to the Marion County Soil and Water Conservation District, Marion County Surveyor, Marion County Public Health Department, the appropriate water utility, and Indianapolis Department of Public Works, or their successors.
4. The Administrator shall render a decision on the Improvement Location Permit application within 90 days from the acceptance of a complete application, or the latest request for information, whichever occurs last. If the Administrator does not approve or deny the application within 90 days of the determination of a complete application, the application shall be deemed to be approved.

Section 06. Conformity required

A. No permit shall be issued for any structure or use unless the use, character and location thereof shall be in conformity with the provisions of all applicable Codes, Official Thoroughfare Plan for Marion County, Indiana, and other ordinances relating to land use.

B. No permit shall be issued for any structure or use unless the use, character and location thereof shall be in conformity with all provisions of the locally designated historic district or the Meridian Street Preservation Area, if such structure or use is under their jurisdiction.

C. No permit shall be issued for any structure or use authorized by variance unless the use, character and location thereof shall be in conformity with all requirements and conditions of the variance.

D. No permit shall be issued for any structure or use unless the use, character and location thereof shall be in conformity with all conditions and commitments applicable to the land.

E. Provided, however, a petition to modify plans, conditions or commitments may be filed with the appropriate public body (Commission, Board of Zoning Appeals or Indianapolis Historic Preservation Commission) in compliance with all requirements of the applicable body's rules of procedure.

Section 07. Street frontage requirements

No permit shall be issued for any use or structure unless the lot abuts upon and has adequate frontage on a public street (the right-of-way of which has been dedicated and accepted for maintenance by governmental agency having jurisdiction thereof, or the construction of which is bonded in accordance with the standards and requirements of the applicable municipal agency

having jurisdiction) in accordance with the requirements of all applicable ordinances, except as otherwise specifically authorized in zoning districts permitting private drives or interior access roads or by variance.

Section 08. Fees

The Commission shall establish a fee schedule for Improvement Location Permits and other official actions in accordance with IC 36-7-4-411. The fees established in the Commission's Rules shall be provided and collected prior to the issuance of any permit.

Section 09. Automatic revocation

Every permit shall be automatically revoked if active work thereunder is not commenced within 2 years of its issue, excepting, however, the Administrator may, upon good cause shown, grant extensions thereof for periods not to exceed 180 days.

Section 10. Revocation in event of violation

Construction or development under any permit shall proceed according to the applicable ordinances, the site plan filed with the permit application, and the conditions or commitments of any applicable variance, rezoning or other approval grant. If the Administrator determines that construction or development is proceeding or has proceeded in violation of such ordinances, site plan or approval grant, or that the permit was issued in violation of an ordinance or the conditions of commitments of such approval grant, the Administrator may revoke such permit. The Administrator shall send written notice of the revocation to the permit applicant.

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Article IX. FLOODPLAIN DEVELOPMENT PERMITS

Section 01. Permit application and review procedures

A. The Bureau of License and Permit Services shall review all applications for a Floodplain Development Permit for all sites that have been identified by the bureau as lying in a Flood Control Zoning District. The Bureau of License and Permit Services shall verify that the site is in a flood control zoning district by referring to the Flood Insurance Rate Map. In cases where the floodplain status of the site cannot be fully determined through the use of these maps, the bureau shall use the best available data to determine the floodplain status of the site, in accordance with Section 742-203.A.

B. If the permit application is for a site located in an identified Floodway (FW) district, then the Bureau of License and Permit Services shall direct the applicant to apply to IDNR for a state permit for construction in a floodway. A Floodplain Development Permit shall not be issued for the proposed activity until the IDNR has issued a certificate of approval of construction in a floodway or a letter stating that IDNR approval is not required, and the bureau determines that the application complies with all other applicable requirements of this article.

C. If the permit application is for a site located in a Floodway Fringe (FF) district, then the Bureau of License and Permit Services may approve the application upon compliance with the applicable requirements of this Section 740-901.

D. In both Floodway (FW) and Floodway Fringe (FF) districts, the Bureau of License and Permit Services will require such modifications to the design and materials of the proposed activity as the bureau may deem appropriate under this article.

E. In reviewing applications for floodplain development permits for compliance with the requirements of this article, the Bureau of License and Permit Services shall assure that all necessary permits related to floodplain management objectives from state, federal, and local agencies have been obtained.

F. The Bureau of License and Permit Services will maintain a file of all Floodplain Development Permits issued in a flood control zoning district, and will make these Floodplain Development Permits available to representatives of FEMA, IDNR and other interested parties.

G. National Flood Insurance Program (NFIP) elevation certificates

1. The Bureau of License and Permit Services will file the NFIP elevation certificate, and the flood-proofing certificate if applicable, for each building and structure in a flood control zoning district with the floodplain development permit.
2. The Bureau of License and Permit Services will make available to insurance agents and lenders, upon request, copies of the NFIP elevation certificate and the flood-proofing certificate to assist in the actuarial rating of the structure for flood insurance purposes.
3. The applicant shall notify an adjacent community and IDNR prior to any alteration or relocation of a watercourse in a riverine situation and submit copies of such notification to the Bureau of License and Permit Services and FEMA.

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Article X. ENFORCEMENT AND REMEDIES

Section 01. Statement of purpose

This article is remedial and shall be construed in such a manner as to effectuate its purpose of promoting the public health, safety, comfort, morals, convenience and general welfare by enforcement of all Codes for all lands within Marion County, Indiana.

Section 02. Jurisdiction

A. The Commission may institute a suit for injunctive and monetary relief in the municipal, circuit, or superior courts of Marion County, Indiana; such suit is to brought in the name of and captioned as "The Metropolitan Development Commission of Marion County, Indiana," versus the person, persons or entity charged with violating the provisions of any Code or land use regulations of Marion County, Indiana.

B. The Commission may also institute a suit for mandatory injunction directing a person, persons or entity to remove a structure erected in violation of any Codes or land use regulations of Marion County, Indiana.

C. A structure erected, raised, or converted, or land or premises used in violation of any zoning or land use ordinance of Marion County, Indiana, shall and hereby is declared to be a common nuisance and the owner or possessor of the structure, land, or premises shall be liable for maintaining a common nuisance pursuant to IC 36-7-4-1012.

Section 03. Inspection of property

A. The Administrator, Inspectors and Law enforcement officers are authorized to make inspections of all lands located within Marion County in order to enforce all zoning ordinances and land use regulations of Marion County, Indiana.

B. In order to execute inspections, the Administrator, Inspectors and Law enforcement officers shall have the right to enter upon any premises at any reasonable time for the purpose of carrying out their duties in the enforcement of Codes and land use regulations of Marion County, Indiana, unless the owner or occupant of the premises refuses to permit entry to the Administrator, Inspectors or Law enforcement officers when such entry is sought pursuant to this section. In the event of such refusal, the Administrator may make application to any judge of the municipal, circuit or superior courts of Marion County, Indiana, for the issuance of an administrative search warrant. Such application shall identify the premises upon which entry is sought and the purpose for which entry is desired. The application shall state the facts giving rise to the belief that a condition which is a violation of a Code or land use regulation of Marion County, Indiana, exists on such premises, or that a violation in fact exists and must be abated, and that the condition or violation is not a lawful nonconforming use to the best of the affiant's belief. Any warrant issued pursuant to such application shall order such owner or occupant to permit entry to the Administrator, Inspectors or Law enforcement officers for the purposes stated therein. In no event shall the Administrator, Inspectors or Law enforcement officers have the right to enter a residential structure or other structures not open to the public without the permission of the owner or occupant or an administrative search warrant first obtained. Prior to entering such residential structure or other

structure not open to the public, the Administrator, Inspectors or Law enforcement officers shall advise the owner or occupant that such owner or occupant is not required to grant entry without the presentation of an administrative search warrant.

Section 04. Stop-work order

A. The Administrator is empowered to issue an order requiring the suspension of land improvement of any kind when any of the following circumstances exist:

1. Site improvement is occurring without an Improvement Location Permit or any other permit required by a Code having first been obtained;
2. Site improvement is occurring in violation of the terms or conditions of any special exception or variance granted under the metropolitan development law as contemplated by IC 36-7-4; in violation of conditions or commitments imposed by the Plat Committee under the metropolitan development law; in violation of covenants made in connection with the platting of a subdivision that is approved by the Plat Committee; in violation of commitments made in accordance with IC 36-7-4-607 or IC 36-7-4-921; or in violation of the terms, conditions or provisions of any Marion County Code; and
3. Site improvement is occurring for which a Certificate of Appropriateness from the Indianapolis Historic Preservation Commission is required pursuant to IC 36-7-11.1-1 et seq., without a Certificate of Appropriateness having first been issued.

B. The stop-work order shall be posted on the property in a conspicuous place, or personally delivered to the owner, possessor, person in charge, or person causing the violation and state the conditions under which construction or other activity may be resumed. The Administrator or Inspector shall meet with the recipient of a stop-work order upon request to explain the conditions under which construction or other activity may be resumed.

C. The Designated enforcement entity may institute a suit in a court of competent jurisdiction to enforce the provision of a stop-work order.

D. Enforcement activity may be pursued against owner, possessor, person in charge, person causing the violation, or combination thereof.

Section 05. Civil zoning violations

A. It shall be unlawful for any person who is the owner or contract vendee of, or who has a possessory interest in, real property located in Marion County to cause, suffer or allow any of the following civil zoning violations to occur on such property:

1. The location, erection, or maintenance of any sign not specifically permitted by the Zoning Ordinance;
2. The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Zoning Ordinance;
3. The outdoor storage of junk, trash, or debris in any zoning district, the provisions of which do not specifically permit such a use;
4. The outdoor storage of Inoperable vehicles or vehicle parts in any zoning district, the provisions of which do not specifically permit such a use;

5. The parking or storage of a commercial vehicle in any zoning district, when the provisions of which do not specifically permit such a use. However, this provision does not apply to motorized commercial vehicles which do not exceed a gross vehicle weight rating (GVWR) of 10,000 pounds and are not categorized as a commercial vehicle by Item 2 in the definition of a commercial vehicle.
6. The outdoor storage or display of merchandise or goods in any zoning district, the provisions of which do not specifically permit such a use or in violation of zoning district development standards regulating such use;
7. The conduct of any activity in a zoning district, not specifically enumerated as a permitted primary or accessory use in that zoning district, and which activity has not been legally established by a currently valid variance, special exception or other approval grant;
8. Failure to comply with use-specific standards and zoning district development standards, including but not limited to landscaping, paving or striping of parking areas, minimum parking space requirements, service area enclosure, fencing or screening requirements;
9. The failure to comply with the terms, provisions, conditions or commitments of a variance grant, special exception, ordinance, or other approval grant.

B. Each day a civil zoning violation remains uncorrected constitutes a second or subsequent violation. It shall be a defense to an action to enforce a civil zoning violation that the use or activity alleged to be a civil zoning violation is a legally established nonconforming use.

Section 06. Enforcement of civil zoning violations

A. The first civil zoning violation in a twelve-month period shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with Chapter 103 of the Revised Code of the Consolidated City and County.

B. In addition to the procedures listed in Chapter 103 of the Revised Code of the Consolidated City and County, a person who has been cited for a violation of this section may elect to file a land use petition. The filing of a land use petition, or subsequent issuance of a variance, special exception, rezoning or other approval of the land use petition, shall not constitute a defense of any civil zoning violation that occurs prior to the issuance of the variance, special exception, rezoning or other approval.

C. All second and subsequent violations in a twelve-month period are subject to the enforcement procedures and penalties provided in section 103-3 of the Revised Code of the Consolidated City and County.

D. If the Commission, Board of Zoning Appeals, Indianapolis Historic Preservation Commission, or designated enforcement entity is successful in an action brought under this article, the respondent shall bear the costs of the action.

Section 07. Violations of Flood Plain Regulations

A. Construction or development authorized by the Floodplain Development Permit shall proceed according to the requirements of Section 742-203, the Development Plan and supporting documents filed with the permit application, and the conditions of an applicable variance grant to the requirements of Section 742-203. If the Bureau of License and Permit Services determines that construction or development is proceeding or has proceeded in violation of Section 742-203, the Development Plan or supporting documents, or variance grant, or that the permit was issued in violation of an ordinance or the conditions of such variance grant, the Bureau may revoke said permit. Written notice of the revocation shall be provided to the permit applicant.

B. A violation of Section 742-203 shall be enforceable through any means available for enforcement of other violations of the Zoning Ordinance or of the Revised Code of the Consolidated City and County.

C. A violation may lead to the cancellation of a standard flood insurance policy. The Bureau shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by the standard flood insurance policy to be suspended.

Section 08. Severability

If any provision of the Zoning Ordinance shall be held invalid, its invalidity shall not affect any other provisions of the Zoning Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of the Zoning Ordinance are hereby declared to be severable.

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Chapter 741. Subdivision Regulations

Article I. General Subdivision Provisions

Section 01. Title and jurisdiction

These regulations (hereinafter "these regulations") shall officially be known as the Subdivision Control Ordinance for Marion County, Indiana. These regulations shall apply to all lands within Marion County, Indiana.

Section 02. Purpose

The purpose of these regulations is to ensure that the division of land will serve the public interest and to protect and provide for the public health, safety, comfort, morals and general welfare of Marion County. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until the provision has been made for adequate public facilities, drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities, transportation facilities and accessories. Since the allocation and arrangement of parcels of land for both private uses and public uses influences the health, safety, economy, livability, and amenities of an area, these regulations are adopted, designed, intended and should be administered to:

A. Protect and provide for conditions conducive to the public health, safety, comfort, morals, aesthetics, convenience, prosperity, efficiency, and general welfare of Marion County.

B. Secure adequate light, air, and convenience of access; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population.

C. Protect the character and the social and economic stability of all parts of the county by assuring: the timing and sequencing of development; the promotion of infill development in existing neighborhoods; the promotion of adequate public facilities; proper urban form and open space separation of urban areas; to protect environmentally critical areas and areas premature for urban development.

D. Protect and conserve property values throughout the county and the value of buildings and improvements upon the land.

E. Minimize the impact upon and protect the water quality of the county's watercourses, reservoirs, lakes, and other significant water resources by balancing the judicious use of impervious surfaces with the utilization of Low-Impact Development techniques to manage run-off and reduce urban heat island effects.

F. Coordinate the development of each parcel of land with the existing community and facilitate adequate and efficient transportation, water, sewerage, and other public requirements and facilities with adjoining land;

G. Provide a beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the county, having particular regard to the avoidance of

congestion and support multimodal transportation design standards in a manner that supports multi-modal transportation.

H. Establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumentation of subdivided land.

I. Ensure that off-site and on-site public facilities and services are provided to sufficiently serve the land being developed in a manner that is orderly and efficient for the area, through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its share of capital facilities' needs generated by the development.

J. Prevent the pollution of air, streams, and ponds; to protect the streams, wetlands, floodplains, riparian and aquatic ecosystems; to assure the adequacy of drainage facilities; to safeguard the water table, and to provide for the conservation and protection of human and natural resources throughout the county in order to preserve the integrity, stability, and beauty of the community and the value of the land and to provide for the environmentally sound use of Marion County's land resources.

K. Ensure that subdivisions are designed and developed in a manner that is consistent with all applicable flood protection and storm water management regulations and other applicable land use and development regulations.

L. Assist in the preservation of the natural beauty and topography of the county and to ensure appropriate development with regard to these natural features.

M. Provide for open spaces through the most efficient design and layout of the land, while preserving the density of development as established in the Zoning Ordinance of Indianapolis-Marion County, Indiana.

N. Provide adequate, accurate and reliable records of all land divisions; remedy the problems associated with inappropriately subdivided lands, including partial or incomplete subdivision, and inferior subdivision.

Section 03. Authority

A. The applicable Indiana Planning and Zoning Laws pertaining to this article are:

1. IC 36-7-4-700. 700 Series - Subdivision Control;
2. IC 36-7-3-11 (as referenced by the 700 Series noted above);
3. IC 36-7-3. Chapter 3. Platting and Vacation of Real Property; and
4. IC 36-7.

B. The Commission, or its appointed Plat Committee, per IC 36-7-4-701(e) (referred to in this Chapter as the "Committee"), is vested with the authority to review, approve, conditionally approve and disapprove applications for the subdivision of land, including primary and secondary plats. As a condition of primary approval of a plat, the Commission or Committee may specify:

1. The manner in which public ways shall be laid out, graded, and improved;
2. A provision for water, sewage, and other utility services;
3. A provision for lot size, number, and location;

4. A provision for drainage design; and
5. A provision for other standards as specified in these regulations.

C. The Committee may grant waivers from these regulations pursuant to the provisions of these regulations and their Rules of Procedure.

D. Applications for the vacation of plats or parts of plats, and applications for the vacation of public ways, easements or public places are under the exclusive control of the Committee, per IC 36-7-4-712.

Section 04. Committee action

A. Rules of Procedure

The Commission shall establish and adopt Rules of Procedure governing the Plat Committee and prescribing the application requirements and procedures for the conduct of the hearing in accordance with IC 36-7-4, IC 36-7-3, IC 5-3-1 and these regulations. Such rules shall address filing fees, notice, findings, and appeals. The Commission shall prescribe, in the Rules of Procedure of the Plat Committee, or through petition forms prescribed by those rules of procedure and adopted by the Commission, the specifications for documents to be submitted in the subdivision, replat (resubdivision), and vacation of lands.

B. Fees

1. In order to compensate for the administrative expenses associated with applications, procedures and processing, fees shall be paid by the applicant as prescribed by the Commission in its Rules of Procedure, in accordance with IC 36-7-4-411, IC 36-7-3, and Chapter 740.
2. Regardless of the outcome of any particular request, an owner or applicant will have no right to a refund of any monies, fees, or charges paid to the municipality nor to the return of any property or consideration dedicated or delivered to the municipality, except as may have previously been agreed to by the Committee.

Section 05. Applicability

A. Districts

In accordance with IC 36-7-4-701, Section 742-102 (Districts) of the zoning ordinance portion of the Zoning Ordinance states in which zoning districts and under what circumstances the approval of subdivision plats is required. In accordance with IC 36-7-
4-711 and 712, the approval of subdivision plats, when required by the Zoning Ordinance, shall be done in compliance with the provisions of these regulations and in compliance with the Rules of Procedure of the Commission.

B. Exemptions

No land required by the Zoning Ordinance to be approved as a subdivision plat may be subdivided through the use of any means other than in accordance with these regulations, except for the following instances:

1. The sale, gift or exchange of residentially or agriculturally zoned parcels between adjacent landowners that does not create additional building sites.

2. The division of residentially or agriculturally zoned land into parcels of 3 acres or greater in size for exclusively residential or agricultural uses, not involving any new streets or easements of access.
3. A division used exclusively for cemetery purposes and accessory uses associated therewith.
4. A division occurring through the transfer of land for use as a right-of-way for widening a road or railroad or as an easement for public purposes or public utilities, when no new street/road or easement of access is involved.
5. A correction of a description in a prior conveyance provided that the correcting instrument (commonly called a Certificate of Error or Scriveners Error used to make a boundary line adjustment between existing parcels) contains a reference to the original instrument of conveyance by date, book and page, or other description.
6. Condominium development governed by IC 32-25 is not regulated by these regulations.
7. A court-ordered division of land.

C. Attached Dwellings

Approval of a plat for the division of land to allow for the sale of individual Single-Family Attached Dwelling Units in a residential development or an individual unit in a Two-Family Dwelling shall be granted by the Administrator if the following conditions are met:

a. The land has been developed with and is occupied by a Single-Family Attached Dwelling or Two-Family Dwelling;
b. The total number of dwelling units permitted and remaining to be platted on the entire tract are the same; and
c. The land being divided or transferred under this exemption is covered by a recorded declaration of covenants subjecting the land and Improvements thereon to procedures and conditions regulating the manner in which improvements may be expanded, reconstructed and maintained.

D. Lot of record or non-conforming lots/parcels

1. A lot of record or parcel lawfully created before August 8, 1966 that has been maintained in individual ownership, may be used for residential purposes for a dwelling or may continue to be used for another use that is allowed in the zoning district without further review under this Chapter 741, until such lot of record or parcel is further subdivided.

Article II. SUBDIVISION APPROVAL PROCEDURES

Section 01. Classification of subdivisions

Before any land is subdivided, the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the provisions and procedures of these regulations. Subdivisions are classified into 2 types:

A. **Minor subdivision,** defined as any subdivision that:

1. Contains no more than 3 lots;
2. Contains only lots fronting on an existing, improved street;
3. Does not involve the construction of a new street or extension of an existing street;
4. Does not necessitate the extension of public facilities or the creation of any public improvements, excluding sidewalks; and
5. Does not adversely affect the remainder of the parent tract or adjoining property.

Further, to be classified as a minor subdivision, the land shall be platted into developable lots, as required by the applicable district, and the parent tract of land from which any part of the lots are platted shall not have been a part of 3 or more previous minor subdivision platting requests.

B. **Major subdivision,** defined as all subdivisions not classified as minor subdivisions, including but not limited to subdivisions of 4 or more lots, or any size subdivision requiring any new street or extension of the public facilities or the creation of any public improvements.

Section 02. Authority to file applications

A. Applications for review and approval under these regulations may be initiated by all the owners of the land that is the subject of the application; or the owners' authorized agent.

B. The Commission shall prescribe, in the Rules of Procedure of the Plat Committee, or through petition forms prescribed by those rules of procedure and adopted by the

Commission, the specifications for documents to be submitted in the subdivision of land and the vacation of plats, parts of plats, public ways, easements or public places or parts thereof.

Section 03. Documents submitted for primary approval

The primary plat, area map, topographic map, natural infrastructure plan and requisite fee, all in prescribed quantities, shall be provided in addition to the documentation required by the Rules of Procedure. A traffic control plan shall be provided for a subdivision and for other applications proposing a new street or alley. For minor subdivisions, the traffic control plan and the natural infrastructure plan may be omitted.

A. Primary plat

The primary plat shall be prepared by a professional surveyor at a convenient scale of not more than one inch equals 100 feet, and the sheets shall be numbered in sequence if more than one sheet is used with the current page number and total page numbers appearing on each sheet. The plat shall be of such size as is acceptable for filing in the Office of the Marion County Recorder, but shall not be larger than 42 by 48 inches in dimension. The primary plat shall show the following:

1. Proposed name of the subdivision, to be placed at the top of each sheet, and must clearly reference any existing subdivisions or sections (with recorded instrument number) that it abuts.
2. Location by section, township and range, and by other legal description. For verification of plat closure, the text legal description and the annotation shall match exactly.
3. The plat shall be prepared with the permitted tolerances listed in Table 741-203-1:

Table 741-203-1: Permitted tolerances	
Calculation of Acreage	0.001 AC (1/1000th)
Closure of Plat perimeters	+/-0.05 feet
Closure of Individual lots, blocks, etc.	+/-0.01 feet

4. Name, address, signature, seal and certification of the professional surveyor who prepared the primary plat.
5. Scale, noted in writing and graphically, of the primary plat, including graphic scale, north arrow and date.
6. Boundary lines of the proposed subdivision indicated by solid, heavy lines, based upon a traverse with angular and lineal dimensions shown on the plan.
7. Radii, central angles, tangents, lengths of arcs, curvatures, angles at street intersections and a complete street traverse of each street within and on the perimeter of the plat.
8. Locations, dimensions and names of all existing streets or other public ways, railroad and utility rights-of-way or easements, parks and other public open spaces, permanent buildings or structures, and section and municipal corporation boundary lines within 100 feet of the area proposed to be platted.
9. In the case of a replat, all descriptive lines of the original plat being vacated, shown as dotted lines in relationship to the lines of the new plat, the new plat being shown clearly in solid lines. A copy of the original plat shall be filed with the proposed replat.

10. Boundary lines of adjoining and adjacent unsubdivided and subdivided land, showing owners' names within 100 feet of the area proposed to be platted, indicating the recorded name, date and number of any such subdivided land.
11. Existing zoning of the area proposed to be platted and of land adjoining and adjacent thereto. If the subdivision is in a dwelling district and utilizing the Cluster or Zero-lot line option, it shall be clearly noted as such.
12. Layout of all streets, indicating the names, widths (pavement and rights-of-way), classifications thereof, and indicating whether public or private.
13. Layout of all access easements, vehicular and non-vehicular, indicating the dimensions and purpose thereof, and indicating whether public or private.
14. Layout and numbers of lots, including accurate dimensions (in acreage or square feet), of lots. The number of lots and range of lot numbers shall clearly be stated. In new developments, lot numbers shall be consecutive within each section or phase, and may not be repeated in subsequent sections or phases within a subdivision.
15. Areas to be allocated for park, school, recreational, and other public and semipublic uses, with the purpose proposed for each such area to be indicated on the primary plat. The size of each such area shall clearly be stated. All areas to be dedicated or reserved for public use shall further be noted in the applicable dedication, deed or covenant.
16. Areas to be allocated as common area or common open space, with the purpose proposed for each such area to be indicated on the primary plat. All areas to be reserved by deed or covenant for common use by owners of land contained in the proposed plat shall further be noted in the applicable dedication, deed or covenant.
17. Areas to be allocated for public service or utility easements, showing accurate dimensions and indicating the type of facility.
18. If the primary plat is to be divided into sections for platting, an indication of the boundaries and numbers of such sections.
19. Floodway or floodway fringe delineation, as established by Section 742-203 (Flood Control Zoning District).
20. Drainage covenant and sanitary sewer covenant, as established by Chapter 561 and Chapter 671 of the Revised Code of the Consolidated City and County.

B. Area map

The area map shall be at an appropriate scale (not greater than one inch equals 1,000 feet) and shall indicate the following:

1. The name and location of the proposed subdivision.
2. The scale of the area map, north arrow, and date.
3. Street, lot and tract lines of parcels of land and subdivisions within 1,000 feet of the area proposed to be platted and between such area and the nearest thoroughfare.
4. The zoning of adjoining and adjacent land within the boundaries of the area map.
5. Existing or proposed park, school, recreational and other public or semipublic use within the boundaries of the area map.

C. Topographic map

The topographic map shall be drawn upon a copy of the primary plat and shall indicate:

1. The name and location of the proposed subdivision.
2. The scale of the topographic map, north arrow, and date.
3. Contours based upon the U.S. Coast and Geodetic Datum or U.S. Geological Survey Datum bench marks at one-foot vertical intervals, showing clearly by flow lines and arrows the drainage pattern of surface water, both natural and proposed, within and through the area proposed to be platted, the location and elevation of such bench marks to be shown thereon. The Administrator may permit two-foot or five-foot vertical contour intervals in areas of very steep slopes, such as ravines.
4. A diagram of the proposed course of surface water drainage from the point where water leaves the proposed plat to a legal ditch, natural stream or public storm sewer, to be shown by flow lines, arrows and descriptive notes.
5. Existing sewers, water mains, culverts and other underground facilities within or adjacent to the tract indicating pipe size, grades and exact location as obtained from public records, together with a sketch plan of any group sewage disposal system, if proposed, that has been approved in writing by the Marion County Public Health Department.
6. If private disposal systems are proposed, the location and results of an on-site soil survey, including a determination of soil load rate, glacial till depth and other drainage characteristics to determine feasibility of an absorption field. This shall be performed for each lot in the location of the proposed absorption field. Such testing shall be conducted by a certified soil scientist, as required by the Marion County Public Health Department.
7. Other significant conditions of the area proposed to be platted, such as watercourses, wetlands, land subject to flooding (both floodway and floodway fringe areas), rock outcrops, wooded areas, wells, houses, and any other structures.

D. Traffic control plan

A traffic control plan shall be required in the case of major subdivisions and developments that will include one or more new streets. The traffic control plan shall be drawn upon a copy of the primary plat and shall indicate the placement of the following:

1. Traffic control street signs and devices;
2. Traffic calming devices;
3. Bicycle facilities;
4. Sidewalks and pedestrian walkways;
5. Transit facilities, such as bus stop pads or shelter; and
6. Street lighting.

E. Natural infrastructure plan

A Natural Infrastructure Plan shall be required in the case of major subdivisions containing more than 20 residential lots and in the case of other developments including

more than 15 acres. The Natural Infrastructure Plan shall be drawn upon a copy of the primary plat and shall indicate:

1. Placement of all proposed drainage facilities for the subdivision, indicating type of facility and if the facility is to be designed to be wet or dry;
2. Location of Open Space Areas of the open space common area, indicating size and general improvements.
3. Location of any Stream Protection Corridors in accordance with Section 744-205 (Stream Protection Corridors).

Section 04. Documents submitted for secondary approval

The secondary plat, final natural infrastructure plan, final traffic control plan, and an engineer's cost estimate of each improvement and installation, all in prescribed quantities, shall be provided in addition to the documentation required by the Rules of Procedure. A final traffic control plan shall be provided for a subdivision and for other applications proposing a new street or alley. For minor subdivisions, the traffic control plan, natural infrastructure plan and engineer's cost estimate may be omitted.

A. Secondary plat

The secondary plat shall be prepared by a professional surveyor. The secondary plat shall be presented on reproducible mylar or other format approved by the Administrator at the same scale and containing the same information, except for any changes or additions required by the Committee, as shown on the primary plat. All certifications shall be made in permanent black ink with each signature accompanied by the printed name. The primary plat may be used as a secondary plat if it meets these requirements and is revised in accordance with the Committee's disposition and provided that that the Boundary lines of adjoining and adjacent unsubdivided and subdivided land, showing owners' names, recorded name, date and number, shall be removed. All revision dates must be shown as well as the following:

1. A correct and accurate legal description of the land platted, indicating any changes from the description appearing in the last record transfer of such land.
2. Notation of any self-imposed restrictions, and restrictions that may have been placed upon the property through rezoning, approval or variance petitions, referencing petition numbers and instrument numbers, as applicable.
3. Endorsement on the plat of every person having a security interest in the subdivision property that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property by the plat.
4. Lots numbered as approved by the Administrator.
5. Addresses, as assigned and approved by the Administrator.
6. All monuments erected, corners, and other points established in the field in their proper places. The material of which monuments, corners, or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.

B. Final Traffic Control Plan

The final Traffic Control Plan shall be drawn upon a copy of the plat and shall indicate the placement of the elements listed below. The final Traffic Control Plan should reflect the information as shown on the plans submitted with the primary plat, except for any changes or additions required by the Committee. The plans submitted with the primary plat may be used if the plans are in accordance with the Committee's disposition.

1. Street name signs for the subdivision, with specifications;
2. Traffic control street signs, with specifications;
3. Traffic calming devices and markings, with specifications;
4. Bicycle facilities and markings, including specifications of the facility;
5. Sidewalks and pedestrian walkways, indicating dimensions and materials;
6. Traffic control devices along access easements;
7. Transit facilities, such as bus stop pads or shelters, with specifications; and
8. Street lighting with specification details.

C. Final Natural Infrastructure Plan

The final Natural Infrastructure Plan shall be drawn upon a copy of the plat and shall indicate the placement of the elements listed below. The final Natural Infrastructure Plan should reflect the information as shown on the plans submitted with the primary plat, except for any changes or additions required by the Committee. The plans submitted with the primary plat may be used if the plans are in accordance with the Committee's disposition.

1. Placement of lot trees, indicating type and size;
2. Placement of all proposed drainage facilities for the subdivision, indicating type and size of facility and if the facility is to be designed to be wet or dry;
3. Water depth, treatment of edge and profile detail for infrastructure designed to be wet;
4. Planting plan indicating species, size, and quantities, for any Best Management Practices (BMPs) requiring live vegetation; and
5. Location of Primary and Secondary Open Space Areas of the open space common area, indicating size, included features and any improvements.

D. Other Documents

1. If connections are not provided to a public or semipublic water system or public or semipublic sewage system, evidence that the applicant has notified the Marion County Public Health Department and requested that Department’s endorsement of the application.
2. Engineer’s cost estimate of each improvement and installation required by the Subdivision Regulations.
3. Surety as required by the Subdivision Regulations.

Section 05. Waiver of standards and specifications

A. Findings

1. The standards in Article III of these regulations may be waived by the Commission or Committee as indicated below; however, to be approved, the plat must still meet all applicable standards prescribed in the Zoning Ordinance other than any standard modified by variance.
2. Where the Committee finds that extraordinary practical difficulties may result from strict compliance with these regulations or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers or modifications to the standards in Article III of these regulations so that substantial justice may be done and the public interest served. The waiver or modification shall not have the effect of nullifying the intent and purpose of these regulations. The Committee shall not approve waivers or modifications unless it finds based upon the evidence presented to it in each specific case that:
    a. The granting of the waiver or modification will not be detrimental to the public health, safety, or welfare or injurious to other property;
    b. The conditions upon which the request is based are individual to the property for which the relief is sought and are not applicable generally to other property;
    c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
    d. The resulting subdivision fulfills the purpose and intent of these regulations at an equal or higher standard than what would have been possible without the deviation; and
    e. The relief sought shall not in any manner vary from the provisions of the Zoning Ordinance, or official zoning base maps, except as those documents may be amended in the manner prescribed by law.

B. Deferral or waiver of required improvements

1. The Committee may defer or waive at the time of primary approval, subject to appropriate conditions, the provision of any or all public improvements that, in its judgment, do not further the interests of the public health, safety, and general welfare, or that are inappropriate because such provision produces an unsafe or unhealthy situation. Any determination to defer or waive the provision of any public improvement must be made on the record, and the reasons for the deferral or waiver also shall be expressly made on the record.
2. Whenever it is deemed necessary by the Committee to defer the construction of any improvement required under these regulations because of incompatible grades, topography, future planning, inadequate or nonexistent connecting facilities, or for other reasons, the subdivider shall pay his fair share of the costs of the future improvements to the local government prior to signing of the secondary subdivision plat by the Administrator, or a separate subdivision improvement agreement may be executed and secured by a letter of credit guaranteeing completion of the deferred improvements upon demand of the local government.

C. Commitments and Conditions

As a condition of granting a waiver under this subsection, the commission or committee may allow or require a commitment to be made.

D. Procedures

1. The request for a waiver or modification of the standards fixed in these regulations must be submitted in writing by the applicant at the time when the primary plat is filed for the consideration of the Committee. The request and support documentation shall state fully the grounds for the waiver or modification and all of the facts relied upon to reach such a conclusion.
2. Any waiver not specifically requested shall not be considered approved even if the plat is approved.

Section 06. Effective period of primary plat approval

The approval of a primary plat shall be effective for a period of 2 years after the date of the Committee's conditional approval of the primary plat. The applicant shall have submitted a secondary plat for approval prior to the end of such time. Plats that are not recorded within such two-year period shall, at the expiration of such two-year period, become invalid and shall not be entitled to recording without reapproval by the Committee. The Committee shall determine if the approval shall be in accordance with the same standards, requirements and procedures specified by these regulations for original plat approval, or if in the event that standards or requirements have changed, what standards shall apply.

Section 07. Secondary approval

A. After the time period for appeal of a Committee decision on a primary approval has lapsed, the secondary approval may be granted. The Administrator, as authorized by IC36-7-4-710, has the authority to grant secondary approval on behalf of the Commission and Committee. The Administrator shall not grant secondary approval unless:

1. All conditions of primary plat approval are met;
2. All zoning requirements are met;
3. The secondary plat is in substantial compliance with the approved primary plat; and
4. The plat has been stamped by the county assessor.

B. A secondary plat may be filed for all or a part of the land included in an approved primary plat, provided that all infrastructure required for full services to lots included in the secondary plat have been provided, and provided that all lots and open spaces included in the secondary plat have access onto a public street or an approved private street. If the subdivision contains common open space, that open space may not be included in the last secondary plat of remaining lands in an approved primary plat, but must be included in one or more earlier secondary plats.

C. Secondary approval may be granted to a plat for a subdivision in which the improvements and installations have not been completed if the applicant provides satisfactory assurance that the installations and improvements will be installed or extended in compliance with these regulations.

D. At the time of secondary plat approval, the full right-of-way for all streets along the boundary of the subdivision under the applicant's ownership control shall be dedicated to the City of Indianapolis or the jurisdiction thereof having legal responsibility for the improvement, free and clear of all liens and encumbrances.

E. A plat of a subdivision may not be filed with the Auditor, and the Recorder may not record it, unless it has been granted secondary approval and has been signed and certified with the Commission seal by the Administrator. The filing and recording of the plat is without legal effect unless secondary approval has been granted by the Administrator.

Section 08. Recording of plats

A. Plat contents

A plat shall not be recorded unless the plat is in accordance with the Committee approval and bears all the following:

1. The seal of the Commission;
2. Stamp of the County Assessor;
3. Stamp by the professional surveyor;
4. Stamp of the County Auditor;
5. All owners' consent signatures, notarized;
6. Dedication statement for streets and public utility easements;
7. Addresses and street names as approved by the Administrator;
8. Delineation of Floodway and Floodway Fringe, as required by these regulations;
9. All restrictive covenants, if proposed;
10. Sight distance covenant (See Section 741-702);
11. Enforcement covenant (See Section 741-701);
12. Storm drainage covenant (See Section 741-703);
13. Storm Water Best Management Practices covenant (See Section 741-705);
14. Sanitary sewer covenant (See Section 741-704); and
15. All other item as prescribed by the Committee or these regulations.

B. Ratification of the plat

1. The recorded plat shall be ratified by the Committee.
2. Once the plat has been recorded, copies of the recorded plat and covenant document (the instrument number clearly appearing on each) shall be delivered to the Administrator prior to the issuance of Improvement Location Permits. The Administrator shall determine the applicable number of copies and format of each document required.

Section 09. Completion and maintenance of improvements

A. All applicants shall be required to complete, in accordance with the Committee's decision and to the satisfaction of the municipality, all the street, sanitary sewer and storm drainage, sidewalks, street signs, monuments, erosion control, street lights, and other required improvements, including lot improvements on the individual lots of the subdivision, as required in these regulations, specified in the secondary plat and as approved by the Committee, and to dedicate those public improvements to the municipality, free and clear of all liens and encumbrances on the dedicated property and public improvements.

B. Secondary Plat. Before the secondary plat is signed by the Administrator, the applicant shall provide a maintenance bond and a copy of the written completion and compliance affidavit from the agency that has jurisdiction over the required improvements that the improvements have been completed in accordance with these regulations; or, at the discretion of the Committee, provide a subdivision improvement agreement and performance surety in which:

1. The applicant shall covenant to complete all required sanitary sewer, street base, binder and curbs, street topcoat, storm drainage, street signs, monuments, erosion control, sidewalks, street lights and other required improvements no later than 2 years following the date on which the Administrator signs the secondary plat.
2. The applicant shall covenant to maintain each required improvement for a period of three years after the date of acceptance of the improvement by the City, and also shall warrant the governing body of the dedication of the last completed improvement. The subdivision improvement agreement shall contain such other terms and conditions agreed to by the applicant and the Commission.
3. A performance bond or letter of credit shall be provided before the seal of the Commission, the approval of its officers, and the certificate that public notice of the hearing was published, are affixed and attached to the plat.

C. A subdivision improvement agreement and performance surety are not required for minor subdivisions unless specifically required as a condition of approval by the Committee.

Section 10. Performance surety

A. The performance surety must be a performance bond or letter of credit on the approved Department of Metropolitan Development forms titled "Bond for Subdivision Improvements," and "Irrevocable Standby Letter of Credit." Performance surety may be provided as a single performance bond or letter of credit guaranteeing all improvements and installations, or individual performance bonds or letters of credit may be provided for each type of improvement or installations.

B. Performance surety is required unless the improvements and installations have been constructed, installed and completed in compliance with these regulations, as evidenced by the submittal of the completion and compliance affidavit and a maintenance bond as required by these regulations.

C. The performance surety must be in the following amounts of the cost, as determined by the Administrator, of all improvements and installations as required by these regulations that have not been constructed, installed and completed in compliance with these

regulations and the maintenance bond and completion and compliance affidavit provided to the Administrator:

1. 110% of the costs of all improvements except the final coat of street paving; and
2. 125% of the costs of the final coat of street paving.

D. For projects not within the jurisdiction of an excluded city or town (Beech Grove, Lawrence, Southport, and Speedway), the beneficiary of the surety shall be jointly and severally the City of Indianapolis and any other governmental unit or regulated utility having a legal responsibility for the construction and completion of such improvements and installations required by these regulations. For projects within the jurisdiction of an excluded city or town (Beech Grove, Lawrence, Southport, Speedway), the beneficiary of the surety shall be jointly and severally the City of Indianapolis and the excluded city or town.

E. When said performance surety has been provided previously to the other governmental unit or regulated utility, a certified copy, issued by the surety, shall be accepted by the Commission, provided all other provisions of these regulations are met.

F. To obtain the release of a performance surety, a completion and compliance affidavit and, if required, a maintenance bond must be provided to the Commission. Within 90 days of receipt, the Administrator shall determine if all requirements of these regulations have been met. If the regulations have not been met, notification shall be provided by at least first class mail to the applicant requesting release of the surety. Until such release is approved, the surety shall continue to run and the improvements and installations shall not be accepted until all relevant standards are met.

G. The subdivision name, and section number if applicable, and all required improvements and installations for the subdivision shall be specified in the performance surety and specified to be completed in accordance with the requirements and specifications of these regulations prior to the time that houses or dwelling units have been built upon 81% or more of the lots shown upon such plat, or prior to the time that 51% or more of the nonresidential lots have been constructed upon, or within 3 years after the date of the Commission's affixing its approval to such plat, whichever event first occurs.

H. The performance surety must provide that upon completion of such required improvements and installations, but prior to the acceptance thereof for public maintenance by the appropriate public agency or release of any performance surety, the applicant shall provide a 3 year maintenance bond as required by these regulations.

I. All funds received from the performance bonds or maintenance bonds required by these regulations shall be used only for the purpose of making the improvements, installations or repair for which such bonds were provided, in accordance with the standards, specifications and requirements of these regulations.

Section 11. Completion and compliance

A. Upon the completion of all improvements and installations as required by these regulations, the applicant shall furnish the applicable agency having jurisdiction, and any other appropriate governmental unit or regulated utility having a legal responsibility for the completion of such improvements and installations, with sufficient written proof, including any required as-built drawings, that the improvements and installations have been constructed, installed and completed in compliance with the requirements of these regulations.

B. Upon the satisfaction of the appropriate governmental unit or regulated utility that the required improvements have been completed in accordance with these regulations, the applicant shall obtain a completion affidavit from such governmental unit or regulated utility having jurisdiction, stating that the required improvements and installations have been accepted for maintenance by the governmental unit or regulated utility, subject to the terms of a maintenance bond provided by the applicant.

C. A maintenance bond and completion affidavit shall be provided to the Administrator.

D. A copy of the operations and maintenance manual for each of the best management practices constructed on site shall be provided to the Administrator.

E. Improvements and installations shall not be considered complete or in compliance if junk, rubbish, or other waste materials of any kind, whether natural, such as cut trees, timber, rock, or construction-related, such as concrete, are buried in any part of the subdivision. All construction materials, whether excess, surplus or waste, shall be removed from the subdivision prior to the dedication of public improvements and the expiration of the maintenance bond.

Section 12. Maintenance bond

A. Upon completion of the following types of improvements, but prior to the acceptance of those improvements for maintenance by the appropriate governmental unit or regulated utility, the applicant shall provide a 3 year bond for the following improvements and installations: streets, sanitary sewer, storm drainage including associated landscaping, sidewalks and pedestrian walkways, street signs, and other improvements as required by the Committee. Unless specifically required by the Committee, maintenance bonds shall not be required for the following improvements: monuments, erosion control, or street lights.

B. The maintenance bond shall be with the applicant or some other person satisfactory to the Commission as principal, and shall run jointly and severally to Marion County, Indiana, the Commission, and, if applicable, any other governmental unit or regulated utility having a legal responsibility for the construction, completion or maintenance of such improvements and installations. For projects not within the jurisdiction of an excluded city or town (Beech Grove, Lawrence, Southport, and Speedway), the beneficiary shall be the City of Indianapolis. For projects within the jurisdiction of an excluded city or town (Beech Grove, Lawrence, Speedway, etc.), the beneficiaries shall be jointly the City of Indianapolis and the excluded city or town.

C. The maintenance bond shall be in an amount equal to 20% of the cost, as determined by the Administrator, of all improvements and installations as required by these regulations and the cost of any improvement or installation for which an equivalent bond has previously been provided to such other governmental unit or regulated utility.

D. The maintenance bond shall provide surety satisfactory to the Commission.

E. The maintenance bond shall warrant the workmanship and all materials used in the construction, installation and completion of such improvements and installations to be of good quality and constructed and completed in a workman-like manner in accordance with the standards, specifications and requirements of these regulations and the satisfactory plans and specifications for such improvements submitted to the Administrator.

F. The maintenance bond shall provide that for a period of 3 years after formal acceptance, the applicant shall at its own expense make all repairs to such improvements and installations, or the foundations of those improvements, that may become necessary by reason of improper workmanship or materials, but not including any damage to such improvements and installations resulting from forces or circumstances beyond the control of the applicant or occasioned by the inadequacy of the standards, specifications or requirements of these regulations.

G. Maintenance bonds shall be filed on the approved Department form titled "Maintenance Bond." All funds received from the maintenance bonds required by these regulations shall be used only for the purpose of making the improvements, installations or repair for which such bonds were provided, in accordance with the standards, specifications and requirements of these regulations.

Section 13. Minor Amendments to Secondary Plats

An administrative procedure is hereby established for the approval of an amendment to a recorded secondary plat to address minor corrections or adjustments to a recorded secondary plat where such corrections or adjustments are consistent with the intent, terms and conditions of the original primary plan as approved by the Plan Commission.

A. Approval of an Amendment to a Secondary Plat

Approval of a minor amendment to a secondary plat is hereby delegated to the Director, provided that:

1. Any and all conditions imposed by the Plan Commission on the primary plat have been fully complied with by the subdivider; and
2. The nature of the minor amendment is consistent with the Determination of Minor Amendments set forth below.

B. Procedures

Amendments authorized by this Section 741-213 shall be filed in the same manner as a secondary plat, including but not limited to:

1. Secondary plat application;
2. Filing fees; and
3. Consent of all owners of the land included in the proposed amendment.

C. Determination of Minor Amendments

The following corrections and adjustments to a secondary plat shall be considered minor amendments and may be approved through the use of the special provisions of this Section 741-213:

1. Correction of a typographical error in a legal description.
2. Correction of a bearing, distance or curve data, provided such correction does not alter the location or boundary of any Lot or easement.
3. Correction of a misspelling.
4. Correction of an incorrect or missing signatures.
5. Correction or change of an address assigned to a Lot.

6. Correction or change of an assigned Street name.
7. Addition, deletion or modification of a note on a Secondary Plat that does not affect the use or enjoyment of a Lot.
8. Addition, deletion or modification of the delineation of a feature (e.g., notations regarding areas subject to the National Flood Insurance Program).
9. The name of a recorded subdivision.
10. Modification of the function of an easement to increase the use of the easement (e.g., change of a "Sewer Easement" to a general "Drainage & Utility Easement").
11. The combination of two (2) or more Lots to create one (1) or more Lots that are all larger than the original lots being joined.

D. Scope of Minor Amendments

Minor amendments to a recorded secondary plat may apply to an entire recorded secondary plat or only that portion of a recorded secondary plat which is impacted by the amendment.

E. Limitations on Amendments

The provisions of this Section 741-213 shall not be applicable to any of the following changes to a recorded secondary plat:

1. The vacation of a plat or portion of a plat, including plat covenants required by the Commission.
2. The vacation of a public place
3. The vacation of a platted easement.
4. The vacation of a public way or platted Right-of-Way.
5. The vacation of any public lands or public places.

F. Duration of Approval

The applicant shall record an amendment of a Secondary Plat within sixty (60) days of approval. If the amended Secondary Plat is not recorded within the prescribed period, the approval shall be considered null and void.

Article III. DESIGN AND INSTALLATION STANDARDS

Section 01. General

All proposed plats submitted for Committee approval under the provisions of these regulations shall meet these standards to the satisfaction of the Committee unless waived by the Committee.

Section 02. Lots and blocks

A. Design of lots

1. Lots shall be laid out and designed to comply with all applicable zoning district regulations as shown in Sec. 744-200 (Lot and Building Dimensions) or per zoning commitment, condition of a variance grant, cluster plat approval, or approval grant. The size, width, depth, shape, and orientation of each lot in a subdivision shall also take into consideration topography (steepness of slope and gradient), physical features, type of use contemplated and effect on adjacent lots.
2. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Each lot owner shall maintain the grade level of the lot as it relates to stormwater drainage, in compliance with the approved construction plans.
3. No more than 25% of the minimum lot area required under the applicable zoning district may be satisfied by land that is under permanent or seasonal water.
4. Side lot lines shall be at right angles to street lines, or radial to curving street lines, whenever possible. Whenever feasible, lots shall be arranged so that the rear lot line does not abut the side lot line of an adjacent lot.
5. No strip or area of land shall be reserved along any portion of a right-of-way where the effect of that strip or area prevents access to the right-of-way from adjacent properties or circumvents development standards of the district.
6. Lots for commercial and industrial use shall be of size and arrangement to allow for required off-street parking and loading facilities, unless loading facilities are located on a private street or recorded easement noted and shown on the plat.
7. Minimum building setback lines are regulated by the zoning district in which the property is located. Larger setbacks may be platted at the subdivider's discretion, however, such excessive platted setbacks will not be enforced by the Commission unless such setbacks were required as a part of a commitment, condition, approval, or site plan tied to an approved land use petition.

B. Frontage and access

1. Through lots must be avoided except where they are necessary to provide for the separation of residential development from arterial streets and expressways or to overcome challenges of steep topography and orientation.
2. Triple frontage lots (those lots that have frontage on 3 streets) are prohibited except at the entrances to a subdivision from an abutting street that is an expressway, freeway, primary arterial or secondary arterial.

3. If a lot abuts an improved public or private alley, vehicle access to that lot shall be exclusively from that alley.
4. Lots shall not, in general, derive direct access exclusively from a primary or secondary arterial. If the area proposed to be platted abuts upon or contains an existing or proposed arterial street, the street plan must limit direct access to the arterial to one access point per 500 feet of frontage along the arterial; vehicular access must be provided to each lot by one of the following means:
    a. An alley;
    b. A combined interior access drive easement; or
    c. If located outside of the Compact Context Area, a marginal access street (the marginal access street and the thoroughfare travel land parking lanes must be separated from one another by a landscaped area of land at least 15 feet in width, which may include right-of-way not currently used for travel or parking lanes).
5. Nonresidential subdivisions shall provide cross-access easements that facilitate vehicular access between lots and resulting in no more than one access point to the existing street network for each 500 feet of frontage on a primary or secondary arterial.

C. Blocks

1. The lengths, widths, and shapes of blocks shall be determined with due regard to: limitations and opportunities of topography and other physical features such as utilities, floodplains, jurisdictional wetlands and natural storm drainage patterns; provision of building sites adequate for the uses contemplated; zoning requirements as to lot sizes and dimensions; and need for convenient access, circulation, and control of multi-modal traffic for safety, walkability and efficiency.
2. Maximum block lengths shall not exceed the distances shown in Table 741- 302-1 (measured centerline to centerline of streets at either end of the block) unless the subdivider demonstrates to the satisfaction of the Committee that:
    a. There are pedestrian ways, provided as an improved pedestrian easement, at intervals of 400 feet or less, bisecting the block from street to street; and
    b. Adequate traffic calming provisions are made; and
    c. The proposed Block must be greater than that shown in Table 741-302-1 because of physical conditions of the land including, but not limited to, topography or the existence of natural resource areas such as jurisdictional wetlands, floodways, wildlife habitat areas, steep slopes or woodlands.

Table 741-302-1: Maximum Block Length		
Districts	**Maximum Block Length**	
	In the Compact Context Area	**In the Metro Context Area**
D-A, D-S, D-1, D-2, D-6, D-6II, D-7 districts	850 feet	No limit
D-3, D-4, D-5, D-5II, D-8, D-9, D-10 districts	550 feet	950 feet
All MU districts and all CBD districts	550 feet	550 feet
C-S and D-P districts and Development Plan districts	According to approved site development plan	
Any other district	1250 feet	1250 feet

Section 03. Streets and Connectivity

A. General

All proposed plats shall allocate adequate areas for streets in conformity with the Comprehensive Plan and Official Thoroughfare Plan for Marion County, Indiana, and these regulations.

1. Subdivisions shall provide a logical street layout in relation to topographical conditions, public convenience, safety, multi-modal use and the proposed use of the land to be served by such streets.
2. Street layout shall be in accordance with Sec. 744-300 (Access and Connectivity).
3. Streets shall intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than 75 degrees.
4. Not more than two streets shall intersect at any one point.
5. Bicycle lanes meeting the Indiana Manual on Uniform Traffic Control Devices (IMUTCD) for location, width, and marking shall be provided along collector streets.
6. All streets shall be dedicated to the public. Alleys may be private.
7. All streets shall meet all applicable engineering standards of the Department of Public Works, and the designs shall be approved by that Department.
8. The subdivider shall add turn lanes or other improvements recommended by the Department of Public Works to the existing street system to minimize the impact of the connection upon the existing street system.

B. Through Connectivity

1. In the Metro Context Area

a. Primary arterials shall be located at approximately one mile intervals both in an east-west direction, and a north-south direction. Secondary arterials shall align and connect across arterial streets to distribute traffic and to provide continuity on bicycle routes.

b. Within each one square mile of land defined by primary arterials, secondary arterials shall divide the segment east-west, and north-south at approximately the half-mile points (or from 550 feet to 660 feet on either side of the half-mile points), into 4 approximately quarter-mile square (160 acres) areas.

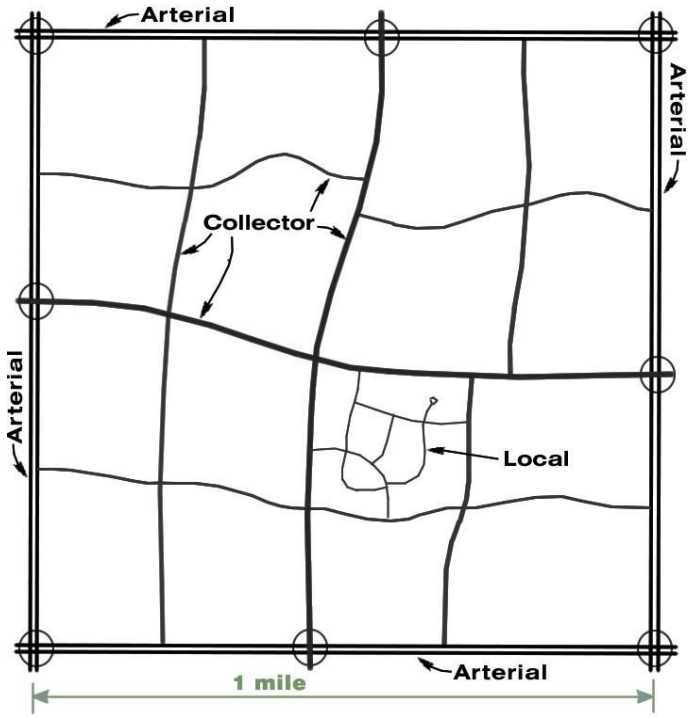

Diagram BB Concept of Roadway Network at One-mile section scale

c. Within each approximately 160 acre segment defined by secondary arterials, at least one continuous collector street must connect a major arterial or a major collector, in both the north-south and the east-west directions.

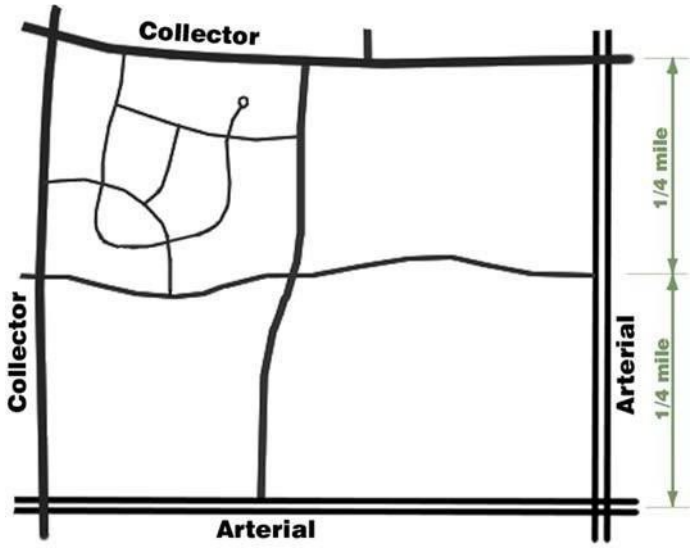

Diagram CC Concept of Roadway network at Quarter Section scale

d. For each approximately 40 acre area generally defined by the collector street network described in subsection 3 above, at least one local street or connection giving access to its interior shall be provided on every perimeter street of the

area unless prevented by a geologic or topographic obstacle. Local streets shall connect across collector streets to the degree practicable.

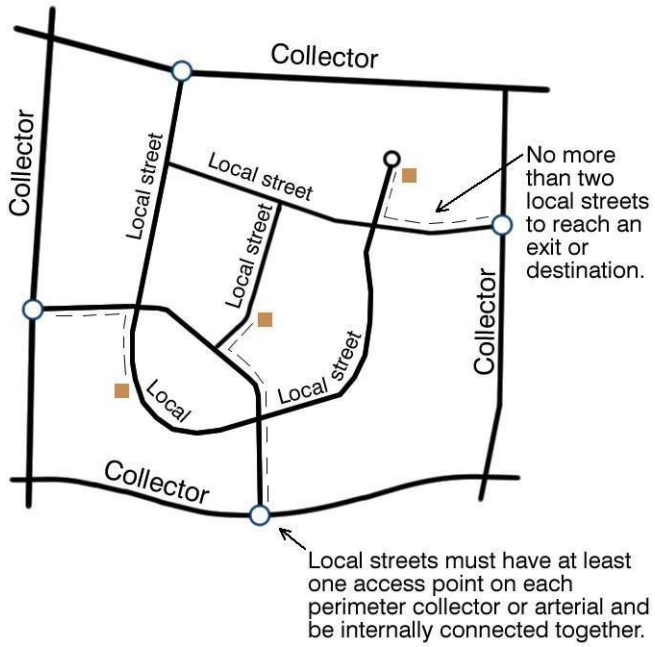

Diagram DD Concept of Roadway Network at 40-acre scale

e. Emergency vehicles must not have to use more than two different local streets (any street other than a primary arterial, a secondary arterial or a collector street) to reach their destination.

f. Access from primary and secondary arterials. Lots shall not, in general, derive direct access exclusively from a primary or secondary arterial. If the area proposed to be platted abuts upon or contains an existing or proposed arterial, the street plan must limit direct access to the arterial to one access point per 500 feet of frontage along the arterial; vehicular access must be provided to each lot abutting the arterial by a combined interior access drive easement; or a marginal access street (the marginal access street and the thoroughfare must be separated from one another by a landscaped median of land at least 15 feet in width).

2. In the Compact Context Area

a. The existing street grid shall be continued through each development to the degree practicable unless the Administrator determines that extension of the street grid is not practicable due to site, utility, or topography constraints or that the extension would compromise public health or safety.

b. Where the existing street grid cannot be extended through a development parcel for reasons stated in subsection 1, the development parcel shall incorporate streets north-south and east-west access through the parcel on approximately a one-eighth (1/8) mile spacing. The resulting streets shall align with streets of the same classification across parcel perimeter streets unless the Administrator determines that alignment is not practicable due to site, utility, or topography constraints or that the alignment would compromise public health or safety.

c. Emergency vehicles must not have to use more than two different local streets (any street other than a primary arterial, a secondary arterial or a collector street) to reach their destination.

3. Additional Connection Requirements

a. Each major subdivision that constructs or proposes a new street shall provide for at least one street connection to each adjacent subdivision or future adjacent subdivision.

b. Each nonresidential subdivision shall provide for vehicle connections to each adjacent subdivision or future adjacent subdivision.

c. All existing or platted streets that terminate at the property boundary line of a proposed subdivision shall be continued into the proposed subdivision to provide street connections to adjoining lands and streets within the proposed subdivision, provided, however, that internal local streets may terminate in a cul-de-sac if the Plat Committee determines that an existing environmental feature severely limits or inhibits connectivity.

d. Permanently dead-ended streets and alleys, except for cul-de-sac streets, are prohibited.

e. Streets longer than one lot that terminate at the property boundary line of undeveloped land shall provide an improved temporary turnaround. The right-of-way of a temporarily dead-ended street shall extend to the property line of the plat. An adequate easement for a turnaround shall be provided with a temporary cul-de-sac provided. A notation on the plat shall state that land outside the normal street right-of-way shall revert to abutting property owners when the street is continued.

f. Subdivisions proposing 30 or more lots shall have more than one access to the existing street network. Subdivisions that propose access to the existing street network by a single outlet shall provide a landscaped median at the intersection of the existing street dividing the two directions of traffic, with the median extending back to the next intersecting street.

g. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 125 ft. between their centerlines.

h. Whenever cul-de-sac streets are created, a 15 foot wide pedestrian access/public utility easement shall be provided between the cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or pedestrian sidewalk or pathway, unless the Administrator determines that public access in that location is not practicable due to site, utility or topography constraints.

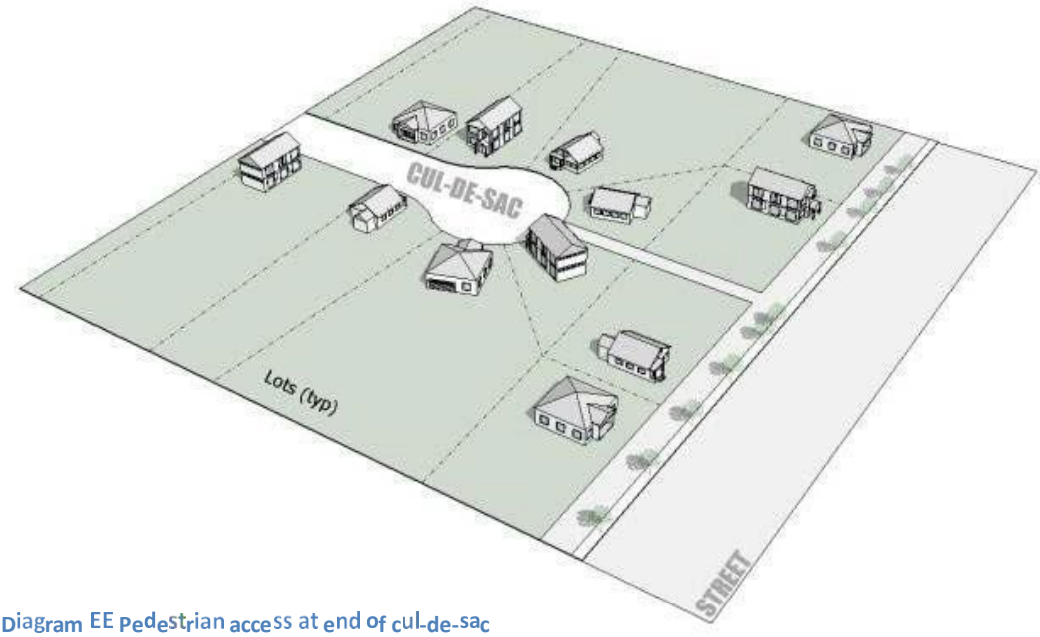

Diagram EE Pedestrian access at end of cul-de-sac

C. Cross-section and right-of-way

All subdivisions shall provide right-of-way and cross-sections in accordance with the Official Thoroughfare Plan. If the Official Thoroughfare Plan does not indicate the street, the cross-section standards in Table 741-303-1: Minimum Street Cross-Section Standards shall be provided.

Table 741-303-1: Minimum Street Cross-Section Standards

Street Type (Two-way unless noted otherwise)	Minimum Right-of-way width		Minimum Pavement Width	
	In the Compact Context Area	In the Metro Context Area	In the Compact Context Area	In the Metro Context Area
Primary Arterial	100 feet	120 feet	As determined by DPW	As determined by DPW
Secondary Arterial	80 feet	100 feet	As determined by DPW	As determined by DPW
Collector	60 feet	60 feet	30 feet	32 feet
Collector in Residential subdivisions	55 feet	60 feet	28 feet	28 feet
Collector in Residential subdivisions, Divided	60 feet	60 feet	18 feet each way	18 feet each way
Local	50 feet	50 feet	26 feet	28 feet
Local in Residential subdivisions	45 feet	50 feet	24 feet	24 feet
Alley	15 feet	20 feet	15 feet	18 feet
Cul-de-sac radius	50 feet	50 feet	38 feet	38 feet

D. Cul-de-sacs

1. In the Metro Context Area, cul-de-sac lengths shall not exceed 500 feet or serve more than 20 dwelling units. In the Compact Context Area, cul-de-sac lengths shall not exceed 300 feet or serve more than 20 dwelling units. A cul-de-sac's length shall be measured from the center point of the cul-de-sac bulb or turn-around to the centerline of the right-of-way of the nearest intersecting through street.
2. Maximum cul-de-sac length may be increased by an additional 50 feet up to a maximum of 550 feet if the Committee determines that it is impractical to connect the street to another street or to provide a looped street or other means of access that would avoid the cul-de-sac or allow the cul-de-sac to meet the length limit because:
   a. The area is separated from other parts of the subdivision or a possible street connection by floodways, jurisdictional wetlands, or steep slopes greater than 10% or other natural resource areas; and
   b. Other properties adjoining the area have already been subdivided or developed in a manner that precludes connecting the cul-de-sac to an existing or proposed street.

E. Alleys

1. Alleys shall be provided in commercial and industrial districts in the Compact Context Area. However, this requirement may be waived if the Committee determines that the existing alley and street network will not be disrupted, and other assured

provisions are made for service access, off-street loading and unloading, and parking spaces consistent with and adequate for the uses proposed.

2. In the Compact Context Area, alleys in Dwelling and Mixed-Use districts must be installed or retained if alleys exist on any block adjacent to the proposed plat.
3. In dwelling districts, alleys may intersect; however, the intersecting alleys may not result in a hammer head ("T") or an ell ("L") shaped intersection.
4. Alleys that serve dock areas shall be designed with adequate turnaround facilities with a hammer head ("T") or an ell ("L") shaped turnaround provided.

F. Installation and construction of streets and alleys

1. The finished elevation for all streets shall be at or above the base flood elevation.
2. **Public streets.** All streets that are to be dedicated to, and accepted for maintenance by, the applicable municipality shall be graded, constructed and surfaced in accordance with these regulations, the Standards for Street and Bridge Design and Construction (Standards for Acceptance of Streets and Bridges; G.O. 49, 1972 of the City-County Council of Indianapolis and Marion County, Indiana) and Chapter 691 of the Revised Code of the Consolidated City and County, both documents are incorporated into these regulations by reference.
3. **Private streets.** All development that is allowed the use of private streets (streets that are not be dedicated to or accepted for maintenance by the applicable municipality), through the grant or approval of an appropriate land use petition, shall comply with the minimum standards set forth in Chapter 744, Article III Access and Connectivity relative to the design and construction of private streets.
4. **Alleys**. All alleys shall be graded, constructed and surfaced in accordance with Section 691-104.

Section 04. Traffic Control Devices

A. Street signs

1. All street signs shall be designed and built to the standards in the Indiana Manual on Uniform Traffic Control Devices (IMUTCD) and Chapter 691 of the Revised Code of the Consolidated City and County.
2. Street signs for the subdivision shall be provided in accordance with the Traffic Control Plan. At least the following signs shall be provided:
   a. Street name signs on the northeast corner of each street intersection, and at any juncture at which the name of the street changes.
   b. Stop signs at any intersection of streets that are of differing street classifications.
   c. Speed limit signs displaying the limit established by law located within the subdivision and within 125 feet of the entrance/exit of the subdivision.
   d. Bicycle route signs and selective exclusion signs along any designated bike route, if the subdivision adjoins or creates a bicycle or multipurpose path as identified on the Regional Bikeways Plan, or if the subdivision provides bicycle routes or multipurpose paths.

B. Traffic calming devices

Local streets and collector streets in residential subdivisions that exceed 900 feet in length shall include traffic calming devices as described in *Recommended Practices for Traffic Calming in Subdivisions*, as adopted by the Commission.

C. Bicycle facilities

For residential subdivisions in which a collector street will serve more than 100 dwelling units, bicycle facilities shall be provided for connection throughout the subdivision. Such facilities may be in the form of an on-street bike lane, or an off-street multi-purpose pathway, or a combination of those types of facilities, and may include bike parking at common or public use spaces. Facilities shall be designed and built to the standards in the Indiana Manual on Uniform Traffic Control Devices (IMUTCD).

Section 05. Numbering and naming

A. In accordance with IC 36-7-4-405 and Chapter 431, Article III of the Revised Code of the Consolidated City and County, street numbers must be approved and assigned in accordance with the addressing guidelines and standards adopted by the Commission. Street names must be recommended for approval in accordance with the addressing guidelines and standards.

B. Streets that are extensions or continuation of, or obviously in alignment with, any existing streets, either constructed or appearing on any validly recorded plat or survey, or valid plat previously approved by the Commission, must bear the names of such existing streets.

Section 06. Sidewalks

Sidewalks shall be provided along both sides of all streets internal to the subdivision, as well as along any existing or proposed perimeter streets that border the subdivision. Sidewalks and other pedestrian facilities shall be provided in accordance with the requirements of Section 744-300 (Access and Connectivity).

Section 07. Easements

All easements shall be indicated on the plat indicating the dimension and purpose. Easements are not required to be exclusive.

A. Utility easements. Generally, utility easements shall be located along a lot line. If the lot line is common to more than one lot, then the easement shall be located along both sides of the lot line. The total width of any utility easement, combined or otherwise, shall be a minimum of 10 feet, unless an alternative size is required by the applicable utility or city agency.

B. Drainage Easements. All BMPs and drainage facilities must be located within an easement. The easement must accommodate adequate access for maintenance.

C. Pedestrian easements. Generally, pedestrian easements shall be 15 feet in width and be considered open to the public unless specifically declared otherwise.

D. Maintenance easements. Generally, maintenance easements for structures near or on a lot line shall be at least 3 feet in width and extend along the entire structure that is near or on a lot line. A means of reasonable access shall also be included in the easement.

Section 08. Utilities

All utility facilities, including but not limited to gas, electric power, telephone, data transmission lines, and cable television cables, shall be located underground throughout the subdivision in accordance with Sec. 744-800 (Underground Utilities). Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense.

Section 09. Stream protection corridors

All subdivisions must be designed and constructed in accordance with the Stream Protection Corridor requirements of Section 744-205 (Stream Protection Corridors).

Section 10. Common areas, open space and public sites

A. Common area

1. Access easements shall be provided to connect all common areas to a public street right-of-way. The minimum width of such access must be at least 15 feet.
2. In the Metro Context Area, whenever a common area for a major subdivision perimeter abuts a secondary or primary arterial, the width of that common area must be a minimum of 15 feet along and paralleling the arterial that the common area abuts.

B. Open space common area

1. Any residential major subdivision with at least 20 dwelling units must minimally provide open space in the form of a multipurpose path, natural landscaping area, and entrance landscaping in accordance with Table 741-310-1: Basic Open Space Components and Minimum Standards for Residential Subdivisions.

Table 741-310-1: Basic Open Space Components and Minimum Standards for Residential Subdivisions		
Open Space Component	**Minimum Size**	**Required Minimum Improvements**
Multipurpose Path	1/4 mile in continuous length that is at least 10 ft. wide easement with 5 ft. wide path	• ADA compliant path • 1 overstory shade tree per 60 ft. of path length • Connection to sidewalk or greenway
Natural Landscaping Area	1 contiguous acre of preserved or planted natural landscaping (no turfgrass); bioretention ponds using native forb and grass edge may be counted however, no more than 50% of the area maybe covered with water	• Informational signage • Bench • 1 overstory shade tree per 10,000 sq.ft. of area of native prairie
Entrance Landscaping	150 sq.ft. per side of entrance	• 2 overstory shade trees • Landscape beds

2. Any residential major subdivision with more than 20 dwelling units, an additional open space component shall be provided for every 30 dwelling units (or portion thereof) over the initial 20 dwelling units in accordance with Table 741-310-2: Additional Open Space Components and Minimum Standards for Residential Subdivisions. However within the same subdivision only one Sport Field component and one Swimming pool or water play component may be counted to fulfill this open space common area requirement. Further, the Sport Field component may only be counted to fulfill this open space common area requirement in the Metro Context Area, and the Plaza component may only be counted to fulfill this open space common area requirement in the Compact Context Area.
3. Stormwater facilities constructed using Low-Impact Development techniques may be adjacent or abutting or in conjunction with a required open space common area component as indicated in Table 741-310-2, however such facilities shall only be counted with one open space common area component.

Table 741-310-2: Additional Open Space Components and Minimum Standards for Residential Subdivisions		
Open Space Component	**Minimum Size**	**Required Minimum Improvements**
Community Garden	In the Metro Context Area, at least 2 acres; in the Compact Context Area, contiguous area equivalent to at least the minimum lot size of two lots	• Water source • Clean soil • Compost or waste bins • Lockable shed • Informational Signage
Dog Park	Contiguous area equivalent to at least the minimum lot size of two lots in the Compact Context Area, and no less than one acre in size in the Metro Context Area; dry retention area may be used	• Fencing and double-gate entry to enclose at least 2 play areas • 1 overstory shade or evergreen tree per 5,000 sq.ft. of area • Seating or table with seating in each area • Waste provisions in each area • Informational Signage

Table 741-310- : Additional Open Space Components and Minimum Standards for Residential Subdivisions		
Open Space Component	**Minimum Size**	**Required Minimum Improvements**
Game Courts	4 regulation-sized courts for any of the following: basketball, hand or racquetball, tennis, bocce, horseshoe, volleyball	• Sport-appropriate court surface • Sport-appropriate striping, goals, fencing & fixtures for regulation play • Benches for each team
Multipurpose Path	½ mile in continuous length that is at least 10 ft. wide easement with 5 ft. wide path	• ADA compliant path • 1 overstory shade tree per 60 ft. of path length • Connection to sidewalk or greenway
Natural Landscaping Area	2 contiguous acres of preserved or planted natural landscaping (no turfgrass); bioretention ponds using native forb and grass edge may be counted however, no more than 50% of the area maybe covered with water	• Informational signage • Seating • 1 overstory shade tree per 10,000 sq.ft. of area of native prairie
Picnic/BB Q area	3 areas at least 2,000 sq. ft. each; areas may be contiguous	• Table with seating, shelter, grill for each area
Playground	Play area at least 3,500 sq. ft.	• ADA compliant • Age-appropriate equipment on protective play surface • Compliant with U.S. CPSC standard 325, 2010, “Public Playground Safety Handbook,” U.S. Consumer Protection Safety Commission, Bethesda, MD
Plaza (Compact Context Only)	2 areas at least 10,000 sq. ft. each; areas may be contiguous	• Hardsurfaced areas & paths to accommodate gatherings • substantial landscaping and may include fountains, statuary, art
Sport Field (Metro Context Only)	One regulation-sized field for any of the following sports: soccer, softball, baseball, football	• Only one per subdivision • Level field of turf or sport-appropriate surface • Sport-appropriate striping, goals, fencing & fixtures for regulation play • Benches for each team
Swimming pool or water play	Water area at least 3,500 sq. ft.	• Only one per subdivision • Compliant with ANSI/APSP/ICC 1-2014, “American National Standard for Public Swimming Pools,” American National Standards Institute, Washington, DC, 2014 • Compliant with ASTM Standard F2461, 2009, “Standard Practice for Manufacture, Construction, Operation, and Maintenance of Aquatic Play Equipment,” ASTM International, West Conshohocken, PA

C. Common area for public site

A subdivision may allocate adequate areas for park, school, and other public and semipublic use, wherever necessary in conformity with the comprehensive plan and as required by the Commission. The location, shape, extent and orientation of such areas shall be consistent with existing and proposed topographical and other conditions, including, but not limited to, the park, school, and other public and semipublic needs of the proposed subdivision. Such areas shall be made available by one of the following methods:

1. Dedication to public use;
2. Reservation for the use of owners of land contained in the plat, by deed restriction or covenants that specify how and under what circumstances the area or areas shall be developed and maintained; or
3. The reservation of a public site may be released for private use to the owners of the plat upon filing of a revised secondary plat.
    a. In the event that no governmental unit or regulated utility proceeds with such acquisition within 18 months of the date of the recording of the plat; or
    b. If released by such governmental unit or regulated utility prior to the expiration of the 18 month period; and
    c. The primary plat indicated two options for development and the Committee approved both options.

Section 11. Stormwater

A. Stormwater drainage facilities are to be designed and constructed to meet the stormwater quality and quantity standards established in the stormwater specifications manual. The drainage facilities in the excluded cities of Beech Grove, Lawrence, Speedway, and Southport are to be designed and constructed to meet the standards established for each of these jurisdictions.

B. Major subdivisions in the Metro Context Area shall meet the stormwater quality and quantity standards using Low-Impact Development techniques. However, residential subdivisions shall not use sand filters as a BMP.

C. For projects where low impact development (LID) techniques are technically infeasible to meet stormwater quantity standards, the applicant shall provide a justification demonstrating why the use of LID techniques is not possible. Documentation of technical infeasibility shall include engineering calculations, geologic reports, hydrologic analyses, and site maps. In such case, LID stormwater management techniques shall still be used to meet water quality standards.

D. All BMPs must be located within an easement. The easement must include access to the BMP for maintenance. The purpose of each easement shall be specified in the maintenance agreement. A copy of the easement should be included in the BMP operations and maintenance manual required by the stormwater specifications manual.

E. Maintenance improvements. Facilities providing for the proper on-going maintenance of any stormwater drainage facility shall be provided. Signs indicating no-mow areas, fence demarcating boundaries of natural areas, species and informational markers, and grate markings are examples of such improvements.

F. The responsibility of inspection and maintenance of stormwater facilities is the responsibility of the owner as provided for in sections 561-211 and 561-252 of the Revised Code. Maintenance access shall be provided to stormwater facilities to assure continuous operational capacity of the stormwater facility. Specific guidelines for inspections and maintenance can be found in the stormwater specifications manual and in the operations and maintenance manuals for the facility as provided for in section 561-234 of the Revised Code.

G. Erosion Control provisions shall be provided in accordance with Chapter 561 of the Revised Code of the Consolidated City and County and the stormwater specifications manual.

Section 12. Monuments

A. Permanent reference monuments shall be placed in the subdivision by a Professional Surveyor. Where no existing permanent monuments are found, monuments must be installed no more than 600 feet apart in any straight line and in accordance with the schedule in Table 741-312-1.

Table 741-312-1. Schedule for Monumentation

Time frame	Location of Monuments to be set
Before submitting secondary plat for approval	All quarter section corners on the boundaries of or within the area to be platted; At all angle points on exterior boundary lines of the parent tract that coincide or control the location of any lines of the proposed plat; and At the beginning and end of all curves and points of tangency of the perimeter of the plat.
After plat recording and within 90 days of the conclusion of development	At the intersections of all street centerlines within the plat; and At both ends of all curves on the centerlines of all streets within the plat.

B. Monuments shall be a five-eighths (5/8) inch or larger diameter metal rod having a metal cap on top showing either the responsible professional surveyor's surname and professional license number or the Indiana firm/agency's identification number in accordance with 865 IAC 1-12-18. Monuments for street centerline demarcation shall be a length equal to or greater of the thickness of the pavement. Other required monuments shall be a length of at least 36 inches.

C. Each monument shall be installed so the cross mark shall coincide with the point being marked, set flush with grade level, detectable by a magnetic locator, and installed in such a manner that they will not be dislodged or removed by frost heave.

D. The retracement survey of the parent tract containing the proposed subdivision, or of that part of such tract controlling the location thereof, shall be executed and recorded in the office of the Marion County Recorder before the secondary plat is submitted to the Commission for approval in accordance with 865 IAC 1-12.

E. All required monuments that are installed subsequent to plat recordation shall be set by a professional surveyor in compliance with these regulations, the recorded subdivision plat, and the monumentation shown on the previously recorded retracement survey (of the tract containing such plat). The location and detailed description of and reference ties to such subsequent monuments shall be shown on a copy of the recorded plat. Such copy shall be newly certified regarding such monuments by the professional surveyor, recorded in the office of the Marion County Recorder, and cross-referenced to the original plat. The new certificate regarding these monuments set after plat recordation shall be affixed with the Registrant's Seal and shall read as follows:

"I, the undersigned Indiana Land Surveyor, hereby certify that the new survey monuments shown on this copy of the previously recorded plat herein were set by me subsequent to the recordation of said plat in accordance with Chapter 741 of the Revised Code of the City of Indianapolis and Marion County, Indiana.

Dated: _____

Signed (name): _____

PLS Registration No. "

Section 13. Flood control

A. All development shall comply with all provisions of Section 742-203 (Flood Control Zoning District).

B. Floodway and Floodway Fringe zones shall be delineated and labeled on the primary plat and the plat to be recorded.

C. For Zone AE areas, the plat must show the BFE topographic line.

D. For Zone A areas, the plat must show the delineation study with the floodway and floodway fringe lines shown on the FIRM maps.

Section 14. Water supply system

A. Subdivisions in the Compact Context Area shall be connected to a public water supply system in accordance with the "Standard Practice and Engineering Requirements for the Installation of Water Mains, Service Lines, Meters and Appurtenances" as maintained by Citizens Energy Group or its successors or assigns as owner or operator of the water supply system.

B. All public and semipublic water supply systems shall be designed and constructed to the standards of the applicable water utility serving the site. In the case where private wells are permitted by the applicable zoning district, or through a variance grant or grant of an approval petition, such systems shall be designed and constructed to the standards of the Marion County Public Health Department and the Indiana State Board of Health.

Section 15. Sewage disposal system

A. Subdivisions in the Compact Context Area shall be connected to public or semipublic sanitary sewer facilities.

B. Subdivisions located within a Flood Control Zoning District or a Wellfield Protection District shall be connected to public or semipublic sanitary sewer facilities.

C. All sewage disposal systems are to be designed and constructed to the "Indianapolis Sanitary District Standards" current edition as maintained by Citizens Energy Group or its successors or assigns as owner or operator of the sanitary sewer system. In the instance where septic systems are permitted by the applicable Code, or through a variance grant, or grant of an approval petition, such systems shall be reviewed and approved by and designed and constructed to the standards of the Marion County Public Health Department, and the Indiana State Board of Health.

Section 16. Street Lighting

All subdivisions must be designed and constructed in accordance with the Street Lighting requirements of Section 744-600 (Street and Exterior Lighting).

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Article IV. REPLATS

A. The resubdivision of an already approved secondary plat, or portion of such secondary plat, shall obtain approval for the resubdivision in accordance with the same procedures required for the subdivision of land.

B. Resubdivision or replat includes:

1. Any change in any street layout;
2. Any change in any lot line, not including transfers between adjoining lot owners that do not create additional buildable sites;
3. Any change in the amount of land reserved for public use or the common use of lot owners;
4. Any change in any easements shown on the approved plat.

C. Primary approval, secondary approval of the plat resubdividing the land and subsequent recordation eliminates all easements and covenants previously encumbered upon the land, unless specifically restated and declared on the plat of the resubdivided land.

D. The procedures in this subsection shall not apply to recording of engineers "certificates of error" or "certificates of correction."

Article V. ADMINISTRATIVE REVIEW PROCEDURES

Section 01. General requirements

A. Engineers' "certificates of error" or "certificates of correction," reciting and correcting subsequently discovered engineering or surveying errors of measurements or typographical errors in recording plats, replats, or vacations, shall not be required to follow the procedures outlined in Article II of these regulations but shall require approval by the Administrator prior to the recording of such corrections.

B. A platted lot may be combined with another platted lot or a portion of a platted lot or an unplatted parcel and not be required to follow the procedures outlined in Article II of these regulations but shall require approval by the Administrator prior to the recording of such newly created land combination provided the following:

1. The resulting land combination creates only one developable lot.
2. A survey of the land combination is recorded.
3. All land covered by the survey is owned by the same person or persons.
4. The Owner requests in writing that the land combination constitutes one lot for tax parcel purposes.
5. All easements and other encumbrances for the individual lots and land shall remain intact and valid upon the land combination.

Article VI. VACATIONS

Section 01. Vacation of plats or parts of plats

A. The owner or owners of lots in any approved subdivision may petition the Committee to vacate the plat or part of the plat with respect to their properties.

B. Approval. If, after the public hearing, the Committee determines that the plat or part of the plat should be vacated, the Committee shall make written findings per the statutory criteria that set forth its reasons in a decision approving the petition. The Committee may impose reasonable conditions as a part of its approval. The decision shall be signed by the Administrator. The Committee shall further furnish a copy of its decision to the Marion County Recorder for recording.

C. Disapproval. If, after the public hearing, the Committee disapproves the petition for vacation, it shall make written findings per the statutory criteria that set forth its reasons in a decision denying the petition and shall provide the applicant with a copy. The decision shall be signed by the Administrator.

D. Recourse/Appeal (IC-36-7-4-712 and IC-36-7-4-708). The approval, disapproval or imposition of a condition on the approval of the vacation of all or part of a plat is a final decision of the Committee. The applicant or an aggrieved party may appeal by following the procedures set forth in the Rules of Procedure.

E. Upon approval of any petition for vacation of any part of a plat less than the entire plat, the applicant shall provide a revised secondary subdivision plat of the remaining portions of the plat in accordance with these regulations and the Committee's decision and any conditions. The revised secondary plat may be recorded only after having been signed by the Administrator in accordance with these regulations and IC 36-7-4-710.

F. Failure to provide and record a revised secondary plat as required by subsection E within 2 years after the date of the Committee's decision of approval, shall result in the decision of approval becoming invalid and shall not be entitled to recording without reapproval by the Committee.

Section 02. Vacation of easements or public places

In addition to the specifications for documents to be submitted in the vacation of easement, or public place or parts thereof prescribed by rule, the following documents shall also be provided:

A. A list of the names, addresses and known contact information of all parties to whom the easement or part thereof to be vacated runs in favor of.

B. Consent of all parties to whom the easement or part thereof to be vacated runs in favor of.

C. A list of the names, addresses and known contact information of all owners of property abutting the easement, or public place or part thereof to be vacated.

D. Documentation indicating that all owners of property abutting the easement or public place or part thereof to be vacated have been notified by first-class mail and certified mail what is intended to be vacated.

E. Legal description or survey of the area to be vacated or other drawing suitable for recording. The number of copies of this document required shall be as prescribed by the Committee.

Section 03. Vacation of public ways

A. In addition to the specifications for documents to be submitted in the vacation of public ways or parts thereof prescribed by rule, the following documents shall also be provided:

1. A list of the names and addresses of all owners of property abutting the public way or part thereof to be vacated.
2. Consent of all owners of property abutting the public way, easement, or public place or part thereof to be vacated.
3. Legal description or survey of the area to be vacated or other drawing suitable for recording. For street vacations, and alley right-of-way vacations, subterranean and air rights vacations, an original or retracement survey shall be completed by a professional surveyor. The number of copies of this document required shall be as prescribed by the Committee.

B. Prior to the vacation of any thoroughfare, as noted in the Official Thoroughfare Plan for Marion County, Indiana, the Commission shall consider and adopt an amendment as necessary to remove such thoroughfare from the Official Thoroughfare Plan.

Article VII. REQUIRED COVENANTS

The following covenants shall be included on the recorded plat:

Section 01. Enforcement Covenant

"Metropolitan Development Commission: The Metropolitan Development Commission, its successors and assigns shall have no right, power or authority to enforce any covenants, restrictions or other limitations contained herein other than those covenants, restrictions or limitations that expressly run in favor of the Metropolitan Development Commission; provided that nothing herein shall be construed to prevent the Metropolitan Development Commission from enforcing any provision of this article, or any conditions attached to approval of this plat by the Plat Committee."

Section 02. Sight Distance Covenant

"Sight obstruction: No fence, wall, hedge or shrub planting that obstructs sight lines at elevations between 2.5 and 9 feet above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points 25 feet from the intersection of such street right-of-way lines, or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended. The same sight line limitations shall apply to any lot within 10 feet from the intersection of a street right-of-way line with the edge of the driveway pavement or alley line. No tree shall be permitted to remain within such distances of such intersections unless the foliage is maintained at a sufficient height to prevent obstruction of the sight lines."

Section 03. Storm Drainage Covenant

"It shall be the responsibility of the owner of any lot or parcel of land within the area of this plat to comply at all times with the provisions of the drainage plan as approved for this plat by the City of Indianapolis and the requirements of all drainage permits issued for this plat."

Section 04. Sanitary Sewer Covenant

"It shall be the responsibility of the owner of any lot or parcel of land within the area of this plat to comply at all times with the provisions of the sanitary sewer construction approved by the municipality and the requirements of all sanitary sewer construction permits issued for this plat. Owner further covenants that no building, structure, tree or other obstruction shall be erected, maintained, or allowed to continue on the portion of the owner's real estate in which the easement is granted without express written permission, that is then duly recorded, and shall run with the real estate. The municipality and its agents shall have the right to ingress and egress, for temporary periods only, over the owner's real estate adjoining such easement and right-of-way, when necessary to construct, repair or maintain sanitary sewer facilities."

Section 05. Storm Water Best Management Practices Covenant

"This subdivision has been designed to include stormwater quality and/or quantity stormwater facilities that must be inspected and maintained by the owner. An Operations and Maintenance Manual is available for the stormwater facilities. Upon activation of the homeowner's association, it shall be the responsibility in perpetuity of the homeowner's association and the individual owners of any lot or parcel of land within the area of this plat, jointly and separately, to comply with the Operations and Maintenance Manual, fees and inspection and maintenance requirements."

Chapter 742. Districts

Article I. PRIMARY DISTRICTS

Section 01. Establishment of Primary Zoning Districts

The primary zoning districts listed in the following table are hereby established, with their associated symbol, and shall have the boundaries shown on the Official Zoning Map of the City of Indianapolis-Marion County.

Table 742-101-1: Primary Zoning Districts

Residential Zoning Districts	
D-A	Dwelling Agriculture District
D-S	Dwelling Suburban District
D-1	Dwelling District One
D-2	Dwelling District Two
D-3	Dwelling District Three
D-4	Dwelling District Four
D-5	Dwelling District Five
D-5II	Dwelling District Five-Two
D-6	Dwelling District Six
D-6II	Dwelling District Six-Two
D-7	Dwelling District Seven
D-8	Dwelling District Eight
D-9	Dwelling District Nine
D-10	Dwelling District Ten
D-11	Dwelling District Eleven
D-P	Planned Unit Development District
Commercial Zoning Districts	
C-1	Office-Buffer District
C-3	Neighborhood Commercial District
C-4	Community-Regional District
C-5	General Commercial District
C-7	High-Intensity Commercial District
C-S	Commercial – Special District
Mixed-Use Zoning Districts	
MU-1	Mixed-Use One District
MU-2	Mixed-Use Two District
MU-3	Mixed-Use Three District
MU-4	Mixed-Use Four District
Central Business Zoning Districts	
CBD-1	Central Business District One
CBD-2	Central Business District Two
CBD-3	Central Business District Three
CBD-S	Central Business District Special
Industrial Zoning Districts	
I-1	Restricted Industrial District
I-2	Light Industrial District
I-3	Medium Industrial District
I-4	Heavy Industrial District
Historic Preservation District	
HP-1	Lockerbie Square District
Development Plan Districts	
Park Districts	
PK-1	Park District One
PK-2	Park District Two
Hospital Districts	
HD-1	Hospital District One
HD-2	Hospital District Two
Speedway Districts	
SZ-1	Speedway Main Street District
SZ-2	Speedway Industrial District
University Quarter Districts	
UQ-1	University Quarter District One
UQ-2	University Quarter District Two

Table 742-101-1: Primary Zoning Districts		Continued	
Special Use (SU) Districts		**Special Use (SU) Districts**	
SU-1	Religious Use	SU-28	Petroleum Refinery and Storage
SU-2	School	SU-34	Club Room or Ballroom
SU-3	Golf Course	SU-35	Telecommunications Tower
SU-5	Radio Receiving or Broadcasting Tower	SU-37	Library
SU-6	Hospital, Sanitarium, Nursing Home	SU-38	Community Center
SU-7	Charitable Institution	SU-39	Water Tank
SU-8	Correctional or Penal Institution, Diversion Center	SU-41	Sewage/Garbage Disposal Plant
SU-9	Government Buildings or Grounds	SU-42	Gas Utility
SU-10	Cemetery	SU-43	Power Transmission Lines
SU-13	Sanitary Landfill	SU-44	Off-track Mutuel Wagering Facilities
SU-16	Indoor or Outdoor Entertainment or Recreation	SU-45	Zoo
SU-18	Light or Power Substation	SU-46	Airport
SU-20	Telephone Exchange Offices		
SU-23	Permanent Sand or Gravel Plant		

Section 02. Applicability

A. All properties shown within each primary zoning district on the Official Zoning Map are subject to the standards and provisions of this Section 742-100, applicable to that primary zoning district.

In addition, property within each primary zoning district listed in this Section 742-100, must comply with all other applicable provisions of the Zoning Ordinance, including without limitation the performance standards in Section 740-400, the uses and use-specific standards in Chapter 743, and the development standards in Chapter 744, unless a specific exception is set forth in the Zoning Ordinance.

B. In accordance with IC 36-7-4-701, this Section 742-102 confirms that compliance with the subdivision regulations in Chapter 741 is required for all properties in all primary zoning districts in the Indianapolis-Marion County except all UQ-1, HD-1 and PK-1 Development Plan districts.

Section 03. Dwelling Districts

A. General

1. **One primary use per lot**. Only one primary use shall be permitted per lot.
2. **Secondary means of escape.** All secondary means of escape that includes, but is not limited to, fire escapes or similar emergency accesses, shall be located on the rear or side walls of the building or structure. In the case of a building or structure located on a corner lot, the secondary means of escape shall not be located on the side of any building or structure that has frontage along a public or private street.
3. **Parking of oversized and commercial vehicles.** No commercial vehicle or vehicle having a gross vehicle weight rating GVWR exceeding 10,000 pounds may be parked between the facade of a single-family detached dwelling, single-family attached dwelling, manufactured home, mobile dwelling, two-family dwelling, triplex or fourplex, or live-work dwelling and the right-of-way line fronting that façade unless there is active, legal construction taking place on the site or commercial vehicles that are in the course of making normal and reasonable service calls.
4. **Public utilities.** Attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in any dwelling district except for the D-A, D-S, and D-1 districts.
5. **Accessory uses and structures.** Accessory uses and structures are permitted in the dwelling districts in accordance with Table 743-1: Use Table. Unless specifically exempted, accessory uses and structures must meet all standards of the Zoning Ordinance, in particular use-specific standards in Sec. 743-306 (Accessory and Temporary Uses) and the development standards of Chapter 744.

B. Dwelling Agricultural District (D-A)

1. Purpose

The D-A district holds the agricultural lands of Marion County and provides for a variety of agricultural uses. It is intended to provide for animal and poultry husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, apiaries, aquaculture, hydroponics, together with necessary, accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as a part of such agricultural uses. A secondary provision of this district is large estate development of single-family dwellings. This district fulfills the very low density residential classification of the Comprehensive General Land Use Plan. This district does not require public water and sewer facilities.

TABLE 742-103-1
D-A DISTRICT
DIMENSIONAL STANDARDS

LOT STANDARDS	
Minimum lot area	3 acres
Minimum lot width	250 ft.
Minimum street frontage	125 ft.
Minimum open space	85%
SETBACKS	
Minimum depth front yard	See Table 744-201-1
Minimum width of side yard	30 ft.
Minimum width of side yard (aggregate)	75 ft.
Minimum depth of rear yard	75 ft.
BUILDING STANDARDS	
Maximum height of primary building	35 ft.
Maximum height of accessory building	24 ft.
Minimum main floor area (1-story)	1200 sq. ft.
Minimum main floor area (above 1-story)	800 sq. ft.

This Table is a summary of selected standards; refer to Chapter 744, Article II Lot and Building Dimensions, for additional regulations.
*In case of a discrepancy with this summary table, the master table in Chapter 744-II governs.

2. Example

3. Illustration

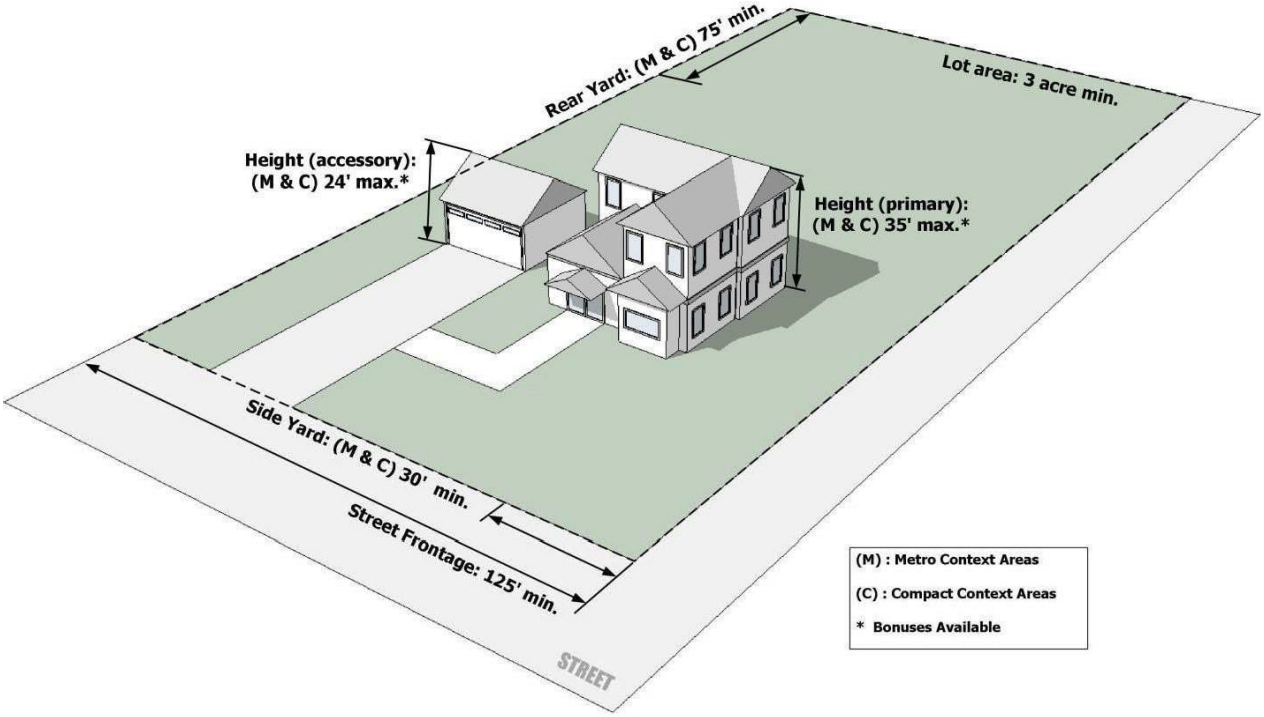


Diagram FF Illustrative example of D-A district

4. Other Standards

a. *Use*

1. No operations or activities for pecuniary gain that package products for final market distribution or that mechanically, electrically or chemically transform raw materials into new products, other than cultivation, or animal husbandry, or bottling of dairy products, shall be permitted.
2. The use of lakes and ponds shall not include commercial or recreational activities that are open to the general public for a fee.

b. *D-A district exceptions*

1. Refer to Section 744-202 (New Construction for Nonconformities) for D-A district exceptions to dimensional standards.
2. Refer to Section 743-306.A.3 (Accessory & Temporary Uses) for D-A district exceptions to Accessory Uses.

C. Dwelling Suburban District (D-S)

1. Purpose

The D-S district is intended for suburban areas of extreme topography, areas conducive to estate development, or areas where it is desirable to permit only low density development (such as adjacent to floodplains, aquifers, urban conservation areas, within the extended alignment of airport runways, etc.). Generous front yards with trees along roadways that follow the natural terrain of the land are envisioned for the D-S district. Estate development in a natural setting is the typical realization of the district. The D-S district provides for single-family residential lots consisting of at least one acre. A typical density for the D-S district is 0.4 units per gross acre. This district fulfills the lowest density residential classification of the Comprehensive General Land Use Plan. Development plans would likely use the cluster option when subdividing and should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.

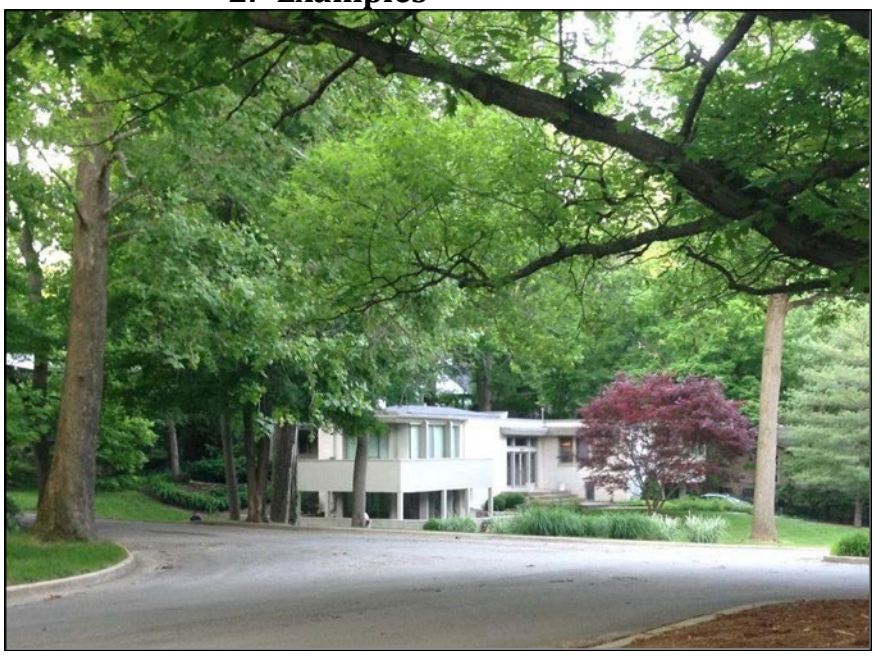
TABLE 742-103-2
D-S DISTRICT
DIMENSIONAL STANDARDS*

LOT STANDARDS		
Minimum lot area	1 acre	
Minimum lot width	150 ft.	
Minimum street frontage	75 ft.	
Minimum open space	85%	
SETBACKS		
	METRO	**COMPACT**
Minimum depth front yard	See Table 744-201-1	
Minimum width of side yard	15 ft.	15 ft.
Minimum width of side yard (aggregate)	35 ft.	30 ft.
Minimum depth of rear yard	25 ft.	25 ft.
BUILDING STANDARDS		
Maximum height of primary building	35 ft.	
Maximum height of accessory building	24 ft.	
Minimum main floor area (1-story)	1200 sq. ft.	
Minimum main floor area (above 1-story)	800 sq. ft.	

This Table is a summary of selected standards; refer to Chapter 744, Article II Lot and Building Dimensions, for additional regulations.

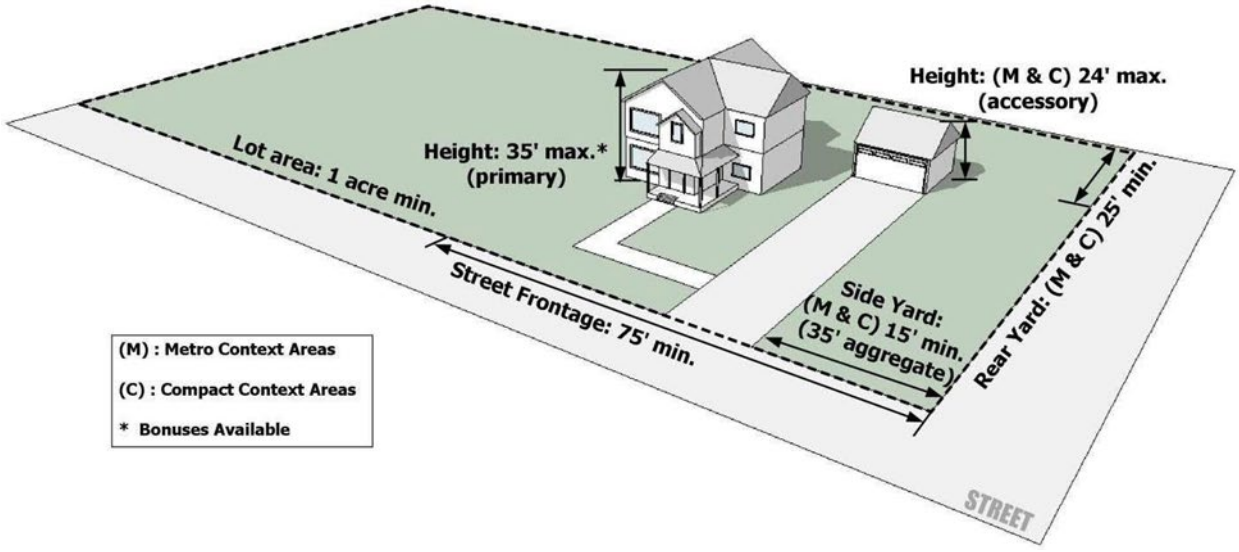
*In case of a discrepancy with this summary table, the master table in Chapter 744-II governs.

2. Examples



3. Illustration

Diagram GG Illustrative example of D-S district



4. Other Standards

[Reserved]

D. Dwelling District One (D-1)

1. Purpose

The D-1 district is intended for use in suburban areas. The D-1 district has a typical density of 0.9 units per gross acre which fulfills the lowest density residential classification of the Comprehensive General Land Use Plan. The D-1 District provides for estate-style development characterized by generous front yards for trees and a bucolic atmosphere, appropriately served by gently curving roadways. Under most circumstances, public water and sewer facilities should be present but are not mandatory. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife. Use of the cluster option when subdividing would maximize site advantages.

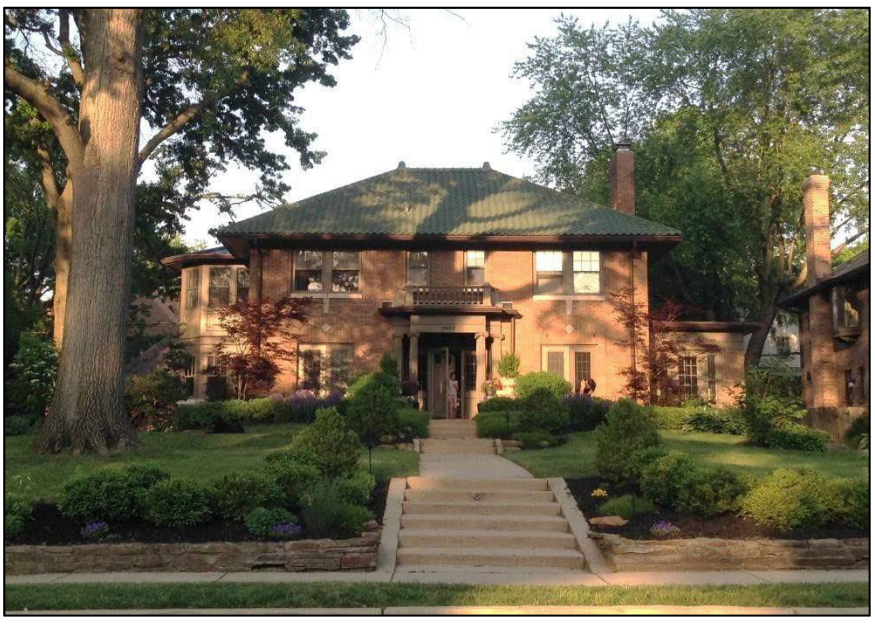
TABLE 742-103-3
D-1 DISTRICT
DIMENSIONAL STANDARDS

LOT STANDARDS		
Minimum lot area	24,000 sq. ft.	
Minimum lot width	90 ft.	
Minimum street frontage	45 ft.	
Minimum open space	80%	
SETBACKS		
	METRO	**COMPACT**
Minimum depth front yard	See Table 744-201-1	
Minimum width of side yard	8 ft.	8 ft.
Minimum width of side yard (aggregate)	22 ft.	16 ft.
Minimum depth of rear yard	25 ft.	25 ft.
BUILDING STANDARDS		
Maximum height of primary building	35 ft.	
Maximum height of accessory building	24 ft.	
Minimum main floor area (1-story)	1200 sq. ft.	
Minimum main floor area (above 1-story)	800 sq. ft.	

This Table is a summary of selected standards; refer to Chapter 744, Article II Lot and Building Dimensions, for additional regulations.

*In case of a discrepancy with this summary table, the master table in Chapter 744-II governs.

2. Examples



3. Illustration

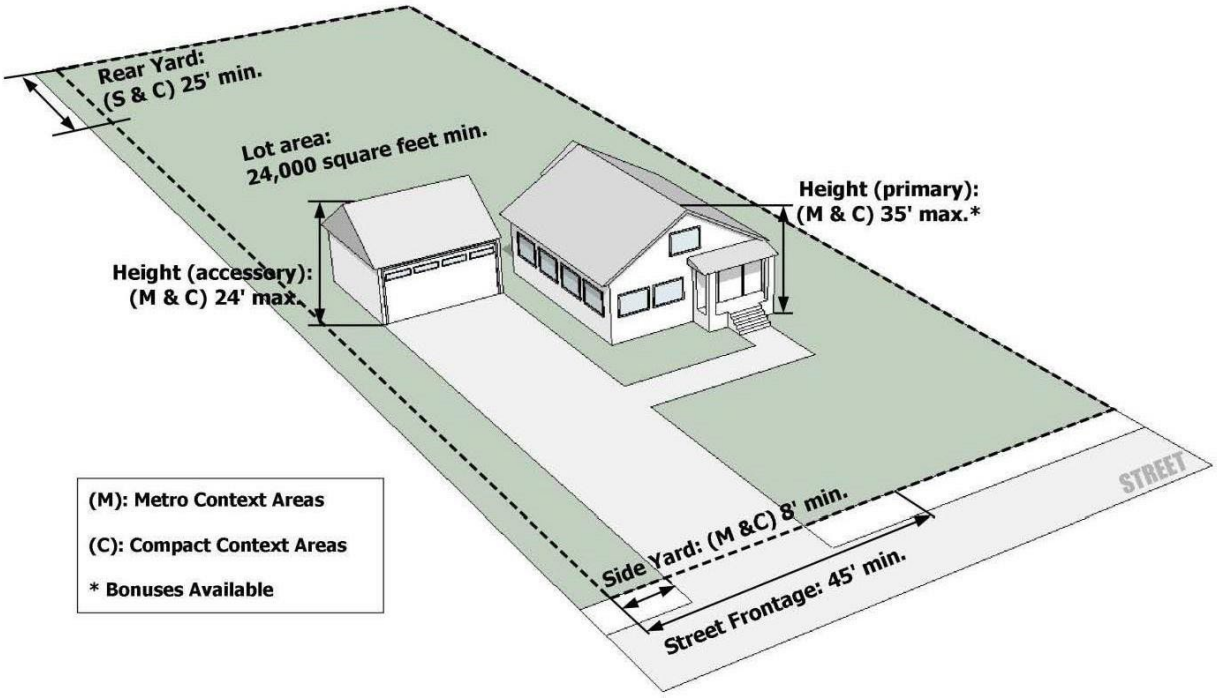


Diagram HH Illustrative example of D-1 district

4. Other Standards

[Reserved]

E. Dwelling District Two (D-2)

1. Purpose

The D-2 district is intended for use in suburban areas. Ample yards, trees and passive open spaces easily serving each individual lot are envisioned for this district. The D-2 district has a typical density of 1.9 units per gross acre. Two-family dwellings are permitted on corner lots in this district. This district fulfills the lowest density recommendation of the Comprehensive General Land Use Plan. Public water and sewer facilities must be present. Development plans, which may include the use of clustering, should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

TABLE 742-103-4
D-2 DISTRICT
DIMENSIONAL STANDARDS

LOT STANDARDS		
Minimum lot area, single-family	15,000 sq. ft.	
Minimum lot area, two-family	20,000 sq. ft.	
Minimum lot width, single-family	80 ft.	
Minimum lot width, two-family	120 ft.	
Minimum street frontage	40 ft.	
Minimum open space	75%	
SETBACKS		
	METRO	**COMPACT**
Minimum depth front yard	See Table 744-201-1	
Minimum width of side yard	7 ft.	7 ft.
Minimum width of side yard (aggregate)	19 ft.	14 ft.
Minimum depth of rear yard	25 ft.	25 ft.
BUILDING STANDARDS		
Maximum height of primary building	35 ft.	
Maximum height of accessory building	24 ft.	
Minimum main floor area (1-story)	1200 sq. ft.	
Minimum main floor area (above 1-story)	800 sq.ft.	

This Table is a summary of selected standards; refer to Chapter 744, Article II Lot and Building Dimensions, for additional regulations.
*In case of a discrepancy with this summary table, the master table in Chapter 744-II governs.

2. Examples

3. Illustration

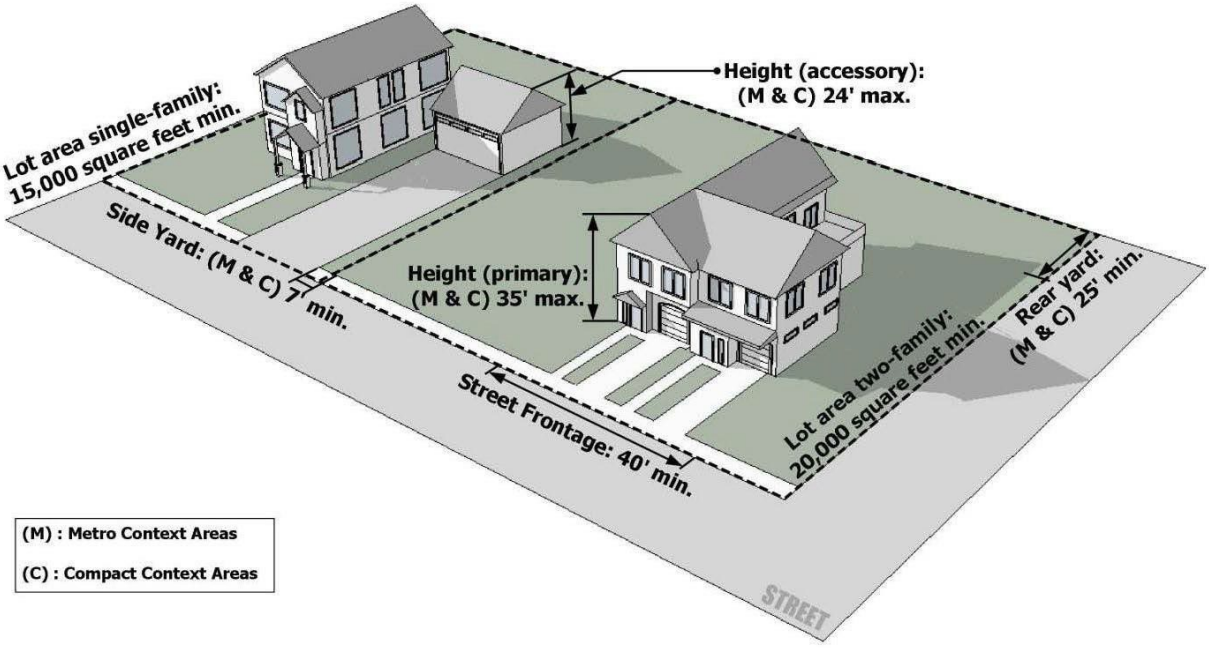


Diagram II Illustrative example of D-2 district

4. Other Standards

[Reserved]

F. Dwelling District Three (D-3)

1. Purpose

The D-3 district provides for low or medium intensity residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be afforded pedestrian linkages to community and neighborhood services and facilities (schools, parks, shopping areas, etc.). Recreational facilities developed for the neighborhood complement the treed yards on the individual lots. Predominantly single-family detached dwellings are envisioned with two-family dwellings on corner lots in this district. The D-3 district has a typical density of 2.6 units per gross acre. This district fulfills the low density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.

TABLE 742-103-5
D-3 DISTRICT
DIMENSIONAL STANDARDS

LOT STANDARDS		
Minimum lot area, single-family	10,000 sq. ft.	
Minimum lot area, two-family	15,000 sq. ft.	
Minimum lot width, single-family	70 ft.	
Minimum lot width, two-family	105 ft.	
Minimum street frontage	35 ft.	
Minimum open space	70%	
SETBACKS		
	METRO	**COMPACT**
Minimum depth front yard	See Table 744-201-1	
Minimum width of side yard	6 ft.	4 ft.
Minimum width of side yard (aggregate)	16 ft.	8 ft.
Minimum depth of rear yard	20 ft.	20 ft.
BUILDING STANDARDS		
Maximum height of primary building	35 ft.	
Maximum height of accessory building	24 ft.	
Minimum main floor area (1-story)	1200 sq. ft.	
Minimum main floor area (above 1-story)	800 sq. ft.	

This Table is a summary of selected standards; refer to Chapter 744, Article II Lot and Building Dimensions, for additional regulations.

*In case of a discrepancy with this summary table, the master table in Chapter 744-II governs.

2. Examples

3. Illustration

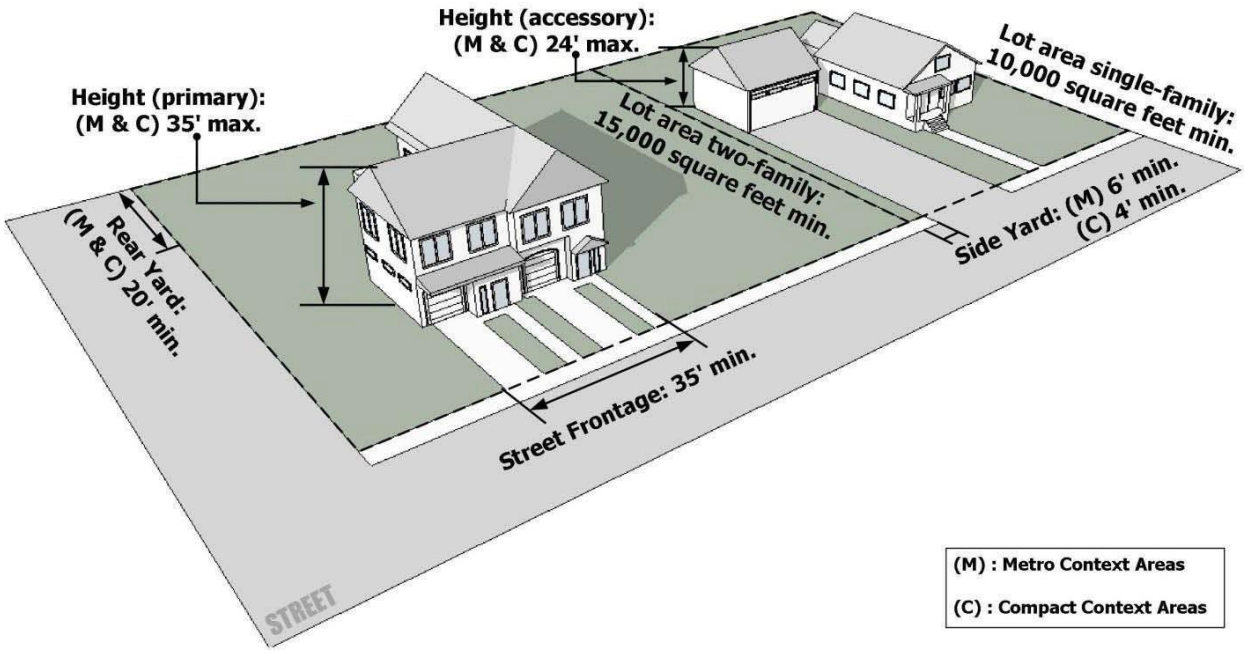


Diagram JJ Illustrative example of D-3 district

4. Other Standards

[Reserved]

G. Dwelling District Four (D-4)

1. Purpose

The D-4 district is intended for low or medium intensity single-family and two-family residential development. Land in this district needs good thoroughfare access, relatively flat topography, and nearby community and neighborhood services and facilities with pedestrian linkages. Provisions for recreational facilities serving the neighborhood within walking distance are vitally important. Trees fulfill an important cooling and drainage role for the individual lots in this district. The D-4 district has a typical density of 4.2 units per gross acre. This district fulfills the low density residential classification of the Comprehensive General Land Use Plan. All public utilities and facilities must be present. Development plans, which may include the use of clustering, should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

TABLE 742-103-6
D-4 DISTRICT
DIMENSIONAL STANDARDS

LOT STANDARDS		
Minimum lot area, single-family	7,200 sq. ft.	
Minimum lot area, two-family	10,000 sq. ft.	
Minimum lot width, single-family	60 ft.	
Minimum lot width, two-family	90 ft.	
Minimum lot frontage	30 ft.	
Minimum open space	65%	
SETBACKS		
	METRO	**COMPACT**
Minimum depth front yard	See Table 744-201-1	
Minimum width of side yard	5 ft.	4 ft.
Minimum width of side yard (aggregate)	13 ft.	8 ft.
Minimum depth of rear yard	20 ft.	20 ft.
BUILDING STANDARDS		
Maximum height of primary building	35 ft.	
Maximum height of accessory building	24 ft.	
Minimum main floor area (1-story)	900 sq. ft.	
Minimum main floor area (above 1-story)	660 sq. ft.	

This Table is a summary of selected standards; refer to Chapter 744, Article II Lot and Building Dimensions, for additional regulations.
*In case of a discrepancy with this summary table, the master table in Chapter 744-II governs.

2. Examples

3. Illustration

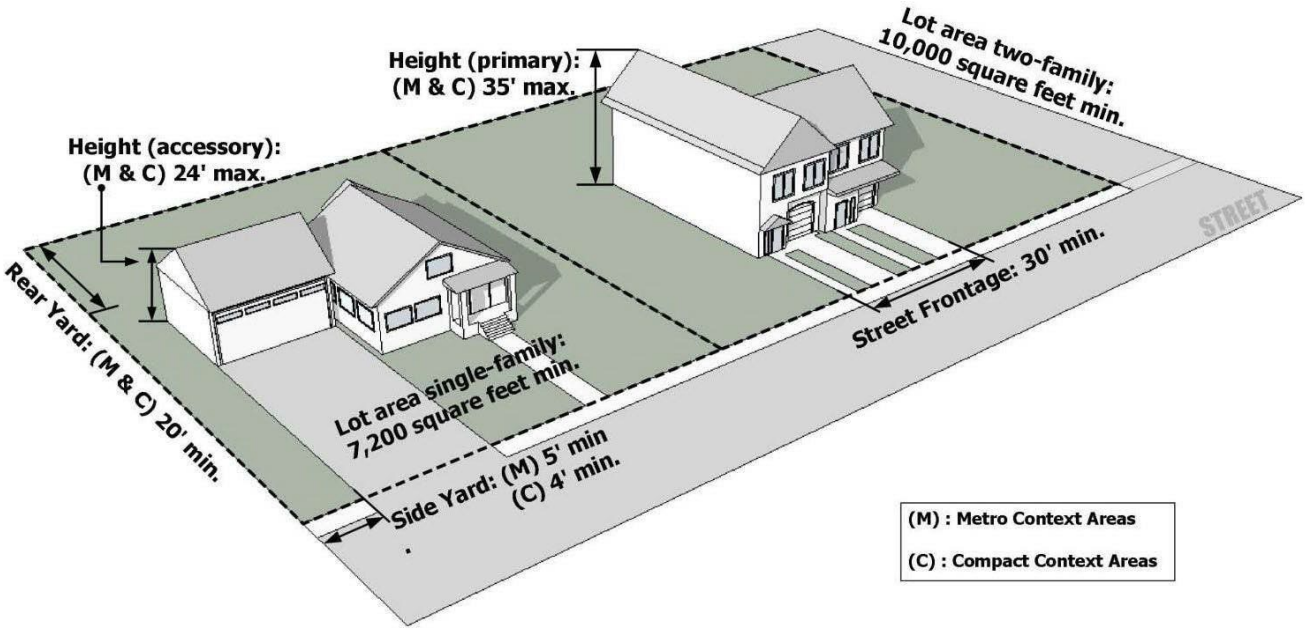


Diagram KK Illustrative example of D-4 district

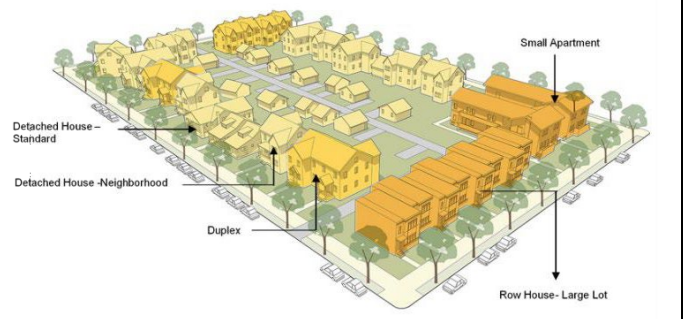
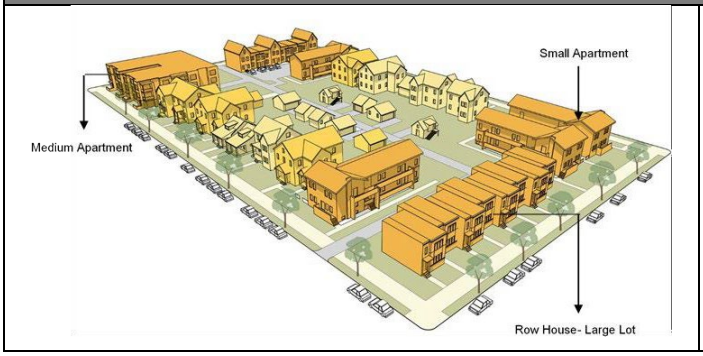
4. Other Standards

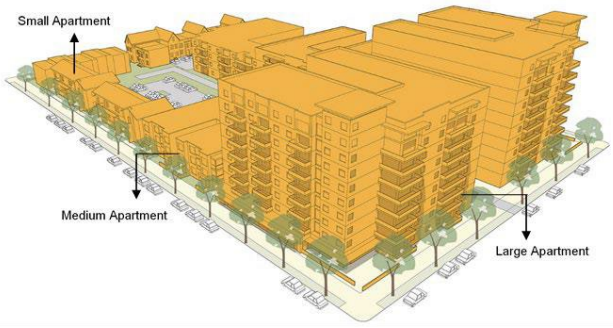
[Reserved]

H. Walkable Neighborhood Dwelling Districts (D-5, D5II, D8, D9 and D10)

1. Purpose.

To advance the Livability Principles of this Code, the D-5, D-5II, D-8, D9 and D-10 districts implement walkable, compact neighborhoods within a well-connected street network and block structure, using slow neighborhood streets, walkable connectors, and multi-mode thoroughfares. Access to parks and recreation, transit and neighborhood services within walking distance is important. Street trees, landscape and trees along private frontages, and an active amenity zone create comfortable walking environment and add appeal to neighborhoods. These districts require urban public and community facilities and services to be available. These districts may be used in combination to supply critical mass of residents to support nearby commercial and transit investments. Each district has the following specific purposes and applicability:

TABLE 742.103.01 – Walkable Neighborhood District Purposes	
Dwelling District Five (D-5)	
	The D-5 district is intended for medium and large-lot housing formats, primarily for detached houses, but may incorporate small-scale multi-unit building types in strategic locations. This district can be used for new, walkable suburban neighborhoods or for infill situation in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood and Traditional Neighborhood Typologies of the Land Use Pattern Book
Dwelling District Five-two (D-5II)	
	The D-5II district is intended for small-lot housing formats, primarily for small, detached houses, but also including a mix of small-scale multi-unit building types. This district can be used for new, walkable suburban neighborhoods or for infill situations in established urban areas, including both low density and medium density residential recommendations of the Comprehensive Plan, and the Suburban Neighborhood or Traditional Neighborhood Typologies of the Land Use Pattern Book.
Dwelling District Eight (D-8)	
	The D-8 district is intended for a variety of housing formats, with a mix of small-scale multi-unit building types. This district can be used as a part of new mixed-use areas, or for infill situations in established urban areas, including medium and high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, and Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.

Dwelling District Nine (D-9)	
	The D-9 district is intended for higher density housing formats, with a mix of small- and moderate-scale multi-unit building types. This district can be used at transitions to walkable, commercial areas, transit stations and urban and suburban corridors, including the high-density residential recommendations of the Comprehensive Plan, and the Traditional Neighborhood, City Neighborhood, or Village or Urban Mixed-Use Typologies of the Land Use Pattern Book.
Dwelling District Ten (D-10)	
	The D-10 district is intended for high density housing formats, in moderate- or large-scale multi-unit building types. This district can be used at transitions and urban centers and corridors, including the high-density residential recommendations of the Comprehensive Plan, and the City Neighborhood and Urban Mixed-Use Typologies of the Land Use Pattern Book.

2. Examples. The D-5, D-5II, D8, D9 and D-10 districts regulate development by building type, with a range of building types permitted in each district and where each type has specific lot and building form standards. The following are examples of each type.

TABLE 742.103.02 – Building Type Examples	
Building Types	Photos
 Detached House – Medium Lot	
 Detached House – Small Lot	

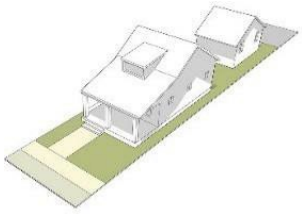
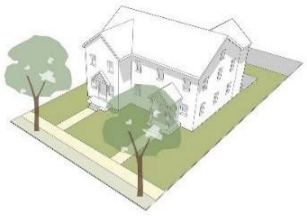
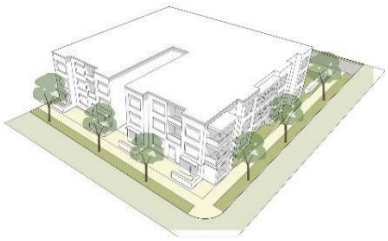
TABLE 742.103.02 – Building Type Examples	
Building Types	Photos
 Detached House – Compact Lot	
 Duplex	
 Multi-Unit House – Small Lot	
 Multi-Unit House – Compact Lot	
 Row House – Large Lot	

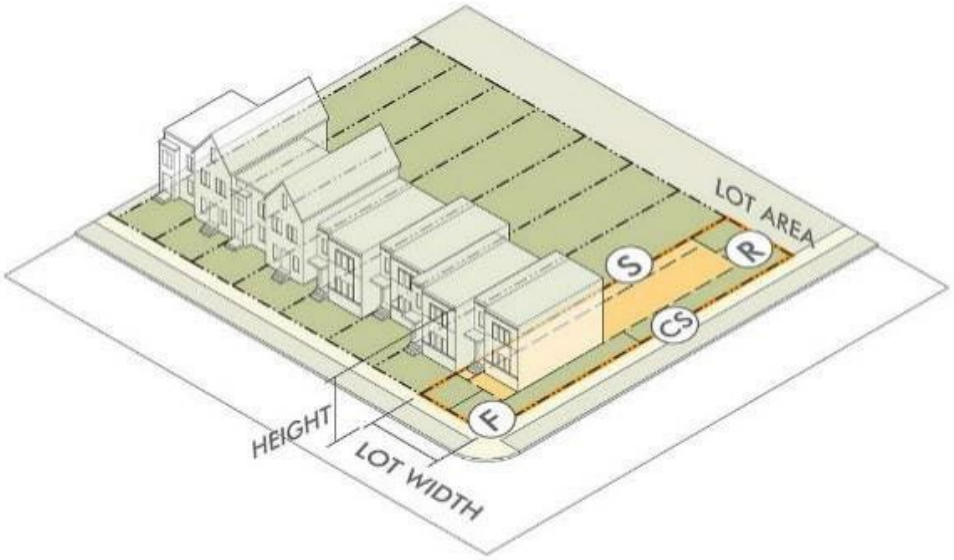
TABLE 742.103.02 – Building Type Examples	
Building Types	Photos
Row House – Small Lot	
Small Apartment	
 Medium Apartment	
Large Apartment	

2. Building Type Standards. Table 742.103.03 provides development standards for each building type and the zoning district where each type is permitted.

TABLE 742.103.03 – RESIDENTIAL BUILDING TYPE STANDARDS

Name/Type	Lot (min.) [1]		Setbacks (min.)				Building		Zoning Districts				
	Area (s.f.)	Width	Front	Side	Corner Side	Rear	Height (max.) [2]	Open Space [3]	D5	D5II	D8	D9	D10
Detached House – Medium Lot	≥ 7.2K	60’	See Section 744. Article VII. Section 01.C. Private Frontage Types	7’	10’	20’	35’ / 2.5 story	60%	■	■			
Detached House – Small Lot	≥ 5K	40’		5’	8’	20’	35’ / 2.5 story	40%	■	■	■		
Detached House – Compact Lot	≥ 2.5K	25’		3’	8’	15’	35’ / 2.5 story	20%		■	■	■	
Duplex (2 units)	≥ 7.2K	60’		5’	8’	20’	35’ / 2.5 story	60%	■	■	■		
Multi-Unit House (2-4 units) – Small Lot	≥ 5K	40’		5’	8’	20’	35’ / 2.5 story	40%	■	■	■		
Multi-Unit House - Compact Lot (2-4 units)	≥ 3.5K	35’		3’	8’	10’	35’ / 2.5 story	20%	■	■	■	■	
Row House – Large Lot (2 – 8 units / building)	≥ 2K	20’		5’ / 0’ if party wall	8’	15’	40’ / 3 story	15%		■	■	■	■
Row House – Small Lot (2-12 units / building)	≥ 1.2K	16’		5’ / 0’ if party wall	8’	15’	40’ / 3 story	10%			■	■	■
Small Apartment (3 – 12 units)	4K – 12K	40’ – 100’		5’	10’	10’	50’ / 2-4 story	100 s.f / unit			■	■	■
Medium Apartment (13-50 units)	12K – 1ac.	100’ – 200’		5’	10’	10’	75’ / 3-6 story	75 s.f. / unit				■	■
Large Apartment (51+ units)	≥ 1 ac.	150’ min.		5’	10’	10’	150’ / 3-12 story	60 s.f. / unit					■

[1] Lot width shall exclusively control the application of the residential building type standards (except for Apartment Types).
[2] The lesser of the two values shall be the maximum height.
[3] See Walkable Neighborhood Design Standards, Section 744. Article VII. Section 01.D. Block & Lot Open Space for eligible open space designs.
■ Permitted lot and building type in zoning district.



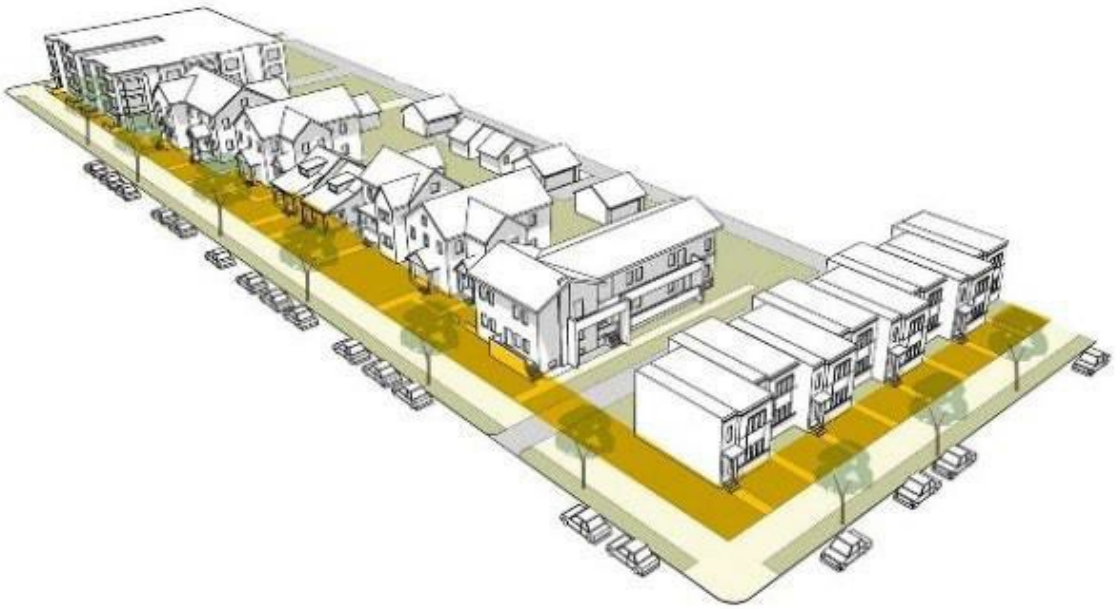


Figure 742.103.01 Lot, Setback & Frontages, Standards. See Table 742.103.03 for application of lot and setback standards for a particular building type. Front building placement and frontage design ties multiple building types together along a block face. Refer to Section 744.701.C. for Private Frontage design standards.

3. Other.

All lots and buildings in the D-5, D-5II, D8, D9 and D-10 districts shall conform to the Walkable Neighborhood Design Standards in Section 744.701.

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I. Dwelling District Six (D-6)

1. Purpose

The D-6 district provides for medium intensity residential development of a variety of housing types: multifamily dwellings, triplex, fourplex, two-family and single-family attached dwellings. The district is intended for developments in suburban areas well served by major thoroughfares, sanitary sewers, and school and park facilities. In its application, the district need not be directly associated with more intense land uses such as commercial or industrial areas. The development pattern envisioned is one of trees lining curving drives with the ample open space provided for in the district affording a wide variety of on-site recreational facilities. The D-6 district has a typical density of 6 to 9 units per gross acre. This district fulfills the medium density residential recommendation of the Comprehensive General Land Use Plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

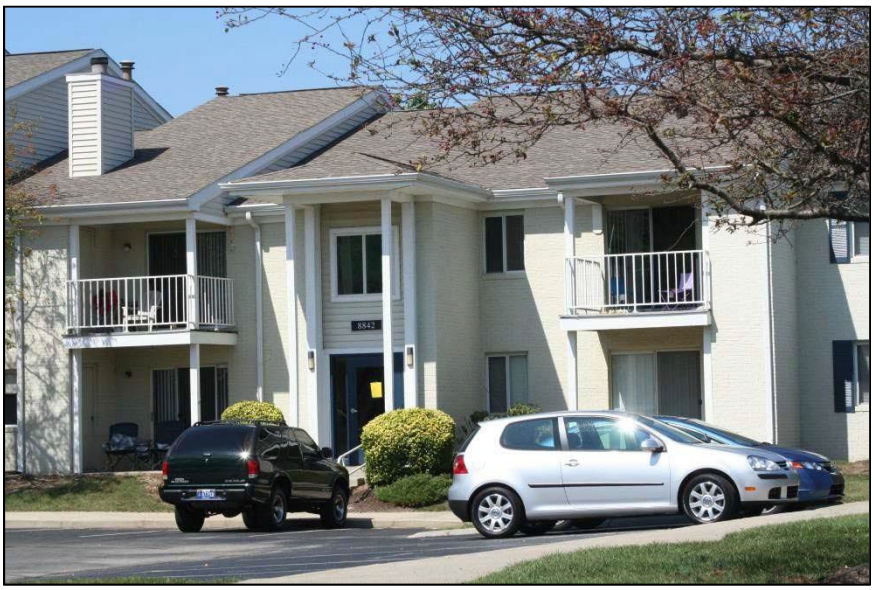
TABLE 742-103-9
D-6 DISTRICT
DIMENSIONAL STANDARDS

LOT STANDARDS	
Minimum street frontage	150 ft.
SETBACKS	
Minimum depth front yard	See Table 744-201-2
Minimum width of perimeter yard	30 ft.
BUILDING STANDARDS	
Maximum height of primary building	45 ft.
Maximum transitional building height	35 ft.
Maximum height of accessory building	25 ft.
DEVELOPMENT AMENITIES	
Maximum floor area ratio	0.40
Minimum livability space ratio	1.80

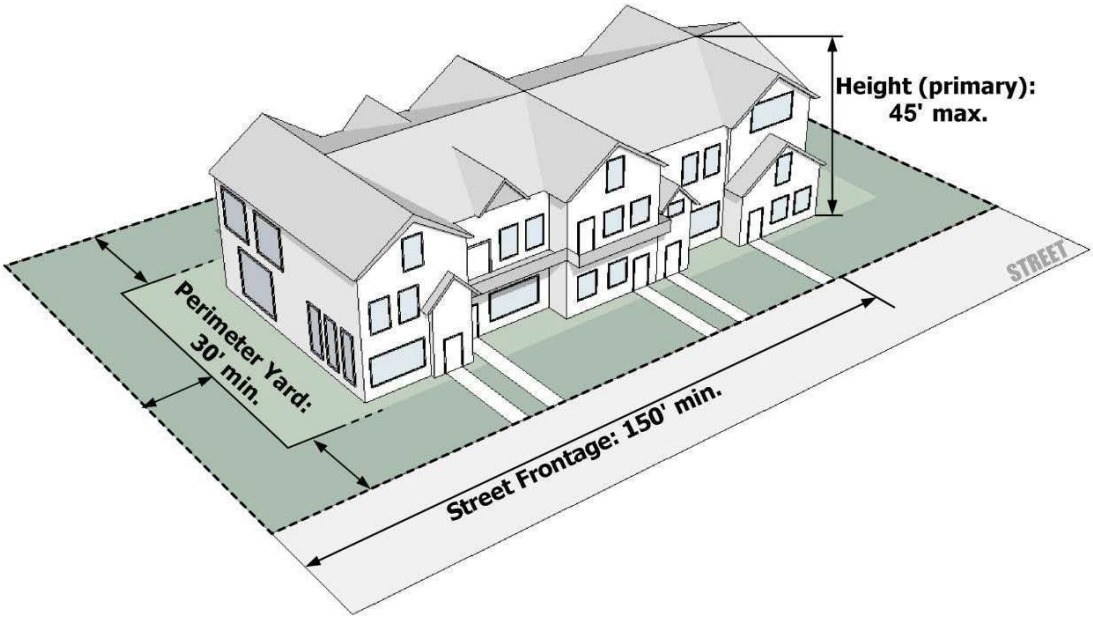
This Table is a summary of selected standards; refer to Chapter 744, Article II Lot and Building Dimensions, for additional regulations.

*In case of a discrepancy with this summary table, the master table in Chapter 744-II governs.

2. Examples



3. **Illustration**



4. **Other Standards**

a. ***Minimum project area***

There shall be no required minimum project area other than the land area necessary to provide for the development requirements of Chapter 744, Article II (Lot & Building Dimensions) and this Section 742-103.J.4.

b. ***Minimum distance between buildings***

In projects containing 2 or more buildings, the minimum distance between all buildings shall be in accordance with Table 744-201-2.

1. The minimum distance shall be measured perpendicular to the building wall at all points.
2. Walls forming interior courts and serving only one building may reduce the yard to 10 feet in depth.

c. ***Use of the yards required between buildings***

All yards shall be landscaped and meet the requirements of Chapter 744, Article V (Landscaping and Screening). Yards between buildings shall only be used for open space with the exception of the following:

1. Driveways, and,
2. Interior access drives, open balconies, open porches, patios, or structures that qualify as Covered Open Space may project or be located no more than 10 feet into that yard, provided however, in no case, shall the permitted facilities be located closer than 10 feet to another structure.
3. Parking areas may be located in the yards between buildings, provided no parking area shall be closer than 10 feet to any building.

J. Dwelling District Six-Two (D-6II)

1. Purpose

The D-6II district is intended principally for medium intensity residential development as a transition between areas of high intensity uses and low intensity uses, or land areas characterized by more challenging terrain or unusual land configuration, such as remnant parcels of land resulting from public works improvements, exhausted mining operations, and changed intensity factors (such as between interstate highway locations, commercial development and lower-density residential areas). Consequently, the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage, and wildlife, should be incorporated into the development plans and to promote the environmental aesthetic.

TABLE 742-103-10
D-6II DISTRICT
DIMENSIONAL STANDARDS

LOT STANDARDS	
Minimum street frontage	150 ft.
SETBACKS	
Minimum depth front yard	See Table 744-201-2
Minimum width of perimeter yard	25 ft.
BUILDING STANDARDS	
Maximum height of primary building	45 ft.
Maximum transitional building height	35 ft.
Maximum height of accessory building	25 ft.
DEVELOPMENT AMENITIES	
Maximum floor area ratio	0.55
Minimum livability space ratio	1.30

This Table is a summary of selected standards; refer to Chapter 744, Article II Lot and Building Dimensions, for additional regulations.

*In case of a discrepancy with this summary table, the master table in Chapter 744-II govern

Permitting a variety of housing types affords flexibility to and opportunity to fulfill the sites challenges. Selective on-site recreational facilities and open space activities must be provided to maximize efficiency, site opportunities, and residents' needs. The district should be in close proximity to major thoroughfares, sewers, school and park facilities. The D-6II district has a typical density of 9 to 12 units per gross acre fulfilling the medium density residential recommendation of the Comprehensive General Land Use Plan.

2. Examples

3. **Illustration**

4. **Other Standards**

a. ***Minimum project area***

There shall be no required minimum project area other than the land area necessary to provide for the development requirements of Chapter 744, Article II (Lot & Building Dimensions) and this Section 742-103.K.4.

b. ***Minimum distance between buildings***

In projects containing 2 or more buildings, the minimum distance between all buildings shall be in accordance with Table 744-201-2.

1. The minimum distance shall be measured perpendicular to the building wall at all points.
2. Walls forming interior courts and serving only one building may reduce the yard to 10 feet in depth.

c. ***Use of the yards required between buildings***

All yards shall be landscaped and meet the requirements of Chapter 744, Article V (Landscaping and Screening). Yards between buildings shall only be used for open space with the exception of the following:

1. Driveways, and,
2. Interior access drives, open balconies, open porches, patios, or structures that qualify as Covered Open Space may project or be located no more than 10 feet into that yard, provided however, in no case, shall the permitted facilities be located closer than 10 feet to another structure.
3. Parking areas may be located in the yards between buildings, provided no parking area shall be closer than 10 feet to any building.

K. Dwelling District Seven (D-7)

1. Purpose

The D-7 district is intended for medium density residential development, accommodating multifamily dwellings, triplex, fourplex, two-family and single-family attached dwellings. The district may be applied anywhere within the metropolitan area, provided, however, it should be closely associated with the primary intensity generators, such as commercial shopping centers or industrial employment centers. The district requires superior street access and all public utilities and facilities. Provisions for various modes of travel and pedestrian linkages are critical. Well-planned, on-site recreational facilities, selected to fit the site and residents' needs, must be developed to answer the demands of the higher density of residents.

TABLE 742-103-11
D-7 DISTRICT
DIMENSIONAL STANDARDS

LOT STANDARDS	
Minimum street frontage	100 ft.
SETBACKS	
Minimum depth front yard	See Table 744-201-2
Minimum width of perimeter yard	20 ft.
BUILDING STANDARDS	
Maximum height of primary building	56 ft.
Maximum transitional building height	40 ft.
Maximum height of accessory building	25 ft.
DEVELOPMENT AMENITIES	
Maximum floor area ratio (1 to 3 floors)	0.70
Maximum floor area ratio (4 to 5 floors)	0.70
Minimum livability space ratio	0.95

This Table is a summary of selected standards; refer to Chapter 744, Article II Lot and Building Dimensions, for additional regulations.

*In case of a discrepancy with this summary table, the master table in Chapter 744-II governs.

The D-7 district has a typical density of 12 to 15 units per gross acre fulfilling the medium density residential recommendation of the Comprehensive General Land Use Plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

2. Examples

3. Illustration

4. Other Standards

a. ***Minimum project area***

There shall be no required minimum project area other than the land area necessary to provide for the development requirements of Sec. 744-200 (Lot & Building Dimensions) and this Section 742-103.L.4.

b. ***Minimum distance between buildings***

In projects containing 2 or more buildings, the minimum distance between all buildings shall be in accordance with Table 744-201-2.

1. The minimum distance shall be measured perpendicular to the building wall at all points.
2. Walls forming interior courts and serving only one building may reduce the yard to 10 feet in depth.

c. ***Use of the yards required between buildings***

All yards shall be landscaped and meet the requirements of Sec. 744-500 (Landscaping and Screening). Yards between buildings shall only be used for open space with the exception of the following:

1. Driveways, and,
2. Interior access drives, open balconies, open porches, patios, or structures that qualify as Covered Open Space may project or be located no more than 10 feet into that yard, provided however, in no case, shall the permitted facilities be located closer than 10 feet to another structure.
3. Parking areas may be located in the yards between buildings, provided no parking area shall be closer than 6 feet to any building.

L. Dwelling District Eleven (D-11)

1. Purpose

The D-11 district allows for mobile dwelling project development. The special characteristics of mobile dwellings, as opposed to the characteristics of conventional housing (such as compactness of the mobile dwelling unit, site accommodation requirements, etc.), have been recognized as requiring special district considerations. The D-11 district is designed to permit mobile and manufactured dwellings in accordance with appropriate standards. This district fulfills a medium density classification according to the Comprehensive General Land Use Plan and should be applied accordingly. The typical density for a D-11 district is 6 units per gross acre. With the development standards included in this district, mobile dwelling projects are viable residential developments, similar to site-built residential neighborhoods. All public and community facilities are required. Proximity to major thoroughfares is necessary for the location of this district.

TABLE 742-103-15
D-11 DISTRICT
DIMENSIONAL STANDARDS

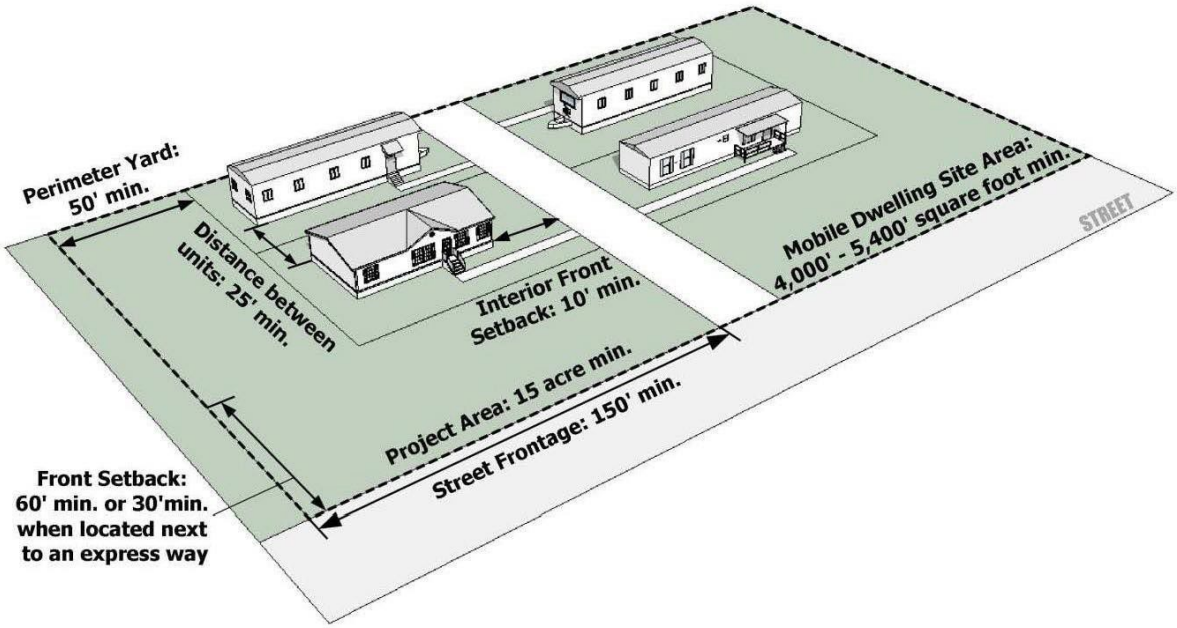
PROJECT STANDARDS	
Minimum project area	15 acres
Minimum project street frontage	150 ft.
Minimum mobile dwelling site area	4,000 sq. ft.
Minimum mobile dwelling site area (requiring double or triple wide units)	5,400 sq. ft.
Minimum common, recreational, and open space	8%
SETBACKS	
Minimum perimeter yard, including parking, buildings, structures, and mobile dwelling sites (from lot lines)	50 ft.
Minimum front setback abutting public street (measured from R.O.W.)	60 ft.
Minimum interior front setback	10 ft.
Minimum distance between mobile dwelling units	25 ft.

This Table is a summary of selected standards; refer to Chapter 744, Article II Lot and Building Dimensions, for additional regulations.

*In case of a discrepancy with this summary table, the master table in Chapter 744-II governs.

2. Example

3. **Illustration**



4. **Other Standards**

a. ***Perimeter yard***

1. A perimeter yard is required for each mobile dwelling project. All parking, buildings, structures, and mobile dwelling sites shall be located so as to provide a setback of at least 50 feet from all perimeter lot lines. This 50-foot perimeter yard shall be landscaped and shall not be used for anything other than passive open space or a required roadway entrance into the mobile home park. Perimeter yards must be landscaped, screened and maintained according to Sec. 744-500 (Landscaping and Screening), provided, however;
2. Where the project abuts public perimeter streets, minimum perimeter front yards shall be 60 feet, measured from the street right-of-way line of a local or collector street, or from the proposed right-of-way line of any primary or secondary arterial as indicated by the Official Thoroughfare Plan.

b. ***Mobile dwelling sites***

Mobile dwelling sites within the project shall be provided for each mobile dwelling in accordance with the following standards:

1. Each mobile dwelling project shall be divided into mobile dwelling sites.
2. Each mobile dwelling site shall contain an area of no less than 4,000 square feet, provided, however;

3. Each mobile dwelling site that requires a double- or triple-wide unit shall contain an area of no less than 5,400 square feet.

c. ***Minimum interior yards***

Minimum interior yards within the project shall be provided for all mobile dwelling sites in accordance with the following standards:

1. A minimum required front building setback of 10 feet shall be provided, measured from the curb line of any interior street or interior access drive within the project. Parking spaces shall not be permitted within this required setback; however, driveways accessing parking areas on the site and other appurtenances are permitted.
2. A minimum distance of 50 feet shall be provided between any recreational or other project common building and any dwelling unit within the project.
3. A minimum distance of 25 feet shall be provided between dwelling units at their closest points to each other. Except, however, that any dwelling unit accessory structure, open on at least 2 sides, may project into such required interior yard provided that the distance between such accessory structure and any other dwelling unit, or between such accessory structures of 2 dwelling units, shall be at least 15 feet.

d. ***Minimum recreational and open space areas***

Developed recreational and common open space areas equal to, at a minimum, 8% of the total area of the mobile dwelling project shall be required. Land used for the required perimeter yard, mobile dwelling sites, vehicular areas, access easements, and rights-of-way shall not be considered as part of this required 8% open space. Common open storage areas developed as required in Section 742-103.P.4.e shall not be included in the open space computation.

1. These recreational and common open space areas shall be accessible to all project residents, appropriately located within the project with respect to the residents they are designed to serve and with regard to adjacent land uses. Accessibility to such areas shall not solely be gained by way of a mobile dwelling site or sites.
2. Developed recreational areas may include, but shall not be limited to, such facilities as playgrounds, tot lots, swimming pools, game courts and common recreational buildings. An imaginative approach to the provision and design of such areas is encouraged. Project recreational needs will depend upon such factors as project site, size and the anticipated age characteristics of the residents. These areas shall provide for the use of all project residents and be appropriately located within the project with respect to the residents they are designed to serve and with regard to adjacent land uses.
3. Common open space areas are those areas within the project set aside for the common use of all project residents. The general design of these areas should demonstrate an awareness of their intended use for passive enjoyment. Utilization of common open space areas may be enhanced by improvements such as walkways, meandering trails, benches, flowers, shrubs and tree plantings, while still maintaining their natural open character.

4. Items such as drainage swales may be included as open space if, through proper design, they add favorably to the open space inventory and site development of the project and do not present a health or safety hazard to project residents.
5. Off-street pedestrian ways and/or bike paths shall be constructed where necessary to provide safe access to recreational and other areas. Such off-street pathways shall have a minimum width of 3 feet and shall have at least a three-foot wide area of open space along the sides of the pathway. All such off- street pathways shall be hard-surfaced.

e. ***Storage areas***

1. Open storage area: An open storage area shall be provided within the project boundaries for the purpose of storing travel trailers, campers, boats and other recreational vehicles owned by project residents. The open storage area required for the project shall be computed on the basis of 120 square feet of space per mobile dwelling site. Such open storage areas shall be screened so as not to be directly visible from any perimeter boundary of the project and shall further be accessible to all project residents.
2. Travel trailers, campers, boats and other recreational vehicles shall be permitted to be stored only in such storage areas, whether temporarily or permanently.
3. General storage space: In order to provide adequate storage facilities on or conveniently near each mobile dwelling site for the storage of outdoor equipment, furniture, tools, and other materials used only seasonally or infrequently, or incapable of convenient storage within the mobile dwellings, a minimum of 150 cubic feet of general storage space within a structure per dwelling unit shall be provided on the mobile dwelling site, or in compounds located not more than 100 feet from each dwelling unit. Each such storage space shall be constructed and located in conformity with the approved site plan required by Section 742-103.P.4.k. Provided, however, all or a portion of such storage space for any fully skirted mobile dwelling unit may be provided under such unit, in lieu of separate storage facilities.

f. ***Patios and paved stands***

All mobile dwelling sites shall be improved as follows:

1. Each mobile dwelling site shall contain a patio or deck with an area of no less than 200 square feet. Such patio or deck shall be constructed of concrete, brick, tile, treated wood or similar material, so as to result in a dust-free and well-drained surface.
2. Concrete runners, concrete pillars or a paved stand shall be provided to accommodate each mobile dwelling.
3. An anchoring system (tie downs) shall be provided, installed and attached to the dwelling upon its placement on the mobile dwelling site to withstand the specified horizontal, uplift, overturning wind forces on a mobile dwelling based upon accepted engineering design standards as required by Regulation HSE 21 of the Indiana State Board of Health.

g. ***Skirting***

No later than 30 days after a mobile dwelling has been placed upon a mobile dwelling site, the area between the bottom of the sides and ends of the mobile dwelling and the surface upon which it is located shall be enclosed by walls made of a visibly opaque skirting material. Mobile dwellings shall have skirting or other design attachments installed by the mobile dwelling owner that shall harmonize with the architectural style of the mobile dwelling. Access doors shall be permitted under the mobile dwelling.

h. ***Utilities***

1. All utility lines, including but not limited to electric, telephone, water, gas, and cable television lines, shall comply with Chapter 744, Article VIII Underground Utilities.
2. Individual radio and television antennas, not exceeding 4 feet in height above the roof, shall be permitted; or a central system utilizing underground wiring to individual dwelling units and accessory buildings may be installed.

i. ***Streets, sidewalks and walkways***

1. Public streets, interior access drives, driveways, and off-street parking areas shall be provided in accordance with Chapter 744 (Development Standards).
2. Private interior streets, interior access drives and driveways shall be constructed with curbs and gutters and shall otherwise be provided in accordance with Chapter 744, Article III (Access and Connectivity).
3. Provided, however, that private interior streets, private interior access drives that have two-way traffic with no parking shall have a minimum pavement width of 24 feet, exclusive of curbs or gutters.
4. Walkways shall be installed within each mobile dwelling project in accordance with the following:
    i. Walkways are required to be installed on one side of interior streets and interior access drives with an improved width of 20 feet or less and on both sides of a roadway with an improved width of greater than 20 feet.
    ii. All walkways shall be hard-surfaced and shall have a thickness of no less than 4 inches.
    iii. Common walkways, with a minimum width of 3 feet, intended to provide pedestrian circulation from one mobile dwelling to another or to various locations throughout the mobile dwelling project shall serve all mobile dwellings and common use areas that front upon or have access from a street improved with curbs and gutters. Such walkways shall be located parallel to a street.
    iv. A hard-surfaced walkway having a minimum width of 3 feet connecting the mobile dwelling with its off-street parking area shall be provided.
    v. In addition to those sidewalks required by this section, sidewalks may be placed so that they bisect a block of mobile dwelling sites in order to provide an interior type of common sidewalk circulation system. Such sidewalks shall not be located on any mobile dwelling site. Such sidewalks shall have a minimum width of 3 feet and shall have at least a

three-foot wide area of open space along the sides of the sidewalk. This sidewalk and open space area may be figured into the required minimum recreational and open space area.

vi. A sidewalk with a minimum width of 3 feet may be provided for access from each mobile dwelling to a street or to a common walkway system.

vii. No portion of any parking space shall encroach upon any portion of a sidewalk.

5. Sidewalks shall be provided along all eligible public streets, excepting freeway, or expressway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other limited access frontages as determined by the Administrator. Sidewalks shall consist of the walkway and any curb ramps or blended transitions. Sidewalks constructed pursuant to this section shall comply with Section 744-304 (Sidewalk Standards for Other Development).

j. ***Underground safe room***

After the first day of the month that is six months after the date of adoption, all new developments shall include an underground safe room with at least 20 sq. ft. of space for each mobile home site in the development, for protection from tornados.

M. Planned Unit Development District (D-P)

1. Purpose

a. The planned unit development district (D-P) is established for the following purposes:

1. To encourage a more creative approach in land and building site planning.
2. To encourage and efficient, aesthetic and desirable use of open space.
3. To encourage variety in physical development pattern.
4. To promote street layout and design that increases connectivity in a neighborhood and improves the directness of routes for vehicles, bicycles, pedestrians, and transit on an open street and multi-modal network providing multiple routes to and from destinations.
5. To achieve flexibility and incentives for residential, non-residential and mixed-use developments which will create a wider range of housing types as well as amenities to meet the ever changing needs of the community.
6. To encourage renewal of older areas in the metropolitan region where new development and restoration are needed to revitalize areas.
7. To permit special consideration of property with outstanding features, including but not limited to historical significance, unusual topography, environmentally sensitive areas and landscape amenities.
8. To provide for a comprehensive review and processing of development proposals for developers and the Metropolitan Development Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.
9. To accommodate new site treatments not contemplated in other kinds of districts.

b. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

c. Densities and development of a D-P are regulated and reviewed by the Metropolitan Development Commission. Creative site planning, variety in physical development, and imaginative uses of open space are objectives to be achieved in a D-P district. The D-P district is envisioned as a predominantly residential district, but it may include supportive commercial and/or industrial development.

2. Authority

The applicable Indiana Planning and Zoning Laws pertaining to this district is IC 36-7-4-1500. 1500 Series – Planned Unit Development.

3. Other Standards

a. *Filing procedure*

1. The authorization of a planned unit development shall be subject to the procedures expressed herein.
2. A petition for a planned unit development may be initiated by the owners of property of 50% or more of the area involved in the petition, or may be initiated by the Commission.
3. The petition, which shall include a preliminary plan for any area proposed for development as a planned unit development, shall be filed with the Department. The preliminary plan shall include:
    i. Proposed layout of streets, open space, and other basic elements of the plan.
    ii. Identification of location and types of uses within the area, including proposed densities of said uses.
    iii. Proposals for handling traffic, parking, sewage disposal, drainage, tree preservation and removal and other pertinent development features.
    iv. The plan shall show the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the land adjacent thereto. All land within the area to be zoned that is now owned by the petitioners shall be so identified.
    v. A general statement of any covenants or commitments to be made a part of the planned unit development as well as the order and estimated time of development.
    vi. A statement of the order of development of the major elements of the project, including whether the development will be in phases, and, if so, the order and content of each phase.
    vii. Proposed perimeter treatment including details of building locations, parking, and landscaping. The proposed perimeter treatment shall include all areas within the project within 100 feet of the boundary of the project unless a larger area is requested by the Administrator.
4. The preliminary plan shall be presented in triplicate and to a scale not to exceed one inch equals 100 feet. The preliminary plan may be a freehand drawing and may include any graphics that will explain the features of the development.
5. Within 25 days after filing, the Administrator, or designated representative, shall consult with the petitioner regarding the petition. After such consultation, the petitioner may make modifications to the petition.
6. After consultation with the Administrator and after making any modifications to the proposed preliminary plans, the petitioner shall file in triplicate a "final proposed preliminary plan" that shall:
    i. Include all documents included in the preliminary plan;
    ii. Include an index identifying all documents included in the preliminary plan;
    iii. Include a cover sheet indicating that it is the final proposed preliminary plan and indicating the date and case number; and

iv. Be bound or stapled together and all included documents reduced to a size no larger than 8½ by 14 inches.

b. ***Preliminary plan hearing***

1. The petition, if and so modified, shall then be heard by the Commission as a petition for Code amendment and subject to the procedures applicable thereto. The Commission may approve, amend, or disapprove the plan and may impose any reasonable condition upon its approval. If approved, the preliminary plan shall be stamped "Approved Preliminary Planned Unit Development" and be signed by the President or Vice-President of the Commission and one copy shall be permanently retained in the offices of the Division of Development Services.
2. The approved preliminary planned unit development shall then be certified to the City-County Council for adoption as a D-P district pursuant to the laws governing adoption of Codes. Upon adoption by the City-County Council, the planned development shall be returned to the Department of Metropolitan Development, Division of Development Services, which shall thereafter exercise continuing jurisdiction. In the exercise of continuing jurisdiction, the Commission may from time to time approve modifications of the approved preliminary planned unit development in a manner consistent with the approved development concept.

c. ***Detailed plan approval***

1. Before any development takes place, the Administrator shall approve a detailed plan specifying the location, composition, and general engineering features of all lots, drainage, sewage, water supply facilities, recreational facilities, site perimeter treatment and other pertinent site development features including general locations and architectural features of proposed buildings. Such approval shall be conditioned upon a finding by the Administrator that the detailed plan is consistent with the approved preliminary planned unit development.
2. The approved detailed plan shall be stamped "Approved Detailed Planned Unit Development" and be signed by the Administrator and one copy shall be permanently retained in the offices of the Department.
3. Approval of the first phase of the detailed plan shall be obtained within 2 years and approval of the balance of the detailed plan shall be obtained within 5 years after adoption of the D-P district by the City-County Council.
4. If all or a part of the planned unit development requires platting, only a preliminary plat shall be required within the said two-year period and final platting may be undertaken in sections or phases at a later time. In cases of platting, plat approval shall be conditioned, in part, upon a finding that the plat is consistent with the approved preliminary planned unit development.
5. In the exercise of continuing jurisdiction, the Administrator may from time to time approve modifications of the approved detailed planned unit development in a manner consistent with the approved preliminary planned unit development.
6. A refusal by the Administrator to approve a detailed plan shall not be construed as a denial, and any such refusal shall not operate as a limitation on the right of the petitioner to seek approval at a later date nor shall it impair the right of the petitioner to obtain an extension of time for approval. Petitioner may, however, appeal to the Commission from the Administrator's refusal to approve a detailed plan.

7. In the event that the approval of a detailed plan is not timely obtained, the Commission may initiate an amendment of the zoning map relating to said land.
8. The approved preliminary plan may provide for development of the property involved in phases. If such phasing is permitted, the petitioner may submit partial detailed plans that correspond to the phases involved. Such partial detailed plans, when approved, shall be treated in the same manner as approved detailed plans for an entire planned unit development.
9. Approval shall expire after a period of 5 years from the approval of a detailed plan unless the development is 50% completed in terms of public improvements, including streets, parks, walkways, utility installations and sanitary sewers.

d. ***Platting and vacation***

Where a platting, replatting or vacation of streets within all or a portion of the land involved is contemplated, the Plat Committee of the Commission shall handle such matters in accordance with its regular procedures, but it is not required to adhere to the qualitative and quantitative requirements of Chapter 741 Subdivision Regulations, where such requirements are not in keeping with an approved planned unit development and are not necessary to safeguard the public health, safety, morals, or welfare.

e. ***Covenants and maintenance***

1. Covenants, when required by the Commission, shall be set forth in detail and shall provide for an automatic termination date, or, in the alternative, a provision for the release of such restriction by execution of a document so stating and suitable for recording, signed by the Administrator upon authorization by the Commission and all of the owners of property in the area involved in the petition for whose benefit the covenant was created. Such covenants shall provide that their benefits run to the Commission as well as other parties designated by the Commission, and shall be specifically enforceable by the Commission.
2. The Commission may require the recording of covenants for any reasonable public or semipublic purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semipublic purposes. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioners shall then submit for approval by the Commission a modified detailed plan for such land, otherwise consistent with the approved preliminary planned unit development.
3. The Commission may require the recording of covenants for any other reasonable purpose, including but not limited to imposing standards for development of property in a planned unit development. Such development standards may include, but are not limited to, requirements as to the following:
    i. Lot area;
    ii. Floor area;
    iii. Ratios of floor space to land area;
    iv. Area in which structures may be built ("buildable area");

v. Open space;

vi. Setback lines and minimum yards;

vii. Building separations;

viii. Height of structures;

ix. Signs;

x. Off-street parking and loading space;

xi. Design standards;

xii. Phasing of development;

xiii. Bikeways and walkways; and

xiv. Landscaping.

4. The petitioner may be required to provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of Chapter 741 Subdivision Regulations.

5. Adequate provision shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities, including private streets jointly shared by such property owners if such facilities are a part of the planned unit development, and, in such instance, legal assurances shall be provided that show that the private organization is self-perpetuating and adequately funded to accomplish its purposes.

6. Common facilities that are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and non-discriminatory rate of charge to the beneficiaries thereof. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

7. All private streets shall be maintained by the aforesaid private organization in such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, sanitation, and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area.

f. ***Recording***

All approved detailed planned unit developments and modifications thereof shall be recorded in the Office of the Marion County Recorder within 2 years after approval.

g. ***Permit***

No Improvement Location Permit shall be issued for a D-P district unless all recording required by Section 742-103.Q.3.f has been completed. No Improvement Location Permit shall be issued for a D-P district that fails to adhere to the approved detailed planned unit development.

h. ***Construction***

1. No construction or installation work shall be done on any public improvements until satisfactory plans and specifications therefor (as required by Chapter 741 Subdivision Regulations) have been submitted to the Administrator and the petitioner has, at least 24 hours in advance, notified the Administrator of his intention to begin such work, in order that inspections may be made as the work progresses.
2. All development shall be in conformity with the approved detailed planned unit development and any material deviations from the approved detailed planned unit development shall be subject to appropriate enforcement action.

i. ***Extensions, abandonment, expiration.***

1. Extensions of the time for accomplishing any matters set forth herein may be granted by the Administrator for good cause shown. In the event the Administrator disallows a requested extension, the petitioner may appeal said determination to the Commission.
2. Upon the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved detailed planned unit development for 24 consecutive months), or upon the expiration of 5 years from the expiration of a detailed planned unit development for a development that has not been completed (or the expiration of an extension granted by the Commission pursuant to subsection 1 above), the Commission may initiate an amendment to the zoning map so that the land will be zoned into a category or categories that most nearly approximate its then existing use or such other zoning category or categories that it deems appropriate.

j. ***Limitation on rezoning***

The Commission shall not initiate any amendments to the zoning map concerning the property involved in a planned unit development before completion of the development as long as development is in conformity with the approved detailed planned unit development and is proceeding in accordance with the time requirements imposed in the Zoning Ordinance.

Section 04. Commercial Districts

A. General Commercial District Provisions

1. **Integrated center.** Land uses permitted in a commercial district established by this chapter may be grouped together to create an Integrated Center in that district.
2. **Building or structural height exception.** Refer to 744-204 for height exceptions and yard encroachment.
3. **Outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas.** The outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas shall be subject to the provisions of, and approved by the City Controller in accordance with Chapter 961 of the Revised Code of the Consolidated City and County, and shall not be subject to the provisions of the Zoning Ordinance.
4. **Compliance with Chapter 741.** In compliance with IC-36-7-4-701, all property in the Commercial zoning districts shall be subject to and comply with Chapter 741 Subdivision Regulations. Condominium development shall not be regulated by Chapter 741, but shall be regulated per IC 32-1-6.
5. **Accessory uses and structures.** Accessory uses and structures are permitted in the commercial districts in accordance with Table 743-1: Use Table. Unless specifically exempted, accessory uses and structures must meet all standards of the Zoning Ordinance, in particular use-specific standards in Sec. 743-306 (Accessory and Temporary Uses) and the development standards of Chapter 744.

B. Office-Buffer District (C-1)

1. Purpose

The C-1 District is designed to perform two functions: act as a buffer between uses, and provide for a freestanding area that office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semipublic uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt. Since the buildings for office, office-type and public and semipublic uses are typically much less commercial in appearance, landscaped more fully and architecturally more harmonious with residential structures, this district can serve as a buffer between protected districts and more intense commercial or industrial areas/districts - if designed accordingly. This district, with its offices and other buffer type uses, may also be used along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.

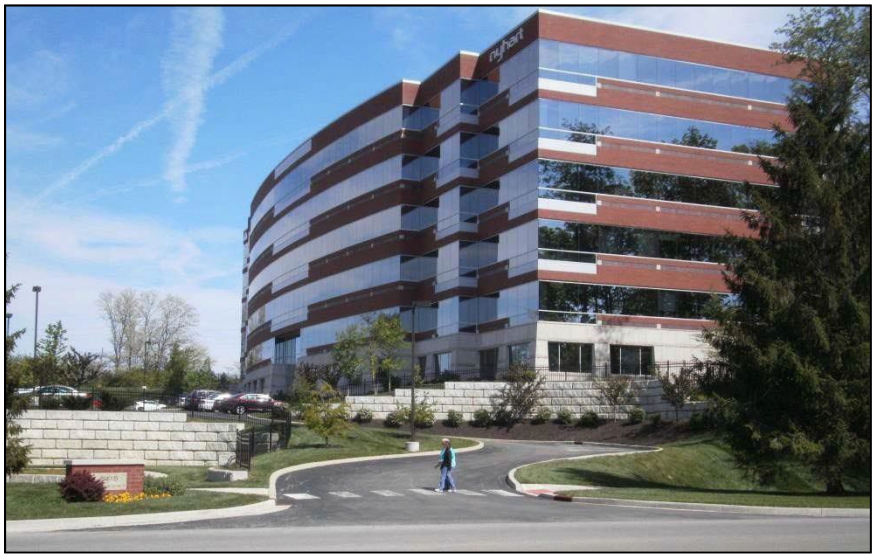
TABLE 742-104-1
C-1 DISTRICT
DIMENSIONAL STANDARDS

LOT STANDARDS		
Minimum street frontage		50 ft.
SETBACKS		
	METRO	**COMPACT**
Minimum depth front yard	See Table 744-201-3	10 ft. from existing ROW
Minimum front transitional yard	20 ft.	10 ft.
Maximum front setback	85 ft.	65 ft.
Minimum width of side yard	10 ft.	0 ft.
Minimum side transitional yard	15 ft.	10 ft.
Minimum depth of rear yard	10 ft.	0 ft.
Minimum rear transitional yard	15 ft.	10 ft.
BUILDING STANDARDS		
	METRO	**COMPACT**
Maximum height buildings and structures	50 ft.	38 ft.
Maximum height along a transitional yard	35 ft.	25 ft.

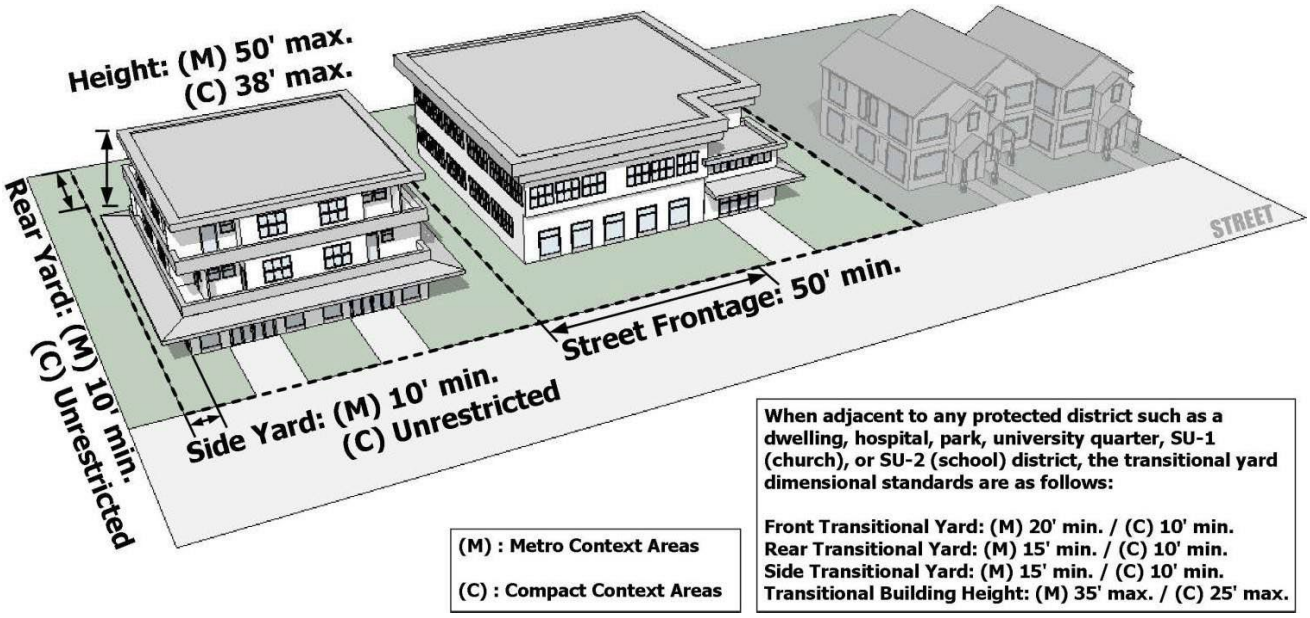
This Table is a summary of selected standards; refer to Chapter 744, Article II Lot and Building Dimensions, for additional regulations.

*In case of a discrepancy with this summary table, the master table in Chapter 744-II governs.

2. Examples



3. **Illustration**



4. **Other Standards**

a. ***Windows/doors/transparency***

1. On the side of each primary building that has a public pedestrian entrance, at least 40% of the wall surface area between 3 feet and 8 feet above grade level and within 50 feet of each side of the entrance shall be of glass or other transparent materials. On any facade or side of a primary building that is located within 50 feet of a local, collector or arterial street, at least 40% of the wall surface area between 3 feet and 8 feet above grade level shall be of glass or other transparent materials.

2. Required ground floor glass or other transparent materials shall allow two-way visibility between 3 feet and 8 feet above grade level.
3. No glass or other transparent materials shall reflect more than 30% of visible light.
4. Replacing windows in an existing building is permitted; however, the replacing window must match the building's original window opening within a tolerance of 2 inches of each opening side.

b. ***Roof***

All roof-mounted mechanical equipment shall be completely and effectively screened from view on all sides of the building with a parapet consistent with the building's design and materials.

C. Neighborhood Commercial District (C-3)

1. Purpose

The C-3 District is for the development of an extensive range of retail sales and personal, professional and business services required to meet the demands of a fully developed residential neighborhood, regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. At this neighborhood scale of retail, a fine-grain of accessibility requisite for all modes of travel must be provided and maintained. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters.

TABLE 742-104-2
C-3 DISTRICT
DIMENSIONAL STANDARDS

LOT STANDARDS		
Minimum street frontage		50 ft.
SETBACKS		
	METRO	**COMPACT**
Minimum depth front yard	See Table 744-201-3	10 ft. from existing ROW
Minimum front transitional yard	20 ft.	10 ft.
Maximum front setback	85 ft.	65 ft.
Minimum width of side yard	0 ft.	0 ft.
Minimum side transitional yard	20 ft.	10 ft.
Minimum depth of rear yard	0 ft.	0 ft.
Minimum rear transitional yard	20 ft.	10 ft.
BUILDING STANDARDS		
	METRO	**COMPACT**
Maximum height buildings and structures	35 ft.	38 ft.
Maximum height along a transitional yard	18 ft.	25 ft.

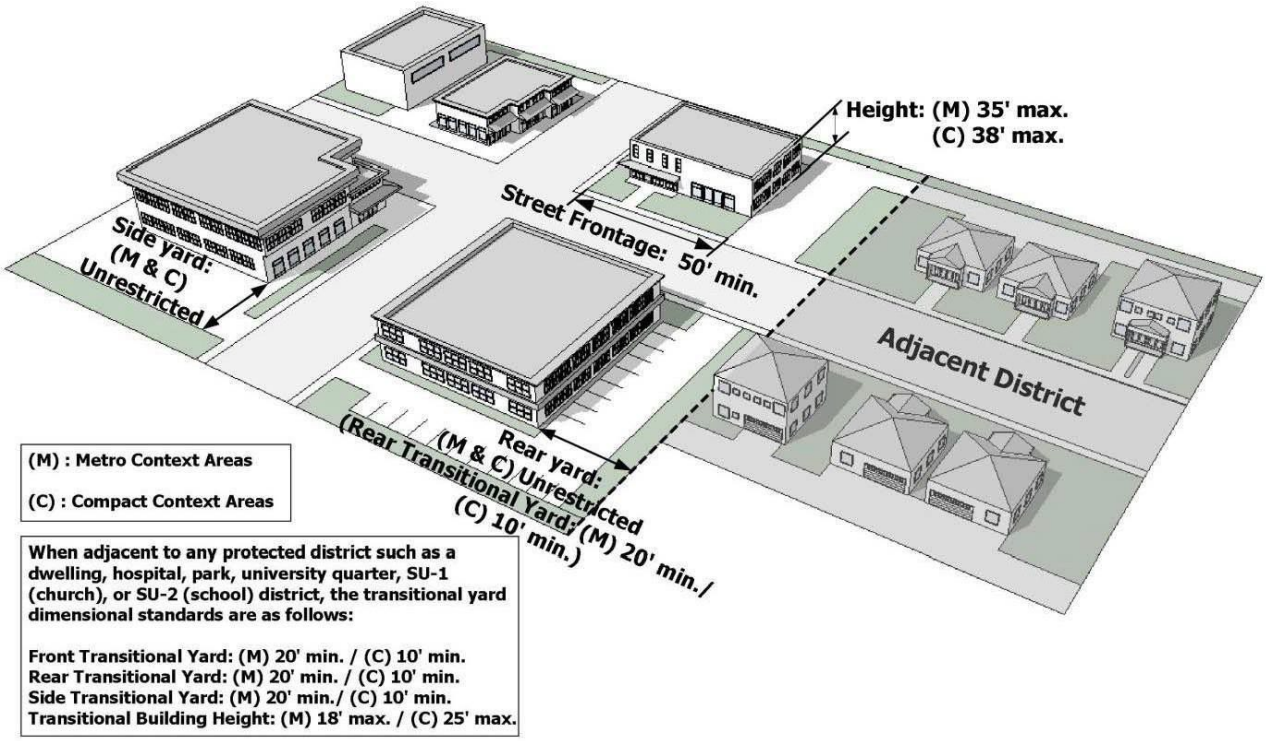
This Table is a summary of selected standards; refer to Chapter 744, Article II Lot and Building Dimensions, for additional regulations.

*In case of a discrepancy with this summary table, the master table in Chapter 744-II governs.

It does not allow those businesses that require the outdoor display, sale or storage of merchandise; or require outdoor operations. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

2. Examples

3. **Illustration**



4. **Other Standards**

a. ***Windows/doors/transparency***

1. On the side of each primary building that has a public pedestrian entrance, at least 40% of the wall surface area between 3 feet and 8 feet above grade level and within 50 feet of each side of the entrance shall be of glass or other

transparent materials. On any facade or side of a primary building that is located within 50 feet of a local, collector or arterial street, at least 40% of the wall surface area between 3 feet and 8 feet above grade level shall be of glass or other transparent materials.

2. Required ground floor glass or other transparent materials shall allow two-way visibility between 3 feet and 8 feet above grade level.
3. No glass or other transparent materials shall reflect more than 30% of visible light.
4. Replacing windows in an existing building is permitted; however, the replacing window must match the building's original window opening within a tolerance of 2 inches of each opening side.

b. ***Roof***

All roof-mounted mechanical equipment shall be completely and effectively screened from view on all sides of the building with a parapet consistent with the building's design and materials.

D. Community-Regional District (C-4)

1. Purpose

The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as home improvement stores, department stores, and theatres. Even the smallest of such freestanding uses in this district, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.

TABLE 742-104-3
C-4 DISTRICT
DIMENSIONAL STANDARDS

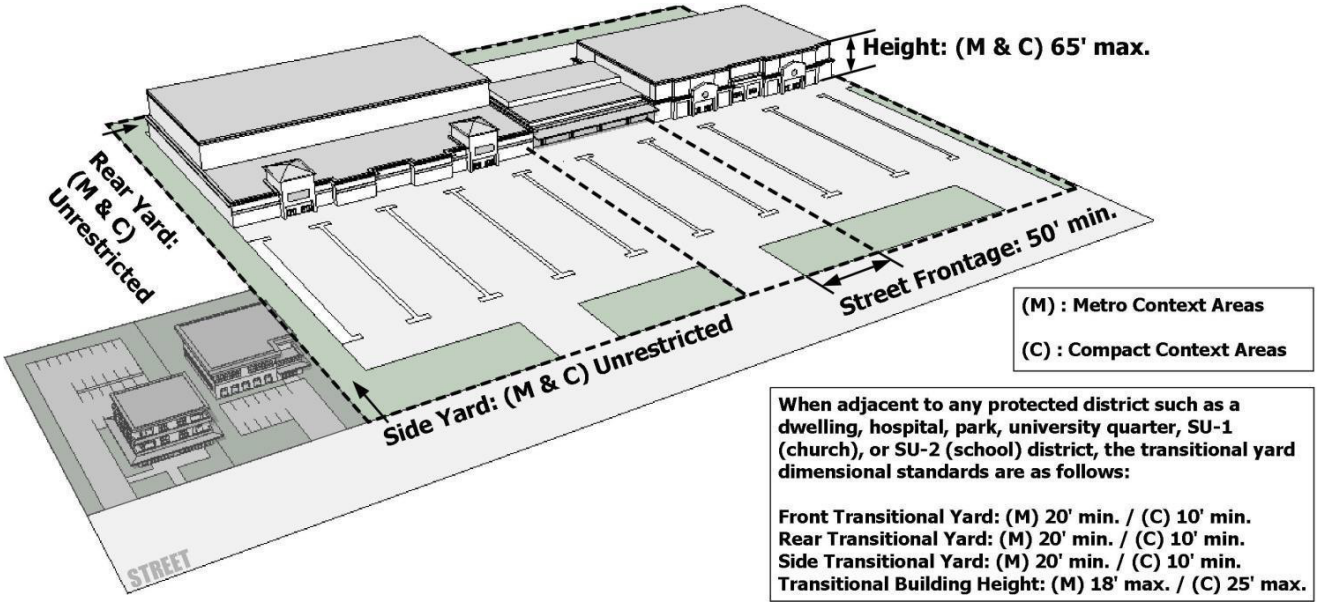
LOT STANDARDS		
Minimum street frontage		50 ft.
SETBACKS		
	METRO	**COMPACT**
Minimum depth front yard	See Table 744-201-3	10 ft. from existing ROW
Minimum front transitional yard	20 ft.	10 ft.
Minimum width of side yard	0 ft.	0 ft.
Minimum side transitional yard	20 ft.	10 ft.
Minimum depth of rear yard	0 ft.	0 ft.
Minimum rear transitional yard	20 ft.	10 ft.
BUILDING STANDARDS		
	METRO	**COMPACT**
Maximum height buildings and structures	65 ft.	65 ft.
Maximum height along a transitional yard	18 ft.	25 ft.

This Table is a summary of selected standards; refer to Chapter 744, Article II Lot and Building Dimensions, for additional regulations.

*In case of a discrepancy with this summary table, the master table in Chapter 744-II governs.

2. Examples

3. **Illustration**



4. **Other Standards**

a. ***Windows/doors/transparency***

1. On the side of each primary building that has a public pedestrian entrance, at least 40% of the wall surface area between 3 feet and 8 feet above grade level and within 50 feet of each side of the entrance shall be of glass or other transparent materials. On any facade or side of a primary building that is located within 50 feet of a local, collector or arterial street, at least 40% of the

wall surface area between 3 feet and 8 feet above grade level shall be of glass or other transparent materials.

2. Required ground floor glass or other transparent materials shall allow two-way visibility between 3 feet and 8 feet above grade level.
3. No glass or other transparent materials shall reflect more than 30% of visible light.
4. Replacing windows in an existing building is permitted; however, the replacing window must match the building's original window opening within a tolerance of 2 inches of each opening side.

b. ***Roof***

1. All roof-mounted mechanical equipment shall be completely and effectively screened from view on all sides of the building with a parapet consistent with the building's design and materials.

E. General Commercial District (C-5)

1. Purpose

The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by automobiles, outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this district tend to be outdoor functions, brightly lit, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, the C-5 district should be located on select heavy commercial thoroughfares and should avoid locating adjacent to protected districts.

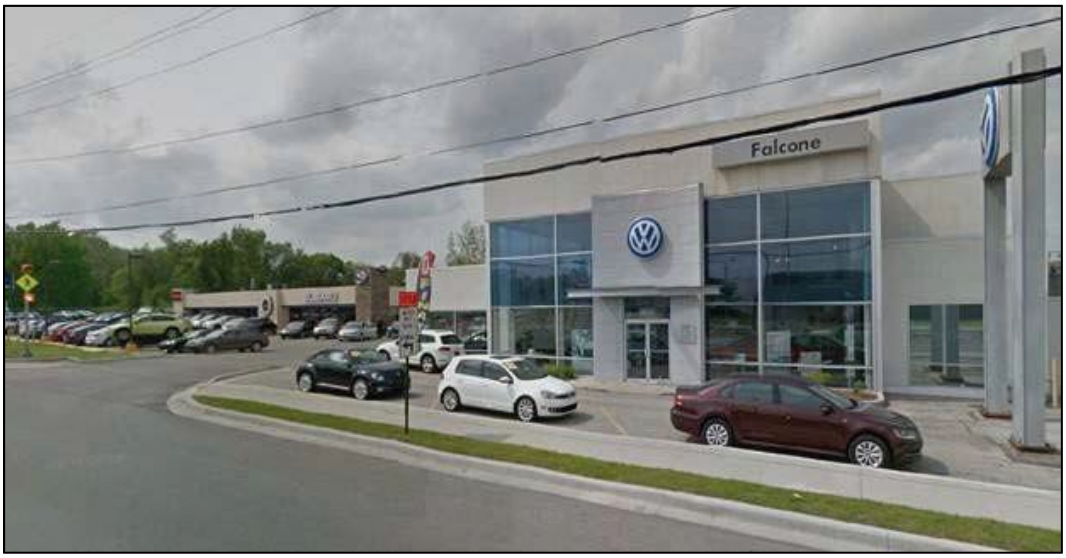
TABLE 742-104-4
C-5 DISTRICT
DIMENSIONAL STANDARDS

LOT STANDARDS		
Minimum street frontage		50 ft.
SETBACKS		
	METRO	**COMPACT**
Minimum depth front yard	See Table 744-201-3	10 ft. from existing ROW
Minimum front transitional yard	20 ft.	10 ft.
Minimum width of side yard	10 ft.	10 ft.
Minimum side transitional yard	20 ft.	15 ft.
Minimum depth of rear yard	10 ft.	10 ft.
Minimum rear transitional yard	20 ft.	15 ft.
BUILDING STANDARDS		
	METRO	**COMPACT**
Maximum height buildings and structures	65 ft.	65 ft.
Maximum height along a ttransitional yard	18 ft.	25 ft.

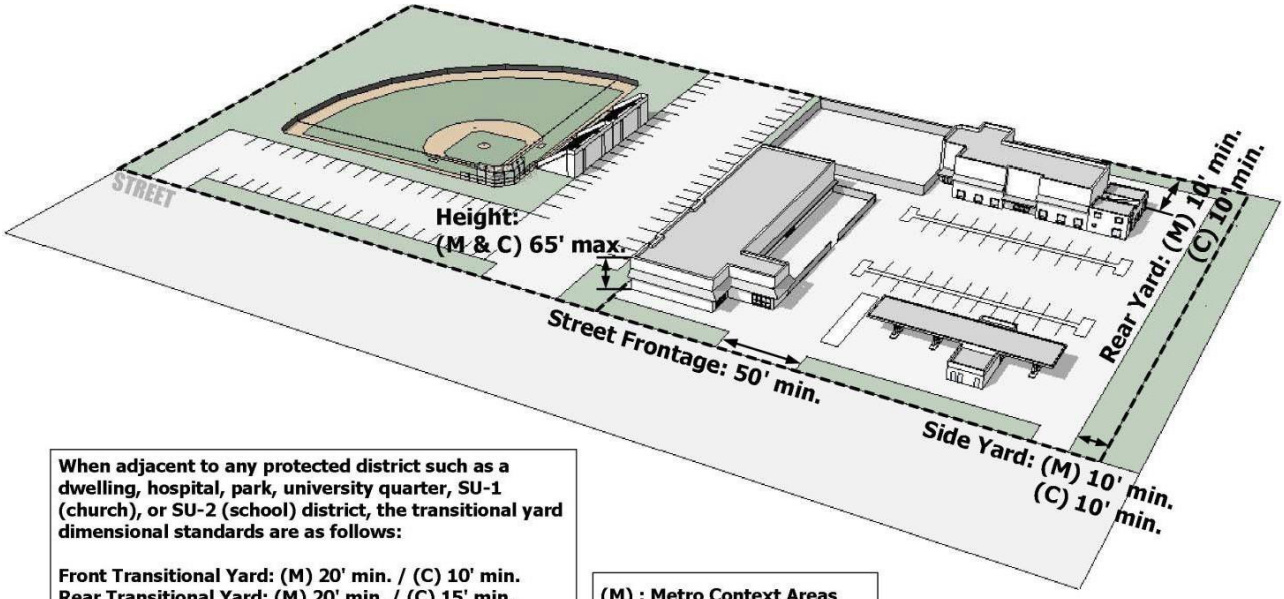
This Table is a summary of selected standards; refer to Chapter 744-II Lot and Building Dimensions, for additional regulations.

*In case of a discrepancy with this summary table, the master table in Chapter 744-II governs.

2. Examples



3. **Illustration**



4. **Other Standards**

a. ***Windows/doors/transparency***

1. On the side of each primary building that has a public pedestrian entrance, at least 40% of the wall surface area between 3 feet and 8 feet above grade level and within 50 feet of each side of the entrance shall be of glass or other transparent materials. On any facade or side of a primary building that is located within 50 feet of a local, collector or arterial street, at least 40% of the wall surface area between 3 feet and 8 feet above grade level shall be of glass or other transparent materials.

2. Required ground floor glass or other transparent materials shall allow two-way visibility between 3 feet and 8 feet above grade level.
3. No glass or other transparent materials shall reflect more than 30% of visible light.
4. Replacing windows in an existing building is permitted; however, the replacing window must match the building's original window opening within a tolerance of 2 inches of each opening side.

b. ***Roof***

1. All roof-mounted mechanical equipment shall be completely and effectively screened from view on all sides of the building with a parapet consistent with the building's design and materials.

F. High-Intensity Commercial District (C-7)

1. Purpose

The C-7 District is designed to provide specific areas for commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials or equipment essential to the operation of these uses. Many of these uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts. The nature of operation or appearance are more compatible with industrial than retail commercial activities. Because of the character and intensity of these uses, this district should be appropriately located on major commercial arterial thoroughfares and near interstate freeways, but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food merchandising, and the like. Due to the intensity of uses, location of this district should never be adjacent to protected districts.

TABLE 742-104-5
C-7 DISTRICT
DIMENSIONAL STANDARDS

LOT STANDARDS	
Minimum street frontage	50 ft.

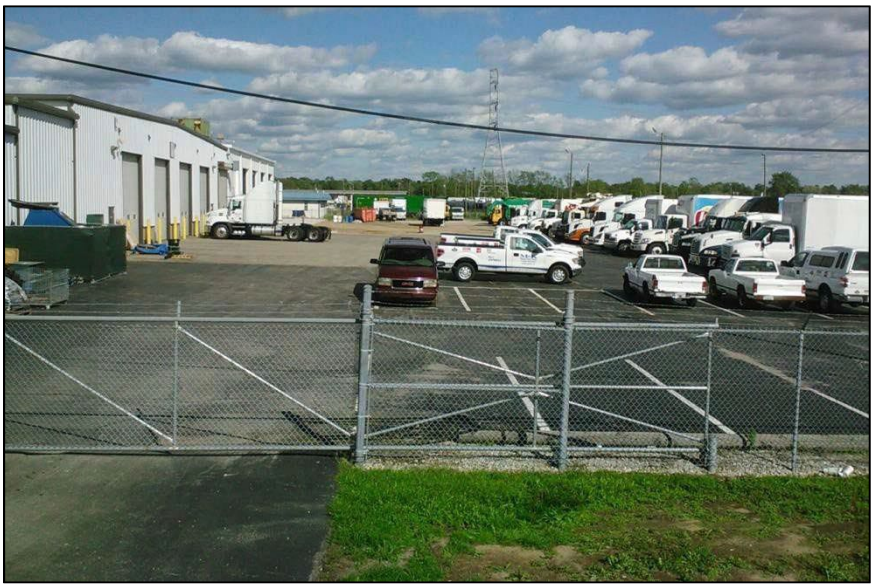
SETBACKS	**METRO**	**COMPACT**
Minimum depth front yard	See Table 744-201-3	10 ft. from existing ROW
Minimum front transitional yard	20 ft.	10 ft.
Minimum width of side yard	10 ft.	10 ft.
Minimum side transitional yard	40 ft.	20 ft.
Minimum depth of rear yard	10 ft.	10 ft.
Minimum rear transitional yard	40 ft.	20 ft.

BUILDING STANDARDS	**METRO**	**COMPACT**
Maximum height buildings and structures	35 ft.	38 ft.
Maximum height along a transitional yard	18 ft.	25 ft.

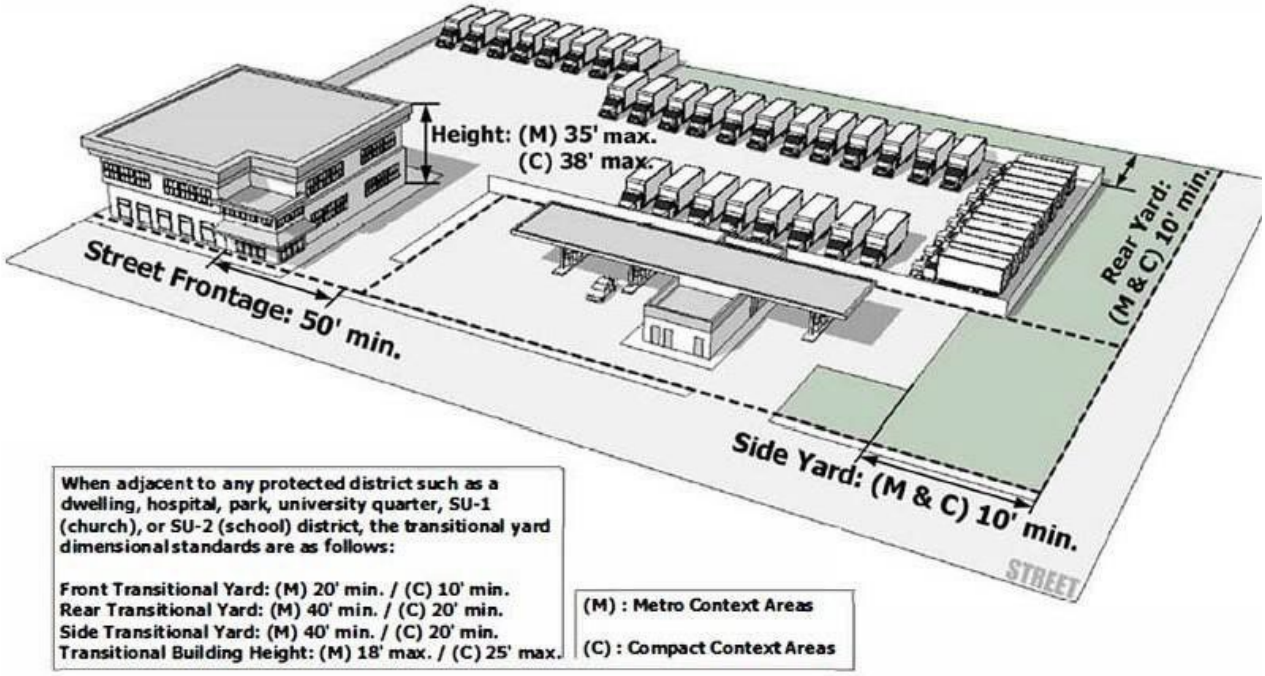
This Table is a summary of selected standards; refer to Chapter 744, Article II Lot and Building Dimensions, for additional regulations.

*In case of a discrepancy with this summary table, the master table in Chapter 744-II governs.

2. Examples



3. **Illustration**



4. **Other Standards**

a. ***Windows/doors/transparency***

1. On the side of each primary building that has a public pedestrian entrance, at least 30% of the wall surface area between 3 feet and 8 feet above grade level and within 50 feet of each side of the entrance shall be of glass or other transparent materials. On any facade or side of a primary building that is located within 50 feet of a local, collector or arterial street, at least 30% of the

wall surface area between 3 feet and 8 feet above grade level shall be of glass or other transparent materials.

2. Required ground floor glass or other transparent materials shall allow two-way visibility between 3 feet and 8 feet above grade level.
3. No glass or other transparent materials shall reflect more than 30% of visible light.

G. Special Commercial District (C-S)

1. General

a. The Special Commercial district (C-S) is established for the following purposes:

1. To encourage:

i. A more creative approach in land planning.

ii. Superior site and structural design and development.

iii. An efficient and desirable use of open space.

2. To provide for a use of land with high functional value.

3. To assure compatibility of land uses, both within the C-S district and with adjacent areas.

4. To permit special consideration of property with outstanding features, including, but not limited to, historical, architectural or social significance, unusual topography, landscape amenities, and other special land characteristics.

5. To provide maximum adaptability and flexibility in zoning and development controls to meet the changing and diverse needs of the metropolitan area.

b. The C-S District is designed to permit, within a single zoning district, multi-use commercial complexes or land use combinations of commercial and noncommercial uses, or single-use commercial projects. The primary objective of this district is to encourage development which achieves a high degree of excellence in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness and compatibility. The district provides flexibility and procedural economy by permitting the broadest range of land use choices within a single district, while maintaining adequate land use controls. The C-S District can include high-rise or low-rise developments, can be applied to large or small land areas appropriately located throughout the metropolitan area, and can be useful in areas of urban renewal or redevelopment.

c. Development site plans should incorporate and promote environmental considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.

2. Permitted Uses

a. All land uses within the C-S Districts shall be limited to the use or uses specified in the applicable rezoning petition or ordinance redistricting and zoning the particular land to the C-S District. A site and development plan for a proposed C-S District shall be filed with the zoning petition and approved by the Metropolitan Development Commission. The Commission may approve, amend or disapprove the plan and may impose any reasonable conditions upon its approval. If such plan submitted is a preliminary rather than final plan, the Commission's approval shall be conditioned upon the approval, by the Administrator, of a final site and development plan, in total or in phases. Such final plan approval by the Administrator shall be conditioned upon the Administrator's findings that the final

plan is consistent and in substantial conformity with the preliminary plan, as approved by the Metropolitan Development Commission. All development within the C-S Districts shall be subject to any further standards, restrictions or requirements specified in such rezoning petition or ordinance and commitments filed, made or presented in support of such rezoning petition.

b. All C-S District uses shall:

1. Be so planned, designed, constructed and maintained as to create a superior land development, in conformity with the Comprehensive Plan of Marion County, Indiana; and
2. Create and maintain a desirable, efficient and economical use of land with high functional value and compatibility of land uses, within the C-S District and with adjacent uses; and
3. Provide sufficient and well-designed access, parking and loading areas; and
4. Provide traffic control and street plan integration with existing and planned public streets and interior access roads; and
5. Provide adequately for sanitation, drainage and public utilities; and
6. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan for Marion County, Indiana.

3. Other Standards

a. *Windows/doors/transparency*

1. On the side of each primary building that has a public pedestrian entrance, at least 40% of the wall surface area between 3 feet and 8 feet above grade level and within 50 feet of each side of the entrance shall be of glass or other transparent materials. On any facade or side of a primary building that is located within 50 feet of a local, collector or arterial street, at least 40% of the wall surface area between 3 feet and 8 feet above grade level shall be of glass or other transparent materials.
2. Required ground floor glass or other transparent materials shall allow two-way visibility between 3 feet and 8 feet above grade level.
3. No glass or other transparent materials shall reflect more than 30% of visible light.
4. Replacing windows in an existing building is permitted; however, the replacing window must match the building's original window opening within a tolerance of 2 inches of each opening side.

b. *Roof*

1. All roof-mounted mechanical equipment shall be completely and effectively screened from view on all sides of the building with a parapet consistent with the building's design and materials.

Section 05. Mixed-Use Districts

A. General Mixed-Use District Provisions

1. **Compliance with Chapter 741.** In compliance with IC-36-7-4-701, the Commission and City-County Council have required that all property in the Mixed-Use primary zoning districts comply with of Chapter 741 Subdivision Regulations. Condominium development shall not be regulated by Chapter 741, but shall be regulated per IC 32-1-6.
2. **Outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas.** The outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas shall be subject to the provisions of, and approved by the City Controller in accordance with Chapter 961 of the Revised Code of the Consolidated City and County, and shall not be subject to the provisions of the Zoning Ordinance.
3. **Accessory uses and structures.** Accessory uses and structures are permitted in the Mixed-Use districts in accordance with Table 743-1: Use Table. Unless specifically exempted, accessory uses and structures must meet all standards of the Zoning Ordinance, in particular use-specific standards in Sec. 743-306 (Accessory and Temporary Uses) and the development standards of Chapter 744.

B. Mixed-Use One District (MU-1)

1. Purpose

The MU-1 District is intended for the development of high-rise office uses and apartments intermixed, grouped in varying combinations or provided in the same building. MU-1 is designed for use along arterials with both high-traffic counts and positive pedestrian experience or demand. Appropriate settings for the MU-1 district include the midtown and uptown areas of the city, very near rapid transit stops, or in the midst of high intensity regional commercial complexes.

TABLE 742-105-1
MU-1 DISTRICT
DIMENSIONAL STANDARDS

LOT STANDARDS	
Minimum street frontage	50 ft.
SETBACK	
Minimum front setback	12 ft.
Maximum front setback	40 ft.
Minimum front transitional yard	20 ft.
Minimum side yard	10 ft.
Minimum side transitional yard	15 ft.
Minimum rear yard	10 ft.
Minimum rear transitional yard	15 ft.
BUILDING STANDARDS	
Minimum building height	25 ft.
Maximum building height	unlimited
Minimum transitional building height	25 ft.
Maximum transitional building height	45 ft.

This Table is a summary of selected standards; refer to Chapter 744, Article II Lot and Building Dimensions, for additional regulations.

*In case of a discrepancy with this summary table, the master table in Chapter 744-II governs.

2. Examples

3. Application and General Provisions

The standards contained in this subsection Sec. 742-105.B are in addition to the standards in Chapter 743, Uses and Use-Specific Standards, and Chapter 744, Development Standards.

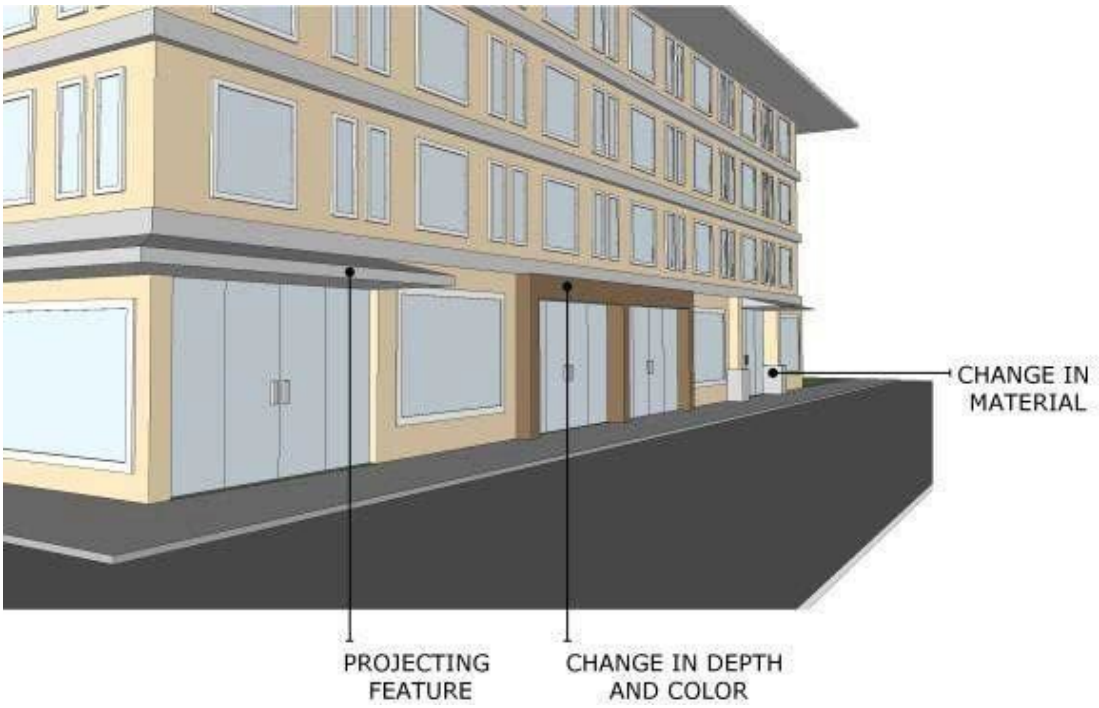
4. Form Standards

a. *Building mass and placement*

No surface parking area shall be located within 20 feet of the primary street frontage.

b. *Entry orientation*

1. Each primary building shall have at least one operable pedestrian entrance on the primary street façade. For primary buildings located on corner lots, the required pedestrian entrance may be located on the primary street façade or at the corner where the two streets intersect.
2. The required pedestrian entrance shall open directly to the outside without requiring pedestrians to pass through a parking garage, parking lot, or other non-pedestrian area located between the entrance and the frontage. Each ground floor single-family attached dwelling facing a local or collector street shall have a separate pedestrian entry leading from the primary façade directly to the frontage.



3. Each required pedestrian entrance shall be clearly defined and emphasized using changes in plane, changes in material, elements such as lintels, pediments, pilasters, awnings, canopies, or other additional architectural detail.
4. Each pedestrian entrance shall have a light feature with a dusk-to-dawn light sensor.
5. Each pedestrian entrance shall include a window in the door or immediately adjacent to the door between 3 feet and 6 feet above floor level. A door viewer in the door may be substituted on entrances that are not on a façade.

c. ***Windows/doors/transparency***

1. On the façade of each primary building except single-family attached dwellings, at least 40% of the wall surface area between 3 feet and 8 feet above grade level shall be of glass or other transparent materials.
2. For nonresidential uses, required ground floor glass or other transparent materials shall allow two-way visibility between 3 feet and 8 feet above grade level. For residential and live-work uses, required ground floor shall be transparent to allow views into common hallways, foyers, or entryways, but may be translucent or opaque when on individual dwelling units.
3. No glass or other transparent materials shall reflect more than 30% of visible light.
4. Replacing windows in an existing building is permitted; however, the replacing window must match the building's original window opening within a tolerance of 2 inches of each opening side.

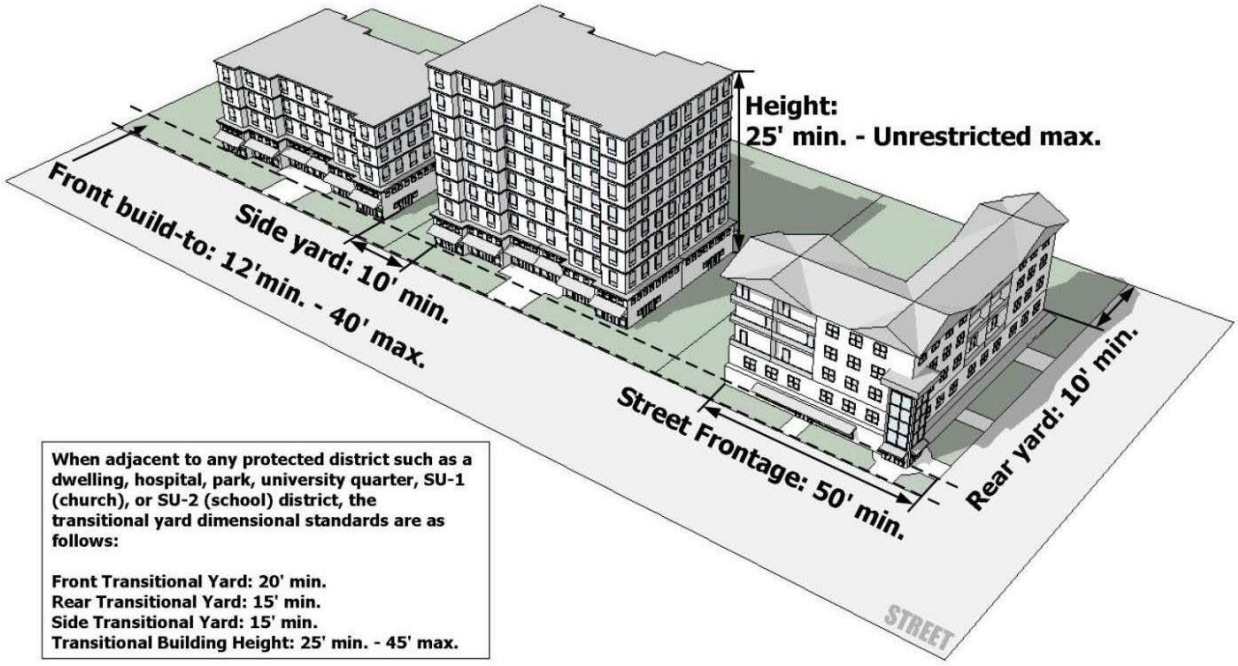
d. ***Roof***

All roof-mounted mechanical equipment shall be completely and effectively screened from view on all sides of the building with a parapet consistent with the building's design and materials.

e. ***Administrative adjustments***

Upon petition of the applicant, adjustments to any of the Form Standards in this Section 742-105.B.4 except the requirements and standards for perimeter sidewalks may be approved by the Administrator if compliance would result in reduced pedestrian access to the property, or damage to or removal of mature and healthy trees, provided that any adjustment of a dimensional standard shall not exceed 5%, and the Administrator determines that any adverse impacts on the surrounding area have been mitigated to the extent reasonably practicable.

5. Illustration



6. Other standards

a. For each dwelling unit, at least 55 square feet of usable outdoor space shall be provided. The outdoor space may be in the form of balconies, porches, or patios for exclusive use by the individual unit, or the outdoor space may be provided in common for use by all of the residents. Common outdoor space may be on the ground, on a roof, or on a balcony. Common outdoor space shall be improved with elements for active use by the residents, such as benches, game courts, pool, playground equipment, gardens, picnic areas, lighting, landscaping.

b. Outdoor seating or patio uses may be located in the front yard.

c. Game courts shall not be located in a front yard.

d. Drive-Through facilities, including customer windows, stacking spaces, or service units, shall not be located in a front yard, and are subject to the standards in Chapter 744, Article IV Parking, Loading, and Drive-through.

e. Accessory retail or service commercial uses shall not exceed 10% of the gross floor area of the primary building in which the accessory use is located, and no single accessory use shall exceed 5,000 square feet in gross floor area.

f. ***Vehicle access***

1. Curb cuts shall only be permitted if access cannot be provided from an alley.

2. No curb cut shall exceed 24 feet in width.

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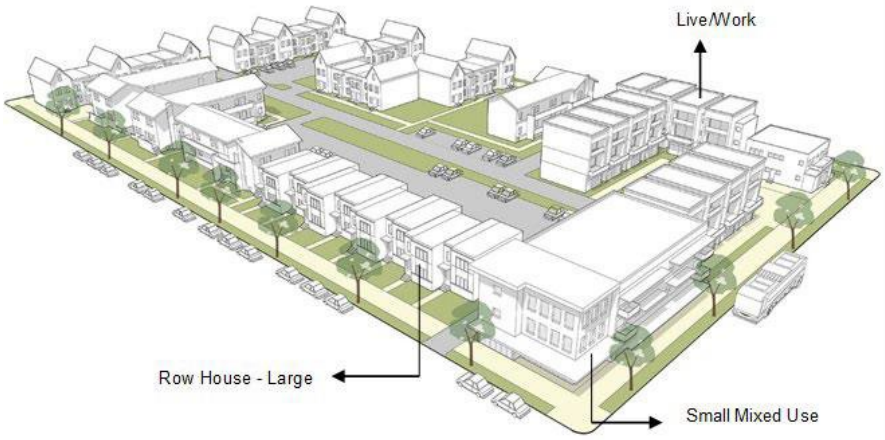
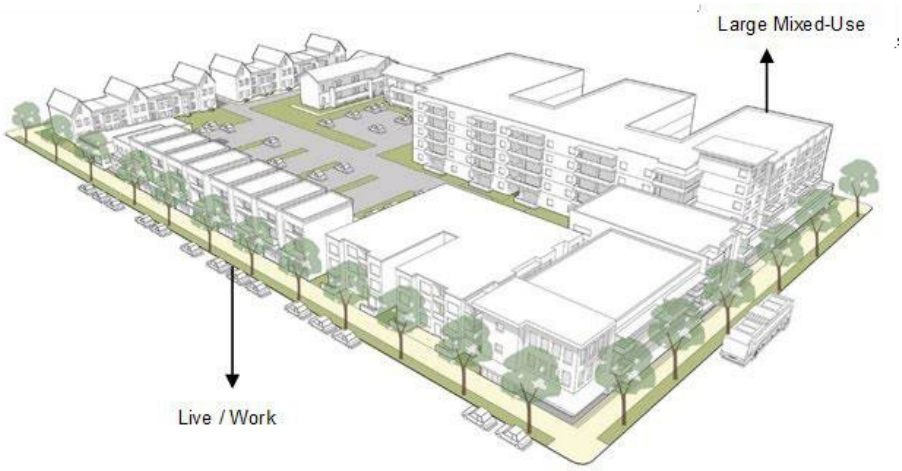
C. Mixed Use Two (MU-2), Mixed Use Three (MU-3), and Mixed Use Four (MU-4) Districts

1. *Purpose*. The MU-2, MU-3, and MU-4 districts are intended to create compact, walkable places at a variety of scales and intensity, appropriate to their contexts. These districts advance their Livability Principles of this code, further the mixed-use intent of the Comp Plan and rely on a connected network of slow or multi-modal streets, and a fine grain of human- scale buildings that line and activate the streetscapes. Each district has the following specific purposes and applicability:

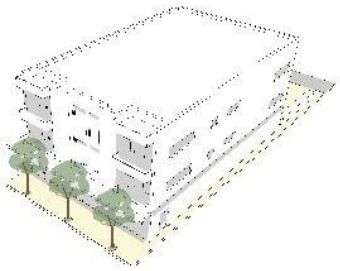
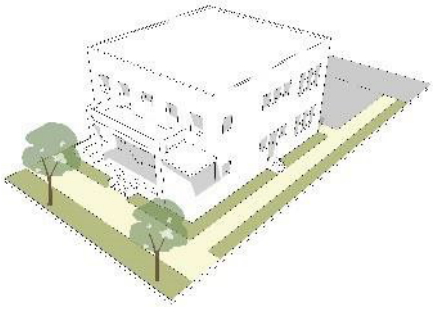
TABLE 742.105.01 – Walkable Neighborhood District Purposes	
Mixed Use Two (MU-2)	
	The MU-2 District is intended to meet the daily needs for surrounding neighborhoods, and include, small social spaces that serve as neighborhood gathering places. The district includes primarily neighborhood-serving businesses and institutions, including a wide range of small-scale retail and service uses that typically do not draw customers from beyond the adjacent neighborhoods, and employment, institutional and residential uses that complement the compact, walkable development pattern. The MU-2 District is implemented as a small node or on busy corridors in the Traditional Neighborhood or City Neighborhood Typologies of the Land Use Pattern Book, or as a Village Mixed Use Typology. The typical size of a district is from 2 to 20 acres (1 to 4 blocks) but depends on the context and what integrates best into surrounding neighborhoods and complimentary zoning districts.
Mixed Use Three (MU-3) [1]	
	The MU-3 District is intended to serve broader communities and are accessible by transit and include social spaces that serve as civic gathering places. The district includes a wide range of community-serving businesses and institutions, including retail and services, employment, institutional and residential uses that complement the compact, walkable development pattern. District-wide parking strategies allow this district to serve as a community destination yet maintain the pedestrian focus and transit accessibility. The MU-3 District is implemented along major corridors in the Traditional Neighborhood or City Neighborhood Typologies of the Land Use Pattern Book, or as a Village Mixed Use or Urban Mixed-Use Typology. This district should be located ½ mile or more from other similar destinations. The typical size of a district is from 6 to 30 acres (2 to 8 blocks) but depends on the context and what integrates best into surrounding neighborhoods and complimentary zoning districts.

Mixed Use Four (MU-4) [1]	
	The MU-4 District is intended to create urban centers that serve as regional destinations and are accessible by transit and include social spaces that serve as civic gathering places. The district includes a concentration of retails and services, employment, institutions and residential uses in a compact, walkable development pattern. District-wide parking strategies allow this district to serve as a regional destination yet maintain the pedestrian focus and transit accessibility. The MU-4 District implements the Urban Mixed-Use Typology of the Land Use Pattern Book. This district should be located ½ mile or more from other similar community or regional destinations. The typical size of a district is from 8 to 40 acres (4 to 12 blocks) but depends on the context and what integrates best into surrounding neighborhoods and complimentary zoning districts.

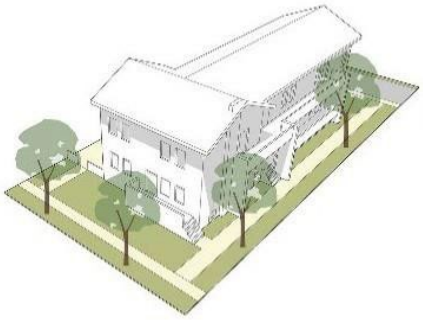
[1] A request for rezoning to the MU-3 or MU-4 district shall first require the adoption of a Village Land Use Plan for the area by the Commission.

1. *Examples.* The MU-2, MU-3 and MU-4 districts regulate development by building type, with a range of building types permitted in each district and where each type has specific lot and building form standards. The following are examples of each type:

Building Types	Photos
 Large Mixed-Use	
 Medium Mixed-Use	

Building Types	Photos
 Small Mixed-Use	
 Compact Mixed-Use	
 Live/Work	
 Large Apartment	

Medium Apartment



Small Apartment

Row House – Small

Row House – Large

2. *Building Type Standards*: Table 742-105-3 provides development standards for each building type and the zoning district where each type is permitted.

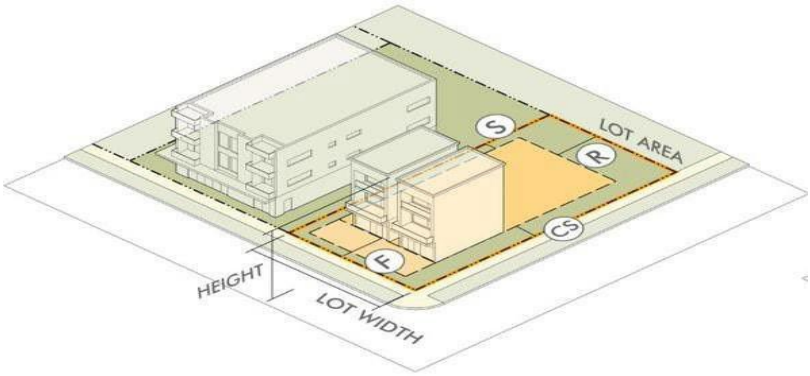
TABLE 742.105.02: COMMERCIAL AND MIXED-USE BUILDING TYPE STANDARDS

	LOT		SETBACKS				BUILDING		ZONING DISTRICTS		
NAME / TYPE	AREA	WIDTH	FRONT	SIDE	CORNER SIDE	REAR	HEIGHT (MAX.)	OPEN SPACE*	MU-2	MU-3	MU-4
Live/Work	1.5K -6K sf	18' – 50'	See Section 744. Article VII. Section 01C. Private Frontage Types	5'	10'	20'	40' / 3 stories	n/a	■	■	■
Compact Mixed-Use	< 3K sf	20' – 30'		5' / 0' if party wall	0' - 10'	0' min. / 10' if alley	44' / 3 stories	100 sf / unit	■	■	■
Small Mixed-Use	3K - 10K sf	30' – 100'		5' / 0' if party wall	0' - 10'	0' min. / 10' if alley	44' / 3 stories	5%; and 50 sf / unit	■	■	■
Medium Mixed-Use	10K – 1 ac. (or ¼ block max)	100' – 200'		5' / 0' if party wall	0' - 10'	0' min. / 10' if alley	80' / 6 stories	10%; and 50 sf / unit	□	■	■
Large Mixed Use	1 ac. – 2.5 ac. (or ½ block max)	200' – 400'		5' / 0' if party wall	0' - 10'	0' min. / 10' if alley	160' / 12 stories	10%		□	■
Row House - Large	See Residential Building Type Standards in Table 742.103.7								□	□	□
Row House - Small									□	□	□
Small Apartment									□	□	□
Medium Apartment										□	□
Large Apartment											□

■ = Permitted by right

□ = Limited to blocks not designated as a Pedestrian Frontage type according to Section 744.702.C.

* Open Space expressed as a % shall be measured as a % of the total building footprint. Mixed-use buildings with residential uses shall also provide the additional per-unit open space. See Mixed Use and Commercial Design Standards, Section 744. Article VII. Section 02.F. Block and Lot Open Space.



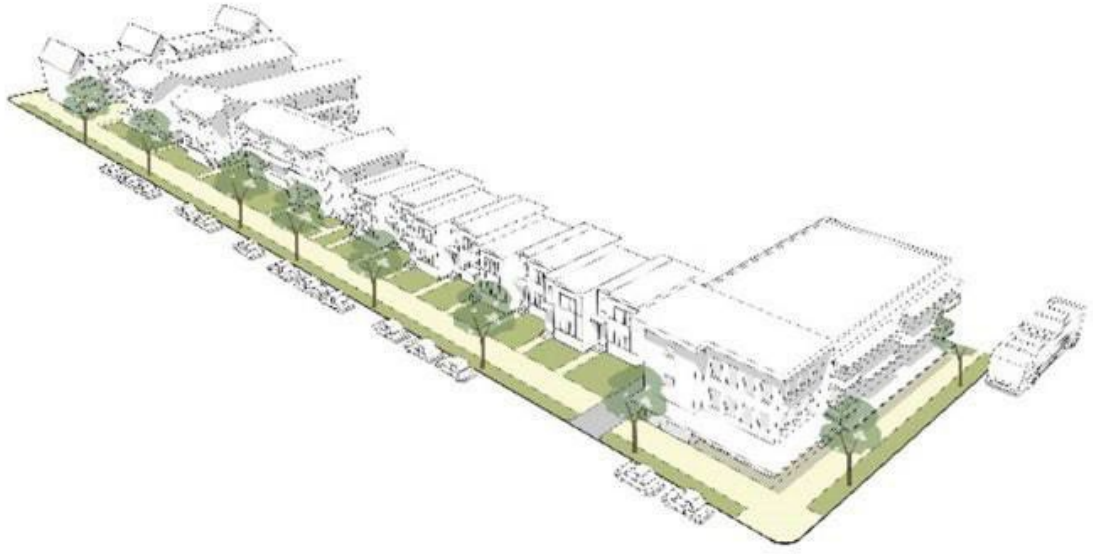


Figure 742.105.01 Lot, Setback & Frontages, Standards. See Table 742.105.02 for application of lot and setback standards for a particular building type. Front building placement and frontage design ties multiple building types together along a block face. Refer to Section 744.702.C. for Private Frontage design standards.

3. Other standards

All lots and buildings in the MU-2, MU-3 and MU-4 Districts shall conform to the Mixed-use and Commercial Design Standards Section 744.702.

Section 06. Central Business Districts

A. General provisions

1. **Compliance with Chapter 741**. In compliance with IC-36-7-4-701, the Commission and City-County Council require all properties in these zoning districts to comply with the provisions of Chapter 741 Subdivision Regulations. Condominium development shall not be regulated by Chapter 741, but shall be regulated per IC 32-1-6.
2. **Outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas.** The outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas shall be subject to the provisions of, and approved by, the City Controller in accordance with Chapter 961 of the Revised Code of the Consolidated City and County, and shall not be subject to the provisions of the Zoning Ordinance.
3. **Accessory uses and structures.** Accessory uses and structures are permitted in the central business districts in accordance with Table 743-1: Use Table. Unless specifically exempted, accessory uses and structures must meet all standards of the Zoning Ordinance, in particular use-specific standards in Sec. 743-306 (Accessory and Temporary Uses) and the development standards of Chapter 744.

B. Central Business District One (CBD-1)

1. Purpose

The CBD-1 district is for the area containing the Soldiers and Sailors Monument and the blocks surrounding the monument. Designed to protect the ambience and spectacular view of the monument, the district also provides for a robust and diverse accumulation of business in the city's highest-density development pattern. It is a pedestrian oriented environment and establishes much of the image of Indianapolis. To foster the highly pedestrian environment and maximize land efficiency, off-street parking is not required, vehicle accommodations are strictly limited, and surface parking is prohibited.

TABLE 742-106-1
CBD-1 DISTRICT
DIMENSIONAL STANDARDS

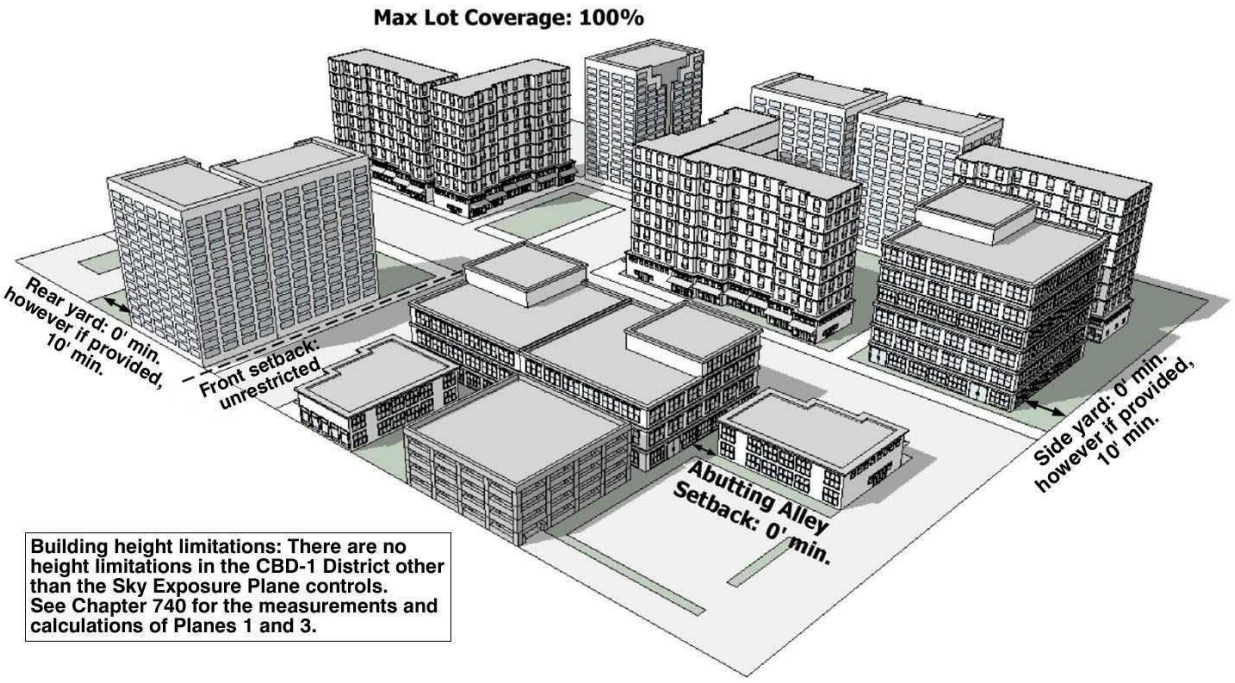
LOT STANDARDS	
Maximum lot coverage	100 %
SETBACKS	
Minimum front setback	n/a
Minimum width of side yard	n/a
Minimum depth of rear yard	n/a
If a setback is provided on rear or side lot line not abutting an alley	10 feet
BUILDING STANDARDS	
Sky exposure planes 1 and 3	See Diagrams T and V

This Table is a summary of selected standards; refer to Chapter 744, Article II Lot and Building Dimensions, for additional regulations.

*In case of a discrepancy with this summary table, the master table in Chapter 744-II governs.

2. Example

3. Illustration



4. Other Standards

Sky Exposure Plane

a. Sky Exposure Plane One shall be applied to all lots within the CBD-1 District abutting:

1. New York Street
2. Ohio Street
3. Market Street
4. Washington Street
5. Maryland Street
6. Capitol Avenue
7. Illinois Street
8. Meridian Street
9. Pennsylvania Street
10. Delaware Street
11. Indiana Street
12. Massachusetts Avenue
13. Kentucky Avenue
14. Virginia Avenue
15. Monument Circle.

b. Provided, however, the Sky Exposure Plane Three shall be applied to all lots abutting Monument Circle.

c. No part of any building or other structure on any lot shall penetrate the applicable sky exposure plane except as follows: A building or other structure may penetrate the Sky Exposure Plane One provided that the area of all architectural elevation facing the street, of all buildings and other structures on the lot (including those portions thereof violating the sky exposure plane) when projected back to the base of the sky exposure plane, establishes an area at the lot line not in excess of the total area of the lot frontage plane (an imaginary vertical plane, having a base coextensive with the front line and extending vertically to its termination at the intersection of the applicable sky exposure plane).

C. Central Business District Two (CBD-2)

1. Purpose

The CBD-2 district is for the general downtown area of Indianapolis, surrounding the CBD-1 and CBD-3 districts. The district represents the typical urban core of Indianapolis to be developed at very high density. It is a pedestrian oriented environment that is also the focus of the City's transit system providing excellent accessibility. The grid pattern of streets are mostly high volume arterials which function efficiently due to the service areas being accessed by a thorough network of alleys. The CBD-2 district accommodates a diverse mixture of uses including residential, retail, restaurants, entertainment, major public facilities, major convention facilities, sports venues, hotels and memorials.

TABLE 742-106-2
CBD-2 DISTRICT
DIMENSIONAL STANDARDS

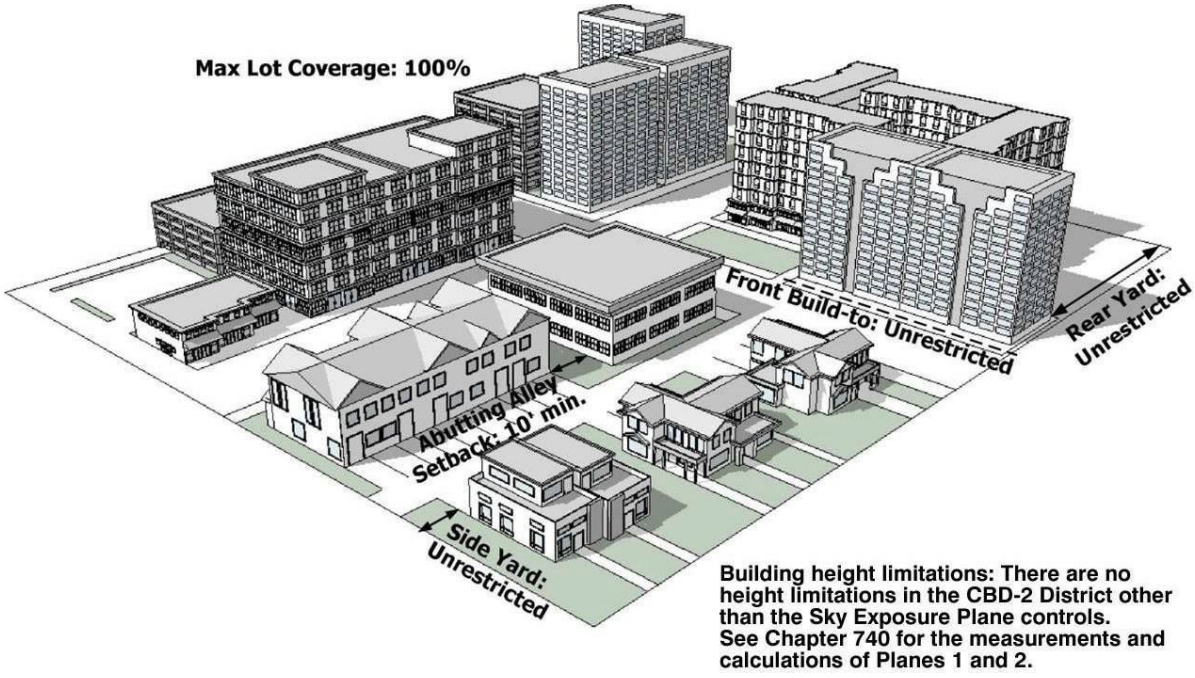
LOT STANDARDS	
Maximum lot coverage	100 %
SETBACKS	
Minimum front setback	n/a
Minimum width of side yard	n/a
Minimum depth of rear yard	n/a
If a setback is provided on rear or side lot line not abutting an alley	10 feet
BUILDING STANDARDS	
Sky exposure planes 1 and 2	See Diagrams S and T

This Table is a summary of selected standards; refer to Chapter 744, Article II Lot and Building Dimensions, for additional regulations.

*In case of a discrepancy with this summary table, the master table in Chapter 744-II governs.

2. Examples

3. **Illustration**



4. Other standards

Sky Exposure Plane

a. The Sky Exposure Plane Two shall be applied to all lots within the CBD-2District, except as noted in subsection b below.

b. Sky Exposure Plane One shall be applied to all lots within the CBD-2 District abutting:

1. The north side of New York Street between Illinois Street and Capitol Avenue.
2. The east side of Delaware Street between New York Street and Maryland Street.
3. The south side of Maryland Street between Delaware Street and Capitol Avenue.
4. The west side of Capitol Avenue between New York Street and Maryland Street.

c. No part of any building or other structure on any lot shall penetrate the applicable sky exposure plane, except the following: A building or other structure may penetrate the Sky Exposure Plane One or Two provided that the area of all architectural elevation facing the street, of all buildings and other structures on the lot (including those portions thereof violating the sky exposure plane), when projected back to the base of the sky exposure plane establishes an area at the lot line not in excess of the total area of the lot frontage plane (an imaginary vertical plane, having a base coextensive with the front lot line and extending vertically to its termination at the intersection of the applicable sky exposure plane).

D. Central Business District Three (CBD-3)

1. Purpose

The CBD-3 district is for the area surrounding the American Legion Mall extending down to the CBD-1 district. To foster the highly pedestrian environment and maximize land efficiency, vehicle accommodations are strictly limited, and surface parking is prohibited. The district is designed to protect the views of landmarks, monuments and plazas that are public assets, specifically views of the Soldiers and Sailors Monument, the Capitol Building, the World War Memorial Plaza, the public library, and Meridian Street. Pedestrian activity is encouraged both by the presence of pedestrian facilities like sidewalks as well as by the environment through which the pedestrian passes, such as an active grade level street front, trees and landscaping, maintaining a sense of defined urban space that is safe and highly legible.

TABLE 742-106-3
CBD-3 DISTRICT
DIMENSIONAL STANDARDS

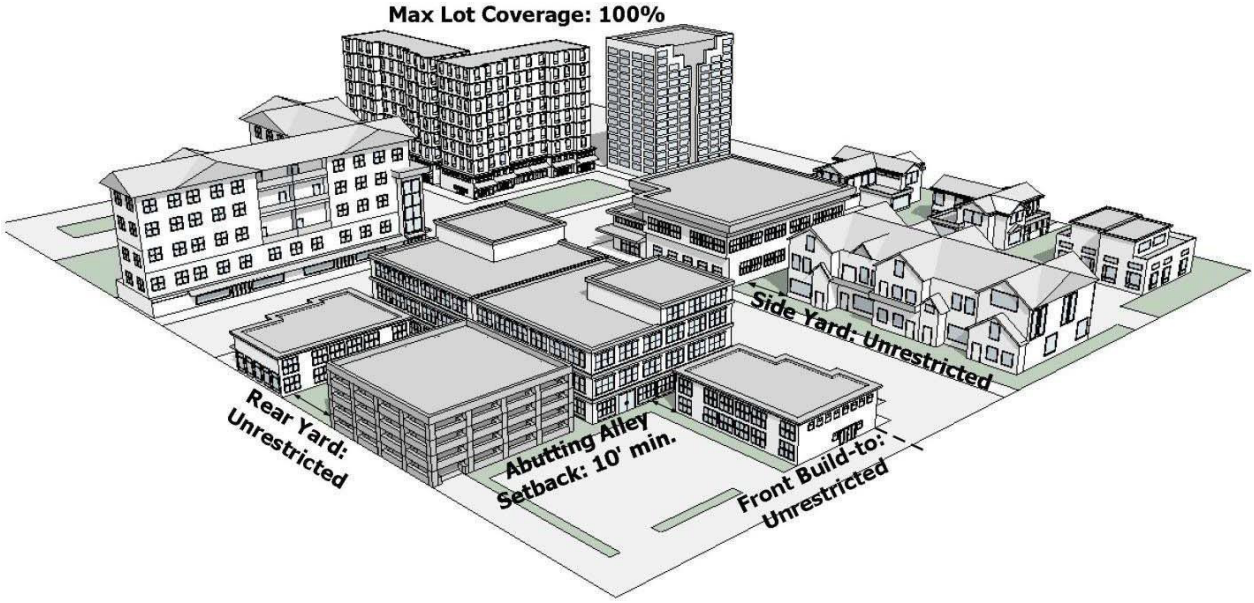
LOT STANDARDS	
Maximum lot coverage	100 %
SETBACKS	
Minimum front setback	n/a
Minimum width of side yard	n/a
Minimum depth of rear yard	n/a
If a setback is provided on rear or side lot line not abutting an alley	10 feet
BUILDING STANDARDS	
Sky exposure plane	n/a

This Table is a summary of selected standards; refer to Chapter 744, Article II Lot and Building Dimensions, for additional regulations.

*In case of a discrepancy with this summary table, the master table in Chapter 744-II governs.

2. Examples

3. **Illustration**



4. **Other standards**

   a. All business and retail enterprise shall be conducted within completely enclosed buildings.

   b. Drive-in establishments offering goods, food or services to customers waiting in cars shall not be permitted.

   c. No side or rear setback is required, but if a side or rear setback is provided its hall be not less than 10 feet in width.

E. Central Business District – Special Development (CBD-S)

1. General requirements

The following regulations shall apply to all land within the CBD-S District: All district uses shall:

a. Be so planned, designed, constructed and maintained as to create a superior land development, in conformity with the Comprehensive Plan;

b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the district and with adjacent uses;

c. Provide sufficient and well-designed access, parking and loading areas;

d. Provide traffic control and street plan integration with existing and planned public streets and interior access roads;

e. Provide adequately for sanitation, drainage and public utilities; and

f. Allocate adequate area for all uses proposed, the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan for Marion County, Indiana.

2. Permitted uses

a. All land use within the CBD-S District shall be limited to the use or uses specified in the applicable rezoning petition or ordinance redistricting and zoning the particular land to the CBD-S District.

b. **Site and Development Plan.** A site and development plan for a proposed district shall be filed with the zoning petition and approved by the Metropolitan Development Commission. The Commission may approve, amend or disapprove the plan or any amended plan and may impose any reasonable conditions upon its approval. If such plan submitted is a preliminary rather than final plan, the Commission's approval shall be conditioned upon the approval, by the Administrator, Department of Metropolitan Development, of a final site and development plan, in total or in phases. Such final plan approval by the Administrator shall be conditioned upon the Administrator's finding that the final plan is consistent and in substantial conformity with the preliminary plan, as approved by the Metropolitan Development Commission. If the Administrator does not so find, the applicant may appeal the Administrator's decision to the Metropolitan Development Commission, and the Commission shall determine, after hearing in accordance with their Rules of Procedure, whether the Administrator's decision should be sustained.

3. Development standards

a. Permitted uses and development in the CBD-S district shall conform to the regulations of Chapter 743, the development standards of Chapter 744, and the performance standards of Chapter 740, Article IV Performance Standards, as well as the regulations of this Section 742-106.E.

Section 07. Industrial Districts

A. General Provisions

1. **Industrial Park.** Land uses permitted in an industrial district established by this chapter may be grouped together to create an industrial park, subject to all requirements of the district.
2. **Accessory uses and structures.** Accessory uses and structures are permitted in the industrial districts in accordance with Table 743-1: Use Table. Unless specifically exempted, accessory uses and structures must meet all standards of the Zoning Ordinance, in particular the use-specific standards in Sec. 743-306 (Accessory and Temporary Uses) and the development standards of Chapter 744.

B. Restricted Industrial District (I-1)

1. Purpose

The I-1 district is designed for those industries that present the least risk to the public. In the I-1 district, uses carry on their entire operation within a completely enclosed building in such a manner that no nuisance factor is created or emitted outside the enclosed building. No storage of raw materials, manufactured products, or any other materials is permitted in the open space around the buildings. Loading and unloading berths are completely enclosed or shielded by solid screening. This district has strict controls on the intensity of land use providing protection of each industry from the encroachment of other industries. It is usually located adjacent to protected districts and may serve as a buffer between heavier industrial districts and business or protected districts.

TABLE 742-107-1
I-1 DISTRICT
DIMENSIONAL STANDARDS

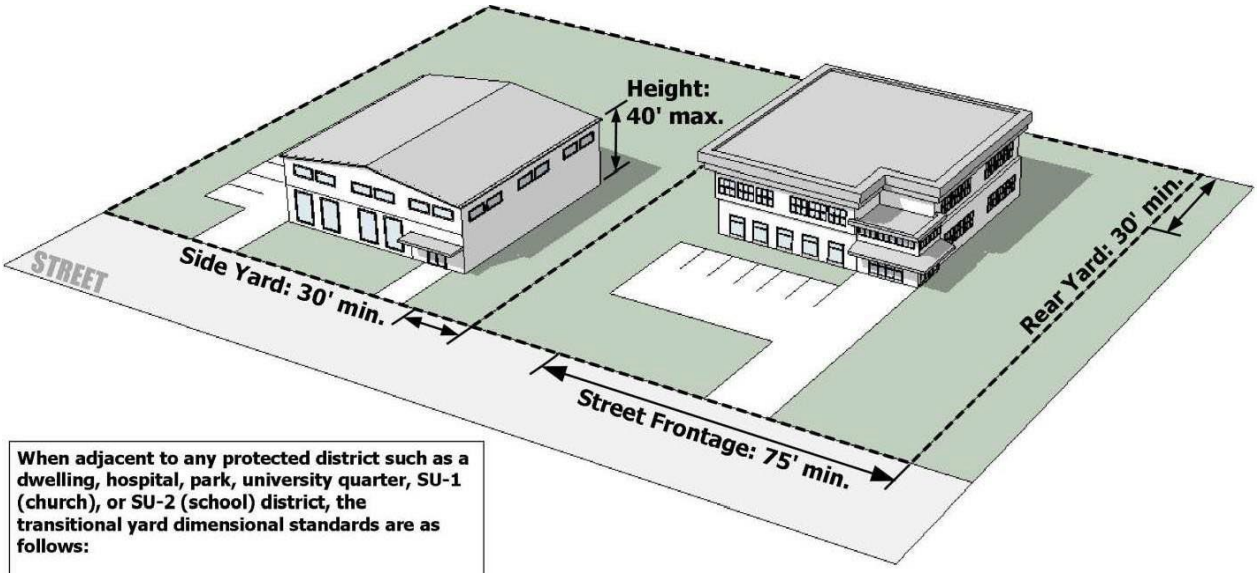
	COMPACT	METRO
LOT STANDARDS		
Minimum street frontage	35 ft.	75 ft.
SETBACKS		
Minimum depth front yard	See Table 744-201-6	See Table 744-201-6
Minimum front transitional yard	30 ft.	100 ft.
Minimum width of side yard	10 ft.	30 ft.
Minimum side transitional yard	30 ft.	50 ft.
Minimum depth of rear yard	10 ft.	30 ft.
Minimum rear transitional yard	30 ft.	50 ft.
BUILDING STANDARDS		
Maximum building height	40 ft.	40 ft.
Maximum building height along transitional yard	22 ft.	22 ft.

This Table is a summary of selected standards; refer to Chapter 744, Article II Lot and Building Dimensions, for additional regulations.

*In case of a discrepancy with this summary table, the master table in Chapter 744-II governs.

2. **Examples**

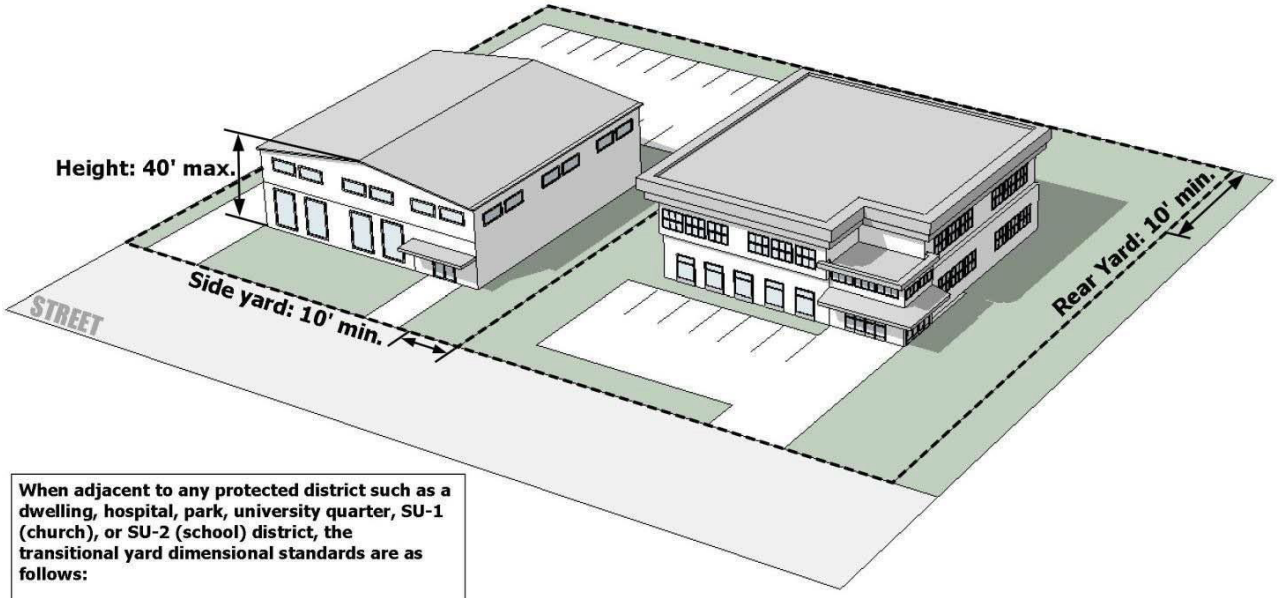
3. **Illustration - Metro Context Area**



When adjacent to any protected district such as a dwelling, hospital, park, university quarter, SU-1 (church), or SU-2 (school) district, the transitional yard dimensional standards are as follows:

Front Transitional Yard: 100' min.
Rear Transitional Yard: 50' min.
Side Transitional Yard: 50' min.
Transitional Building Height: 22' max.

4. **Illustration - Compact Context Area**



When adjacent to any protected district such as a dwelling, hospital, park, university quarter, SU-1 (church), or SU-2 (school) district, the transitional yard dimensional standards are as follows:

Front Transitional Yard: 30' min.
Rear Transitional Yard: 30' min.
Side Transitional Yard: 30' min.
Transitional Building Height: 22' max.

5. **Other Standards**

[Reserved]

C. Light Industrial District (I-2)

1. Purpose

The I-2 district is for those industries that present minimal risk and typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) that extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts, and are limited throughout the district to a percentage of the total operation.

Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer. For application to the older industrial districts within the central city, standards specifically accommodate the use of shallow industrial lots.

TABLE 742-107-2
I-2 DISTRICT
DIMENSIONAL STANDARDS

	COMPACT	METRO
LOT STANDARDS		
Minimum street frontage	35 ft.	75 ft.
SETBACKS		
Minimum depth front yard	See Table 744-201-6	See Table 744-201-6
Minimum front transitional yard	30 ft.	100 ft.
Minimum width of side yard	10 ft.	30 ft.
Minimum side transitional yard	30 ft.	50 ft.
Minimum depth of rear yard	10 ft.	30 ft.
Minimum rear transitional yard	30 ft.	50 ft.
BUILDING STANDARDS		
Maximum building height	50 ft.	50 ft.
Maximum building height along transitional yard	22 ft.	22 ft.

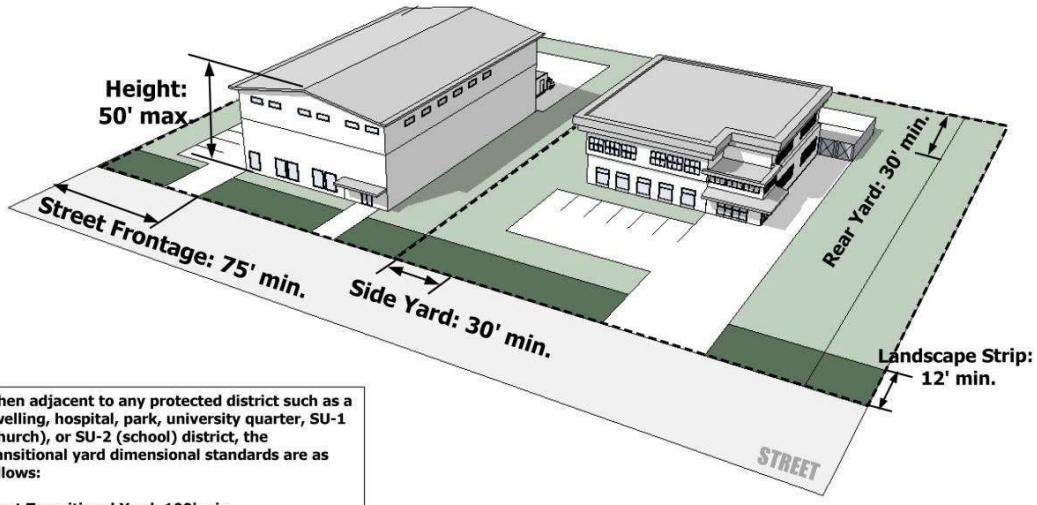
This Table is a summary of selected standards; refer to Chapter 744, Article II Lot and Building Dimensions, for additional regulations.

*In case of a discrepancy with this summary table, the master table in Chapter 744-II governs.

2. Examples

RECEIVING
DOORS 6-7-8
SHIPPING
HABEGGER

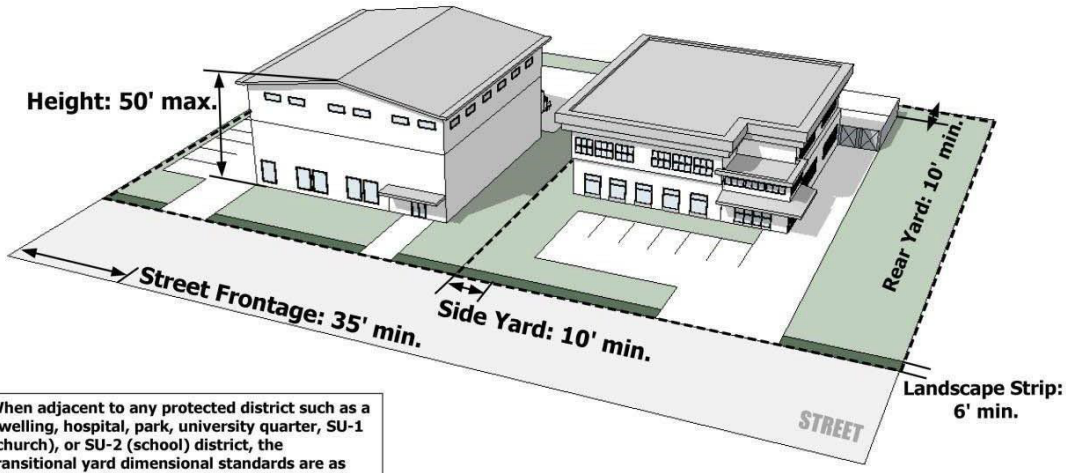
3. Illustration – Metro Context Area



When adjacent to any protected district such as a dwelling, hospital, park, university quarter, SU-1 (church), or SU-2 (school) district, the transitional yard dimensional standards are as follows:

Front Transitional Yard: 100' min.
Rear Transitional Yard: 50' min.
Side Transitional Yard: 50' min.
Transitional Building Height: 22' max.

4. Illustration - Compact Context Area



When adjacent to any protected district such as a dwelling, hospital, park, university quarter, SU-1 (church), or SU-2 (school) district, the transitional yard dimensional standards are as follows:

Front Transitional Yard: 30' min.
Rear Transitional Yard: 30' min.
Side Transitional Yard: 30' min.
Transitional Building Height: 22' max.

5. Other Standards

[Reserved]

D. Medium Industrial District (I-3)

1. Purpose

The I-3 district is an intermediate district for industries that present moderate risks to the general public. Wherever practical, this district should be away from protected districts and buffered by intervening lighter industrial districts. Where this district abuts protected districts, setbacks are large and enclosure of activities and storage is required.

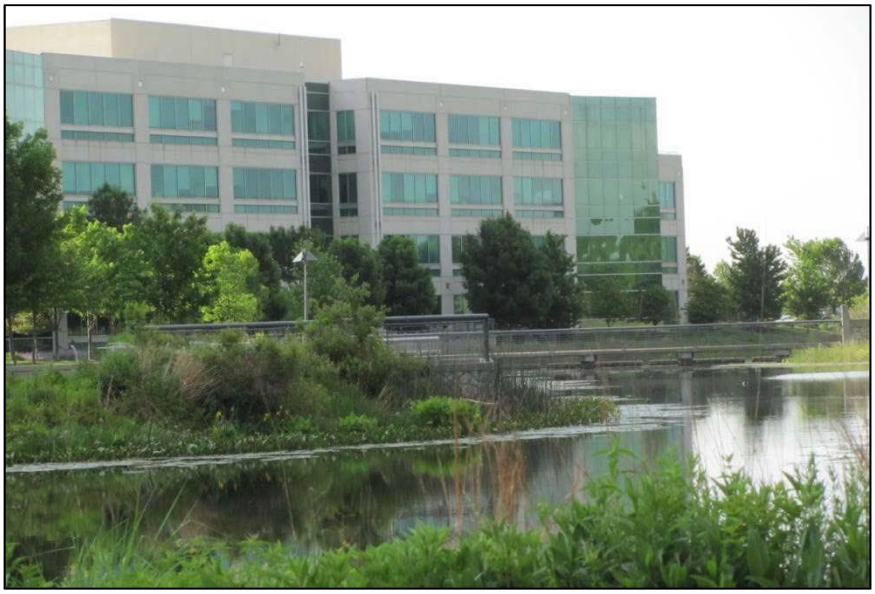
TABLE 742-107-3
I-3 DISTRICT
DIMENSIONAL STANDARDS

	COMPACT	METRO
LOT STANDARDS		
Minimum street frontage	35 ft.	75 ft.
SETBACKS		
Minimum depth front yard	See Table 744-201-6	See Table 744-201-6
Minimum front transitional yard	40 ft.	150 ft.
Minimum width of side yard	10 ft.	30 ft.
Minimum side transitional yard	40 ft.	100 ft.
Minimum depth of rear yard	10 ft.	30 ft.
Minimum rear transitional yard	40 ft.	100 ft.
BUILDING STANDARDS		
Maximum building height along transitional yard	35 ft.	35 ft.

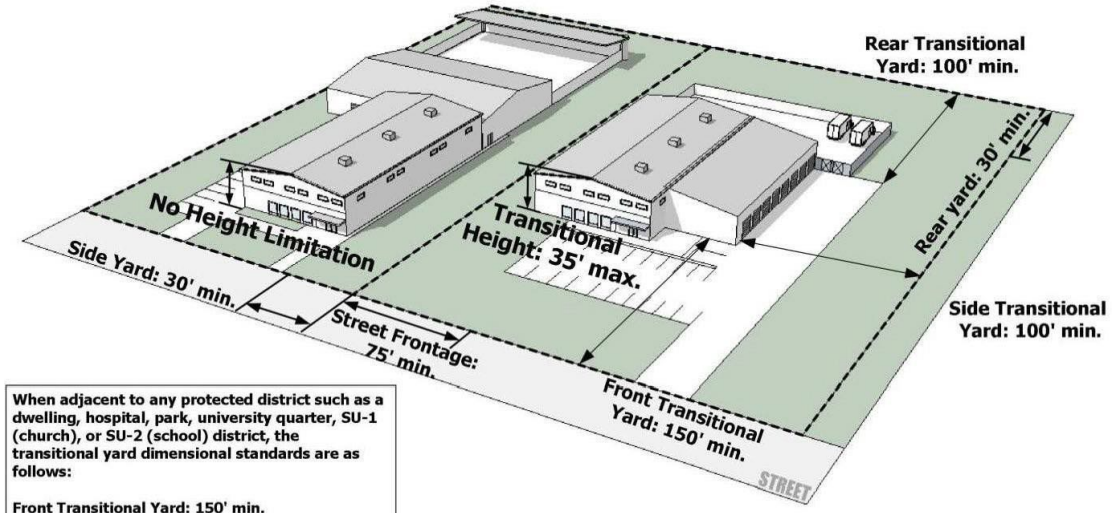
This Table is a summary of selected standards; refer to Chapter 744, Article II Lot and Building Dimensions, for additional regulations.

*In case of a discrepancy with this summary table, the master table in Chapter 744-II governs.

2. Examples



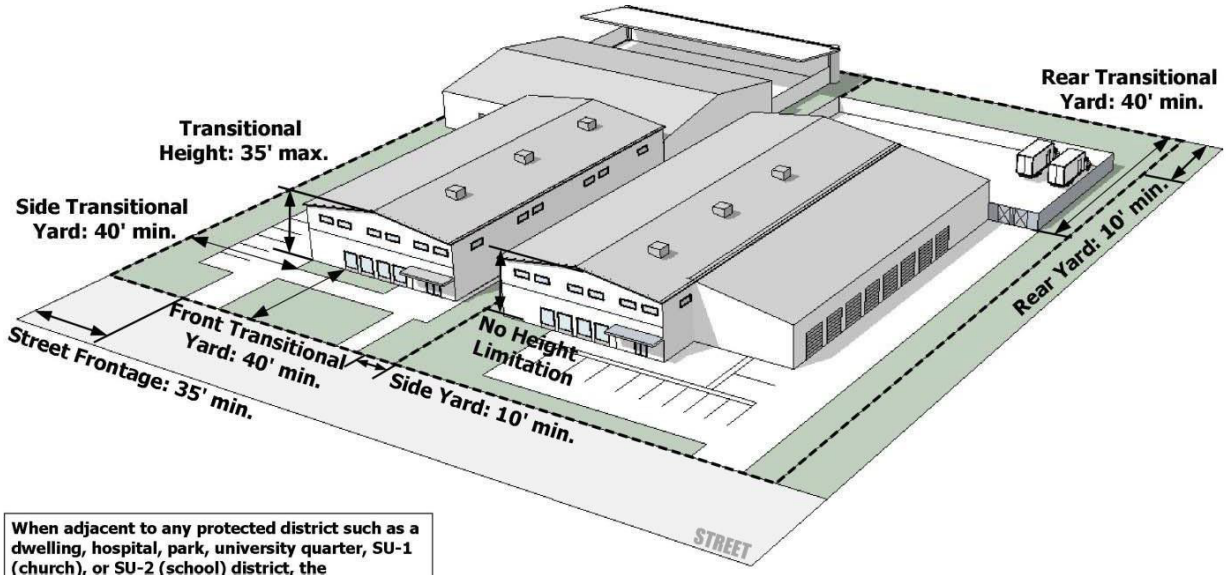
3. **Illustration - Metro Context Area**



When adjacent to any protected district such as a dwelling, hospital, park, university quarter, SU-1 (church), or SU-2 (school) district, the transitional yard dimensional standards are as follows:

Front Transitional Yard: 150' min.
Rear Transitional Yard: 100' min.
Side Transitional Yard: 100' min.
Transitional Building Height: 35' max.

4. Illustration - Compact Context Area



When adjacent to any protected district such as a dwelling, hospital, park, university quarter, SU-1 (church), or SU-2 (school) district, the transitional yard dimensional standards are as follows:

Front Transitional Yard: 40' min.
Rear Transitional Yard: 40' min.
Side Transitional Yard: 40' min.
Transitional Building Height: 35' max.

5. Other Standards

[Reserved]

E. Heavy Industrial District (I-4)

1. Purpose

The I-4 district is for those heavy industrial uses which present an elevated risk to the general public and are typically characterized by factors that would be exceedingly difficult, expensive or impossible to eliminate. These industries are therefore buffered by a sizeable area to minimize any detrimental aspects. The development standards and performance standards reflect the recognition of these problems. Location of this district should be as far as possible from protected districts and environmentally sensitive areas as practical and never be adjacent to protected districts.

TABLE 742-107-4
I-4 DISTRICT
DIMENSIONAL STANDARDS

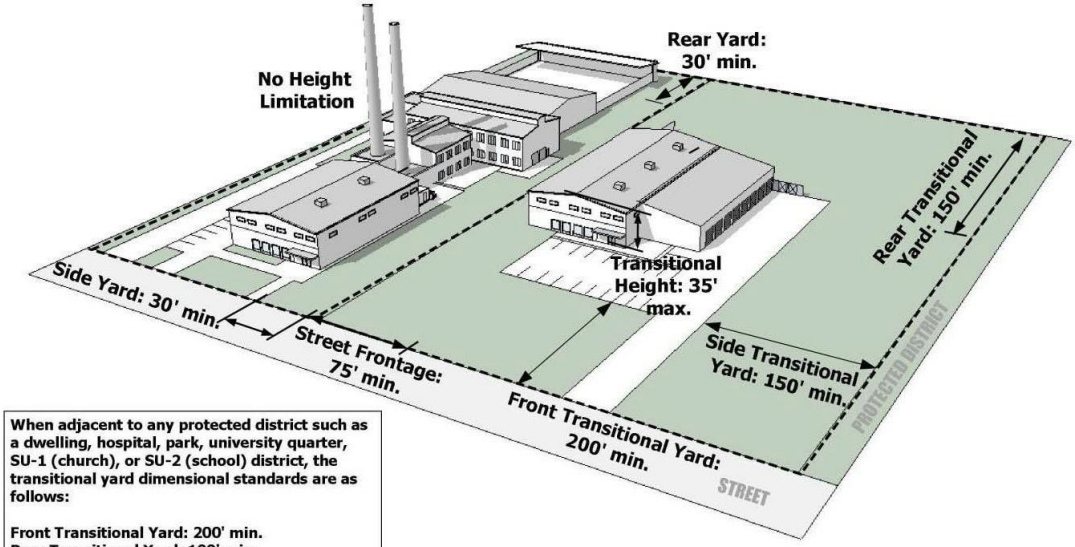
	COMPACT	METRO
LOT STANDARDS		
Minimum street frontage	35 ft.	75 ft.
SETBACKS		
Minimum depth front yard	See Table 744-201-6	See Table 744-201-6
Minimum front transitional yard	50 ft.	200 ft.
Minimum width of side yard	20 ft.	30 ft.
Minimum side transitional yard	50 ft.	150 ft.
Minimum depth of rear yard	20 ft.	30 ft.
Minimum rear transitional yard	50 ft.	150 ft.
BUILDING STANDARDS		
Maximum building height along transitional yard	35 ft.	35 ft.

This Table is a summary of selected standards; refer to Chapter 744, Article II Lot and Building Dimensions, for additional regulations.

*In case of a discrepancy with this summary table, the master table in Chapter 744-II governs.

2. Examples

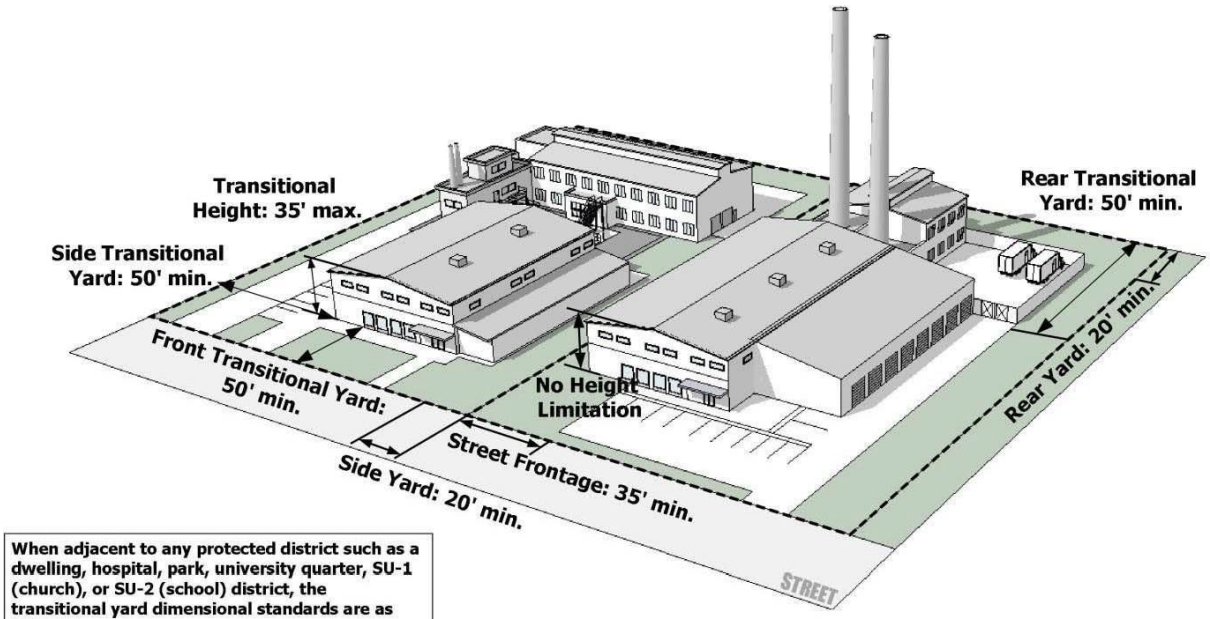
3. **Illustration - Metro Context Area**



When adjacent to any protected district such as a dwelling, hospital, park, university quarter, SU-1 (church), or SU-2 (school) district, the transitional yard dimensional standards are as follows:

Front Transitional Yard: 200' min.
Rear Transitional Yard: 100' min.
Side Transitional Yard: 150' min.
Transitional Building Height: 35' max.

4. Illustration - Compact Context Area



When adjacent to any protected district such as a dwelling, hospital, park, university quarter, SU-1 (church), or SU-2 (school) district, the transitional yard dimensional standards are as follows:

Front Transitional Yard: 50' min.
Rear Transitional Yard: 50' min.
Side Transitional Yard: 50' min.
Transitional Building Height: 35' max.

5. Other Standards

[Reserved]

Section 08. Development Plan Districts

A. Generally

1. Site and Development Plan consideration

a. No use, building or structure shall hereafter be established, constructed or used on any land in a Development Plan district for any purpose other than lawfully existed on or prior to the date listed in Table 742-108-1, until a Site and Development Plan for such land, including the proposed use or uses, has been filed with and approved by the Commission in accordance with this zoning ordinance.

Table 742-108-1: Date that lawfully established uses and structures must have existed

Development Plan District	Date
PK-1 and PK-2 Districts	May 7, 1969
HD-1 and HD-2 Districts	August 1, 1968
UQ-1 and UQ-2 Districts	March 16, 1967
SZ-1 and SZ-2 Districts	February 4, 2009

b. The Commission may consider and act upon any such proposed use and Site and Development Plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission. The Commission must prescribe in its Rules of Procedure the requirements for an approval petition for Site and Development Plan consideration that must be filed. In addition, the Rules of Procedure set forth the fees, hearing process, notice, and amendment procedures relative to any petition.

c. The Commission must make written findings concerning any decision to approve or disapprove a Site and Development Plan filed under this section. The written findings must be based upon the requirements of Section 742-108. The president or secretary of the Commission must be responsible for signing the written findings.

2. Plan documentation and supporting information

The Site and Development Plan must include layout and elevation plans for all proposed buildings and structures, and must indicate:

a. Proposed uses, buildings and structures.

b. All existing uses, buildings and structures, in addition to any proposed to be demolished.

c. Proposed buildings and structures and the use of each.

d. Elevations of all sides of each building.

e. Zoning and existing land uses of adjacent properties.

f. Off-street vehicle and bicycle parking layouts with summary table of the number of required off-street parking, loading, and stacking spaces.

g. Circulation plan for vehicles and pedestrians, in addition to vehicular entrances and exits and turnoff lanes.

h. Setbacks.

i. Landscaping, screens, walls, fences.

j. Outdoor activity areas.

k. Lighting plan.

l. Signs, indicating location, size, design, and illumination.

m. Sewage disposal facilities.

n. Storm drainage facilities.

o. Other utilities and underground facilities.

p. Sample color and materials palette for all proposed structures, as well as fences.

q. Information related to the development's environmental impact, such as application for LEED certification, paving permeability, and other sustainable techniques.

3. Site and development requirements

Land in the development plan districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission must assess whether the Site and Development Plan, proposed use, buildings and structures must:

a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan;

b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the development plan district and with adjacent uses;

c. Provide sufficient and adequate multi-modal access, such as parking and loading areas, transit provisions, and bicycle facilities;

d. Integrate a multi-modal transportation network using active and passive traffic control with the existing and planned public streets and interior roads;

e. Provide adequately for sanitation, drainage and public utilities in a sustainable, low-impact manner;

f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan; and

g. Provide pedestrian accessibility and connectivity, which may be paths, trails, sidewalks, or combination thereof. Pedestrian accessibility to available public transit must be provided. Sidewalks along eligible public streets consisting of the walkway and any curb ramps or blended transitions must be provided. If sidewalks are required to be installed, the Administrator or the Commission must be guided by the provisions of Section 744-304 for the installation of sidewalks.

4. Public notice

Public notice of any hearing regarding a petition pertaining to land in a development plan district must be required in accordance with the Commission's Rules of Procedure.

5. Appeal of Administrator's decision

Where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest must have the right to appeal such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval as an appeal in the form of an approval petition. Such appeal must be filed within 10 business days of approval or denial of the approval as specified in, and following, the Rules of Procedure of the Metropolitan Development Commission. In any appeal, the Commission must make written findings of its decision as required in this Section 742-108.

6. Improvement Location Permit requirements

No building or structure shall be established, constructed, altered, converted, expanded, enlarged, modified, reconstructed, relocated, or used in Development Plan district without an Improvement Location Permit. Such permit shall not be issued until the Site and Development Plan, including the proposed use or uses and plans for such building or structure, shall have been approved by the Commission.

B. Park District Regulations

1. Permitted park district uses

a. Permitted uses in the PK-1 and PK-2 districts are listed in the following Table 742-108-2, and are subject to the conditions in that table.

Table 742-108-2 Permitted Uses in Park Districts	
• All permitted uses are subject to all use-specific standards in Chapter 743 applicable to that use unless waived during the Development Plan approval process. • All permitted uses include accessory and temporary uses permitted in conjunction with the primary use in any zoning district, as shown in Chapter 743. • Filing of a petition for, and Commission approval of, a Development Plan shall not be required for those projects listed in Section 742-108.B.2.	
District/ Use Category	**Permitted Uses**
PK-1 Park District one	
Public, Institutional, Religious, and Civic Uses	Park, Playground, or Greenway
Commercial and Industrial Uses	Wireless Communication Facility
PK-2 Park District Two	
Residential Uses	Any use in the Household Living or Group Living categories
Public, Institutional, Religious, and Civic Uses	Any uses in the Community, Cultural, and Educational Facilities category, All uses in the Health Care Facilities category except Methadone Clinic or Treatment Facility.
Agricultural, Animal Related, and Food Production Uses	Animal Care, Boarding, Veterinary Services; Garden as a Primary Use; and Farmers' Market
Commercial and Industrial Uses	Any uses in the Business, Home, and Personal Services or Repair category except Dry Cleaning Plants or Industrial Laundry and Printing Services; All uses in the Food, Beverage, and Indoor Entertainment category except Adult Entertainment Businesses; All uses in the Lodging category; Artisan Food and Beverage; Artisan Manufacturing; Light Manufacturing; All uses in the Office category; All uses in the Outdoor Recreation and Entertainment category; All uses in the Research and Development category; All uses in the Retail Sales category except Retail Adult Entertainment Business; Substations and Utility Distribution Nodes; Wireless Communication Facility; All uses in the Vehicle Related Operations category except Fleet Terminals, Heavy Vehicle Wash, Heliports, Parking Lot (Primary Use), Truck Stop, and Truck or Heavy Vehicle Sales, Rental, or Repair; and Recycling Facility.

2. Specific exemptions - Administrator's approval

The filing of an approval petition and subsequent Commission approval shall not be required for the creation or alteration of the following structures or for accomplishing the following types of improvements in the PK-1 and PK-2 Districts. Such structures and improvements, however, shall be required to obtain Administrator's approval prior to the issuance of an Improvement Location Permit. All provisions and regulations of the Zoning Ordinance applicable in the particular situation, or commitments related to prior Commission approval, shall continue to apply. The

Administrator shall be required to use the standards of Section 742-108.A.3 in the review and disposition of such structures and improvements.

a. Improvements to existing structures that do not increase the usable floor area of that structure (for example: canopies, awnings, vestibules, roof line changes, or similar features).

b. Additions to existing structures that are less than:

   1. 1,000 square feet in the PK-1 District;

   2. 1,000 square feet for residential uses within the PK-2 District; and

   3. 2,500 square feet for all other uses within the PK-2 District.

c. In the PK-1 District, any new structure that is less than 2,500 square feet, provided the structure:

   1. Is in substantial conformance with the applicable adopted park master plan; or

   2. Is an accessory support structure that may not be delineated on the adopted park master plan, the location of which, however, will not affect the implementation of the plan (examples of such structures are golf cart buildings, picnic shelters, maintenance sheds, and rest rooms).

d. All new residential structures in projects or subdivisions previously approved by the Commission. In instances of an approved subdivision, a plat shall have been recorded.

e. Accessory structures permitted in connection with residential development.

f. Landscaping.

g. All incidental signs (as defined by Chapter 744, Article IX Sign Regulations.

3. Park district development standards

a. **Park District One (PK-1) development standards.** The following development standards shall apply to all land within Park District One:

   1. **Location**. Public parks larger than 10 acres shall be located with direct access to and frontage on a collector street, or a street designated on the Official Thoroughfare Plan as a primary or secondary thoroughfare, parkway, expressway or freeway.

   2. **Minimum lot area**. There shall be no minimum lot area.

   3. **Setback lines and minimum front yards**.

      i. Front yards, having a minimum depth in accordance with the following setback requirements, shall be provided along all street right-of-way lines:

         a. Expressway, parkway or primary thoroughfare (as designated on the Official Thoroughfare Plan). No part of any structure shall be built closer than 60 feet to any right-of-way line of an expressway, parkway or primary thoroughfare.

         b. Secondary thoroughfare (as designated on the Official Thoroughfare Plan). No part of any structure shall be built closer than 40 feet to any right-of-way line of a secondary thoroughfare.

c. Collector street. No part of any structure shall be built closer than 30 feet to any right-of-way line of a collector street.

d. Local street, marginal access street or cul-de-sac. No part of any structure shall be built closer than 25 feet to any right-of-way line of a local street, marginal access street, or cul-de-sac, with the exception of the vehicular turnaround thereof. No part of any structure shall be built closer than 20 feet to any right-of-way line of the vehicular turnaround of a cul-de-sac.

e. Provided, however, that along the right-of-way line of any street, highway, or thoroughfare where access rights thereto have been purchased or otherwise acquired by the governmental agency having jurisdiction thereof, yards having a minimum depth of 30 feet shall be provided.

f. **Exception**: Eaves, cornices or other laterally supported extensions may extend into the front yard setback a maximum of 4 feet.

4. **Maximum height**. 35 feet.

5. **Off-street parking**.

i. Adequate off-street parking spaces shall be provided for the various PK-1 District park activities and uses.

ii. Off-street parking area for all uses in the PK-1 District shall be developed and maintained in accordance with the following requirements:

a. Off-street parking entrances and exits shall be located a minimum distance of 25 feet from the nearest point of 2 intersecting street right-of-way lines. Such curb cuts from a public street shall further conform to all requirements of the traffic engineering department having jurisdiction thereof.

b. The surface of parking areas shall be graded and drained in such a manner that there will be no free flow of water onto either adjacent properties or sidewalks.

c. Lighting facilities used to illuminate parking areas shall be so located, shielded and directed upon the parking area that they do not glare onto or interfere with street traffic, adjacent buildings, or adjacent users.

iii. The distance of driveways and parking areas from any adjacent property line shall be at least 20 feet.

6. **Signs**. Signs and sign structures shall comply with Chapter 744, Article IX Sign Regulations.

b. **Park District Two (PK-2) development standards**. All development within the Park District Two (PK-2) district shall be in accordance with the Site and Development Plan, as approved by the Commission in accordance with this section.

C. Hospital district regulations

1. Statements of purpose

a. **Hospital District One (HD-1)**. The HD-1 zoning category is designed to permit and facilitate the development, expansion, and modernization of a major hospital complex or campus, in which a diversity of uses, functions, and facilities is necessary to best perform the hospital's various services to the public; and further to permit appropriate land use modifications as necessary to facilitate the highest level of such service.

b. **Hospital District Two (HD-2)**. The HD-2 zoning category is designed to: (1) permit and facilitate the logical association of a diversity of land uses in close proximity to a major hospital complex; (2) to provide adequate land area for such hospital-related uses; and (3) to assure a quality and character of site development that will create the environment of safety, quietness, attractiveness and convenience compatible with such hospital complex.

2. Permitted hospital district uses

Permitted uses in the HD-1 and HD-2 districts are listed in Table 742-108-3, and are subject to the conditions in that table.

Table 742-108-3 Permitted Uses in Hospital Districts

- All permitted uses are subject to all use-specific standards in Chapter 743 applicable to that use unless waived during the Development Plan approval process.
- All permitted uses include accessory and temporary uses permitted in conjunction with the primary use in any zoning district, as shown in Chapter 743.
- Filing of a petition for, and Commission approval of, a Development Plan shall not be required for those projects listed in Section 742-108.C.3.

District/ Use Category	Permitted Uses
HD-1 Hospital District One	
Residential Uses	Assisted Living Facility; Group Home; and Nursing Home.
Public, Institutional, Religious, and Civic Uses	Day Care Center or Nursery School; and All uses in the Health Care Facilities Use category.
Commercial and Industrial Uses	Substations and Utility Distribution Nodes; and Wireless Communication Facility.
HD-2 Hospital District Two	
Residential Uses	Assisted Living Facility; Group Home; Nursing Home; and Multifamily Dwellings;
Public, Institutional, Religious, and Civic Uses	Day Care Center or Nursery School; and All uses in the Health Care Facility category except hospitals.
Commercial and Industrial Uses	Consumer Services or Repair of Consumer Goods if related to public health; Eating Establishment or Food Preparation; Hotel, Motel, or Hostel; Office: Business, Professional, or Government if related to public health; Research and Development, Life Sciences R&D; Retail, Light General; Substations and Utility Distribution Nodes; Wireless Communication Facility; Automobile and Light Vehicle Wash; Automobile Fueling Station; Transit Center; Commercial Parking Lot; Commercial Parking Garage; and Recycling Station.

3. Specific exemptions - Administrator's approval

The filing of an approval petition and subsequent Commission approval shall not be required for the creation or alteration of the following structures or for accomplishing the following types of improvements in the HD-1 and HD-2 Districts. Such structures and improvements, however, shall be required to obtain Administrator's approval prior to the issuance of an Improvement Location Permit. All provisions and regulations of the Zoning Ordinance applicable in the particular situation, or commitments related to prior Commission approval, shall continue to apply. The Administrator shall be required to use the standards of Section 742-108.A.3 in the review and disposition of such structures and improvements.

a. Improvements to existing structures that do not increase the usable floor area of that structure (for example: canopies, awnings, vestibules, roof line changes, or similar features);

b. Additions to existing structures which are less than 2,500 square feet in area;

c. Accessory structures permitted in connection with residential development;

d. Landscaping; or

e. All incidental signs.

4. Hospital district development standards

All development within the hospital districts shall be in accordance with the Site and Development Plan, as approved by the Commission in accordance with this section.

D. University Quarter district regulations

1. Permitted University Quarter district uses.

Permitted uses in the UQ-1 and UQ-2 districts are listed in the following Table 742-108-4, and are subject to the conditions in that table.

Table 742-108-4: Permitted Uses in University Quarter Districts	
• All permitted uses are subject to all use-specific standards in Chapter 743 applicable to that use unless waived during the Development Plan approval process. • All permitted uses include accessory and temporary uses permitted in conjunction with the primary use in any zoning district, as shown in Chapter 743. • Filing of a petition for, and Commission approval of, a Development Plan shall not be required for those projects listed in Section 742-108.D.2.	
District/ Use Category	**Permitted Uses**
UQ-1 University Quarter One District	
Residential Uses	Multifamily dwellings.
Public, Institutional, Religious, and Civic Uses	Business, Art, or Other Post-Secondary Proprietary School; College or University; Community Center; and Day Care Center or Nursery School.
Commercial and Industrial Uses	Substations and Utility Distribution Nodes; and Wireless Communication Facility.
NOTE: Commission's approval is required prior to the issuance of an Improvement Location Permit for any use, structure, building or development within the UQ-1 District, except as listed in Section 742-108.D.2.	
UQ-2 University Quarter Two District	
Residential Uses	All uses permitted in D-5 district, subject to all requirements that apply to development of that use in the D-5 district; Multifamily dwellings limited to faculty and student housing; and Fraternity or Sorority. (This use is subject to the Commission's approval required except as listed in Section 742-108.D.2 Specific exemptions - Administrator's approval, pursuant to the development standards of Section 742-108.D.3.
Public, Institutional, Religious, and Civic Uses	All uses permitted in D-5 district, subject to all requirements that apply to development of that use in the D-5 district.
Agricultural, Animal Related, and Food Production Uses	All uses permitted in D-5 district, subject to all requirements that apply to development of that use in the D-5 district.
Commercial and Industrial Uses	All uses permitted in D-5 district, subject to all requirements that apply to development of that use in the D-5 district.
NOTE: Neither Commission nor Administrator's approval shall be required for uses permitted in the D-5 district, so long as all standards of the Zoning Ordinance are satisfied.	

2. Specific exemptions - Administrator's approval

The filing of an approval petition and subsequent Commission approval shall not be required for the creation or alteration of the following structures or for accomplishing the following types of improvements in the UQ-1 and university-related group dwelling uses (university dormitory or fraternal organization), permitted in the UQ-2 Districts. Such structures and improvements, however, shall be required to obtain Administrator's approval prior to the issuance of an Improvement Location Permit. All provisions and regulations of the Zoning Ordinance applicable in the particular situation, or commitments related to prior Commission approval, shall continue to apply. The Administrator shall be required to use the standards of Section 742-108.A.3 in the review and disposition of such structures and improvements.

a. Improvements to existing structures that do not increase the usable floor area of that structure (for example: canopies, awnings, vestibules, roof line changes, or similar features);

b. Additions to existing structures that are less than 2,500 square feet in area (UQ-1 District only);

c. Landscaping; or

d. All incidental signs.

3. University Quarter District development standards

a. *Development standards for UQ-1 district*

1. *Setback lines and minimum yards*.

   i. Setback line and minimum front yard: Yards, having a minimum depth in accordance with the setback requirements of Chapter 744, Article II Lot and Building Dimensions, shall be provided along all street right-of-way lines.

   ii. Minimum side and rear yards: 15 feet or one foot for each foot of building height, whichever is greater.

2. *Maximum building area.* Building area shall not exceed 40% of the lot area.

b. *Development standards for UQ-2 district, university-related group dwelling uses.*

1. *Setback lines and minimum yards*.

   i. Setback line and minimum front yard: Yards, having a minimum depth in accordance with the setback requirements of Chapter 744, Article II Lot and Building Dimensions, shall be provided along all street right-of-way lines.

   ii. Minimum side and rear yards: 15 feet or one foot for each foot of building height, whichever is greater.

2. *Maximum building area.* Building area shall not exceed 40% of the lot area.

3. *Maximum height*. 35 feet.

E. Speedway District regulations

1. Statement of purpose

The purpose and intent of these districts is to ensure that all development of land in the Speedway Redevelopment Area 1 takes place in accordance with the principles set forth in the Comprehensive Plan and the Speed Zone Master Plan. The Commission shall prescribe in its rules of procedure the requirements for an approval petition for Site and Development Plan consideration that shall be filed. Where the Special Districts regulations directly conflicts with other portions of the Zoning Ordinance, the Zoning Ordinance shall prevail; however, no development may be approved that conflicts with the Comprehensive Plan.

a. The Speedway Main Street District (SZ-1) is intended to serve as the primary identity for the Town of Speedway.

    1. The SZ-1 District is designed to permit and facilitate street-level activities focusing on restaurants, personal services, and shopping while the upper stories provide a diverse range of office space and urban-style housing. Due to the intensity, traffic generation, nature of operation, or aesthetics of these uses, industrial uses, automobile service facilities, outdoor storage, and other similar uses are prohibited.

    2. The SZ-1 District is designed to permit and facilitate a healthy social and economic environment for residents and visitors of all ages that is a pedestrian-oriented place with active street life, healthy retail, as well as common space for community gatherings and racing-season activities. All buildings within the SZ-1 District shall contribute to creating a relatively continuous street wall and create a pedestrian oriented sense of enclosure and place. Building heights and signs may vary from one property to the next; however a general consistency shall be retained in order to create a continuous sense of character within the district. Sidewalks, pedestrian pathways, and parking areas shall give particular attention to streetscape, landscape continuity, and lighting.

b. Speedway Industrial District (SZ-2) is designed to permit and facilitate uses that are significant employment generators.

    1. The SZ-2 District is designed to permit and facilitate a diverse mix of light and moderate industrial uses, some automobile-related commercial activities, and commercial entertainment. For illustrative purposes, such uses include wholesale activities, warehouses, manufacturing, compounding, processing, packaging, assembly, or treatment of finished or semi-finished products from previously-prepared material, as well as racing, sports and entertainment operations. Due to the inherent risk, intensity, traffic generation, nature of operation or aesthetics of these uses, residential uses, and commercial retail and service uses are prohibited.

    2. The SZ-2 District is designed to permit and facilitate development that is entirely enclosed; strictly adheres to the performance standards; provides sufficient space for current or future needs for manufacturing and wholesaling or related uses while preserving the aesthetics of the community; and utilizes sustainable development techniques to both reduce the environmental impact and increase the intensity of development. In addition to the economic

benefits of green roof construction and the utilization of permeable pavement materials, structures utilizing these design techniques realize ecological benefits by reducing the impervious surface area on a site. The SZ-2 District development standards encourage these and other sustainable construction and development practices.

2. Permitted uses in the Speedway districts

Permitted uses in the SZ-1 and SZ-2 districts are listed in the following Table 742-108-5, and are subject to the conditions in that table.

Table 742-108-5: Permitted Uses in Speedway Districts

- All permitted uses are subject to all use-specific standards in Chapter 743 applicable to that use unless waived during the Development Plan approval process.
- All permitted uses include accessory and temporary uses permitted in conjunction with the primary use in any zoning district, as shown in Chapter 743.

District/ Use Category	Permitted Uses
SZ-1 Speedway Main Street District	
Residential Uses	All uses in the Residential Use category if located above the ground floor and uses a separate entrance.
Public, Institutional, Religious, and Civic Uses	All uses in the Public, Institutional, Religious, and Civic Use category.
Agricultural, Animal Related, and Food Production Uses	Animal Care, Boarding, Veterinarian Services, Garden as a Primary Use, and Farmers' Market
Commercial and Industrial Uses	All uses in the Business, Home, and Personal Services and Repair category except Dry Cleaning Plant or Industrial Laundry and Printing Services; All uses in the Food, Beverage and Indoor Entertainment category except Adult Entertainment Business; All uses in the Lodging category; Artisan Food and Beverage, Artisan Manufacturing, Light Manufacturing, or Medium Manufacturing without outdoor storage or display; All uses in the Offices category; All uses in the Outdoor Recreation and Entertainment category; All uses in the Research and Development category; All uses in the Retail Sales category except Retail Adult Entertainment Businesses and On-going Fireworks Sales; Substations and Utility Distribution Nodes; Wireless Communication Facilities; Commercial Parking Lot; Commercial Parking Garage; and Transit Center.
SZ-2 Speedway Industrial District	
Public, Institutional, Religious, and Civic Uses	All uses in the Public, Institutional, Religious, and Civic Use category, if located on a parcel with at least 200 feet of frontage along realigned 16 Street.
Agricultural, Animal Related, and Food Production Uses	Animal Care, Boarding, Veterinarian Services, Garden as a Primary Use, Farmers' Market, if located on a parcel with at least 200 feet of frontage along realigned 16 Street.

Table 742-108-5: Permitted Uses in Speedway Districts	
• All permitted uses are subject to all use-specific standards in Chapter 743 applicable to that use unless waived during the Development Plan approval process. • All permitted uses include accessory and temporary uses permitted in conjunction with the primary use in any zoning district, as shown in Chapter 743.	
District/ Use Category	**Permitted Uses**
Commercial and Industrial Uses	All of the following uses if located on a parcel with at least 200 feet of frontage along realigned 16 Street: All uses in the Business, Home, and Personal Services and Repair category except Dry Cleaning Plant or Industrial Laundry and Printing Services; All uses in the Food, Beverage and Indoor Entertainment category except Adult Entertainment Business; All uses in the Lodging category; and All uses in the Outdoor Recreation and Entertainment category. All of the following uses, regardless of the parcel location or frontage: Dry Cleaning Plant or Industrial Laundry; Printing Services; All uses in the Heavy Services category; Artisan Food and Beverage, Artisan Manufacturing, Light Manufacturing, or Medium Manufacturing; All uses in the Offices category; All uses in the Research and Development category; Substations and Utility Distribution Nodes; Wireless Communication Facilities; All uses in the Vehicle-Related Operations category except Fleet Terminals; Recycling Facility; Waste or Recycling Transfer Facility; All uses in Wholesale Distribution or Storage category except Bulk Storage of Commercial or Industrial Liquids.

3. Specific exemptions - Administrator's approval

The filing of an approval petition and subsequent Commission approval shall not be required for the creation or alteration of the following structures or for accomplishing the following types of improvements in the SZ-1 and SZ-2 Districts. Such structure and improvements; however, shall be required to obtain Administrator's approval prior to the issuance of an Improvement Location Permit. All provisions and regulations of the zoning ordinance applicable in the particular situation, or commitments related to prior Commission approval shall continue to apply. The Administrator shall be required to use the standards of subsection 4 and 5 below in the review and disposition of such structures and improvements.

a. Improvements to existing structures that do not increase the usable floor area of a structure including but not limited to:

   1. Canopies;
   2. Awnings;
   3. Vestibules;
   4. Alterations to the Roof Line;
   5. Changes to Façade Materials;
   6. Changes to Doors and Windows.

b. Additions to existing structures that are less than 100 square feet in total floor area.

c. Change of use from one permitted use to another permitted use within the District.

d. Accessory Structures.

e. Landscaping Improvements.

f. Any changes to the face of a sign and any incidental sign.

g. Public park and recreation improvements, specifically including:

1. Paved trails included in an adopted Park Master Plan, Redevelopment Plan, Transportation Plan, or Comprehensive Plan;

2. Support structures and equipment not specifically listed in the Parks Master Plan or Transportation Plan, the location of which, however, will not hinder the implementation of said plans. Examples include but are not limited to benches, tables, drinking fountains, and trailheads.

4. Design consideration.

a. Evaluation of a project shall be based on the quality of its design and relationship to surroundings. Factors to be considered include, but are not limited to:

1. In reviewing the architectural design of buildings proposed to be built in the SZ-1 or SZ-2 districts, architectural style is not restricted. Aesthetics of the proposed building or other proposed structures, including:

i. Color and materials;

ii. Scale and proportion;

iii. Suitability of building materials;

iv. Design in relation to surrounding buildings;

v. Design in relation to proposed landscaping;

vi. Use and materials for fencing.

2. Buildings shall be harmonious with permanent, neighboring development.

3. Materials shall have architectural character and shall be selected for harmony with adjacent buildings.

4. Materials shall be suitable to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public rights-of-way.

5. Materials shall be of durable quality.

6. Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.

7. Colors shall be harmonious with existing development and only the use of complementing accents shall be permitted.

8. Exterior lighting shall be part of the architectural design. Fixtures, standards, and all exposed accessories shall be harmonious with building design.

9. Monotony of design in single or multiple building projects shall be avoided. Variation of detail and form shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.

10. Signs shall be designed as an integral part of the architectural and landscaping plans. The colors, materials, and style of signs shall be architecturally compatible and accentuate the buildings and landscaping on

the site. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.

b. The Commission may consider and act upon any such proposed use and Site and Development Plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission.

c. The Commission shall make written findings concerning any decision to approve or disapprove a Site and Development Plan filed under this section. The written findings shall be based upon the requirements of Section 742-108.E.4. The president or secretary of the Commission shall be responsible for signing the written findings.

5. Speedway district development standards

Development shall be in accordance with the following development standards for the SZ-1 and SZ-2 Districts. The illustrations used in this section are only conceptual representations of the desired type of development and are not to be construed as a development standard.

a. **Speedway Main Street District SZ-1 development standards**.

1. *Lot area.* There shall be no minimum or maximum lot area.

2. *Lot width*. Lot width shall be measured along the frontage of the lot. Minimum lot width shall be 20 feet. There shall be no maximum lot width.

3. *Front building setback and yard*.

i. No part of any building shall be located closer to the right-of-way line of any street than zero feet. The maximum distance between any right-of-way line of any street and any building located on the lot shall be 5 feet. A front yard of no less than zero feet in depth and no more than 5 feet in depth, measured from and parallel to the lot line, shall be provided along the entire lot width.

ii. The composition of the surface area of the front yard shall be developed and maintained in a pedestrian-friendly manner.

4. *Side building setback and yard*. A side setback and side yard of no less than zero feet in depth, measured from and parallel to all side lot lines, shall be provided along all side lot lines.

5. *Rear building setback and yard*. A rear setback and rear yard of no less than 3 feet in depth, measured from and parallel to all side lot lines, shall be provided along all rear lot lines unless subject to the following transitional yard requirements:

i. Where a rear lot line abuts a lot line in an adjacent protected district, a required rear transitional yard and building setback of not less than 20 feet in width, measured from and parallel to the lot line, shall be provided along such rear lot line.

ii. Exceptions to the above Section 742-108.E.6.a.5.i shall apply:

a. Where a dedicated alley separates such rear lot line from the protected district, such required rear transitional yard and building setback shall be not less than 10 feet in width.

b. Where the ground area required for required transitional yards exceeds 20% of the lot area, the width of the rear transitional yards may be reduced to 10 feet and shall provide planting areas, being 6 foot in width minimally, and provide a 6 foot tall opaque wooden fence or solid wall.

c. Transitional yard requirements shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such property or abutting frontage property, although zoned as a protected district.

6. *Building height*.

i. The minimum building height shall be 24 feet or 2 stories, whichever is less.

ii. The maximum building height shall be 52 feet or 4 stories, whichever is greater.

iii. Maximum building height exceptions.

a. HVAC, mechanical equipment, stairwell enclosure, elevator equipment, and any required screening may extend above the maximum building height, but shall not be greater than 10 feet above the maximum building height. The structures shall be completely screened from view at any right-of-way and from any protected district.

b. Where a rear lot line abuts a lot line in an adjacent protected district, the building height of any structure within 30 feet of the rear lot line shall not be greater than 35 feet or 3 stories, whichever is the lesser.

7. *Building use and form*.

i. The total floor area of any dwelling unit shall not be less than 600 square feet.

ii. Drive-through service unit shall be permitted only if all of the following requirements are satisfied:

a. The lot on which the drive-through service unit is located is a corner lot;

b. The location of the building with the drive-through service unit is at the corner with the intersecting public rights-of-ways and behind the front building line;

c. Vehicular access from Main Street is prohibited; and,

d. Adequate stacking for the drive-through service unit is provided.

8. Roof line, form and cornice shall be articulated with a treatment in scale with the building and shall be designed integral with the building. Mechanical equipment shall be placed to complement the building or screened with materials consistent with the building's design. Roofs shall not be pitched

unless a parapet is provided that completely and effectively screens the pitch from view from any right-of-way. Alternative roof design may be approved at the discretion of the Commission.

9. *Transparency of the building façade between 3 feet and 8 feet above grade level*.
   i. Minimum transparency of the ground floor shall be 40%.
   ii. Maximum transparency of the ground floor shall be 85%.
   iii. Minimum transparency of the floors above the ground floor shall be 25%.
   iv. Maximum transparency of the floors above the ground floor shall be 60%.
10. *Building Materials*. The following standards apply to all buildings except public parking structures.
   i. Walls on all sides of any building, exclusive of windows and doors, shall be a minimum 80% brick, stone, pre-cast concrete panels, tile, decorative block, wood or hardi-plank lap siding, or ceramic. Materials shall be durable enough to last 50 years with low maintenance. Other materials may be approved if determined by the Commission that the materials meet the intent and purpose of the district.
   ii. All sides of the building shall be of a similar design and complement each other.
   iii. Trim and ornamentation shall be provided on all sides of any building and shall be metal, concrete, brick, stone, wood, or decorative concrete block.
11. *Architectural features and façade requirements*. (See Diagram LL Building Elements)

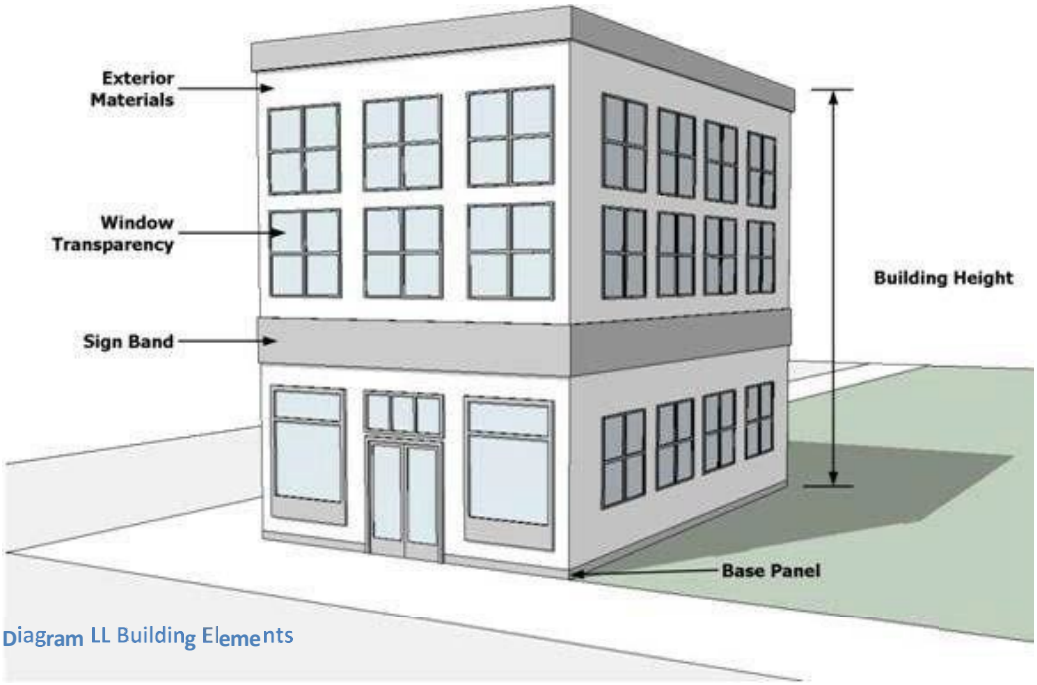


Diagram LL Building Elements

i. Base panel shall be provided. Base panel shall be between 18 and 30 inches tall.

ii. Sign band. A sign band, being between 12 and 24 inches tall, is recommended to accommodate wall signage.

iii. Walls without windows shall not be permitted along or when facing a public right-of-way, public parking area, or park.

iv. Articulation for walls located within 10 feet of a public right-of-way shall be, at a minimum, every 10 feet and shall wrap around the sides of the building, at a minimum, 3 feet.

v. Proportion. If the building facades along a right-of-way comprise at least 50% of the frontage of a block, new construction or façade rehabilitation shall create or maintain horizontal and vertical spacing of façade elements of surrounding buildings such as windows, entries and roof lines as well as the rhythm of the bays, windows, and openings of the facades.

vi. Windows.

a. Ground floor window openings. The height of ground floor window openings shall be equal to or greater than the width of the opening.

b. Upper floor window openings shall be rectangular. The vertical dimension of a window size shall be, at a minimum, 2 times the horizontal dimension.

12. *Parking*. Off-street parking within 50 feet of the right-of-way of Main Street or West 16 Street is prohibited. Off-street parking is discouraged; any off-street parking shall be designed to be unobtrusive to the pedestrian environment. Provisions for bicycle, scooter and motorcycle parking shall be provided in proximity to the primary entrance.

13. *Signs*. Except as modified by this division, the regulations of the Chapter 744, Article IX shall apply.

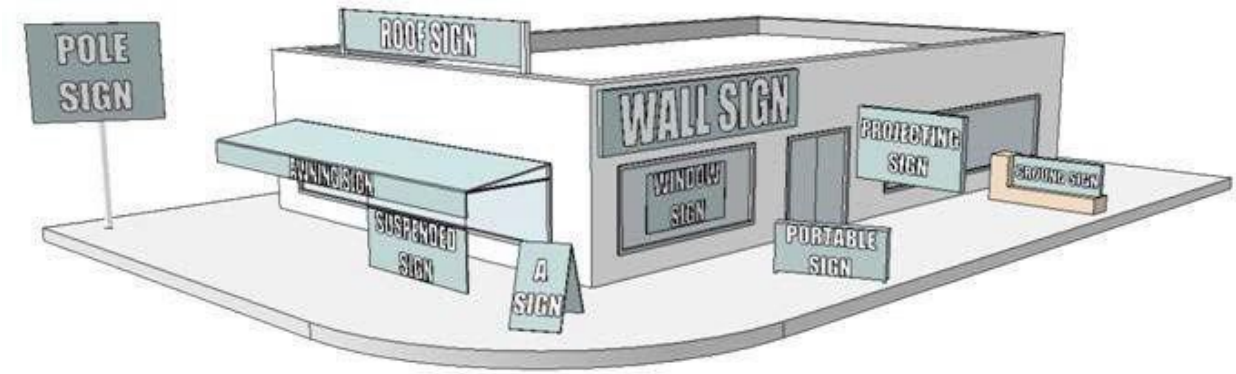


Diagram MM Sign Types in Speedway Zoning Districts

i. *Permitted sign types and size*. Permitted and prohibited sign types are identified in Diagram MM 'Sign Types in Speedway Zoning Districts'. The following sign types may be permitted:

a. *Canopy and awning signs*. The recommended maximum of sign surface area of a canopy or awning sign shall be 20 square feet with a maximum vertical dimension of 2 feet.

b. *A-frame sign*. The maximum of sign surface area per side of an A-frame sign shall be 12 square feet with a maximum horizontal dimension of three feet. A-frame signs are prohibited between the hours of 10:00 p.m. and 7:00 a.m. EST. A-frame signs shall be designed and placed in a secure manner in all weather conditions and shall not obstruct accessibility or visibility of pedestrians or vehicular movement.

c. *Projecting sign*. The recommended maximum of sign surface area of a projecting sign is 8 square feet. In addition, it is recommended that horizontally oriented signs have a maximum vertical dimension of 2 feet and vertically oriented signs have a maximum horizontal dimension of 2 feet.

d. *Suspended sign*. Suspended signs shall maintain a clearance of 8.5 feet.

e. *Wall sign*. The recommended placement of a wall sign is to be contained entirely within the sign band.

f. *Window sign.* Window signs shall be permitted on the ground floor only and the maximum sign surface area shall not exceed 50% of the sign surface area of all ground-floor windows on that side of the building.

g. *Sign affixed to the barrier of an approved outdoor seating area associated with a restaurant*. Said sign shall be a maximum of 6 square feet in sign surface area with a maximum height of 4 feet. Such outdoor signs may remain in place from 7:00 a.m. to 10:00 p.m. EST.

h. Exempt signs as listed and authorized in Chapter 744, Article IX.

ii. *Prohibited sign types*. Off-premises (outdoor advertising) signs, ground signs, pole signs, pylon signs are prohibited. Portable signs, except for A-frame signs specifically described above, are prohibited.

iii. *Sign types eligible for special consideration*. Animated signs, roof signs, inflatable signs, marquee signs, message centers, and electronic variable message signs may be permitted after special consideration and the adoption of specific findings by the Commission that unique circumstances exist and that the specific design characteristics are appropriate for the district. Findings of fact shall be adopted.

iv. *Number of signs*.

a. *Sign affixed to the barrier of an approved outdoor seating area associated with a restaurant*. 2 one-sided signs shall be permitted if the signs face different directions; or one two-sided sign shall be permitted.

b. *Wall Signs*. One wall sign shall be permitted for each ground-floor entrance to the building.

c. One of the following sign types shall be permitted for each ground-floor entrance to the building: One awning sign or one projecting sign or one canopy sign.

d. *Suspended sign*. If attached to an awning sign or canopy sign, one suspended sign shall be permitted for each ground-floor entrance to the building.

e. *A-frame sign*. One A-frame sign shall be permitted for each ground-floor entrance to the building.

f. *Window sign*. 2 window signs shall be permitted for each ground-floor entrance to the building.

v. *Sign location*. Sign shall be designed and placed in a secure manner for all weather conditions and shall not obstruct accessibility or visibility of pedestrians or vehicular movement. In accordance with Chapter 744, Article IX, no sign or sign structure may be placed on or in the right-of-way of an alley or a street, except for the following sign types upon obtaining encroachment authorization from the appropriate governmental agency:

a. Sign affixed to the barrier of an approved outdoor seating area associated with a restaurant.

b. A-frame sign.

c. Projecting signs.

d. Awning or canopy sign.

e. Suspended sign.

f. Wall sign.

vi. *Character*. The colors, materials, and style of signs shall be architecturally compatible and accentuate the buildings and the district. Signs should be designed to reflect the small-town atmosphere of Main Street while fostering an exciting and festive atmosphere, enhancing a sporting event experience, or demonstrating a unique approach to advertising. Box signs typically do not meet the desired character.

vii. *Sign illumination*. The Commission may authorize the internal or external illumination of signs.

14. *Screening of trash receptacles and refuse areas*. No outside, unenclosed storage of recyclables or refuse containers exceeding 16 cubic feet in size shall be permitted on any lot. All refuse or recyclable containers, dumpsters, or compactors exceeding 4.5 cubic meters in size shall be located within an area enclosed on all sides by a fence, wall, or similar means of enclosure. The enclosure does not require a roof. The height of the sides of the enclosure shall be the greater of 6 feet or 2 feet taller than the container, dumpster, or compactor that is being enclosed. All sides of the enclosure, including doors or gates, shall be opaque.

15. *Lighting*. Lighting shall be designed to minimize overflow light into the night sky, shield the light filaments from any right-of-way or protected district, prohibit hazardous glare perceptible from any point beyond the lot lines, and provide adequate light for safety.

16. *Fencing*. Except for use as described under subsection 10 above, fences shall be constructed of materials that complement the design of the primary building. Chain-link fencing shall not be permitted. Barbed wire and razor wire are prohibited.

17. *Pedestrian accessibility*

    i. Development shall provide sidewalks along eligible public streets, excepting freeways or expressways, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator; and, pedestrian accessibility to available public transit. Sidewalks shall consist of the walkway and any curb ramps or blended transitions. If required to be installed, the Administrator or the Commission shall be guided by the provisions of Section 744-304 for the installation of sidewalks.

    ii. Internal accessibility. Within a lot or integrated center, walkways shall be provided in accordance with a pedestrian plan that shall include a walkway system that functionally connects all of the building's main front entrances with the sidewalk located in the public right-of-way of each of the lot or integrated center's eligible public streets. The walkways may be constructed of asphalt, concrete, pavers, or other materials meeting ADA standards. Such private walkways shall provide for identifiable pedestrian crossing treatments along functional pedestrian routes wherever the private walkways cross an interior access drive.

18. *Streetscape*

    i. In order to create cohesiveness within the SZ-1 district, site furnishing elements have been delineated for public spaces along the Main Street Corridor in the Design Manual for Speedway. For each of the site furnishings, substitutions that provide a similar style may be approved by the Commission. The site furnishings may include items appropriate to the site, such as, benches, trash receptacles, transit shelter, bollards, newspaper racks, trees, tree gates, bike lockers, bike racks, and art.

b. **Speedway Industrial District SZ-2 development standards**

1. *Lot coverage, building setbacks, and yards*

    i. No more than 60% of the lot area may be covered by impervious surfaces, including structures, parking, and other hard surfaces. This maximum lot coverage may be increased to 80% impervious surface coverage if appropriate methods for sustainability indicated in subsection j. below are utilized.

    ii. No part of any building shall be located closer to the right-of-way line of any street than 50 feet. A front yard of no less than 50 feet in depth, measured from and parallel to the lot line, shall be provided along the entire lot width.

iii. A side setback and side yard of no less than 25 feet in depth, measured from and parallel to all side lot lines, shall be provided along all side lot lines.

iv. A rear setback and rear yard of no less than 25 feet in depth, measured from and parallel to all side lot lines, shall be provided along all rear lot lines.

2. *Building height*

i. The building height shall not be greater than 60 feet.

ii. Building height exceptions.

a. HVAC, mechanical equipment, stairwell enclosure, elevator equipment, and any required screening may extend above the maximum building height, but shall not be greater than ten feet above the maximum building height. The structures shall be completely screened from view at any right-of-way and from any protected district.

b. Where a lot line abuts a lot line in a protected district, the building height of any structure within 100 feet of the lot line shall not be greater than 35 feet.

3. Exterior building materials, architectural features and façade requirements

i. Walls on all sides of any building, exclusive of windows, shall be a minimum of 50% brick, stone, pre-cast concrete panels, tile, decorative block, wood or hardi-plank lap siding, ceramic or glass. Other materials may be approved if determined that the materials meet the intent and purpose of the districts.

ii. Walls without windows shall not be permitted when facing or along a public right-of-way, public parking area, or park.

iii. Articulation on all walls shall not be less than every 75 feet.

4. *Parking*. The design, circulation, and amount of parking shall be in accordance with the standards in Chapter 744, Article IV Parking, Loading and Drive-Through. In addition, the following standards shall apply:

i. Provisions for adequate bicycle, scooter and motorcycle parking shall be provided in proximity to the primary entrance in accordance with the Design Manual for Speedway.

ii. Placement. No more than one single bay of parking shall be permitted between a public right-of-way and a building.

iii. Interior landscaping. All parking lots, regardless of size, shall provide interior landscaping. Landscaping shall be provided in accordance with the standards in Section 744-505.

5. *Signs*. Except as modified by this division, the regulations of Chapter 744, Article IX shall apply.

i. *Permitted sign types*: ground sign, awning sign, wall sign, projecting sign, suspended sign, and window sign.

ii. *Prohibited sign types*: Off-premises (outdoor advertising) signs, pole signs, pylon signs, and portable signs are prohibited.

iii. *Sign types eligible for Special Consideration*. Animated sign, roof sign, marquee sign, message center, and electronic variable message sign may be permitted after Special Consideration and the adoption of specific findings by the Commission that unique circumstances exist and that the specific design characteristics are appropriate for the district.

iv. *Number and size of signs by type*.

a. *Ground signs*. One sign per building may be permitted in accordance with the following standards. The integration of signs, particularly the sharing of signs for multiple businesses, is encouraged.

1. Maximum height of a ground sign shall be 10 feet.

2. Maximum sign area of a ground sign shall be 200 square feet.

3. Setback of a ground sign. Ground sign shall be located at least 10 feet from any right-of-way or property line.

4. Separation. Ground sign shall be no closer than 300 feet to another ground sign.

5. Ground sign shall not be located in any designated greenbelt or perimeter planting area.

v. Awning signs, wall signs, projecting signs, suspended signs, and window signs may be located on any of the walls of a building. The total sign surface area of all signs shall not exceed 10% of the area of all sides of the building.

vi. *Coordinated sign plan*. A coordinated sign plan for projects that contain five or more permitted signs may be submitted at the time of development plan submittal and approved by the Commission shall be eligible for a 20% increase in permitted sign surface area per permitted sign. Said plan shall indicate the size, design, illumination, and placement of all signs on the site.

vii. *Sign illumination*. The Commission may authorize the internal or external illumination of signs.

viii. *Character*. The colors, materials, and style of signs shall be architecturally compatible and accentuate the buildings and landscaping on the site. Signs are recommended to be designed to reflect the small-town atmosphere of Speedway while professionally promoting the businesses that they represent. Box signs typically do not meet the desired character.

1. *Landscaping*

i. Landscaping shall be provided in accordance with the plan approved by the Commission in accordance with the guidance provided by the Design Manual for Speedway.

ii. All required landscaping in accordance with the approved plan shall be installed within one year of the date of issuance of an Improvement Location Permit.

iii. The landscaping shall be properly maintained at all times, upon installation and thereafter. Proper maintenance includes, but is not limited to, replacing dead plantings with identical varieties or a professionally acceptable substitute, proper pruning, provision of adequate water, and keeping the area free of refuse and debris.

iv. An approved landscaping plan may not be altered, eliminated, or modified, without first obtaining approval by the Commission or their designee.

2. *Greenbelt*. Landscaping along street frontage. A greenbelt shall be provided along each frontage. Greenbelts shall be landscaped and shall be otherwise unoccupied except for steps, walks, driveways, lighting, and similar structures. Parking areas shall not be permitted in a greenbelt.

   i. Greenbelt along a Corridor Street.

      a. Minimum width shall be 20 feet.

      b. Plantings in the greenbelt along a Corridor Street shall be in accordance with the Design Manual for Speedway.

   ii. Greenbelt along an Interior Street.

      a. Minimum width shall be 10 feet.

      b. Plantings in the greenbelt along an Interior Street shall be in accordance with the Design Manual for Speedway.

3. *Building perimeter plantings*. A minimum planting area equal to an area measuring an average of 10 feet in depth and extending along the entirety of each wall of the building shall be landscaped adjacent to that wall of the building. Sidewalks may be permitted in these areas, but shall not occupy more than 50% of the area on any side of the building. If an approach driveway or loading area cuts into a planting area adjacent to the building, additional planting area equal to the area displaced by the driveway shall be added to the building perimeter planting. These perimeter planting areas need not be rectangular in shape as long as the required total area is landscaped and dispersed on at least three different sides of the building.

4. *Property perimeter plantings*. A minimum property perimeter planting area shall be provided along the perimeter of the property except for frontage areas and shall be in accordance with the Design Manual for Speedway.

5. *Screening of trash receptacles, recyclable receptacles, refuse areas, and outside material/equipment storage*

   i. No outside, unenclosed storage or display of materials or equipment shall be permitted on any lot. All materials and equipment shall be contained within an area enclosed in proximity on all sides by a solid fence, wall, mound, or similar means of enclosure. The enclosure is not required to have a roof. The sides of the enclosure shall be the greater of 6 feet or 2 feet taller than the assemblage of material or equipment that is being enclosed. All sides of the enclosure structure, including doors or gates, shall be opaque.

   ii. No outside, unenclosed storage of recyclables or refuse containers exceeding 16 cubic feet in size shall be permitted on any lot. All refuse or

recyclable containers, dumpsters, or compactors exceeding 16 cubic feet in size shall be located within an area enclosed on all sides by a fence, wall, or similar means of enclosure. The enclosure does not require a roof. The height of the sides of the enclosure shall be the greater of 6 feet or 2 feet taller than the container, dumpster, or compactor that is being enclosed. All sides of the enclosure, including doors or gates, shall be opaque.

6. *Lighting*. Lighting shall be designed to minimize overflow light into the night sky, shield the light filaments from any right-of-way or protected district, prohibit hazardous glare perceptible from any point beyond the lot lines, and provide adequate light for safety.

7. *Fencing*. Except for use as described under subsection g., fences shall be constructed of materials that complement the design of the primary building. Chain-link fencing is strongly discouraged. Barbed wire and razor wire are prohibited.

8. *Sustainability*. The purpose of this section is to promote health, safety, and welfare within the SZ-2 district and its environment by minimizing the harms and maximizing the benefits, through provisions designed to allow alternatives to the traditional building design and stormwater management. It is the intent of this section to encourage the use of Best Management Practices (BMPs) which are structural, vegetative, or managerial practices designed to treat, prevent, or reduce degradation of water quality due to stormwater runoff as well as the environmental impacts of building construction. All development projects subject to review under the requirements of the Zoning Ordinance shall be designed, constructed, and maintained using BMPs to minimize environmental impacts while maintaining and contributing to the aesthetic values of the project.

    i. *Green Roof Construction*. None of the building surface area under green roof construction shall be counted towards the impervious surface cover calculations.

    ii. *Parking lot and other surfaced elements*. In order to break up or disconnect the flow of runoff over impervious surfaces, the use of permeable pavement materials is encouraged and includes, but is not limited to, pervious asphalt, pervious concrete, grid systems, or block pavers. Surface areas constructed with permeable techniques and materials shall not be counted towards the impervious surface cover calculations.

    iii. The Commission may grant an increase in allowable impervious surface coverage for projects utilizing some or all of the following types of elements of sustainability:

        a. *Sustainable architecture*. Sustainable architecture design practice emphasizes efficiency of heating and cooling systems, alternative energy sources such as passive solar, appropriate building siting, reused or recycled building materials, on-site power generation (solar technology, ground source heat pumps, wind power), rainwater harvesting for gardening and washing, and on-site waste

management such as green roofs that filter and control stormwater runoff.

b. *Nonstructural stormwater management strategies*. To the maximum extent practicable, the stormwater drainage standards adopted by the Town of Speedway shall be met by incorporating nonstructural stormwater management strategies into the site design. The nonstructural stormwater management strategies incorporated into the site design shall:

1. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
2. Maximize the protection of natural drainage features and vegetation;
3. Minimize the decrease in the "time of concentration" from preconstruction to post construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;
4. Minimize land disturbance including clearing and grading;
5. Minimize soil compaction;
6. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;
7. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas.
8. Other sustainable strategies or practices that achieve the same intent outlined above.

Section 09. Special Use Districts

A. Applicability

The following regulations shall apply to all land within the special use zoning districts.

1. No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed Site and Development Plan and landscape plan have been filed with and approved on behalf of the Commission by the Administrator or approved by the Commission, as hereinafter provided. Such request shall be in the form of an application for an Improvement Location Permit, following all requirements for plan submission and documentation of Section 740-800 Improvement Location Permits, and shall contain the information specified in Section 742-109.C below.
2. All land use within the Special Use districts shall be limited to the use or uses existing on July 6, 1966 or specified in the applicable rezoning petition or ordinance redistricting and zoning the particular land to that district.

B. Permitted uses and development standards

1. No use shall be permitted in any special use zoning district other than the following permitted use or uses specified for each such district in the following Table 742-109-1. In addition, each zone designated in the first column of the following table shall be subject to the development standards applicable in the second column of that table unless an exception to those development standards is provided elsewhere in the Zoning Ordinance:

Table 742-109-1: SU Districts Permitted Use and Development Standards Summary Table

Zoning District Symbol	Applicable District for Development Standards Review	Permitted Use
SU-1	C-1	Religious use
SU-2	C-1	School
SU-3	C-5	Golf course, golf driving range, golf country club-public or private
SU-5	I-2	Radio receiving or broadcasting tower and accessory buildings
SU-6	MU-1	Hospital, sanitarium, nursing home
SU-7	MU-1	Charitable, philanthropic and not-for-profit institution
SU-8	MU-1	Correctional or penal institution, diversion center
SU-9	C-1	Buildings and grounds used by any department of town, city, township, county, state or federal government
SU-10	C-1	Cemetery
SU-13	Per Section 742-109.H	Sanitary landfill
SU-16	C-5	Indoor and outdoor recreation and entertainment

Table 742-109-1: SU Districts Permitted Use and Development Standards Summary Table		
Zoning District Symbol	**Applicable District for Development Standards Review**	**Permitted Use**
SU-18	I-1	Light or power substation
SU-20	C-1	Telephone exchange offices
SU-23	I-4	Permanent gravel or sand processing plant, rock crushing, grinding or milling and stockpiling
SU-28	I-4	Petroleum refinery and petroleum products storage
SU-34	C-3	a. Club rooms b. Fraternal rooms--Fraternity and lodge c. Ballroom--Public
SU-35	I-2	Telecommunication receiving or broadcasting tower and associated accessory buildings
SU-37	C-1	Library
SU-38	C-3	Community center
SU-39	C-1	Water tank, water pumping station and similar structures not located on buildings
SU-41	I-4	Sewage disposal plant; garbage feeding and disposal
SU-42	C-1 and per Section 742-109.I	Gas utility
SU-43	I-1	Power transmission lines
SU-44	C-3 and as per Section 742-109.J	Off-track mutuel wagering facilities, licensed as satellite facilities under IC 4-31-5.5 (off-track betting facilities)
SU-45	CBD-3	Zoo, Aquarium and related facilities
SU-46	Per Section 742-109.K	Airport

2. Within each SU district the following are also permitted:

   a. Accessory uses and structures, subordinate, appropriate and incidental to the above permitted primary uses.

   b. Wireless communication facility, as defined in, and subject to the additional regulations of Section 743-305.OO.

C. Site and development plan consideration

Upon the application for such permit, the Administrator on behalf of the Commission, shall consider and either approve, disapprove, or approve subject to any conditions, amendments or commitments agreed to by the applicant, the proposed Site and Development Plan and landscape plan.

1. **Plan documentation and supporting information.** The Site and Development Plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:

   a. Proposed Special Use district uses;

   b. All existing uses, buildings, and structures;

c. Proposed buildings and structures;

d. Off-street parking layout;

e. Vehicular entrances and exits and turnoff lanes;

f. Setbacks;

g. Landscaping, screens, walls, fences;

h. Signs, including location, size and design thereof;

i. Sewage disposal facilities;

j. Storm drainage facilities; and

k. Other utilities if aboveground facilities are needed.

2. **Site and development requirements.** Land in the SU districts is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the Commission shall assess whether the Site and Development Plan, proposed uses, buildings and structures must:

   a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan, including the applicable University Quarter Plan;

   b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Special Use district and with adjacent uses;

   c. Provide sufficient and adequate access, parking and loading areas;

   d. Provide traffic control and street plan integration with existing and planned public streets and interior access roads;

   e. Provide adequately for sanitation, drainage and public utilities; and

   f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan;

   g. Provide sidewalks along eligible public streets, excepting freeway, or expressway, as indicated in the current Official Thoroughfare Plan and other full control of access frontages as determined by the Administrator; and, pedestrian accessibility to available public transit. Sidewalks must consist of the walkway and any curb ramps or blended transitions. If required to be installed, the Administrator or the Commission shall be guided by the provisions of Section 744-304 for the installation of sidewalks.

   h. Exception: Golf courses that exist prior to August 12 2008, in the SU3, SU10 and SU34 Districts, are not required to provide sidewalks or pedestrian accessibility. For golf courses that are established after August 12, 2008, in the SU3, SU10 and SU34 Districts, the Commission must assess the provision of sidewalks along eligible public streets, excepting freeway or expressway as indicated in the current Official Thoroughfare Plan, and other full control of access frontages as determined by the Administrator; and, pedestrian accessibility to available public transit. If required to be installed, the Administrator or the Commission shall be guided by the provisions of Section 744-304 for the installation of sidewalks.

D. Public notice

Public notice of the filing of an application under this section and public notice of the decision by the Administrator relative to such application is not required.

E. Administrator's approval

1. The Administrator shall be required to use the standards of Section 742-109.C.2 and those districts noted in Table 742-109-1 applicable to the SU district in question in the review and disposition of such structures and improvements.
2. **Appeal of Administrator's decision.** Where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest has the right to appeal such action by the Administrator before the Commission for its review and approval or disapproval as an appeal in the form of an approval petition. Such appeal must be filed within 10 business days of approval or denial of the approval as specified in, and following, the rules of procedure of the Commission. In any appeal decision, the Commission must make written findings of its decision as required in Section 742-109.C.2.

F. Improvement Location Permit requirements

No building or structure shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated in the Special Use districts without an Improvement Location Permit, and such permit shall not be issued until the proposed Site and Development Plan has been approved in accordance with this Section 742-109.

G. Development standards

In addition to the site and development requirements of Section 742-109.C.2, all uses permitted within the Special Use districts shall be administratively reviewed, using as an administrative guide, the development standards applicable to the specified district as follows:

The Administrator, in reviewing Special Use district development, shall consider the standards noted above, and may approve alternatives for those requirements so long as the alternative standards are appropriate for the site and its surroundings, and the site development is compatible and consistent with the intent of the stated standards. Such modifications shall be noted on the Site and Development Plan, stamped approved by the Administrator and become a part of the file and requirements for the Improvement Location Permit.

H. Additional standards for SU-13 district (Sanitary Landfill)

In addition to the regulations of subsections B. through G. above, the following regulations apply to the SU-13 district:

1. **Land use restriction**. Land use permitted in the SU-13 district is limited to "sanitary landfill" operations. Whenever the applicable standards or requirements of any other ordinance, or governmental unit or agency thereof are higher or more restrictive, the latter shall control land use permitted in the SU-13 District. "Open dumping" is not permitted in the SU-13 District. No use in the SU-13 District shall be maintained or operated in a manner constituting a hazard to health, safety or the public welfare.
2. **Minimum lot area**. 10 acres.

3. **Minimum frontage**. 300 feet.
4. **Minimum yards**. Minimum required depth of front, rear and side yards, surrounding the landfill operation: 100 feet. No landfill operation, or portion thereof, is permitted within 100 feet of any lot line.
5. **Fencing**. The entire landfill operation must be enclosed with a substantial wall, fence at least 5 feet in height, or other adequate barrier.
6. **Buffer strip**. A buffer strip, provided with trees, shrubs and woody vegetation, at least 30 feet in depth, must be provided and maintained between the lot lines and the above required fencing or other enclosure.
7. **Driveway**. Distance of driveway entrance or exit from any adjacent lot line must be at least 125 feet. All portions of such driveway within a distance of 150 feet of the public street must be paved or treated so as to be dust free.
8. **Required permit, site and operational plan; bond**
    a. No sanitary landfill operation (or phase thereof) is permitted in the SU-13 District until a permit has been issued by the Bureau of License and Permit Services of the department of code enforcement and a bond filed therefor, as required by subparagraph b. hereof.
    b. Applications for the permit required by subparagraph a. above must be made in writing and must be accompanied by a corporate surety bond for the faithful performance of all applicable requirements of this article, including the operation and the completion of the sanitary landfill in accordance with the approved site and operational plan, as required by subparagraph c. hereof. (Such permit may be issued and bond filed for the total operation or for one or more phases thereof, as shown on the site and operational plan.) Such bond must run jointly and severally to the Metropolitan Development Commission of Marion County, Indiana, and any other governmental agency requiring a similar bond, and must be in the amount of $100,000 per operation, with approved surety. Such bond must specify the time for completion of all applicable requirements of this article and must specify the total operational area, or phase thereof, covered by the bond.
    c. Applications for the permit required by subparagraph a. above must be accompanied by the following:
        1. Proposed site and operational plan, including topographic maps (at a scale of not 100 feet to the inch) with contour intervals that clearly show the character of the land and geological characteristics of the site as determined by on-site testing or from earlier reliable survey data, indicating soil conditions, water tables and subsurface characteristics. The plan must indicate: the proposed fill area; any borrow area; access roads; on-site drives; grades for proper drainage of each lift required and a typical cross-section of a lift; special drainage devices if necessary; location and type of fencing; structures existing or to be located on the site; existing wooded areas, trees, ponds or other natural features to be preserved; existing and proposed utilities; phasing of landfill operations on the site; a plan and schedule for site restoration and completion; a plan for the ultimate land use of the site; and all other pertinent information to indicate clearly the orderly development, operation and completion of the sanitary landfill. Approval of the site and

operational plan by the Administrator is required prior to the issuance of the permit.

2. An area map.

9. **Operation**

a. *Supervision of operation.* A landfill operation must be under the direction of a responsible individual at all times. Access to a sanitary landfill is limited to those times when an attendant is on duty and only to those authorized to use the site for the disposal of refuse. Access to the site must be controlled by a suitable barrier.

b. *Unloading of refuse.* Unloading of refuse must be continuously supervised.

c. *Site maintenance.* Measures must be provided to control dust and blowing paper. The entire area must be kept clean and orderly.

d. *Spreading and compacting of refuse.* Refuse must be spread so that it can be compacted in layers not exceeding a depth of 2 feet of compacted material. Large and bulky items, when not excluded from the site, must be disposed of in a manner approved by the health and hospital corporation.

e. *Daily cover.* A compacted layer of at least 6 inches of suitable cover material must be placed on all exposed refuse by the end of each working day.

f. *Final cover.* A layer of suitable cover material compacted to a minimum thickness of 2 feet must be placed over the entire surface of each portion of the final lift not later than one week following the placement of refuse within that portion.

g. *Maintenance of cover.* All daily cover depths must be continually maintained and final cover depths must be maintained for a period of 2 years.

h. *Hazardous materials, including liquids and sewage.* Hazardous materials, including liquids and sewage, must not be disposed of in a sanitary landfill unless special provisions are made for such disposal through the health department having jurisdiction. This provision in no way precludes the right of a landfill operator to exclude any materials as a part of his or her operational standards.

i. *Burning.* No refuse shall be burned on the premises.

j. *Salvage.* Salvaging (the controlled removal of reusable materials), if permitted, must be organized so that it will not interfere with prompt sanitary disposal of refuse or create unsightliness or health hazards. Scavenging (the uncontrolled removal of materials) is not permitted.

k. *Insect and rodent control.* Conditions unfavorable for the production of insects and rodents must be maintained by carrying out routine landfill operations promptly in a systematic manner. Supplemental insect and rodent control measures must be instituted whenever necessary.

l. *Drainage of surface water.* The entire site, including the fill surface, must be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling on the fill, and to prevent the collection of standing water.

m. *Characteristics of cover material.* Cover material must be of such character that it can be compacted to provide a tight seal and must be free of putrescible materials and large objects.

n. *Water pollution and nuisance control.* Sanitary landfill operations must be so designed and operated that conditions of unlawful pollution will not be created and injury to ground and surface waters avoided that might interfere with legitimate water uses. Water-filled areas not directly connected to natural lakes, rivers or streams may be filled with specific inert material not detrimental to legitimate water uses and that will not create a nuisance or hazard to health. Special approval of the inert material to be used in this manner must be required in writing from the health and hospital corporation. Inert material shall not include residue from refuse incinerators.

o. *Equipment.* Adequate numbers, types and sizes of properly maintained equipment must be used in operating the landfill in accordance with good engineering practice and with these rules. Emergency equipment must be available on the site or suitable arrangements made for such equipment from other sources during equipment breakdown or during peak loads.

10. **Completion of landfill.** Upon completion of the landfill operation, or any phase thereof as indicated on the approved site and operational plan, the land must be graded, backfilled and finished to a surface that will:

    a. Result in a level, sloping or gently rolling topography in substantial conformity or desirable relationship to the original site, and land area immediately surrounding; and

    b. Minimize erosion due to rainfall. Such graded or backfilled area must be sodded or surfaced with soil of a quality at least equal to the topsoil of vegetation producing land areas immediately surrounding, and to a depth of at least 6 inches. The topsoil must be planted with trees, shrubs, legumes or grasses, as indicated on the approved site and operational plan.

I. Additional standards for the SU-42 district (Gas utility)

In addition to the regulations of subsections B. through G. of this section, the following regulations apply to all gas conditioning and control facilities, including odorizing, mixing, metering and high pressure regulating substations permitted under SU-42, and where the word "lot" is used in this subsection I., it includes, but not be limited to, any area of land designated as a lot on a platted subdivision or described on a duly recorded deed or area or parcel of land or site:

1. The storage, utilization or manufacture of all products or materials must conform to the standards prescribed by the National Fire Protection Association. The requirements pertaining to the storage, utilization or manufacture of all products or materials contained in the standards prescribed by the National Fire Protection Association are hereby incorporated into this article by reference and made a part hereof. Such storage, utilization or manufacture must not produce a hazard or endanger the public health, safety and welfare.

2. All uses must conform to the Atomic Energy Commission's standards for protection against radiation. The Atomic Energy Commission's standards for protection against radiation are hereby incorporated into this article by reference and made a part hereof.

3. All uses must conform to the Federal Communications Commission's standards governing electromagnetic radiation. The Federal Communications Commission's standards governing electromagnetic radiation are hereby incorporated into this article by reference and made a part hereof.
4. No building or structure for uses permitted in the SU-42 district shall be constructed and no premises shall be used for such purposes on any lot that does not have direct frontage on one permanently surfaced public street.
5. All permitted uses must provide hard-surfaced, off-street parking areas, including as a minimum requirement one space (containing 330 square feet in addition to the necessary ingress and egress lanes) for each 2 employees, computed on the basis of the greatest number of persons employed at any one period during the day or night. Such parking areas must not extend within 20 feet of any lot boundary except where the lot boundary abuts an active railroad line. Such parking areas must not be leased or rented for hire, but provided for the sole use of the occupants and visitors of the premises.
6. The total floor area of all structures on the lot must not exceed ½ the area of the lot on which the structures are located.
7. A front yard must be not less than the established front setback line for abutting land; provided, however, in the event such established front setback lines of abutting land are not be of equal depth, the front yard must be not less than the depth of the greater, and in the event the abutting land is in an industrial or commercial district, the front yard must be not less than 60 feet in depth. Provided further that in the event the lot adjoins a dwelling district, the fence and hedge referred to in Section 742-109.I.11 below must not be located closer to any street right-of-way than the established setback line of the dwelling district, such fence to be not less than 15 additional feet from the outside of the building or structure as provided in Section 742-109.I.11 below. Except for necessary walks, drives and parking areas not exceeding 10% of the front yard area, a front yard must be planted in grass or other suitable ground cover.
8. A side yard must be at least 50 feet in depth (except where it abuts a main line railroad) plus one foot for each foot of height by which the building or structure exceeds 20 feet.
9. A rear yard must be at least 50 feet in depth (except where it abuts an active main line railroad) plus one foot for each foot of height by which the building or structure exceeds 20 feet.
10. All permitted gas conditioning and control facilities and equipment relating thereto must be housed in buildings or structures of masonry construction, unless otherwise prescribed by law or by the standards of the National Fire Protection Association that are incorporated herein by reference and made a part hereof.
11. Each building or structure housing such facilities and equipment must be enclosed by a 6 foot chain link fence, with locked gate, not less than 15 feet from the outside of such building or structure and a compact hedge not less than 6 feet in height between such fence and the property line. Such hedge must not be located closer than 25 feet to any street right-of-way. In the event the lot adjoins a dwelling district, the fence and hedge must not be located closer to any street right-of-way than the established setback line of the dwelling district.

J. Additional standards for the SU-44 district

In addition to the regulations of subsections B. through G, of this section, the following regulations apply to the SU-44 district:

1. Permitted uses

The only commercial activities permitted in this district are: pari-mutuel wagering on horse races, providing full service dining facilities by the holder of a satellite facilities license issued under IC 4-31-5.5.

2. Development standards

a. All wagering and food and beverage service must be conducted entirely inside the facility that is designed so that none of the wagering activities, including bet-taking, video monitors, and odds and contest-result displays, are visible to any person at any location outside the facility.

b. No drive-through service or outside sales are permitted.

c. No outside speakers or video monitors are to be used to advertise or display the contests, odds or other information about the wagering activities conducted within the facility.

d. Minimum parking of one parking space per employee per largest work shift plus one parking space for each 75 square feet of gross area of the facility.

e. No accessory structures are permitted.

f. Lighting of parking area:

1. The requirements of Sec. 744-600 (Street and Exterior Lighting) shall be met.

2. It is prohibited to light an area by the use of stringers or unshielded incandescent lamps in which the entire lamp envelope is designed to function as a light emitter; and

3. It is prohibited to make use of attention attracting lighting from any apparatus of any type similar to that used by emergency vehicles.

g. *Signs.* All signs must meet the requirements of Chapter 744, Article IX.

3. No use permitted near specified districts and areas

a. No use of any land, structure or premises shall be permitted if any portion of the perimeter of the subject lot is located within 500 feet of the following zoning districts:

1. Dwelling districts;

2. Historic preservation districts;

3. Park districts;

4. University Quarter districts;

5. SU-1 District (religious uses);

6. SU-2 District (school);

7. SU-37 District (library); and

8. SU-38 District (community center).

b. In addition to the zoning districts noted above, this regulation also applies to any portion of the perimeter of a lot containing a religious use, elementary school, junior high school, high school, as defined in IC 20-10.1-1, college or university regardless of zoning classification. If such use is a part of or included within an integrated center, the perimeter of the portion thereof or leased space occupied by such use is deemed the perimeter of the lot for purposes of the above distance computation.

K. Additional regulations for SU-46 district (Airport)

1. Permitted uses

Public airports municipally owned or operated, including all necessary navigation and flight operation facilities, and accessory uses including, but not limited to, terminal, storage and servicing facilities for airplanes or other aircraft, air research laboratories and other accessory uses directly related to the operation of such airport and an integral part thereof, including but not limited to, transportation, restaurant, hotel or motel facilities and similar related services for the comfort and accommodation of air passengers and the public, subject to the requirements of Section 742-109.K.2 below.

2. Regulations

a. No use permitted in the SU-46 District shall cause injury or damage to adjacent land uses, property or the public health, safety or welfare. Provided, however, that compliance by such public airport with all applicable safety and operational standards and regulations of the Federal Aviation Agency and other applicable federal aviation regulatory authorities are deemed to be in compliance with this subsection's requirements, as applied to navigation and flight operational uses.

b. For each use permitted within the SU-46 District, adequate off-street parking area with concrete or bituminous paved surface must be provided. Such parking area must not be located within 100 feet of any boundary of the Airport Special Use District, unless a compact hedge or row of shrubbery of at least 4 feet in height is provided between such parking area and district boundary. In no case is such parking area to be located closer to a district boundary than 10 feet.

c. No building or structure, or part thereof, is to be located within 100 feet of any boundary of the SU-46 District, and such 100 foot buffer area must be maintained in turf, plant material or as off-street parking area, as provided in Section 742-109.K.2.b above.

d. Prior to Improvement Location Permit issuance for any building or structure within the SU-46 District, the plat or site plan for such building or structure, in conformity with all applicable zoning requirements, must be filed with the Department of Metropolitan Development of Marion County, Indiana.

Section 10. Historic Preservation Districts

A. Generally

1. Statement of Purpose

The purpose of these districts is to ensure that all use and development of land in the district takes place in accordance with the principles set forth in the adopted Historic Preservation Plan. The district is designed to provide the ability to tailor the land uses in a specific historic area with the unique types of historic and non-historic buildings that make up its character. It recognizes that appropriate development in historically sensitive areas may require limits to the use of some buildings and flexibility in the adaptive reuse of others.

2. Site and Development Plan consideration

The Indianapolis Historic Preservation Commission (IHPC) may consider and act upon any proposed use and Site and Development Plan, approve the same in whole or in part, and impose additional development standards, requirements or conditions thereon at any public meeting of the IHPC. The IHPC shall prescribe in its rules of procedure the requirements for applying for a certificate of appropriateness (COA) for Site and Development Plan approval. In addition, the rules of procedure shall set forth the fees, hearing process, notice and amendment procedures.

a. **Plan documentation and supporting information**

The Site and Development Plan shall include layout and elevation plans for all buildings and structures, if any are proposed, and must indicate the following, if relevant to the request:

1. Proposed uses, buildings and structures;
2. Any existing uses, buildings and structures, indicating any structure proposed for demolition;
3. Elevations of all sides of each building;
4. Off-street parking layout;
5. Circulation plan for vehicles and pedestrians, in addition to vehicular entrances and exits and turnoff lanes;
6. Setbacks;
7. Landscaping, screens, walls, fences;
8. Lighting plan;
9. Signs, including location, size, design, and illumination;
10. Outdoor storage, trash collection and above-ground utility facilities, if needed.
11. Other documentation as may be required by the IHPC.

b. **Site and development plan requirements**

Land in any HP district is subject to the following site and development requirements. In review of the proposed Site and Development Plan, the IHPC shall assess whether such Site and Development Plan, proposed uses, buildings and structures will:

1. Be in conformity with the adopted historic area preservation plan for the area within which the property is located;
2. Be appropriate to the preservation of the area and to the furtherance and development of historic preservation.

3. Historic Preservation District development standards

All development standards in Chapter 744 shall be established by the IHPC when reviewing and approving a Site and Development Plan for HP districts. In making such decisions, the IHPC shall be guided by the "Recommendations" section and the "Design Standards" section in the applicable Historic Preservation Plan. Development standards determined in this manner include, but are not limited to:

a. Setback lines and minimum yards: front, side and rear;

b. Maximum height;

c. Lot coverage and open space;

d. Off-street parking;

e. Signs.

4. Commitments

The IHPC may permit or require reasonable conditions, commitments or recorded covenants prior to issuance of a COA.

5. State statute citation

The applicable Indiana Law pertaining to this article is IC 36-7-11.1 Historic Preservation in Marion County. Regulations contained in, and revisions to, this article reflect the provisions of IC 36-7-11.1.

6. Public notice

Public notice of any hearing regarding such petition must be provided in accordance with the Indianapolis Historic Preservation Commission's Rules of Procedure.

7. Specific Exemptions – Hearing Officer and Staff approval

The IHPC may adopt policies and rules that exempt specific actions from needing a COA, or may delegate the granting of a COA to the IHPC Hearing Officer or the IHPC staff.

8. Creation of Historic Preservation Districts

HP districts may be created by amending the zoning ordinance to add HP districts in this section. An HP district is a zoning district that may be a single property or multiple properties. Before amending the zoning ordinance to add an HP district, the properties must first be designated as a "historic area" by a Historic Preservation Plan adopted in accordance with IC 36-7-11.1. Each HP district shall also have its own "Permitted Use" table specifying permitted uses that are based on the land use recommendation in its adopted Historic Preservation Plan. Each HP district shall be separately identified in numerical sequence beginning with HP-1.

B. HP-1 Lockerbie Square district

1. Permitted HP-1 Lockerbie Square uses

Permitted uses in the HP-1 Lockerbie Square district are listed in "Table 742-110 Permitted Uses in HP-1 Lockerbie Square" and are subject to the conditions in that table.

Table 742-110-1: Permitted Uses in HP-1 Lockerbie Square district

- All permitted uses for any specific property are subject to approval by the IHPC before they may be established or changed.
- A COA shall not be required when the occupancy or the use changes for the property, provided, however, that the proposed use is "substantially similar" to the current use. Examples of "substantially similar" land use changes that do not need IHPC approval:
  - A law office changes to a real estate office.
  - A residential use changes ownership or tenancy, but does not increase the number of units.

  Examples of land use changes that do need IHPC approval:
  - A single-family use converted to two-family or multi-family use.
  - A change from residential use to office use or retail use.
  - A residential use changed to a bed and breakfast use.

District / Use Category	Permitted Uses
HP-1 Lockerbie Square	
Residential Uses	All uses in the Household Living category as identified in Table 743-1: Use Table, except Mobile Dwelling. All uses in the Group Living category as identified in Table 743-1: Use Table are excluded, except Group Home.
Public, Institutional, Religious and Civic Uses	Religious Uses upon grant of a special exception; Museum; Park
Commercial and Industrial Uses	Bar or Tavern; Eating Establishment or Food Preparation; Bed and Breakfast; Offices; Light General Retail; Wireless Communication Facility
Accessory and Temporary Uses	Employee Quarters; Garage Sales; Home Occupations; Minor Residential Structures; Multifamily Support Facility or Amenities; Outdoor Seating or Patio (nonresidential); Personal Garden; Solar and Geothermal Renewable Energy Facility; Satellite Dish Antenna; Secondary Dwelling Unit; Sidewalk Café; Swimming Pool or Hot Tub; Temporary Event

2. No use, building or structure shall hereafter be established or constructed on any land in the HP-1 Lockerbie Square District until such proposed use and a Site and Development Plan shall have been filed with and approved by the IHPC unless enumerated in Section 742-110.A.7 Specific Exemptions – Hearing Officer and Staff Approval.

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Article II. SECONDARY DISTRICTS

Section 01. General

A. Purpose

1. This Article presents a set of zoning districts that may be applied to lots in addition to the primary zoning district. These secondary zoning districts are also known as overlay districts. Generally, these secondary zoning districts cover a specific, limited geography in Indianapolis/Marion County.
2. These secondary zoning districts regulate the development in certain geographies and are intended to protect a natural resource (Wellfield and Gravel-Sand-Borrow), to enhance the value of existing development (Regional Center), or to assure the public safety (Flood Control and Airspace).
3. The Regional Center secondary district is designed to regulate development in the downtown area in which a diverse blend of uses, functions and facilities must coexist.
4. The Flood Control secondary districts are designed to regulate and restrict development in floodway and the floodplain areas. It is meant to prevent property losses from flooding, prevent the loss of life from flooding, minimize water quality degradation, and protect significant environmental corridors.
5. The Wellfield Protection secondary districts are designed to limit certain types of uses, processes and development in areas adjacent to a water wellfield. This is intended to protect significant groundwater and aquifer resources.
6. The Airspace secondary district is designed to provide for the safety of people by regulating building heights and public assembly locations in areas adjacent to airport runways.
7. The Gravel-Sand-Borrow secondary district is designed to permit the removal earthen materials in a manner that protects the public interest and also protects adjacent land uses.

B. Establishment

The secondary zoning districts listed in the following Table 742-201-1 are hereby established, and shall have the boundaries shown on the Official Zoning Map of the City of Indianapolis described in Section 740-103.

Table 742-201-1: Secondary Districts and Symbol Established	
Regional Center Secondary Zoning District	
RC	Regional Center and North Meridian Street Corridor District
Flood Control Secondary Zoning Districts	
FW	Floodway
FF	Floodway Fringe
Wellfield Protection Secondary Zoning Districts	
W-1	Wellfield Protection - One Year Time-of-Travel Area
W-5	Wellfield Protection - Five Year Time-of-Travel Area
Airspace Secondary Zoning District	
A	Airspace District
Gravel-Sand-Borrow Secondary Zoning District	
GSB	Gravel- Sand- Borrow District

C. Applicability

1. All properties shown within each Secondary Zoning District on the Official Zoning Map are subject to the standards and provisions of this Section 742-200, applicable to that Secondary Zoning District, and are also subject to standards and provisions applicable to the Primary Zoning District listed in Section 742-100, within which that property is located.
2. In the event of a direct conflict between the standards and provisions of a Primary Zoning District and a Secondary Zoning District applicable to the same property, the provisions of the Secondary Zoning District shall apply.
3. In addition, property within each of Secondary Zoning Districts listed in this Section 742-200, must comply with all other applicable provisions of the Zoning Ordinance, including without limitation the performance standards in Section 740-400, the uses and use-specific standards in Chapter 743, and the development standards in Chapter 744, unless a specific exception is set forth in the Zoning Ordinance.

Section 02. Regional Center Secondary Zoning District

A. Applicability

With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this Section. In the case of any difference of regulations between this Section 742-202 and the regulations of the Primary Zoning District, the provisions of this section shall control. Except as modified by this Section 742-202, all development standards as required by the Primary Zoning District shall apply.

B. Commission approval required

All development of land and demolition of structures located within the Regional Center and the North Meridian Street Corridor district shall be subject to the Commission's approval as included within a required Site and Development Plan approved as hereinafter provided. Provided, however:

1. The outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas shall be subject to the provisions of, and approved by the City Controller in accordance with, Chapter 961 of the Revised Code of the Consolidated City and County and shall not be subject to the provisions of this Section 742-202.
2. All lots located within any locally designated historic preservation areas as established by, and under the jurisdiction of, the Indianapolis Historic Preservation Commission (IHPC), shall not be subject to the provisions of this Section 742-202.

C. Requirements for Commission approval

1. Filing the Site and Development Plan

a. All alteration, construction, conversion, demolition, development, enlargement, improvement, and modification on any lot shall file a petition for approval of the proposed changes.

b. Upon the filing of such a petition, the Administrator of the Division of Planning of the Department of Metropolitan Development, on behalf of the Commission, shall consider and either approve, disprove, or approve subject to any conditions, amendments, commitments or covenants by the petitioner, or refer to the Regional Center Hearing Examiner, the proposed Site and Development Plan.

c. Petitions for High Impact Projects shall be automatically referred to the Regional Center Hearing Examiner. Petitions for High Impact Projects shall be required to provide public and individual notice of such filing and referral by the Administrator in accordance with the Rules of Procedure of the Commission.

d. The action upon such a petition by the Administrator or Regional Center Hearing Examiner upon such approval request shall be subject to the filing of an appeal, within 10 calendar days, by any aggrieved person to the Commission. Such an appeal shall otherwise be in accordance with Article VII of the Rules of Procedure of the Commission.

e. The Commission may consider and act upon such appeal of the action of the Administrator or Regional Center Hearing Examiner at any public meeting of the Commission and shall either approve, disapprove, or approve the Site and

Development Plan subject to any conditions, amendments, commitments, or covenants by the petitioner in accordance with the Rules of Procedure of the Commission.

2. **Standards and requirements for Site and Development Plan, uses and structures**

   a. The required Site and Development Plan, drawn to scale and dimensioned, and building and structural plans, shall indicate, where applicable:

      1. Existing uses, buildings and structures, noting those to remain and a description of materials and exterior colors;
      2. Proposed buildings and structures, and the materials and exterior colors thereof;
      3. Floor plans indicating floor area by activity types, vertical circulation, exits, service access;
      4. Elevation drawings of proposed buildings and structures, and the color, materials, window glazing material reflectance & transmissivity thereof;
      5. Off-street parking design and internal traffic pattern;
      6. Vehicular entrances, exits, and turnoff lanes;
      7. Rights-of-way, easements and building setbacks;
      8. Landscaping plan showing names, sizes at planting, spacing, and quantity of materials;
      9. Site improvements, such as site lighting, paving materials, furnishings, and the materials and colors thereof;
      10. Screens, walls, fences, and the materials and colors thereof;
      11. Signs, and the location, size, elevation, color, materials, and design thereof;
      12. Utilities, if aboveground facilities are needed;
      13. Pedestrian ways below, at, or above grade level;
      14. Information related to the development's environmental impact (such as application for LEED certification, paving permeability, and other sustainable techniques) and shadow casting;
      15. For *High Impact Project*s, a written statement of design intent; and
      16. Documentation demonstrating compliance with all other requirements of this Section 742-202.

   b. Details of such a development, including signage, building facade treatment, street furnishings and landscaping within the right-of-way, landscape treatment on the site, development intensity and massing of structure shall be so designed to:

      1. Be in conformity with the Regional Center Plan and the Regional Center Design Guidelines, adopted by the Commission's Resolution 2008-CPS-R-003, June 18, 2008; and any subsequently adopted plan;

2. Create a superior land development plan, in conformity with the Comprehensive Plan;
3. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Regional Center, the North Meridian Corridor, applicable zoning district and within adjacent uses;
4. Provide adequate access, parking and loading areas;
5. Provide adequate on-site vehicular circulation integrated with traffic control and existing and planned public streets in the vicinity;
6. Provide adequately for sanitation, drainage and public utilities;
7. Allocate adequate sites for all uses proposed - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions;
8. Create and maintain clear sight lines which enhance the views of parks and landmarks in the Regional Center and North Meridian Street Corridor for pedestrians and motorists;
9. Create and enhance defensible, safe spaces and discourage crime through appropriate design, passive, natural surveillance and activated pedestrian areas;
10. Provide for accessibility and mass transit opportunities; and
11. Be compatible in construction material, scale, color and pattern with the existing environment.

D. Prohibited uses

The following uses shall not be permitted within the Regional Center or within the North Meridian Street Corridor. All of the following uses lawfully in existence on January 31, 1983 shall be permitted to remain.

1. Adult entertainment businesses or uses;
2. Automobile Fueling Stations on any lot with frontage on Meridian Street, Market Street, Pennsylvania Street, Washington Street, or on any lot located within the Mile Square;
3. Billiard parlor, or roller or ice skating rink on any lot with frontage on Meridian Street;
4. Facilities with a drive-in, drive-through, drive-up, or customer service window on any lot with frontage on Meridian Street, Pennsylvania Street, Washington Street, Market Street, or on any lot located within the Mile Square;
5. Night club, private club, or lounge on any lot with frontage on Meridian Street within the North Meridian Street Corridor;
6. Outdoor storage of equipment or materials that is not associated with any sidewalk cafe, outdoor dining, or food or flower cart;
7. Outside display of merchandise that is not associated with any sidewalk cafe, outdoor dining, or food or flower cart on any lot with frontage on Meridian Street, Pennsylvania Street, Washington Street, Market Street, or on any lot located within the Mile Square;

8. Liquor stores and check cashing or validation services, except as a part of an integrated commercial center that exceeds a gross floor area of 10,000 square feet;
9. Pawnshops or loan shops;
10. Surface parking lot on any lot with frontage on Meridian Street, Pennsylvania Street, Washington Street, Market Street, or on any lot located within the Mile Square;
11. Vehicle sales (new or used) or vehicle service or repair on any lot with frontage on Meridian Street, Pennsylvania Street, Washington Street, Market Street, or on any lot located within the Mile Square. And further, used vehicle sales are prohibited except as an accessory use to new automobile sales; and
12. Vehicle wash (any type, such as, completely indoors wash, self-service wash, automatic or semi-automatic wash) on any lot with frontage on Meridian Street, Washington Street, Market Street, or on any lot located within the Mile Square.

E. Additional development standards

All development standards as required by the primary zoning district shall be applicable in the Regional Center and the North Meridian Street Corridor except as modified by this Section 742-202.E.

1. **Required front yard, setback**
    a. Buildings and structures shall be located in accordance with the Commission's approval.
    b. Vehicle areas shall be located with a minimum setback of 8 feet and the maximum setback shall be the established front setback line.
2. **Use of required yards.** Off-street parking shall not be permitted in any front yard required by ordinance.
3. **Landscaping within the right-of-way.** At least one overstory tree with associated grating or protection system shall be provided and maintained in the right-of-way for each 40 feet of linear frontage along the following streets within the Mile Square:
    a. Capitol Avenue;
    b. Illinois Street;
    c. Meridian Street;
    d. Pennsylvania Street;
    e. Delaware Street;
    f. Ohio Street;
    g. Market Street;
    h. Washington Street;
    i. Maryland Street;
    j. Georgia Street.
4. ***Drive-in, drive-up, drive-through and customer service unit facilities*.** No customer service Unit shall be located on a façade that is adjacent to or faces a public right-of-way that exceeds 30 feet in width. No off-street stacking space shall be located in a front yard that is along a public right-of-way that exceeds 30 feet in

width. In all instances, customer service units shall be screened from all public rights-of-way that exceed 30 feet in width regardless of proximity..

5. ***Alley*.** An *alley* may be used for maneuvering for parking of automobiles.
6. ***Exteriors*.** Building exteriors, awnings, porches, signs, landscaping, hardware and windows shall be properly maintained, kept clean, painted and in good repair.
7. **Signs.**
    a. Business signs: Business signs shall comply with the sign regulations of Chapter 744, Article IX and the following:
        1. Building identification signs and freestanding identification signs within the North Meridian Street Corridor shall be limited to wall signs, ground signs, awning signs, marquee signs, suspended signs, pylon signs and projecting signs. Signs shall be further limited by the following:
            i. Pylon signs shall not exceed 36 square feet per sign face and shall not exceed 14 feet in height.
            ii. Ground signs shall not exceed 36 square feet per sign face and may be up to 6 feet in height.
            iii. Projecting signs shall not exceed 18 square feet per sign face.
        2. Building identification signs and freestanding identification signs within the Regional Center but not within the North Meridian Street Corridor shall be limited to wall signs, pylon signs, awning signs, marquee signs, suspended signs, and projecting signs. Signs shall be further limited by the following:
            i. Pylon signs shall not exceed 36 square feet per sign face and shall not exceed 8 feet in height.
            ii. Projecting signs shall not exceed 36 square feet per sign face.
        3. Building identification signs and freestanding identification signs within the *Mile Square* shall be limited to wall signs, awning signs, marquee signs, suspended signs, and projecting signs. Signs shall be further limited by the following:
            i. Projecting signs shall not exceed 54 square feet per sign face.
            ii. Projecting signs, awning signs, and marquee signs along Meridian Street and Market Street shall not project more than 3 feet into the right-of-way.
    b. Advertising signs (also known as billboards or off-premises signs): Advertising signs shall not be permitted.

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Section 03. Flood Control Secondary Zoning Districts

A. Purpose and objectives

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities.
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.
4. Control filling, grading, dredging, and other development which may increase erosion or flood damage.
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
6. Make federal flood insurance available for structures and their contents in the city by fulfilling the requirements of the National Flood Insurance Program.

The objectives of this ordinance are:

1. To protect human life and health.
2. To minimize expenditure of public money for costly flood control projects.
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
4. To minimize prolonged business interruptions.
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.

To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.

B. District and zone boundaries

The district boundaries have been established from hydrological data delineated on flood insurance rate maps provided by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "The Flood Insurance Study for Marion County, Indiana (All Jurisdictions)," dated April 19, 2016. Topographic-based floodplain maps that may be developed by the city and approved for use by FEMA may be used as best available data to supplement FEMA's flood insurance rate maps, in accordance with FEMA and IDNR procedures and regulations. These maps contain zone AE floodplain areas for which floodway district boundaries and base flood elevations are provided, zone AH floodplain areas for which base flood elevations are provided, zone AO floodplain areas for which base flood elevations are not provided, and zone A floodplain areas for which floodway district boundaries and base flood elevations are not provided. Each of those maps also contain shaded zone X floodplain areas that depict areas

subject to flooding in the headwaters of a stream, the 500-year frequency floodplain collar outside of the 100 year frequency zone AE area, and land subject to shallow flood depths of less than one foot. The district boundaries and base flood elevations for mapped areas shall be determined as follows:

1. **Zone AE:** The floodway fringe (FF) zoning district boundary is determined by applying the base flood elevations from the flood insurance study base flood profiles to the specific topography of a site/parcel/property. The floodway (FW) district boundary is determined from the flood insurance rate map. The base flood elevation shall be determined from the flood insurance study base flood profile, and is rounded up to the nearest ½ foot elevation.
2. **Zone AH and zone AO:** In zone AH floodplain areas, the base flood elevation shown on the flood insurance rate map shall be used. In zone AO areas, the base flood elevation shall be determined by adding the depth number specified in feet on the flood insurance rate map (2 feet, if no depth number is specified) to the highest ground elevation at the site.
3. **Zone A:** Because this mapped area depicts only the approximate base flood boundary, the floodway (FW) district boundary, floodway fringe (FF) district boundary, and base flood elevation must be established through a site-specific engineering analysis using a method acceptable to the Bureau of License and Permit Services of the department of code enforcement or a floodplain recommendation letter issued by IDNR containing specific reference to the site in question. It is the responsibility of the applicant applying for a floodplain development permit to provide the requisite engineering analysis to the Bureau of License and Permit Services or to obtain a floodplain recommendation letter from IDNR.
4. **Zone X:** Zone X areas (shaded or unshaded) are not designated by FEMA as special flood hazard areas and are not regulated by this article.

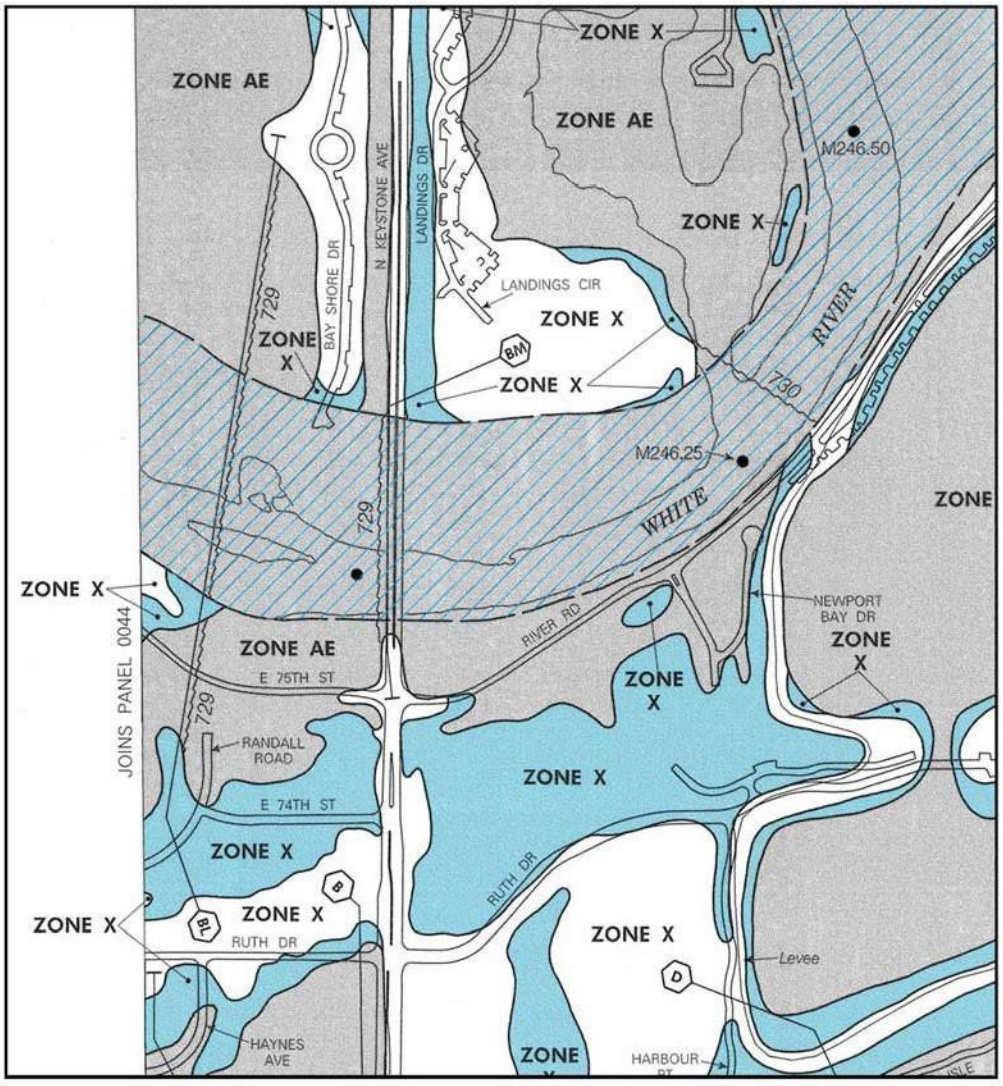

Diagram NN Example of a FIRM map illustrating zones

5. Detailed hydrological data may not be available on the aforementioned maps for certain portions of the floodway and floodway fringe districts. In such cases, an owner of land or applicant for a floodplain development permit shall be required to request a determination of district boundaries and appropriate flood protection grade from the IDNR and the appropriate district regulations shall apply. In the event IDNR lacks sufficient data, the Bureau of License and Permit Services of the department of code enforcement shall determine which type of flood control zoning district the site is located in and the appropriate flood protection grade and limitations applicable to that district. If the Bureau of License and Permit Services lacks sufficient data to make this determination, the applicant for the floodplain development permit shall be required to submit a zoning district boundary determination completed by a registered professional engineer. The procedures by which specific determinations of district boundaries are to be made and incorporated into revisions of the flood insurance rate maps are set forth in Section 742-203.C below.
6. Upon issuance of a Letter of Final Determination (LFD), the Floodplain Administrator may use more restrictive data in the new mapping and study for permitting and construction purposes, replacing less restrictive flood hazard data provided by FEMA.

7. In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation shown on the Flood Insurance Study (FIS) base flood profiles shall govern. If the elevation of the site in question is below the base flood elevation, that site shall be considered inside the SFHA and regulated accordingly. If the elevation of the site's natural grade is above the base flood elevation and not located within the floodway, that site shall be considered outside the SFHA and the floodplain regulations shall not be applied.

C. Changes to district boundaries

1. Procedures to change the floodway and floodway fringe district boundaries, with or without an accompanying base flood elevation change, may be initiated in certain circumstances, including but not limited to: Determination of original mapping error; physical change to the landscape such as filling, excavating or grading; modification of a channel or bridge that changes the hydraulic or hydrologic characteristics of the watercourse; availability of better topographic base mapping that more accurately depicts the floodplain limits; and development of detailed hydrological data for previously unstudied zone A areas. In addition, an owner or lessee of property who believes his or her property has been wrongly designated in a particular flood control zoning district may apply for a district boundary change in accordance with this Section 742-203.
2. Changes to the Floodway (FW) district boundary, Floodway Fringe (FF) district boundary, and the accompanying base flood elevations must be approved by FEMA through a letter of map revision (LOMR) or letter of map amendment (LOMA) in accordance with procedures established by FEMA, before the revised maps and data shall be used under this article. Detailed study data, developed for sites located in zone A areas pursuant to Section 742-203.A as best available data, will generally not be acknowledged by FEMA for flood insurance determinations or result in district boundary revisions unless an official LOMR or LOMA is issued by FEMA that specifies such changes.
3. The Bureau of License and Permit Services of the Department of Code Enforcement shall review all LOMR and LOMA applications for completeness pursuant to FEMA regulations and procedures and verify that the subject project has satisfied the regulatory requirements of this article. Upon verification, the Bureau of License and Permit Services shall issue a signed community acknowledgement to the applicant as required by FEMA. If the LOMR or LOMA application is based on a channel improvement or other physical change to the floodplain that requires continual operation and maintenance as a condition of the issuance of the LOMR or LOMA by FEMA, the Bureau of License and Permit Services may require the applicant to enter into an agreement with the Bureau of License and Permit Services to provide such operation and maintenance.
4. All changes in the Floodway district boundary must be reported to FEMA by the applicant within 6 months of construction with a copy forwarded to the Bureau of License and Permit Services. The Bureau of License and Permit Services shall be responsible for maintaining up-to-date floodplain maps including any amending LOMRs and LOMAs and shall coordinate efforts with IDNR, FEMA and applicants to solve mapping conflicts using the best available hydrologic, hydraulic and topographic data.
5. All letters of map amendment (LOMA) and letters of map revisions (LOMR) approved and issued by the Federal Emergency Management Agency (FEMA) shall be

incorporated as map amendments to the applicable flood control zoning district boundaries and are incorporated by reference and made a part of the Zoning Ordinance.

D. General regulations applicable to all flood control zoning districts

The following regulations shall apply to all land within any flood control zoning district:

1. From and after October 4, 1971:
   a. No land, watercourse, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this article.
   b. No land, watercourse, building, structure, premises, use or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed, relocated, altered, improved, or repaired except in conformity with these regulations and for uses permitted by this Section 742-203.
2. No land alteration, watercourse alteration, open land use, legally established nonconforming use, or structure as defined in this article shall be constructed, erected, placed, converted, enlarged, extended, reconstructed, improved, repaired, restored, or relocated until a floodplain development permit is issued for the proposed activity as required by this Section 742-203.

E. Floodplain Development Permits

1. A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard. Ordinary maintenance and repair conducted under Department of Public Works maintenance programs is excluded, such as mowing and activities required as part of necessary maintenance of drainage or flood control facilities so that the facilities will perform the function for which it was designed and constructed, provided that the maintenance of drainage or flood control facilities does not include any activities identified in subparagraphs 1 through 8 of the definition of “development” in Sec. 740-202.
2. The Commission hereby delegates authority to the Bureau of License and Permit Services to perform all functions relating to the review of applications for issuance of floodplain development permits, in accordance with this article.
3. A floodplain development permit shall not be issued for proposed activity in zone A or zone AH or zone AO until the floodway and floodway fringe district boundaries and base flood elevation are established in accordance with this Article.
4. Application for a floodplain development permit shall be made on a form provided by the Bureau of License and Permit Services. The application shall be accompanied by drawings of the site drawn to scale that depict the proposed activity in a manner adequate for the Bureau of License and Permit Services to determine compliance with this article. At a minimum, the site plan shall show: All existing and proposed structures; existing and proposed contours (if the proposed activity includes land alteration or watercourse alteration), the governing base flood elevation for the site (including the source of the base flood elevation value); all floor elevations and the proposed flood protection grade (if the proposed activity requires a specified flood protection grade under this article).

a. Site plans for all platted subdivisions shall also include a delineation of the existing and proposed floodway and floodway fringe boundaries; a flood protection grade denoted for each building pad and floor; volumetric calculations demonstrating compensatory storage; and, for each lot located in a flood control zoning district, a plan note identifying the flood control zoning district in which it is located and the requirements and limitations imposed under this Section 742-203 for construction on the floodplain lot.

b. Plans for proposed activities requiring a specified flood protection grade under this Section 742-203, which involve land or watercourse alterations, or involve flood-proofing of a structure, shall be certified by a professional engineer, professional surveyor, or professional architect as defined by this Section 742-203.

5. An application fee shall be charged for the processing of a floodplain development permit application. A fee schedule shall be developed by the Bureau of License and Permit Services for categories of proposed activities sufficient to recover the cost of processing applications.

6. A floodplain development permit shall not be issued for any proposed activity until all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

7. The Bureau of License and Permit Services shall require that two NFIP elevation certificate be completed accurately and without errors by a professional engineer, professional architect or professional surveyor for each new structure, substantial addition, substantial improvement, or restoration of substantial damage located in a flood control zoning district, as required by FEMA. Performance surety shall be provided by applicant in accordance with Section 742-203.H below. The Bureau of License and Permit Services shall supply each applicant for a floodplain development permit with a blank NFIP elevation certificate during the Bureau of License and Permit Services' floodplain development permit review process. The applicant shall have a professional engineer, professional architect or professional surveyor complete the NFIP elevation certificate, showing the as-built floor elevation at flood protection grade and lowest adjacent grade to the structure, and other information required in the form. The applicant shall deliver a signed and completed NFIP elevation certificate to the Bureau of License and Permit Services within 10 calendar days after completion of construction of the lowest floor grade, and a second elevation certificate of the finished construction.

8. The Bureau of License and Permit Services shall require that a flood-proofing certificate, if required by Section 742-203.D.2, be completed by a professional engineer or professional architect for each new structure, substantial addition, substantial improvement or restoration of substantial damage located in a flood control zoning district, as required by FEMA. Performance surety shall be provided by applicant in accordance with Section 742-203.H below. The bureau shall supply each applicant for a floodplain development permit with a blank flood-proofing certificate during the bureau's floodplain development permit review process. The applicant shall have a professional engineer or architect complete the flood-proofing certificate showing the as-built floor elevation at flood protection grade as provided by the flood-proofing measures constructed, and other required information on the form. The applicant shall deliver a signed and completed flood-proofing certificate to

the bureau within 10 calendar days after completion of construction of the structural flood-proofing and before the bureau completes the final site inspection.

9. The division of inspections shall not perform the final inspection of construction involving a new building or addition to a building requiring an elevation certificate or flood-proofing certificate until it has received notification that a properly completed elevation certificate or flood-proofing certificate has been submitted to the Bureau of License and Permit Services. Failure to submit a properly completed elevation certificate, or flood-proofing certificate if applicable, shall result in the issuance of a stop work order on the project by the bureau, revocation of the floodplain development permit by the bureau, or both.
10. The Bureau of License and Permit Services shall make all determinations and obtain all data in accordance with FEMA standards at 44 CFR 60.3. The permit applicant is responsible for supplying data to the bureau that is required by FEMA.

F. Floodplain Development Permit validity, transfer, expiration

1. The approval of a floodplain development plan by the Bureau of License and Permit Services shall be valid for a period of one year from the date such approval was granted, or until the floodplain development permit for which the plan was submitted was issued, whichever occurs first. However, prior to the issuance of the permit, if there are any material changes to an approved floodplain development plan or circumstances that cause the floodplain development plan to be inaccurate or incomplete, then a new or corrected floodplain development plan shall be submitted to the department as a precondition for obtaining a floodplain development permit.
2. Transferring a permit.
    a. A floodplain development permit may be transferred with the approval of the Bureau of License and Permit Services to a person, partnership or corporation that would be eligible to obtain such floodplain development permit in the first instance ("transferee"), after both the payment of a fee specified in the rules and procedures of the Commission and the execution and filing of a form furnished by the bureau. Such transfer form shall contain, in substance, the following certifications, release and agreement:
        1. The person who obtained the original floodplain development permit or a person who is employed by and authorized to act for the obtainer ("transferor") shall:
            i. Certify under penalties for perjury that such person is familiar with construction activity accomplished pursuant to the floodplain development permit; such person is familiar with the floodplain development standards and procedures applicable to the construction activity; and to the best of such person's knowledge, information and belief the construction activity, to the extent performed, is in conformity with all floodplain development standards and procedures; and,
            ii. Sign a statement releasing all rights and privileges secured under the floodplain development permit to the transferee.
        2. The transferee shall:
            i. Certify that the transferee is familiar with the information contained in the original floodplain development permit application, the detailed plans and

specifications, the plot plan and any other documents filed in support of the application for the original floodplain development permit;

ii. Certify that the transferee is familiar with the present condition of the premises on which construction activity is to be accomplished pursuant to the floodplain development permit; and,

iii. Agree to adopt and be bound by the information contained in the original application for the floodplain development permit, the detailed plans and specifications, the plot plan and other documents supporting the original floodplain development permit application; or in the alternative, agree to be bound by such application plans and documents modified by plan amendments submitted to the Bureau of License and Permit Services for approval.

b. The transferee shall assume the responsibilities and obligations of and shall comply with the same procedures required of the transferor and shall be subject to any written orders issued by the Bureau of License and Permit Services.

c. A permit or design approval may not be transferred from the specified location to another location.

3. Expiration of floodplain development permits by operation of law

a. If construction activity, other than activity involving the removal of all or part of a structure, has not been commenced within 180 days from the date of issuance of the floodplain development permit, the permit shall expire by operation of law and shall no longer be of any force or effect; provided, however, the Bureau of License and Permit Services may, for good cause shown in writing, extend the validity of any such permit for an additional period that is reasonable under the circumstances, but in no event shall the continuance exceed a period of 60 days. Such extension shall be confirmed in writing.

b. If the construction activity has been commenced but only partially completed, and thereafter substantially no construction activity occurs on the construction site over a period of 180 days, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, the Bureau of License and Permit Services may, for good cause shown in writing, extend the validity of any such permit for an additional period that is reasonable under the circumstances to allow construction activity to resume.

G. Construction in the Flood Control zoning districts

All new construction and substantial improvements shall:

1. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. Be constructed with materials and utility equipment resistant to flood damage below the flood protection grade;

3. Be constructed by methods and practices that minimize flood damages;

4. Be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed or located so as to prevent

water from entering or accumulating within the components during conditions of flooding; and

5. Be designed with the lowest floor elevation including any basement provided and maintained at or above flood protection grade of at least two feet above the base flood elevation.

H. Floodplain Performance Surety

The following standards shall apply to all Floodplain Performance Surety.

1. The surety must be either a performance bond or letter of credit on the approved Department of Code Enforcement forms.
2. The amount of the surety must equal 1% of the total cost of all proposed improvements but in no case be less than $2,000.00 per building on the site.
3. The surety must continue to run until released by the Floodplain Administrator.
4. To obtain the release of the Floodplain performance surety, the Floodplain Administrator shall determine if the required certificates are completed accurately and without errors.

I. Floodway (FW) district regulations

1. Purpose

The purpose of the floodway district is to guide development in areas identified as a floodway. IDNR, under the authority of the INRC, exercises primary jurisdiction in the floodway district under the authority of IC 14-28-1; however, the city may impose terms and conditions on any floodplain development permit it issues in a floodway district that are more restrictive than those imposed by IDNR regulations.

2. Applicability

The following regulations, in addition to those in Section 742-203.C through H, shall apply to all land within the floodway district. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.

3. Permitted uses

The following uses shall be permitted in the Floodway district subject to the development standards of this Section 742-203.

a. Open land uses;

b. Land alterations and watercourse alterations;

c. Nonbuilding structures;

d. Minor residential structures; and

e. Improvements, additions, and restoration of damage to legally established nonconforming uses.

4. Development standards in the FW district

a. **Open land use.** An open land use shall be allowed without a Floodplain Development Permit provided that the open land use does not constitute or

involve any structure, obstruction, deposit, construction, excavation, or filling in a floodway in accordance with IDNR regulations. Otherwise, proposed open land uses shall require a Floodplain Development Permit in accordance with this Section 742-203.

b. **Land and watercourse alterations.** Land alterations and watercourse alterations as defined in this article shall not result in any new or additional public or private expense for flood protection; shall assure that the flood carrying capacity is maintained and shall not increase flood elevations, velocities, or erosion upstream, downstream or across the stream from the proposed site; and shall not result in unreasonable degradation of water quality or the floodplain environment. In addition, no Floodplain Development Permit shall be issued for land alterations or watercourse alterations in a floodway unless a certificate of approval for construction in a floodway is first issued by IDNR for the proposed activity, if required pursuant to IC 14-28-1.

c. **Prohibition of garbage, trash, and junk.** No use shall involve the storage, accumulation, spreading, dismantling or processing of garbage, trash, junk, or any other similar discarded or waste material.

d. **Nonbuilding structures.** Nonbuilding structures shall be permitted in a Floodway only under the following conditions:

   1. The nonbuilding structure is designed, located, and constructed such that it is protected from potential damage resulting from flooding up to and including the flood protection grade;

   2. The nonbuilding structure is designed to resist displacement resulting from hydrostatic, hydrodynamic, buoyant, or debris loading forces associated with flooding up to and including the flood protection grade;

   3. The nonbuilding structure is designed to minimize potential contamination or infiltration of floodwaters or other potential environmental health or safety hazards associated with flooding up to and including the flood protection grade;

   4. The nonbuilding structure is designed to minimize the obstruction of floodwaters by such measures as providing flow-through rather than solid fencing, reduction of structure cross-section area perpendicular to the flow path, and placement of the nonbuilding structure away from areas of greater depth or velocities;

   5. The IDNR has first issued a certificate of approval of construction in a floodway, if applicable pursuant of IC 14-28-1; and

   6. The nonbuilding structure must meet the applicable flood protection grade required by IDNR and FEMA rules.

e. **Minor residential detached structure**, the total square footage being equal to or less than 400 square feet, may be erected in a Floodway with or without the lowest floor elevation at flood protection grade only if the following conditions are met.

   1. The detached structure is constructed or placed on the same lot as an existing primary residential structure and is operated and maintained under the same ownership;

2. The detached structure is customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot;
3. The detached structure is no larger than 75% of the size of the existing primary residential structure;
4. The detached structure shall never be used in total, or in part, for habitable space;
5. All electrical wiring and any heating, cooling or other major appliances in the detached structure shall be floodproofed or elevated to or above the flood protection grade;
6. The detached structure is not used for the storage of any substance or chemical that is dangerous or would become dangerous if mixed with water;
7. The detached structure shall be firmly anchored to prevent flotation;
8. The exterior walls of the attached nonhabitable accessory enclosure shall be constructed with a material that will maintain its structural integrity during and after exposure to floodwaters and be designed to automatically equalize hydrostatic flood forces by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet the following minimum criteria:
    i. A minimum of one square inch of net open area for each one square foot of enclosed area for non-engineered openings or a minimum of one engineered inch for each one square foot of enclosed area for an engineered opening;
    ii. The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and
    iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters without reliance on human or electrical activation.
9. The IDNR has first issued a certificate of approval of construction in a floodway; and
10. As a condition to allowing construction of a detached residential accessory structure, the Bureau of License and Permit Services may first require the owner to record a statement, in a form approved by the bureau, indicating that the detached residential accessory structure shall not, in the future, be used in total, or in part, as habitable space. This shall be a covenant that shall be recorded in the office of the Recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.

5. Legally established nonconforming uses in the FW district

Nothing stated in this Section 742-203.I shall prevent ordinary maintenance and repair of legally established nonconforming uses. The cost of ordinary maintenance and repair of building or structures is not counted toward the 50% limit for determining substantial improvement, restoration of substantial damage or substantial addition.

a. ***Restoration of damage in the FW district***

1. Nonsubstantial damage: A legally established nonconforming use that has been damaged by flood, fire, explosion, act of God, or the public enemy, may be restored to its original dimension and condition provided that the damage is nonsubstantial damage and does not increase the degree of nonconformity as it pertains to flood control regulation.
2. Substantial damage: A legally established nonconforming use that is substantially damaged may only be restored if the following conditions are satisfied:
    i. The legally established nonconforming use is not a primary residential structure;
    ii. If required, the applicant for the proposed restored use must first obtain a certificate of approval for construction in a floodway from IDNR;
    iii. A restored structure must be provided with the lowest floor elevation including any basement at or above flood protection grade;
    iv. The design of the foundation of a restored structure must be certified by a professional engineer or professional architect registered in the state of Indiana as being adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood, and constructed with a material that will maintain its structural integrity during and after exposure to floodwaters;
    v. If the damage to a structure is such that the structure including the foundation is destroyed, the structure must be rebuilt upon the same area of the original foundation and have substantially the same configuration as the destroyed structure, unless the rebuilt structure is proposed to be placed on a site less vulnerable to flood hazards as determined by the Bureau of License and Permit Services;
    vi. The restored or rebuilt structure does not restrict or obstruct the floodway more than the damaged structure;
    vii. The damage was not intentionally caused by the owner or occupant; and
    viii. The restoration of the structure is begun within one year and completed within years following the date that the damage occurred.

b. ***Improvements in the FW district***

1. Nonsubstantial improvements: A legally established nonconforming use in a floodway (FW) district may undergo a one-time only nonsubstantial improvement. Such improvement shall not increase the degree of nonconformity as it pertains to flood control regulation. Subsequent improvements shall be subject to the requirements and limitations of this article applicable to substantial improvements.
2. Substantial improvements: A substantial improvement to a legally established nonconforming use in a floodway (FW) district is prohibited.

c. ***Additions in the FW district***

1. Nonsubstantial additions: A legally established nonconforming use may undergo a one-time only nonsubstantial addition provided that:

   i. The applicant has provided development plans and any other supporting data, as required by the Bureau of License and Permit Services, certifying that the proposed addition will not cause any increase in the base flood elevation;

   ii. The proposed addition will not increase the degree of nonconformity as it pertains to flood control regulation; and

   iii. A covenant indicating that "a one-time non-substantial addition to the structure has taken place and that no further additions will be allowed" shall be recorded in the office of the recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.

   Subsequent additions shall be subject to the requirements and limitations of this article applicable to substantial additions.

2. Substantial addition: A substantial addition to a legally established nonconforming use is prohibited.

J. Floodway Fringe (FF) district regulations

1. Purpose

The purpose of the Floodway Fringe district is to guide development in areas subject to potential flood damage, but outside a floodway district.

2. Applicability

The following regulations, in addition to those in Section 742-203 C through H, shall apply to all land within the Floodway Fringe district. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.

3. Permitted uses

All uses permitted in the applicable primary zoning district shall be those uses permitted in the Floodway Fringe zoning district, unless otherwise prohibited by Section 742-203.J.4 (Prohibited uses), and provided no other secondary zoning district prohibits the use.

4. Prohibited uses

The following critical facilities are prohibited from locating in the Floodway Fringe zoning district.

a. Jails;

b. Hospitals;

c. Assisted living facilities;

d. Nursing homes;

e. Laboratories;

f. Elementary, Middle or High Schools;

g. Daycare facilities;

h. Fire stations;

i. Emergency operation centers;

j. Police facilities;

k. Truck, train, or bus terminal, storage or maintenance facility;

l. Wrecking or salvage facility;

m. Gas, oil or propane storage facility;

n. Industrial laundry;

o. Hazardous waste handling or storage facility; and

p. Other public equipment storage facilities.

5. Development standards in the FF district

a. **Flood Protection Grade required.** Except as specifically provided in this Section 742-203, no building shall be erected, reconstructed, expanded, structurally altered, converted, used, relocated, restored, or improved unless the lowest floor elevation including any basement is provided and maintained at a flood protection grade of at least two feet above the base flood elevation.

b. **Flood-proofing**. This flood protection grade may be achieved for nonresidential structures by structural flood-proofing. The design and construction shall be certified on a flood-proofing certificate by a professional engineer or professional architect registered in the state of Indiana as being adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

c. **Open land use.** All open land uses as defined in this article shall be allowed in a Floodway Fringe district without a floodplain development permit.

d. **Land and watercourse alterations.** Land alterations and watercourse alterations in a Floodway Fringe district shall not result in any new or additional public or private expense for flood protection; shall not increase flood elevations or reduce flood carrying capacity; shall not increase velocities or erosion upstream, downstream, or across the stream from the proposed site; and shall not result in unreasonable degradation of water quality or the floodplain environment.

e. **Compensatory Storage Required**

1. Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by an equivalent volume of excavation taken below the base flood elevation. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.

i. The excavation shall take place in the floodplain and in the same property in which the authorized fill or structure is located.

ii. Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated

volume will be below the base flood elevation, will be in the same property in which the authorized fill or structure is located, will be accessible to the base flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled.

iii. The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by flood water.

iv. The fill or structure shall not obstruct a drainage way leading to the floodplain.

v. The grading around the excavation shall be such that the excavated area is accessible to the base flood water.

vi. The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement.

vii. The compensatory storage area shall be outside the stream protection corridor (Section 744-205)

viii. The compensatory storage requirement excludes interior drainage behind accredited floodplain protection structures.

ix. Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this article.

2. For floodplain development at sites that are elevated with fill, lowest floor levels, including basement floors, shall be provided with a flood protection grade of at least 2 feet above the base flood elevation. Non-living spaces, such as crawl spaces that are below grade on all sides, shall be provided with a lowest floor level at least equal to the base flood elevation. The flood protection grade as well as all other requirements of this Section 742-203 shall not be applicable to property that has been removed from a flood control zoning district through the issuance of a final LOMR or LOMA by FEMA. Floodway Fringe fill on which a building is to be placed shall be compacted to 95% of maximum density using the Standard Proctor Test method. The surface of the fill shall extend at least 10 feet horizontally from the perimeter of the building before sloping below the base flood elevation. This is a minimum distance that may need to be increased by the designer based on-site conditions. Fill slopes shall be adequately protected from erosion using a method approved by the Bureau of License and Permit Services of the Department of Code Enforcement.

f. **Nonbuilding structures.** Nonbuilding structures shall be allowed in a floodway fringe district only if constructed in a manner that will not impede the flow of floodwater and debris carried by floodwater, and the following conditions are met:

1. The nonbuilding structure is designed, located and constructed such that it is protected from potential damage resulting from flooding up to and including the flood protection grade;

2. The nonbuilding structure is designed and constructed to resist displacement resulting from hydrostatic, hydrodynamic, buoyant, or debris loading forces associated with flooding up to and including the flood protection grade;
3. The nonbuilding structure is designed and constructed to minimize potential contamination or infiltration of floodwaters or other potential environmental or safety hazards associated with flooding up to and including the flood protection grade;
4. The nonbuilding structure is designed and constructed to minimize the obstruction of floodwaters by such measures as providing flow-through rather than solid fencing, reduction of structure cross-section perpendicular to the flow path, and placement of the nonbuilding structure away from areas of greater depth or velocities; and
5. The nonbuilding structure shall meet the applicable flood protection grade required by IDNR and FEMA rules.

g. **Detached residential accessory structures.** Detached residential accessory structures larger than 400 square feet in a floodway fringe district must be provided with a lowest floor elevation at flood protection grade of at least two feet above the base flood elevation. Detached residential accessory structures, the total square footage being equal to or smaller than 400 square feet may be erected in a floodway fringe district with the lowest floor elevation above or below the flood protection grade only if the following conditions are met:

1. The detached structure is constructed or placed on the same lot as an existing primary residential structure and is operated and maintained under the same ownership;
2. The detached structure is customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot;
3. The detached structure is no larger than 75% of the size of the existing primary residential structure;
4. The detached structure shall never be used in total, or in part, for habitable space;
5. All electrical wiring and any heating, cooling or other major appliances in the detached structure are located above the flood protection grade and the detached structure is not used for the storage of any substance or chemical that is dangerous or would become dangerous if mixed with water;
6. The detached structure shall be firmly anchored to prevent flotation;
7. The exterior walls of the attached nonhabitable accessory enclosure shall be constructed with a material that will maintain its structural integrity during and after exposure to floodwaters and be designed to automatically equalize hydrostatic flood forces by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must meet the following minimum criteria:
    i. A minimum of one square inch of net open area for each one square foot of enclosed area for non-engineered openings or a minimum of one engineered inch for each one square foot of enclosed area for an engineered opening;

ii. The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and

iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters without reliance on human or electrical activation.

8. As a condition to allowing a detached residential accessory structure, the Bureau of License and Permit Services may require the owner to record a statement, in a form approved by the bureau, indicating that the detached residential accessory structure shall not, in the future, be used in total, or in part, as habitable space. This shall be a covenant that shall be recorded in the Office of the Recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.

h. **Attached nonhabitable accessory enclosures.** Attached nonhabitable accessory enclosures may be constructed in a Floodway Fringe district as a part of one-family, two-family, or multifamily dwelling structures only under the following conditions:

1. All parts of the building or structure other than the attached nonhabitable accessory enclosure shall be erected, constructed, reconstructed, expanded, structurally altered, converted, used or relocated in compliance with this Section 742-203.J.5;

2. The attached nonhabitable accessory enclosure is attached to or part of the primary residential structure and is operated and maintained under the same ownership;

3. The attached nonhabitable accessory enclosure is customarily incidental, accessory and subordinate to, and commonly associated with the use of the primary residential structure;

4. The attached nonhabitable accessory enclosure is not used in total or in part as habitable space, but is solely for parking vehicles, building access or storage of materials not covered under standard flood insurance policy;

5. As a condition to allowing an attached nonhabitable accessory enclosure, the Bureau of License and Permit Services shall require the owner to record a statement, in a form approved by the bureau, indicating that the attached nonhabitable accessory enclosure shall not, in the future, be used in total, or in part, as habitable space. This shall be a covenant that shall be recorded in the Office of the Recorder, Marion County, Indiana, with the deed and shall be binding on all subsequent owners;

6. All electrical wiring and any heating, cooling or other major appliances or equipment in the attached nonhabitable accessory enclosure are located above the flood protection grade and the attached nonhabitable accessory enclosure is not used for the storage of any substance or chemical that is dangerous or would become dangerous if mixed with water; and

7. The exterior walls of the attached nonhabitable accessory enclosure shall be constructed with a material that will maintain its structural integrity during and after exposure to floodwaters and be designed to automatically equalize hydrostatic flood forces by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must meet the following minimum criteria:

i. A minimum of one square inch of net open area for each one square foot of enclosed area for non-engineered openings or a minimum of one engineered inch for each one square foot of enclosed are for an engineered opening;

ii. The bottoms of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath the opening, whichever is higher; and

iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters without reliance on human or electrical activation.

8. Attached nonhabitable accessory enclosures that are also legally established nonconforming uses pursuant to Section 742-203.J.6 shall not be subject to the requirements of Section 742-203.J.5.h.

i. **Manufactured homes, mobile dwellings and recreational vehicles**

1. Manufactured homes and mobile dwellings that are placed or undergo substantial improvements or substantial additions on sites outside of a mobile dwelling project, in a new mobile dwelling project or subdivision, in an expansion to an existing mobile dwelling project or subdivision, or in an existing mobile dwelling project or subdivision on which a manufactured home or mobile dwelling has incurred substantial damage as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home or mobile dwelling is elevated with a flood protection grade at least two feet above the base flood and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

2. Manufactured homes and mobile dwellings that are placed or undergo substantial improvements or substantial additions on sites in an existing mobile dwelling project or subdivision on which a manufactured home or mobile dwelling has not incurred substantial damage as the result of a flood, shall be elevated so that either the lowest floor of the manufactured home or mobile dwelling is elevated with a flood protection grade or the manufactured home or mobile dwelling chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade level and be securely anchored to a foundation system to resist flotation, collapse and lateral movement.

3. Recreational vehicles placed on sites in the Floodway Fringe for 180 consecutive days or more shall be subject to the requirements for manufactured homes and mobile dwellings contained in this Section 742-203. Recreational vehicles placed on sites in the Floodway Fringe shall not be subject to requirements for manufactured homes and mobile dwellings contained in this Section 742-203 and shall not require a Floodplain Development Permit if the recreational vehicle is either placed on the site for fewer than 180 consecutive days or is fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is 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.

j. **Draining of land; altering of watercourses; construction of ponds, lakes, levee, dams.** No draining or reclamation of land; altering, widening, deepening or filling of watercourses or drainage channels or ways; construction of ponds, lakes, levees, or dams; or any other changes or improvements of watercourses or drainage channels or ways shall be undertaken in the Floodway Fringe district unless first approved by the IDNR, if applicable, and any other local, state or federal agencies having jurisdiction over such activity.

k. **Construction of new access roads.** If the proposed activity includes the construction of a new access road between proposed buildings to be located in the Floodway Fringe district and a public road, and the public road at the intersection with the proposed access road is at or above the base flood elevation, then the proposed access road must also be at or above the base flood elevation along the entire length between any proposed building and the public road. If there is more than one access road between the public road and any proposed building, only one must provide access at or above the base flood elevation.

6. Legally established nonconforming uses

Nothing stated in this Section 742-203.J shall prevent ordinary maintenance and repair of legally established nonconforming uses. The cost of ordinary maintenance and repair of buildings or structures is not counted toward the 50% limit for determining a substantial improvement, restoration of substantial damage or substantial addition. Improvements, additions and restoration of damage to legally established nonconforming uses authorized under this subsection shall not be subject to Section 742-203.J.5.h. The aggregation of additions, damages, or improvements, whether presented as substantial or nonsubstantial, exceeding the 50% of market value limit shall be treated as substantial.

a. *Repetitive loss damage in the FF district*

Repetitive loss damage: A legally established nonconforming use that has sustained flood-related damages on two or more separate occasions during a 10-year period for which the cost of repairs at the time of each such flood even, on average, equaled or exceeded 25% of the market value of the structure before the damage occurred, may only be restored if the lowest floor elevation including any basement of the restored structure is at flood protection grade.

b. *Restoration of damage in the FF district*

1. Nonsubstantial damage: A legally established nonconforming use in a Floodway Fringe district damaged by flood, fire, explosion, act of God or the public enemy may be restored to its original dimensions and condition provided that the damage is a nonsubstantial damage as defined by this article and does not increase the degree of nonconformity as it pertains to flood control regulation.

2. Substantial damage: A legally established nonconforming use that is substantially damaged may only be restored if the restored structure is at flood protection grade.

c. ***Improvements in the FF district***

1. Nonsubstantial improvements: A legally established nonconforming use in a Floodway Fringe district may undergo a one-time only nonsubstantial improvement. Such improvement shall not increase the degree of nonconformity as it pertains to flood control regulation. Subsequent improvements shall be subject to the requirements and limitations of this Section 742-203 applicable to substantial improvements.
2. Substantial improvements: A legally established nonconforming use may undergo a substantial addition if the lowest floor elevation including any basement of the improvement is at flood protection grade.

d. ***Additions in the FF district***

1. **Nonsubstantial addition:** A legally established nonconforming use in a Floodway Fringe district may undergo a one-time only nonsubstantial addition provided that the degree of nonconformity as it pertains to flood control regulation shall not be increased and that a covenant indicating that "a one-time non-substantial addition to the structure has taken place and that any subsequent improvements or additions shall be subject to the requirements and limitations of this article applicable to substantial additions" shall be recorded in the Office of the Recorder, Marion County, Indiana, with the property deed and shall be binding on all subsequent owners.
2. **Substantial addition:** A legally established nonconforming use may only undergo a substantial addition if the lowest floor elevation including any basement of the addition is at flood protection grade.

K. Variances

1. The Board of Zoning Appeals may only issue a variance to the permitted uses or development standards of the Floodway (FW) or Floodway Fringe (FF) districts, provided no other zoning district prohibits the land use, and if the applicant submits evidence that:
   a. There exists a good and sufficient cause for the requested variance;
   b. The strict application of the terms of this article will constitute an exceptional hardship to the applicant; and
   c. The grant of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with other applicable law or ordinances.
2. The Board of Zoning Appeals may only issue a variance to the permitted uses or development standards of the Floodway (FW) or Floodway Fringe (FF) districts, provided no other secondary zoning district imposes stricter development standards, and if the following conditions are met:
   a. No variance for the construction of a new residential structure in a Floodway (FW) district may be granted;
   b. All variances granted for an associated use in a Floodway (FW) district shall first require a permit from IDNR, if such permit is required by IDNR rules and procedures;

c. Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures;

d. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and

e. The Department of Metropolitan Development shall issue a 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 increased flood insurance premiums.

L. National Flood Insurance Program regulation

The Bureau of License and Permit Services, during the review of floodplain development permit applications located in identified flood control zoning districts, shall ensure that:

a. All national flood insurance program regulations (codified at 44 CFR, Part 60.3) pertaining to state and federal permits, subdivision review, building permit review, flood-proofing nonresidential structures, mobile home tie-down standards, utility construction, recordkeeping (including lowest floor elevations), and watercourse alteration and maintenance have been met.

b. Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits/authorizations are to be maintained on file with the floodplain development permit.

c. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.

d. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

e. Verify and record the actual elevation of the lowest floor (including the basement) of all new or substantially improved structures, in accordance with Section E.

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Section 04. Wellfield Protection Secondary Zoning Districts

A. Purpose

Because of the risk that hazardous materials or objectionable substances pose to groundwater quality, it is recognized that the further regulation of the manufacturing of, handling, transfer, disposal, use or storage of hazardous materials or objectionable substances related to nonresidential use activities is essential in order to preserve public health and economic vitality within Marion County.

B. Applicability

No building, structure, premises or part thereof shall be altered, constructed, converted, erected, enlarged, extended, modified, or relocated except in conformity with this Section, and not until the proposed Site and Development Plan has been filed with and approved on behalf of the Commission by the Technically Qualified Person (TQP). The following regulations shall apply to all land within the Wellfield Protection zoning districts. The entire site shall be subject to review by the TQP. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to such land, and in case of conflict, the more restrictive regulations shall apply.

C. Commission approval required

All development within the W-1 and W-5 Districts shall be subject to Commission approval.

1. Site and development plans required

Unless exempted by Section 742-204.D Technically Qualified Person review requirement, a Site and Development Plan shall be filed with and be subject to approval on behalf of the Commission by the Technically Qualified Person (TQP). The Site and Development plan shall describe improvements, existing and proposed, to the entire site. All hazardous materials or objectionable substances to be manufactured, used, stored, transferred, or handled on-site shall be disclosed and calculated in determining threshold amounts. Copies of the Site and Development Plan shall be provided to the TQP, the Marion County Public Health Department, and the water utility having wells in the wellfield protection area.

2. Technically Qualified Person authorization

The Technically Qualified Person authorized by the Commission shall have the authority to:

a. Require revised Site or Development Plans demonstrating compliance with the agreed upon commitments to be submitted before final approval is granted.

b. Substitute an equivalent requirement for one or more of the requirements in Section 742-204.F Development standards. Notice of the approval of any such substitute shall be provided to the Marion County Public Health Department and the applicable water utility prior to the Technically Qualified Persons decision to approve a substitution. In determining whether to substitute an equivalent commitment, the Technically Qualified Person shall make written findings supporting the substitution.

c. Waive one or more of the requirements in Section 742-204.F, Development standards. Notice of the issuance or granting of any such waiver shall be

provided to the Marion County Public Health Department and the applicable water utility prior to the Technically Qualified Persons decision to issue or grant a waiver. In determining whether to waive one or more of the requirements of Section 742-204.F, the Technically Qualified Person shall make written findings supporting the waiver.

3. Plan documentation and supporting information

The Site and Development Plan shall include:

a. Uses, existing and proposed;

b. Setbacks, existing and proposed;

c. Description of slopes near containment vessels and waste storage areas, in the form of topographic maps;

d. Landscaping, screens, walls, fences;

e. Interior plumbing and floor plans;

f. Sewage disposal facilities;

g. Vicinity map;

h. Brief history of the site and of the new building or addition (usage, historical environmental concerns, abandoned wells, underground storage tanks, septic tanks, etc.);

i. A site map, drawn to scale and including:

   1. All existing and proposed structures;

   2. Paved and unpaved areas;

   3. Existing and proposed utility lines (inside and outside structures) including sanitary sewers, storm sewers, storm retention ditches, basins, French drains, dry wells, etc.;

      i. Floor drain locations and outlets;

      ii. Product storage locations;

      iii. Waste storage locations;

      iv. Liquid transfer areas;

      v. Site surface water bodies (streams, rivers, ponds);

      vi. Existing underground storage tanks; and

      vii. Aboveground storage tanks;

j. Detailed drawing of any existing or proposed containment areas (area, height, materials, specifications, etc.);

k. Description of proposed operations such as hazardous materials or objectionable substances used or generated, product storage area descriptions, waster generation quantities, equipment cleaning processes, maintenance procedures, heating source (oil, gas, electric), liquid transfer or loading areas;

l. Methods and locations of receiving, handling, storing, and shipping hazardous materials or objectionable substances; and

m. Response measures and reporting procedures in the event of a release or spill of a hazardous material or objectionable substance.

4. Site and development plan approval process

a. Technically Qualified Person decision. The Technically Qualified Person, on behalf of the Commission, shall consider and either approve, disapprove, or approve subject to any commitments, the proposed Site and Development Plan. Comments from the Marion County Public Health Department and appropriate water utility shall be solicited by the Technically Qualified Person prior to approval of a Site and Development Plan, and if such comments are provided timely by the Marion County Public Health Department or appropriate water utility, the Technically Qualified Person shall consider them and may give them such weight as he or she shall determine to be appropriate. The decision of the Technically Qualified Person to approve or disapprove a Site and Development Plan and the file on which the decision is based shall be public records and shall be available for examination by any person.

b. Appeal of Technically Qualified Person decision. All parties of interest or aggrieved persons shall have the right to appeal action by the Technically Qualified Person to approve or disapprove a Site and Development Plan before the Commission. Such appeal shall be filed as an appeal petition within 10 calendar days from the decision of the Technically Qualified Person, to the Commission. Such an appeal shall otherwise be in accordance with the Commission's Rules of Procedure. The Commission may consider and act upon such appeal at a public meeting of the Commission and shall either approve, disapprove, or approve the Site and Development Plan subject to any commitments, by the petitioner in accordance with the Commission's Rules of Procedure.

c. Commission Findings. The Commission may permit or require commitments. All commitments shall be recorded with the property deed in accordance with the Commission's Rules of Procedure. The Commission may require revised Site or Development Plans demonstrating compliance with the agreed upon commitments to be submitted before final approval is granted.

D. Technically Qualified Person review requirement.

1. Type of use

Development activities associated with the following nonresidential uses, whether permanent or temporary, shall submit a Site and Development Plan to be reviewed for conformity with the standards of this Section 742-204 by the Technically Qualified Person.

a. Agricultural chemical storage	b. Machine tool or die shop
c. Animal feedlots or stockyards	d. Manufacturing, medium or heavy
e. Asphalt or tar production	f. Manufacturing, hazardous materials or objectionable substances
g. Automotive supplies distribution	h. Metal mining
i. Blast furnaces, steel works, rolling or finishing mills	j. Mortuary or other embalming services
k. Building cleaning or maintenance services	l. Motor or body repair for auto, truck, lawnmower, airplane, boat, or motorcycle
m. Building materials production	n. Municipal waste landfill or transfer station
o. Vehicle wash	p. Oil or gas production wells
q. Chemical or petroleum storage or sales	r. Oil or liquid materials pipeline
s. Chemical blending or distribution	t. Painting or coating shops using liquids or water soluble solids
u. Clay, ceramic or refractory minerals mining or quarrying	v. Pesticide or fertilizer application services
w. Construction contractors' equipment or materials storage	x. Petroleum refining
y. Creosote manufacturing and treatment	z. Photographic processing facility
aa. Dry cleaning or industrial laundering	bb. Printing industry using hazardous materials or objectionable substances
cc. Education, engineering or vocational shops or laboratories	dd. Radioactive waste handling or storage
ee. Electroplating operations or metal finishers	ff. Recycling or electronic-recycling
gg. Equipment repair	hh. Road salt storage
ii. Fat rendering	jj. Rubber or plastics processing or production
kk. Food or beverage production (excluding restaurants, commercial kitchens, catering establishments and other retail food establishments)	ll. Textile production
mm. Fuel dispensing locations	nn. Truck terminal or other materials transport or transfer operation
oo. Furniture or wood strippers or refinishers	pp. Scrap or junk yard, Wrecking or Salvage Facility
qq. Golf course or driving range	rr. Slaughterhouse or meat packing
ss. Hazardous waste treatment storage or disposal	tt. Sludge treatment or disposal
uu. Hospitals	vv. Solid waste treatment, storage or disposal

ww. Institutional uses such as convalescent or nursing homes, correctional or penal institutions, schools, colleges or universities	xx. Stamping or fabrication metal shop
yy. Laboratories, medical, biological, bacteriological or chemical	zz. Warehousing
aaa. Landscape or lawn installation or maintenance service, commercial	bbb. Wastewater treatment
ccc. Leather tanning or finishing	ddd. Wood preservation or treatment.
eee. Limestone, sand or gravel mining or quarrying	

2. **Type of facility**

Development activities associated with facilities that include the following, whether permanent or temporary, must submit a Site and Development Plan to be reviewed for conformity with the standards of this Section 742-204 by the Technically Qualified Person.

a. Elevators using hydraulics;

b. Generators; and

c. Storage tank, above ground or below ground.

3. **Chemical quantities on-site**

Development activities that, in their ordinary course of business, store or maintain on-site any liquids or water-soluble solids must submit a Site and Development Plan to be reviewed for conformity with the standards of this Section 742-204 by the Technically Qualified Person, with the exception of the following:

a. Reasonable quantities of substances use for the routine maintenance of the building or premises upon which the substances are located;

b. Substances contained within a vehicle that are required for normal operation of any motor vehicle in use on-site;

c. Substances contained within vehicles making bulk deliveries to the subject site;

d. Beverages at restaurants, supermarkets, convenience stores, and other retail food establishments, for use on-site or off-site; or

e. Uses that have on-site liquids of water soluble solids less than the threshold amounts established in the following table:

Table 742-204-2: Threshold amounts by district, state and container quantity

District	Liquids		Water-Soluble Solids	
	Single-Container	Aggregate	Single-Container	Aggregate
W-1 District	1 gallon	2 gallons	6 pounds	6 pounds
W-5 District	40 gallons	100 gallons	240 pounds	600 pounds

E. Activities in the Wellfield Protection zoning district

1. Permitted uses

All uses permitted in the applicable primary zoning district shall be those uses permitted in the W-1 and W-5 zoning districts, unless otherwise prohibited by Section 742-204.E.2 Prohibited uses, and provided no other secondary zoning district prohibits the use.

2. Prohibited uses

a. Above ground, outdoor liquid storage tanks greater than 1,000 gallons are prohibited from locating in the W-1 Wellfield Protection zoning district.

b. The above ground, outdoor storage of water soluble solids greater than 6,000 pounds per container in any one containment area are prohibited from locating in the W-1 Wellfield Protection zoning district.

c. Underground storage tank. No new underground storage tank shall be permitted in the W-1 or W-5 Wellfield Protection zoning district. An existing underground storage tank located in the W-1 or W-5 Wellfield Protection zoning district may be replaced or upgraded in accordance with Section 742-204.F.1.a, Replacement or upgrading of an existing underground storage tank.

d. Dewatering. Dewatering of sites is prohibited, with the exception of dewatering for the following purposes:

   1. To prevent water damage to structures;

   2. To protect groundwater quality;

   3. To temporarily remove water from solid material or soil for the construction of sewers and other underground facilities, including foundation structures; or

   4. To temporarily remove water from aggregate mining operations to prevent or relieve flooding.

e. Class V injection wells, as defined in 40 CFR 146, are prohibited, with the exception of the following:

   1. Air conditioning return flow wells used to return to the supply the aquifer the water used for heating or cooling in a heat pump, if noncontact;

   2. Cooling water return flow wells used to inject water previously used for cooling, if noncontact;

   3. Barrier recharge wells used to replenish the water in an aquifer or to improve groundwater quality provided the injected fluid does not contain hazardous materials or objectionable substances; or

   4. Pumping limestone fines into an underground mine.

f. Hydraulic fracking. Hydraulic fracking is prohibited in the W-1 or W-5 Wellfield Protection zoning district.

g. Septic Systems. No new nonresidential septic system shall be located in the W-1 or W-5 Wellfield Protection zoning district pursuant to Section 742-204.F, Development Standards. Existing septic systems located in the W-1 or W-5 wellfield protection zoning district are prohibited from expanding.

h. Mobile vehicle wash, service or repair uses are not permitted in any wellfield or flood protection district.

i. Salvage yards and bulk chemical storage facilities. New salvage yards or bulk chemical storage facilities are prohibited from locating in the W-1 or W-5 Wellfield Protection zoning district. Existing salvage yards or bulk chemical storage facilities are prohibited from expanding in the W-1 Wellfield Protection zoning district. Existing salvage yards or bulk chemical storage facilities may be permitted to expand in the W-5 Wellfield Protection zoning district, provided the proposed use or activity complies with all applicable provisions of this Section 742-204.

j. Geothermal energy systems. New geothermal energy systems or components are prohibited from locating in the W-1 or W-5 Wellfield Protection zoning districts. Existing geothermal energy systems or components are prohibited from expanding in the W-1 Wellfield Protection zoning district. Existing geothermal energy systems or components may be permitted to expand in the W-5 Wellfield Protection zoning district, provided the proposed use or activity complies with all applicable provisions of this Section 742-204.

F. Development standards

1. General requirements

All land located in the W-1 and W-5 Wellfield Protection zoning districts shall comply with the following development standards, as determined by the Technically Qualified Person.

a. Replacement or upgrading of an existing underground storage tank. Replacement or upgrading of an existing underground storage tank, as referenced in Section 742-204.E.2 Prohibited uses, shall comply with the following requirements:

1. In no instance shall the replacement or upgrade of an existing underground storage tank result in a net increase in the total volume or storage on-site.

2. All replacement or upgraded underground storage tanks shall require secondary containment.

3. All replacement or upgraded underground storage tanks shall be in full compliance with all applicable state and federal regulations.

4. Annual tightness testing shall be required for all underground storage tanks and piping.

b. All known abandoned wells shall be identified and sealed within 30 days of being identified in accordance with applicable law.

c. No surface impoundments, ponds, or lagoons shall be established except for:

1. Stormwater detention and retention ponds, provided they are constructed in a manner that provides an effective barrier to prevent migration to groundwater; or

2. Aggregate mining pits.

d. Development shall be connected to municipal sanitary sewer or combined sewers. Floor drains, if present, shall be connected to sanitary sewers or combined sewers or routed to a temporary holding area for removal.

e. All trash dumpsters shall be located on an impervious surface that drains to storm sewers or combined sewers.

f. All areas designated for the storage of hazardous materials or objectionable substances shall be constructed in a manner to prevent a release from the storage area.

g. All vehicle or equipment repair or shop areas shall be located within an enclosed building that includes a floor constructed of impervious material that forms an effective barrier to prevent the migration of fluids or water soluble materials.

h. While being stored, water soluble solids shall be kept dry at all times.

i. The following requirements shall apply to all excavation activities associated with the removal of sand and gravel materials:

   1. No form of solid waste, sludge, or any other form of waste material of any kind, including, but not limited to, construction or demolition debris, shall be used on the site.

   2. Clean natural earth fill materials may be used without restriction as to origin or placement on site.

j. Sludge that could release liquids or water soluble solids shall be held in a containment area. The containment area shall comply with the requirements of Section 742-204.F.2, Containment area provisions.

k. The area used for the bulk delivery or transfer of liquids shall be within a containment area. The containment area shall comply with the requirements of Section 742-204.F.2, Containment Area provisions.

2. Containment area provisions

All containment areas required by this Section 742-204 shall comply with the following requirements:

a. Capable of containing 110% of the volume of the largest volume held, stored, loaded or unloaded;

b. Constructed in a manner to prevent a release from reaching the groundwater;

c. Constructed of hard-surface, impervious material, free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardize the integrity of the area.

3. Secondary containment requirement

Secondary containment shall be required for any single container holding 40 gallons or more of liquid for more than 24 hours. Secondary containment shall be required for containers holding 40 or more gallons of liquid in the aggregate for more than 24 hours. All secondary containment areas shall comply with the following requirements:

a. If unenclosed or located outside, the secondary containment shall be:

   1. Covered;

2. Located on an impervious surface that is properly drained; and
3. Constructed to prevent intrusion of precipitation.

b. All secondary containment areas shall be constructed to meet at least one of the following requirements:
1. A containment area capable of containing 110% of the largest container and preventing any release from the container; or
2. A storage tank designed and built with an outer shell and a space between the tank wall and the outer shell that allows for and includes interstitial monitoring.

G. Reporting requirement

Every water utility having a wellfield within a W-1 or W-5 Wellfield Protection zoning district shall on or before January 15 of each year prepare and file with the chairman of the Metropolitan and Economic Development Committee of the City-County Council, the Board of Public Works, the Commission and the Marion County Public Health Department the water utility's water quality monitoring plan for that year, including a description of the program designed to alert the water utility of any potential contamination of the groundwater underlying each of the water utility's wellfields. All amendments to such plan by a water utility shall be filed within 30 days of that amendment with the chairman of the Metropolitan Development Committee of the City-County Council, the Board of Public Works, the Commission, and the Marion County Public Health Department.

H. Groundwater protection

1. Groundwater protection fund

There is created a groundwater protection fund, funds from which shall be used only for those specific activities identified in Section 742-204.H.3, Groundwater protection costs.

2. Groundwater protection fee

a. Each public water supply system that pumps groundwater from one or more wells located within a W-1 or W-5 Wellfield Protection district shall pay into the groundwater protection fund a percentage of the annual fee assessed by the Commission, such percentage to be determined by dividing the number of customers served by the water supply system at the end of the calendar year by the total number of customers served at the end of the calendar year by all public water supply systems that pump from one or more wells within a W-1 or W-5 Wellfield Protection district.

b. The annual fee assessed by the Commission for any calendar year shall be based on the Commission's approved budget for the specific activities identified in Section 742-204.H.3., Groundwater protection costs, but shall not exceed $275,000.

c. Within 30 days following the approval of the Commission's budget for the specific activities described in Section 742-204.H.3 Groundwater protection costs, during the following year, the Commission shall notify the public water supply systems that pump groundwater from one or more wells located within a W-1 or W-5

Wellfield Protection district as to the amount of the annual fee to be assessed all such systems for the following year.

d. Each public water supply system subject to this article that pumps groundwater from one or more wells within a W-1 or W-5 Wellfield Protection district shall report, in writing, to the Commission on or before January 31 of each year, the number of customers served at the end of the prior calendar year.

e. On or before March 1 of each year, the Commission shall determine the amount of the annual fee to be assessed and notify each of the water supply systems that pumps groundwater from one or more wells within a W-1 or W-5 Wellfield Protection district as to the portion of such annual fee to be paid by such public water supply system.

f. The public water supply system shall pay the full amount of its portion of the annual fee assessed by the Commission on or before March 15 of each year.

3. Groundwater protection costs

The funds in the groundwater protection fund shall be used solely to pay for:

a. Administrative or enforcement costs incurred in the implementation of groundwater protection;

b. Study costs incurred in accordance with the reporting provisions of Section 742-204.G, Reporting requirement.

c. Costs incurred in establishing and maintaining a wellfield education or registration program.

Section 05. Airspace Secondary Zoning District

A. Use regulations

The following regulations shall apply to all land within the airspace district. These regulations shall be in addition to all other primary or secondary zoning district regulations applicable to such land; in case of conflict, the more restrictive regulations shall control.

1. **Prohibited uses for airport.** Within that part of the airport instrument and airport noninstrument approach surface areas and airport transitional surface areas of the official zoning map, which extend within 10,000 feet from each end of a runway measured horizontally along the extended centerline of such runway, no building, structure or premises shall be erected, relocated or converted for use as a school, church, child caring institution, hospital, stadium, sports arena, public swimming pool, picnic grounds, public auditorium, theatre, assembly hall, carnival, amusement park, correctional or penal institution or any other public assembly use.
2. **Prohibited uses for heliport**. Within that part of the heliport surface areas and heliport transitional surface areas of the airspace district and designated on the official zoning map, which extend 4,000 feet from the designated landing and takeoff area of the heliport, no building, structure or premises shall be erected, relocated or converted for use as a school, church, child caring institution, hospital, stadium, sports arena, public swimming pool, picnic grounds, public auditorium, assembly hall, carnival, amusement park, correctional or penal institution or any other public assembly use.

B. Height limits

1. Airports

Except as otherwise provided herein, no structure or tree shall be erected, altered, allowed to grow or maintain within the airspace district to a height in excess of the following height limits herein established for the applicable airport instrument approach surface area, airport noninstrument approach surface area, airport transitional surface area, airport horizontal surface area and airport conical surface area and designated on the official zoning map. (Such height limits shall be computed from the applicable runway elevation or airport elevation as designated on the official zoning map).

a. Height limits for the airport instrument approach surface area shall be: One foot in height for each 100 feet in horizontal distance beginning at a point 200 feet from the end of the instrument runway and extending to a distance of 10,200 feet from the end of the runway; thence one foot in height for each 50 feet in horizontal distance to a point 50,200 feet from the end of the runway.

b. Height limits for the airport noninstrument approach surface area shall be: One foot in height for each 50 feet in horizontal distance beginning at a point 200 feet from the end of the noninstrument runway and extending to a point 5,200 feet from the end of the runway; thence one foot in height for each 16 feet in horizontal distance to a horizontal distance of 10,200 feet from the end of the runway.

c. Height limits for the airport transitional surface area shall be: One foot in height for each 7 feet in horizontal distance beginning at a point 250 feet from the centerline of noninstrument runways, measured at right angles to the longitudinal centerline of the runway, extending upward to a maximum height of 150 feet above the established airport elevation as indicated on the official zoning map; one foot vertical height for each 7 feet of horizontal distance measured from the outer lines of all instrument and noninstrument approach surface areas for the entire length of such approach surface areas, extending to their intersection with the outer line of the conical surface area; and, beyond such points of intersection, beginning at the outer lines of all instrument approach surface areas and extending a horizontal distance to 5,000 feet therefrom, measured at right angles to the continuation of the runway centerline, one foot vertical height for each 7 feet of horizontal distance.

d. Height limit for the airport horizontal surface area shall be: 150 feet above the established airport elevation as indicated on the official zoning map.

e. Height limit for the airport conical surface area shall be: One foot in height for each 20 feet of horizontal distance beginning at the periphery of the horizontal surface area and measured perpendicularly to the periphery of the horizontal surface area to a height of 350 feet above the airport elevation. Provided, however, if any area is subject to more than one of the above height limitations, the more restrictive limitation shall control. Provided, further, however, nothing in this article shall be construed as prohibiting the erection, construction, growth or maintenance of any structure or tree to a height of 50 feet or less above the surface of the land.

2. Heliports

Except as otherwise provided herein, no structure or tree shall be erected, altered, allowed to grow or maintained within the airspace district to a height in excess of the following height limits herein established for the applicable heliport approach surface area and heliport transitional surface area and designated on the official zoning map. (Such height limits shall be computed from the applicable heliport landing and takeoff area elevation as designated on the official zoning map).

a. Height limit for the heliport approach surface area shall be: One foot in height for each 8 feet in horizontal distance beginning at the end of the heliport primary surface area (such primary surface coinciding in size and shape with the designated takeoff and landing area of the heliport) with the same width as the primary surface area and extending outward and upward from a horizontal distance of 4,000 feet where its width is 500 feet.

b. Height limit for the heliport transitional surface area shall be: One foot in height for each 2 feet in horizontal distance extending outward and upward from the lateral boundaries of the heliport primary surface area and from the approach surface area for a distance of 250 feet measured horizontally from the centerline of the primary and approach surface areas. Provided, however, if any area is subject to more than one of the above height limitations, the more restrictive limitation shall control. Provided further, however, nothing in this article shall be construed as prohibiting the erection, construction, growth or maintenance of any structure or tree to a height of 50 feet or less above the surface of the land.

C. Performance standards

The following performance standards shall apply to all land within the perimeter of the airport conical surface area and heliport transitional surface area and indicated on the official zoning map.

1. Interface with communications

No use shall create interface with any form of communication, the primary purpose of which is for air navigation.

2. Glare; marking and lighting of airspace hazards

a. All lights shall be located or shielded in such a manner that they do not interfere with runway, taxi, tower or any other airport and heliport lights or result in glare that may interfere with the use of the airport and heliport in landing, taking-off or maneuvering of aircraft.

b. Such markers and lights as may be required by the Indianapolis Airport Authority to indicate to air crews the presence of structures or trees constituting airspace hazards shall be permitted.

3. Smoke, dust, particulate matter

a. The emission of smoke, dust, particulate matter and any other airborne material shall be subject to the standards of Chapter 511 of the Revised Code of the Consolidated City and County and regulations adopted pursuant thereto and which standards and regulations are hereby incorporated by reference and made a part hereof.

b. No use shall cause smoke, dust, particulate matter or airborne material of any kind to escape beyond the lot lines in a manner detrimental to or endangering the visibility of air crews using the airport and heliport in landing, taking-off or maneuvering of aircraft.

Section 06. Gravel, Sand, and Borrow Secondary Zoning District

A. Purpose

The purpose of this Section 742-206 is to:

1. Provide for the greatest practical balance between the protection of the usefulness, productivity, and scenic value of all land, air, and water resources within Marion County, and the need to maintain an efficient and productive mining industry;
2. Prevent soil erosion and sedimentation as a result of any earth changing activity associated with a mining operation;
3. Prevent contaminants that may cause or tend to cause health-related problems from entering the atmosphere, soil, surface water, or groundwater;
4. Establish an effective local role in the regulation and redress of blasting, operational, and monitoring activities of mining operations to protect adjacent landowners and the general public;
5. Set forth procedures for the submission of a plan documenting the proposed reclamation of the land or portions of the land when mining operations have ceased, and financial guarantees ensuring implementation of the approved reclamation plan;
6. Ensure an adequate review of mining operations when mining uses are proposed on land designated as "Environmentally Sensitive" by the Comprehensive Plan; and
7. Ensure a desirable and successful reclamation and reuse of land when mining operations have ceased, in fulfillment of Comprehensive Plan objectives.

B. Applicability

1. No gravel, sand, or other mineral or earthen materials shall hereafter be mined or processed in any part of Marion County, except in conformity with these regulations.
2. These regulations shall be in addition to all other applicable primary and secondary zoning district regulations, and in case of conflict, the more restrictive regulations shall apply.
3. A separate Improvement Location Permit shall be required for each mining operation.
4. Existing mining operations that have a permit shall be considered legally established non-conforming uses that may conduct mining operations on the land included with the applicable permit.
5. Nothing in this Section 742-206 is intended to supersede any requirement of State or Federal law, except that this section may impose stricter requirements, in whole or in part, than may be imposed by any County, State, or Federal authority.
6. Nothing in this Section 742-206 shall prevent the Department of Code Enforcement from enforcing the Environmental Public Nuisance Ordinance.

C. Additional permitting requirements

1. Required submittal material

An application for an Improvement Location Permit pursuant to Section 740-800 Improvement Location Permits shall include the following additional permitting requirements:

a. A completed application in the form specified by the Administrator.

b. The requisite application fee, according to the fee schedule adopted by the Commission.

c. Financial guarantee pursuant to Section 742-206.K;

d. A legal description and stated acreage of the proposed affected land.

e. A vicinity map of the area, in a scale sufficient to show the proposed affected land, any dedicated right-of-way or easement, and the boundaries of all parcels lying within 660 feet of the affected land and mining operation, or a depth of two property ownerships, whichever is less.

f. The name and addresses of the following shall be provided:

1. The mine operator if the operator is someone other than the applicant;
2. Every legal owner of the affected land;
3. Every legal owner of the mining operation (surface and mineral);
4. Every owner of any leasehold interest in the affected land;
5. Every owner of any leasehold interest in the mining operation;
6. All purchasers of record of the affected land under a real estate contract;
7. All purchasers of record of the mining operation under a real estate contract;
8. The single proprietor, if the applicant is a single proprietor;
9. All registered agents required by the Secretary of State; and
10. The highest ranking officer, member or partner that resides in the State of Indiana, if the applicant is a partnership, corporation, association or other business entity other than a single proprietor.

g. A Spill Prevention Control and Countermeasure Plan, in accordance with applicable regulations of the United States Environmental Protection Agency and Indiana Department of Environmental Management.

h. The names and addresses of the owners of property lying within 660 feet of the affected land and mining operation, or a depth of 2 property ownerships, whichever is less, as shown by records of the Marion County Assessor and dated not more than 45 days prior to the date of application.

i. A copy of all applications, approvals, or permits required from other city, county, State, or Federal agencies for the proposed mining operation.

j. If the applicant is a partnership, corporation, association, or other business entity other than a single proprietor a list of names under which the applicant, partner, or principal shareholder previously operated a mine within the State of Indiana within 5 years preceding the date of application shall be provided.

k. An Operations Plan, pursuant to Section 742-206.H.

l. A Reclamation Plan, pursuant to Section 742-206.I.

2. Review procedure

The following describes the general procedure for the processing of an Improvement Location Permit application for a mining operation:

a. Before an application is submitted, the applicant shall request a pre-application meeting with the Administrator to discuss the proposed operation and to clarify application requirements.

b. At any time during the review of an Improvement Location Permit application, the Administrator may request, in writing, additional information that is reasonably necessary to make any findings, determinations, or decisions on an application. A request for additional information shall specify a date by which the Administrator is to receive the additional information. Failure to provide information in a timely manner may be grounds for denial of the application.

c. The Administrator shall review the Improvement Location Permit application and make a determination of completeness within 30 days of receipt of the application. In determining whether or not the application is complete or incomplete, the Administrator shall communicate this determination in writing to the applicant. In the event that the Administrator determines that the application is incomplete, a new completeness review period of 30 days shall commence from the date of receipt of the missing or inadequate information. If the Administrator fails to make a determination of a complete application within the time frames specified above, the application will be deemed complete.

d. Once an Improvement Location Permit application has been determined to be complete, the applicant shall be required to submit a full and complete copy of the application to the Marion County Soil and Water Conservation District, Marion County Surveyor, Marion County Public Health Department, the appropriate water utility, and Indianapolis Department of Public Works, or their successors.

e. The Administrator shall render a decision on the Improvement Location Permit application within 90 days from the acceptance of a complete application, or the latest request for information, whichever occurs last. If the Administrator does not approve or deny the application within 90 days of the determination of a complete application, the application shall be deemed to be approved.

D. Permitted uses

On any parcel in a gravel-sand-borrow zoning district, no structure or land associated with a mining operation shall be used and no building, structure, or equipment shall hereafter be located, constructed, erected, placed, converted, enlarged, extended, reconstructed, improved, repaired, restored, or relocated except in establishing one of the following uses:

1. All uses permitted in the primary zoning district in which the gravel-sand-borrow district is located, provided no other secondary zoning district prohibits the land use.
2. Mining or excavating of sand, gravel, or other mineral or earthen materials.
3. Temporary facilities that process or stockpile sand, gravel, or other mineral or earthen materials, mined on the premises, for a period not to exceed 5 years from

the commencement of operation or issuance of the Improvement Location Permit, whichever occurs first.

4. Permanent facilities that process or stockpile gravel, sand, or other mineral or earthen materials, mined on the premises or elsewhere, shall only be permitted in a gravel-sand-borrow secondary zoning district carrying a SU-23 primary zoning classification.

5. Legally established non-conformities

   a. Nothing in the Zoning Ordinance shall prevent an existing mining operation from enlarging, constructing, converting, extending, reconstructing, repairing, restoring or relocating buildings, structures, or equipment, provided the buildings, structures or equipment meet the required setbacks and height limitations prescribed by the primary and secondary zoning classifications, and provided the degree of nonconformity is not increased.

   b. Nothing in the Zoning Ordinance shall prevent a legally established mining operation from extending or enlarging a mining pit in accordance with the applicable, previously issued permit.

   c. The installation of or replacement with new equipment shall require compliance with the secondary containment requirements of Section 742-206.F.

E. General regulations

1. Minimum setbacks, yards, and buffer strips

a. The minimum front setback shall be 150 feet measured from the lot line. The minimum side yard and rear yard setback shall be 175 feet measured from the lot line. Permanent construction within the front, side or rear setback shall be limited to landscaping, buffering, berms, entrance roads, transportation facilities, fencing, signs and utilities.

b. A buffer strip of at least 100 feet in width shall be maintained between any mining operation and the normal high water line of any river, stream, or water body, not associated with the mining operation.

c. A buffer strip of at least 100 feet in width shall be maintained between the mining operation and any wetlands or wildlife habitat for threatened or endangered species, as defined by Indiana Department of Natural Resources or US Fish and Wildlife Service.

2. Landscaping and buffer strip requirements

Within the minimum setback distance, a landscaped yard and buffer strip shall be provided. All plantings shall be installed by the next planting season. The landscaped yard shall be a minimum width of 50 feet measured from the lot line or right-of-way. Minimum landscaping for the landscaped yard shall include one deciduous overstory tree, 2-½ inch caliper at time of planning, planted every 30 feet on center for the linear distance along the lot line or right-of-way line. A buffer strip shall be provided using one of the following two methods:

a. Earthen Berm. An undulating earthen berm shall be constructed to provide a continuous buffer strip along a lot line or right-of-way. In no instance shall an earthen berm be constructed closer than 50 feet to a lot line or a right-of-way. An earthen berm shall be built to a maximum height of 12 feet above the natural

surface of the ground. In no instance shall the peak height of an earthen berm be less than 3 feet measured from the established street grade. The berm shall be planted and maintained with native grasses or native wildflowers and registered with the City of Indianapolis native wildlife planting registry and agreement program.

b. Vegetated Buffer Strip. A vegetated buffer strip shall be planted and maintained consisting of 2 staggered rows of evergreen trees, each row planted 15 feet on center, with a height of 5 feet at time of planting.

Diagram OO: Earthen Berm Buffer Strip Cross-section

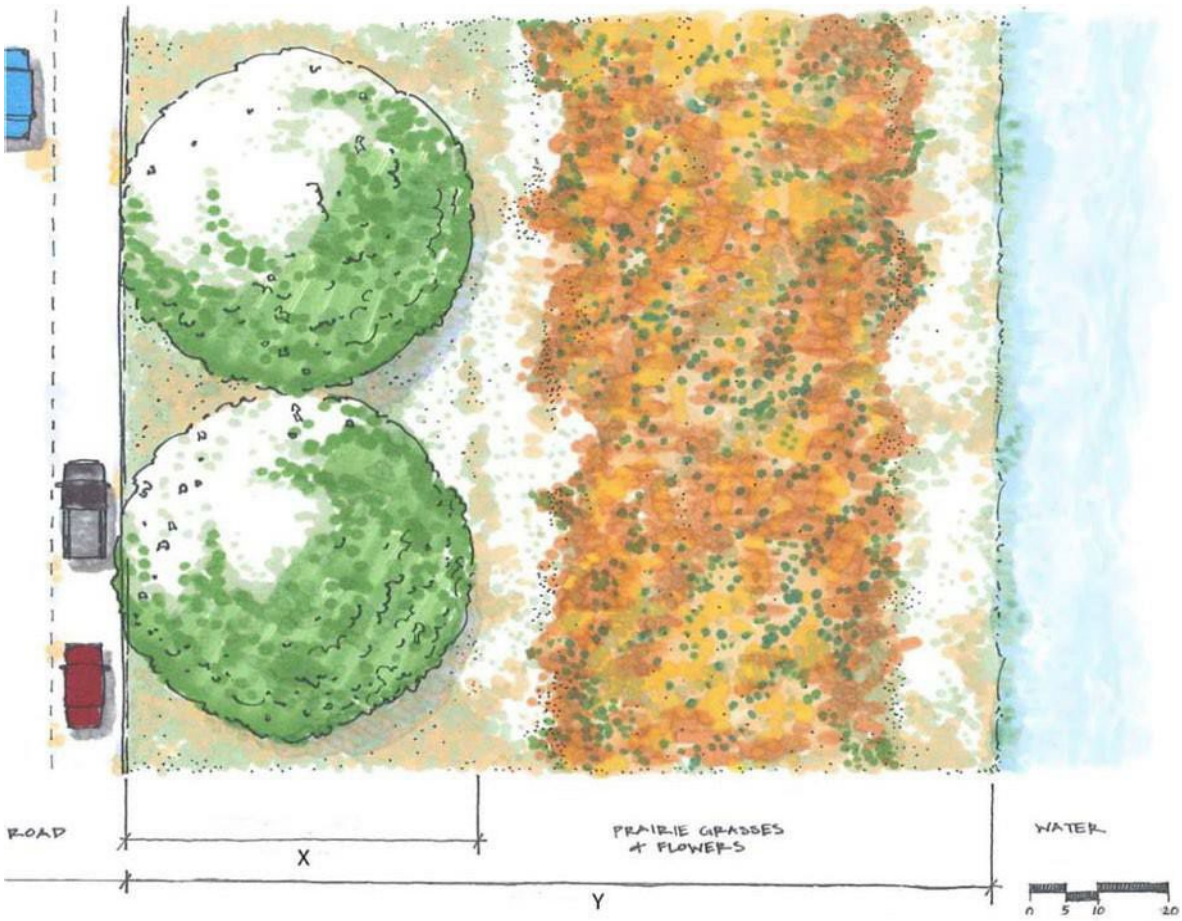

Diagram QQ: Earthen Berm Buffer Strip plan view

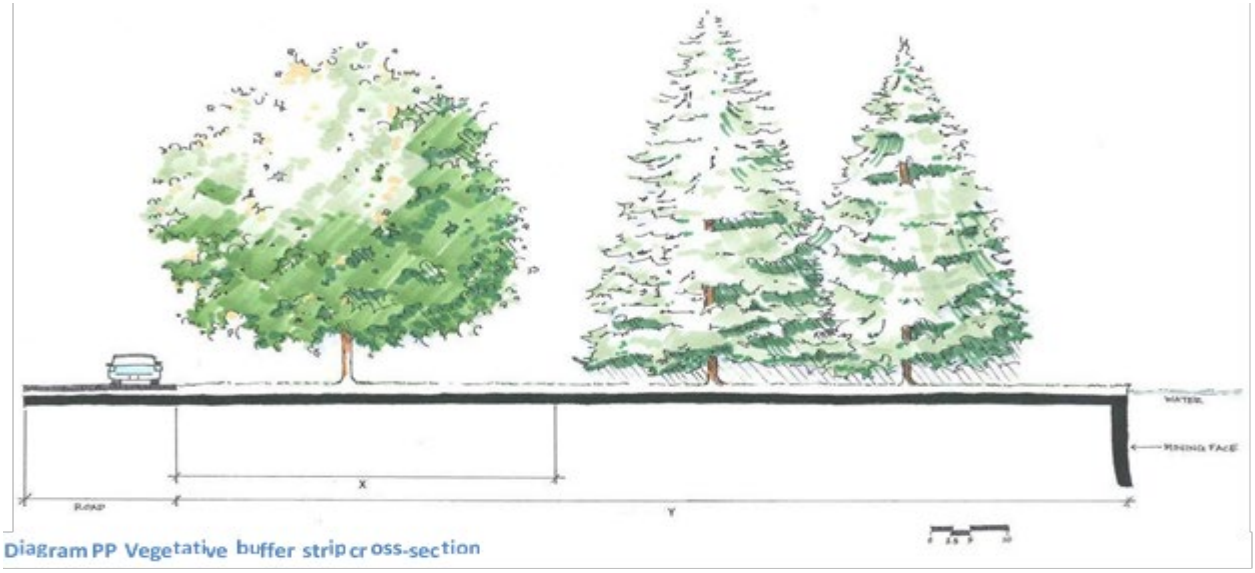

Diagram PP: Vegetative Buffer Strip Cross-Section

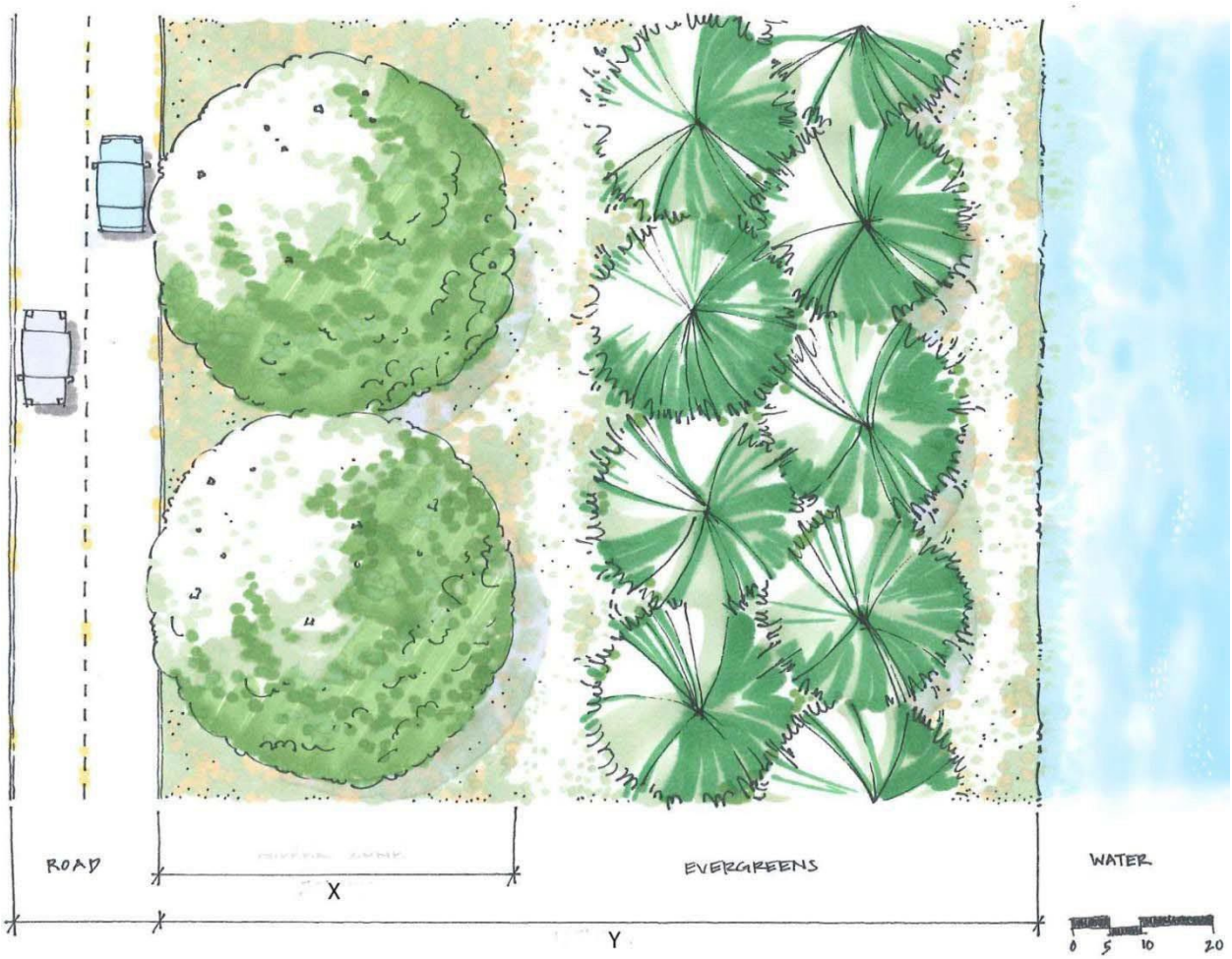

Diagram RR: Vegetative Buffer Strip Plan View

3. Fencing, gates and signage

A security fence measuring at least 6 feet in height shall be required at the perimeter of the affected land as shown on the approved Site and Development Plans. All fences shall extend to the ground to preclude openings of more than 4 inches between the ground and the fence. All gates shall be installed to fence height at all entrances. All unattended gates shall be self-closing, self-latching, and locked when not in use. Fences and gates shall be maintained in good repair, and shall exhibit signs, at intervals of not more than 200 feet warning against trespass. Signs warning against trespassing shall be between one square foot and 3 square feet. Refer to Section 744-510 for additional regulations governing fences. Refer to Section 744-900 for additional sign regulations.

4. Topsoil management

Once removed, topsoil shall either be used in contemporaneous reclamation or stored in an environmentally acceptable manner, including seeding, mulching, or otherwise temporarily stabilizing the stockpile. In no instance shall topsoil be stockpiled under 3 feet or more in depth for longer than 2 months. Stormwater runoff shall be diverted around all locations in which topsoil is stockpiled. Stockpiles within 500 feet of any residence shall not exceed 50 feet in height. No portion of a stockpile

shall be located closer than 200 feet to the centerline of any public right-of-way. Topsoil that has been removed may be sold; however, in no instance shall the sale of removed topsoil relieve or reduce any of the requirements of the Reclamation Plan.

F. Operating regulations

1. Hours of operation

With the exception of blasting and scale house operations, the hours of operation for all activities in the mining pit shall be from 6:00 a.m. until 6:00 p.m. or sunset, whichever is later, on weekdays and Saturdays. The hours of operation for all scale house activities occurring on weekdays and Saturdays shall not be limited by the Zoning Ordinance. All mining operations are prohibited on Sunday and holidays recognized by the State of Indiana. Refer to Section 742-206.G.1.a for regulations that govern the hours of operation for blasting.

2. State and federal permits

A copy of all permits required for the mine operation pursuant to State and Federal pollution control laws and regulations shall be maintained on-site and available upon request.

3. Erosion control

a. The Administrator shall be provided a copy of the approved erosion control plan required to be obtained pursuant to applicable State and Federal law.

b. Surface water shall not be allowed to leave the site in a manner that causes flooding, erosion, or alteration of natural drainage patterns. Surface water originating outside and passing through the affected land shall, at its point of departure from the affected land, be of equal quality to the water at the point where it enters the affected land.

c. Overburden removal shall be limited to the area of the operation expected to be mined during a 2 year period. Overburden removal areas that are not actively being mined shall be seeded and maintained with a permanent cover crop to prevent wind and water erosion.

d. Soil restoration and seeding shall occur within each phase as soon as final grade levels, or interim grade levels identified in the reclamation plan, have been reached. Exceptions to seeding and mulching include the processing, storage, and staging areas within each phase.

e. Final reclaimed slopes shall be treated to prevent erosion. Topsoil of at least 4 inches in depth shall be placed on the final slopes to support vegetation. Ground cover shall be planted by the next planting season after a slope is excavated to its final position. Ground cover shall be maintained thereafter to prevent erosion.

4. Dust control

a. Fugitive dust from the mining operation shall be suppressed. In no instance shall petroleum-based products be used for fugitive dust suppression for mining operations located in a Wellfield Protection district.

b. Wet suppression control system equipment shall be used when processing dry materials outdoors. When processing dry materials outdoors, wet suppression

control system equipment shall be installed and maintained at all crushing and sorting and sizing equipment and conveyor transfer points.

c. Unpaved areas travelled by vehicles shall be sprayed with water on an as-needed basis to minimize the generation of dust.

d. Driveways or haulageways within 100 feet of a right-of-way shall be paved.

e. Before entering a right-of-way, all loads of aggregate shall be leveled maintaining at least 6 inches between the materials and the top of the container, and either stabilized with dust suppressant, or completely covered. If dust suppressants are used, records documenting this activity shall be kept on-site for a period of two years.

5. Groundwater protection

To ensure adequate protection of groundwater, the following shall be required:

a. In the W-1 and W-5 districts, no surface impoundments, ponds, or lagoons shall be established except for stormwater retention/detention ponds.

b. In the W-1 and W-5 districts, there shall be no dewatering of sites. Incidental use or pumping of water shall be allowed.

c. A minimum separation of 200 feet shall be maintained between any excavation and any drinking water supply that is a point-driven or dug well and that was in existence prior to the excavation.

d. A minimum separation of 100 feet shall be maintained between any excavation and any drinking water supply that is drilled into saturated bedrock and that was in existence prior to the excavation.

e. A minimum separation of 1,000 feet shall be maintained between any excavation and a public drinking water source.

f. No substance or item harmful to groundwater quality, such as, salt, creosoted timber, tree stumps, petroleum products, metal products, or rubbish shall be dumped or stored in a mining pit. No form of solid waste, sludge, or any other form of waste material of any kind, such as, construction or demolition debris, shall be placed, kept or stored on the site, with the exception of salt sand piles kept in accordance with State law or local regulations.

g. If any petroleum products or other materials with potential to contaminate groundwater are to be stored on the site, the storage shall follow the specifications of the submitted Spill Prevention Control and Countermeasure Plan. The Spill Prevention Control and Countermeasure Plan shall be in accordance with applicable regulations of the United States Environmental Protection Agency and Indiana Department of Environmental Management. All petroleum products or highly flammable or explosive liquids, solids, or gasses to be stored on-site shall be located in bulk, above-ground, anchored tanks or containers having a roofed, secondary containment system adequate to contain 110% of the full contents of the container, and shall be located at least 75 feet from any lot line or right-of-way. The use of underground tanks shall be strictly prohibited.

h. Refueling operations, oil changes, and other maintenance activities requiring the handling of fuels, petroleum products, and hydraulic fluids, and other on-site

activity involving the use of products that, if spilled, may contaminate groundwater, shall be equipped with a secondary containment system installed in accordance with the Zoning Ordinance and the approved Spill Prevention Control and Countermeasure Plan.

i. A copy of the Spill Prevention Control and Countermeasure Plan shall be kept on-site and available upon request at all times.

j. Materials Safety Data Sheets shall be maintained on-site for all hazardous materials in a conspicuous location. A map showing the location of hazardous materials storage areas shall also be posted and maintained on-site in a conspicuous location. A copy of this information shall be submitted to the Administrator and the local fire department.

k. Absorbent materials and appropriate spill kits for cleanup of hazardous materials shall be maintained on-site at all times. The location of these materials shall be identified on the hazardous materials storage map.

l. All spillage of hazardous materials including fuels, lubricants, solvents, etc. shall be immediately contained. Cleaning materials and contaminated materials shall be disposed of according to State regulations.

6. Access and haulageway requirements

a. An application for a permit referred to in Section 742-206.C or M shall be subject to the provisions of the "Applicant's Guide, Transportation Impact Studies for Proposed Development," dated June 29, 1990.

b. Access to a right-of-way shall meet the following standards:

1. The angle of intersection of the driveway or haulageway shall be between 60 and 90 degrees from parallel.

2. No obstructions shall be erected, placed, planted or allowed to grow in such a manner as to materially impede visibility between the heights of 2-½ feet and 8 feet above grade level of the adjoining right-of-way within the clear sight triangular area.

Table 742-206-1: Distance along Centerline for Clear Sight

Street classification	Distance along the centerline of the public street
Expressway	Direct access not permitted
State Road or Highway	495 feet
Primary Arterial, divided	360 feet
Primary Arterial, undivided	305 feet
Secondary Arterial	305 feet
Collector	250 feet
Local	250 feet

3. Driveways shall be at least 200 feet from any street intersection.

c. With the exception of driveways intended for emergency use only, no more than two driveways shall be provided for the mining operation. The grade level of the driveway extending for at least 8 feet shall be the same as the abutting established street grade.

d. A sign shall be posted in a conspicuous manner indicating that loads must be secure and covered per Section 361-201 Vehicles dropping contents on streets of the Revised Code of the Consolidated City and County.

e. All vehicle ingress or egress points shall be locked except during hours of operation.

f. Driveways connecting to a public street shall be kept clean of dirt, mud, stone, and sand to prevent tracking onto the public street.

g. Affected land in excess of 25 acres shall install and utilize a wheel washer in accordance with the following:

1. The wheel washer shall be located no closer than the allowed minimum setback distances to each exit onto a paved public road that is used by aggregate or mixer trucks and that accesses a paved public street.

2. A sign shall be posted in a conspicuous location indicating that all aggregate or mixer trucks leaving the facility must go through the wheel washer.

3. A sign shall be posted by the wheel washer rumble grate to designate the speed limit of 5 miles per hour for traveling over the wheel washer.

4. The internal road from the wheel washer to the point where the facility exits to the street shall be paved.

5. A sign shall be posted in a conspicuous location indicating that all aggregate and mixer trucks stay on the internal paved road from the wheel washer to the point where the facility exits to paved public roads.

7. Noise

With the exception of blasting, the level of noise associated with any continuous, regular, or frequent source of sound on the property shall be muffled so as not to be objectionable due to intermittence, beat, frequency, shrillness, or volume outside of the boundaries of the affected land. The sound level created by any source shall not exceed 70 dB(C) and 60 dB(A), measured at the lot line except along a lot line contiguous to another property owned by the same property owner and approved for mining operations. Sound pressures shall be measured with a sound level meter meeting the standards of the American National Standards Institute's "American Standard Specification for General Purpose Sound Level Meters." The instrument shall be set to the appropriate weight response scales and the meter to the slow response. Measurements shall be conducted at a height of at least 4 feet above the ground surface at the lot line, and in accordance with ANSI S1.2-1962, "American Standard Method for the Physical Measurement of Sound." Both dB(A) and dB(C) scales shall be used, and a violation of either standard shall be deemed a violation of the Zoning Ordinance. The following uses and activities shall be exempt from noise level regulation: noises of safety signals, warning devices, emergency pressure relief valves, and other emergency activity.

G. Blasting

1. General requirement

The following regulations are in addition to all applicable State and Federal blasting regulations. In the event of a conflict between local, state or federal regulations, the more restrictive regulation shall apply.

a. All surface blasting shall be limited to the period between 10:00 a.m. and 3:00 p.m., Monday through Saturday, with the exception of holidays. No blasting shall occur on holidays recognized by the State of Indiana. Subsurface blasting shall be limited to the period between 1:00 p.m. and 6:00 p.m., Monday through Saturday. Every effort shall be made to schedule blasts at the same time of day. Explosives used in connection with mining shall not be detonated at other times except when necessary to alleviate a hazardous condition or as required to comply with applicable governmental regulations.

b. Surface or subsurface blasting shall be conducted no closer than 250 feet of the lot line of any property improved with a protected structure. Blasting shall be conducted no closer than 100 feet of any underground pipeline, unless the pipeline company authorizes or confirms, in writing to the Administrator, a lesser distance.

c. The maximum air blast limits shall be governed by the following Table 742-206-2, based on the former U.S. Bureau of Mines RI 8485, *Structure Response and Damage Produced by Airblast from Surface Mining* (Siskind 1980). Air blast shall be controlled so that the maximum decibel limits are not exceeded at the lot line of the affected land on which the blast occurred.

Table 742-206-2: Lower Frequency Limit of Measuring System in HZ 3dB Measurement Level	
0 Hz or lower - flat response	134 dB
2 Hz or lower - flat response	133 dB
6 Hz or lower - flat response	129 dB
C-weighted - slow response	105 dB

2. Monitoring guidelines

a. All blasts shall be monitored by properly calibrated seismographs at any monitoring station for both horizontal and vertical ground vibrations and for air blast. The locations of the monitoring stations shall be determined utilizing recommendations from isoseismic studies, if conducted, and shall include locations at the closest protected structures. The Administrator may require that additional monitoring stations be established or re-established based upon the analysis of blast data.

b. Records from each blast, both surface and subsurface, shall be kept on-site and provided to the Administrator upon request. Blast records shall be maintained for a period of not less than 3 years. Blasting records shall include, but not be limited to, the following:

1. The date, time, and specific location of the blast;
2. The type of blast, either surface or subsurface;
3. If surface blast, the weather conditions, including air temperature, wind speed and direction, and cloud cover;
4. Identification of the closest protected structure, and its distance from the blast;
5. The name and license number of the person conducting the blast; and

6. The number of holes, diameter and depth of holes, delay pattern and design, and number of detonators used.

H. Operations plan

The operations plan shall consist of maps and written descriptions of the proposed mining operation. All operations plan maps shall be prepared, at a horizontal scale to show sufficient detail, provided the documents produced are 8½ inches by 11 inches, 8½ inches by 14 inches, 11 inches by 17 inches, or 24 inches by 36 inches. All maps shall be prepared by a Professional Engineer, Professional Land Surveyor, licensed Professional Geologist, or other individual trained in such preparation, and stamped by a professional licensed in Indiana. The operations plan shall include, but shall not be limited to, the following:

1. An accurate site plan in accordance with Section 740-802 Application for Permit, as amended from time to time.
2. Title block and legend containing the name and address of the mining operation; property owner and mine operator name and contact information; name of the individual responsible for preparation of maps or aerial photographs; date of preparation and record of work/revisions; and scale, north arrow, and reference datum.
3. The boundary outline and legal description of the affected land for the life of the mine.
4. A map of the location of the proposed mine, including boundaries of all contiguous land controlled by the applicant.
5. A map of the structures and land uses on the affected land.
6. Within a one-quarter (¼) mile radius of the boundary line of the affected land, the following information shall be provided:
    a. Names and addresses of adjacent landowners;
    b. Structures and land uses on all properties, in sufficient detail to distinguish designated protected structures from non-protected structures;
    c. A map identifying existing surface waters drainage patterns;
    d. A description of the potable status of the groundwater, with the source noted;
    e. Existing private wells and municipal wellheads;
    f. All existing wellfields;
    g. All existing retention ponds or lakes; and
    h. Surface water drainage capacity.
7. Topographic contours at 2 foot intervals within the site and extending beyond the boundaries of the site for 200 feet in all directions.
8. Pipelines, power lines, and other utilities.
9. Easements.
10. Site vegetation, landscaping, and berming.

11. The general direction of mining during the next five-year period, including the sequence of cuts and excavations, plans for concurrent excavation and reclamation, if applicable, and overall development of the mine by phases, if applicable.
12. Areas of excavation and the depth of excavation.
13. Areas of topsoil and mineral stockpiles, and tailings and spoil storage, and the anticipated height of the stockpiles.
14. Processing plant areas, if applicable.
15. Equipment and vehicle maintenance areas, equipment and vehicle storage areas, fueling areas, fuel storage areas, and parking areas.
16. Driveways and haulageways with estimated average daily and peak daily levels of truck traffic.
17. Drainage features, water courses, water discharge points, water impoundments, and groundwater monitoring locations.
18. Erosion and sedimentation control measures to be employed during each phase of mineral excavation and extraction activities intended to minimize erosion and the pollution of surface water and groundwater.
19. Site screening, fencing, berming, and landscaping.
20. Lighting and signs.
21. A description of the general geographic location of the affected land.
22. A description of topographic and land use features within and adjacent to the affected land.
23. A description of the proposed method of mining, including the method of extraction; sequence of cuts and excavations; method, types, and location of blasting, if applicable; disposition of materials on the affected property, and use of haulageways and ingress and egress from any street.
24. Soil boring results sufficient to approximate the number of cubic yards of material to be extracted.
25. For subsurface mining, subsidence investigations or studies shall be completed to ensure the integrity of any subsurface mining. Subsidence investigations or studies may not be necessary for future phases of an existing mining operation when geological conditions are the same and the proposed mining operation for the new phase is consistent with prior mining operations.
26. A description of anticipated washing operations and groundwater extraction and use.
27. A description of the heavy equipment used.
28. A description of noise impacts and mitigation plan to minimize impacts of noise, providing:
    a. An existing conditions analysis, including measurements at adjacent property and nearby protected structures;
    b. A list of equipment and operations that may contribute to noise pollution;
    c. Projections of sound decibel levels, due to blasting or mining operations, at lot lines, and adjacent protected structures;

d. Methods to be used to protect nearby private and public property from damages, and the adverse effects of blasting;

29. A description of dust control and air quality maintenance efforts.
30. If the affected land is located within a wellfield protection secondary zoning district, a hydrogeological study of the potential impact to the public water supply and a description of any mitigation proposed. The study shall indicate the following information:
    a. Full geologic and hydrogeological evaluation, including all soil and bedrock boring logs, field aquifer testing, and photographic documentation of rock cores and rock quality;
    b. Geologic cross-sections through existing and proposed mining operations;
    c. Historical groundwater level measurements of all monitoring wells, piezometers, and surface water bodies, including geographic location, reference surface elevation, depth to groundwater, date of measurement, survey reference location, and elevation;
    d. Potentiometric (water level) maps for each date of measurement of the group of monitoring wells and piezometers;
    e. Historical pumping rate records for any existing mine, including date of measurement, flow rate (in gpd), discharge rate (in gpd), and pumping locations; and
    f. Summary of historical high-capacity pumping records within one quarter-mile of the affected land.
31. Groundwater modeling analysis shall be prepared for any new mining operation to determine the hydrogeological effects of the mining on the area and the groundwater availability and groundwater elevation under the current, proposed, drought, and flood conditions. The analysis shall consider:
    a. Area geology and hydrogeology;
    b. Existing and proposed mining pumping rates;
    c. Historical high capacity pumping rates within one quarter-mile of the affected land;
    d. Hydraulic parameters of all hydrographic units;
    e. Area recharge;
    f. The presence of, and leakage from, area surface water bodies (including lakes and rivers);
    g. Pumping water discharge areas; and
    h. Surface water and groundwater interactions.
32. A list of the following:
    a. Chemicals, in quantities and storage locations, used or stored on-site;
    b. Floor drain locations and outlets;
    c. Waste storage locations;

d. Liquid transfer areas;

e. Site surface water bodies (streams, rivers, ponds);

f. Underground storage tanks; and

g. Aboveground storage tanks.

33. A complete Spill Prevention Control and Countermeasure plan to ensure adequate response to potential fuel spills and releases from mining equipment, and developed in accordance with local, state, and federal regulations.

34. Emergency response measures in the event of a release of a hazardous material or objectionable substance that could impact water quality.

35. Proposed hours of operation.

36. Security plans for the site.

I. Reclamation plan

A reclamation plan shall be submitted for review and subject to Administrator's approval. The following shall be included in the reclamation plan.

1. Reuse of the affected lands after cessation of all mining operations, or if mined in phases, after each phase of mining operations that is compatible with the Comprehensive Plan.

2. Schedule and sequence for the completion of reclamation activities that shall be completed upon the conclusion of mining operations.

3. Description of the earthwork and grading specifications, including final slope angles, high wall reduction, benching, terracing and other structural slope stabilization measures and, if necessary, a site-constructed engineering analysis performed by a Professional Engineer licensed by the State of Indiana.

4. Methods of topsoil removal, storage, re-application, stabilization and conservation that will be used during reclamation.

5. Topographic contours of the reclaimed site prior to excavation, after completion of excavation, and after completion of reclamation, in 2 foot intervals, and any water impoundments or artificial lakes needed to support the anticipated future use of the site.

6. Landscape plan indicating scheduling, quantities and methods of seedbed preparation, soil amendments, seed and planting lists, mulching, netting, and soil and slope stabilization.

7. Erosion and sedimentation control measures to be employed during reclamation activities to minimize erosion and the pollution of surface water and groundwater.

8. A description of how the reclamation plan addresses the long-term safety of the reclaimed mining site. The description may include a discussion of site-specific safety measures to be implemented at the site and include measures that address public safety with regard to adjacent uses.

9. Phasing schedule for any areas reclaimed on an interim basis and prior to final reclamation.

10. The estimated cost of reclamation, if phased, the cost of reclamation for each phase.

11. Depth and slope of any water bodies.

J. Reclamation standards

1. Commencement and completion

Reclamation, in accordance with the approved Reclamation Plan, shall begin within 6 months of the completion of any phase of mining, or within 6 months of the completion of all mining in a project that is not phased, and shall be completed within 2 years after cessation of the mining operation.

2. Developable land

There shall be a minimum of 150 feet of land around a water-filled pit, unless the land is accessible by a local street. If a local road is present, there shall be a minimum of 100 feet of land around a water-filled pit.

3. Safety ledge

A safety ledge shall be required around the perimeter of all water bodies. Safety ledge width shall be a minimum of 10 feet; and the maximum depth shall be 25 inches to 30 inches below the normal pool water level. Maximum ground slope above the safety ledge for a distance of 10 feet shall be six to one (6:1) horizontal to vertical incline.

Diagram SS: Reclaimed site

4. Final grading and slopes

Final reclaimed slopes shall not be steeper than a three to one (3:1) horizontal to vertical incline. The top of slope shall be no closer than 125 feet from adjacent lot lines or rights-of-way. For slopes designated as stable under this Section 742-206, the Administrator may require a site-specific engineering analysis be performed by a Professional Engineer to demonstrate that an acceptable slope stability factor is attainable at a steeper slope in order to demonstrate that future uses, as specified in the reclamation plan, would not be adversely affected.

5. **Support roads**

   All driveways and haulageways shall be reclaimed, unless reserved for the future productive use of the land, as described in the reclamation plan.

6. **Equipment removal**

   Within 6 months after completion of reclamation activities, all equipment, vehicles, machinery, materials, and debris shall be removed from the site.

7. **Topsoil re-application and vegetative cover**

   A minimum of 4 inches of clean topsoil shall be re-applied, and vegetative cover established, on all affected land during reclamation activity. Topsoil shall be placed and seeded within 30 days of final grading if within a current growing season or within 30 days after the start of the next growing season. A minimum of one overstory trees shall be planted for every 35 linear feet of each lot line. Vegetative material used in reclamation shall consist of native grasses or native wildflowers and registered with the City of Indianapolis native wildlife planting registry and agreement program. Establishment of vegetation shall be performed after the mining operation has permanently ceased in any phase of the mining operation, with the herbaceous or woody plants being planted during the first growing season following the reclamation phase, as determined by the approved reclamation plan.

8. **Compliance with applicable regulations**

   Reclamation of mining operations shall comply with any applicable Federal, State, or local laws.

K. Assurance of completion, reclamation and maintenance

1. Before the Administrator may issue a new, renewal, or modification permit for mining operations, the applicant shall furnish financial guarantee, naming the City of Indianapolis as beneficiary, to ensure installation of improvements required by this Article or necessary due to the impact of the mining operation, along with reclamation of the mining operation in accordance with the approved reclamation plan. Financial guarantee shall be in the form of a bond from a corporate surety licensed to do business in the State of Indiana, or an irrevocable letter of credit. All interest accruing as a result of the surety shall be the exclusive property of the operator. The amount of financial guarantee shall be 1-½ times the cost of completing the necessary or required improvements and either final reclamation or phased reclamation in compliance with the approved reclamation plan, as determined by the Administrator. The Administrator may accept a lesser initial amount of financial guarantee in the case of phased reclamation, the amount to be increased periodically to ensure reclamation of new land disturbed by mining operations. The amount of financial guarantee shall be reviewed periodically by the Administrator to ensure that it equals anticipated or outstanding costs, including a reduction in the amount of the guarantee, where applicable.
2. The holding of financial guarantee may extend beyond the time that reclamation is completed to ensure that reclamation of the mining operation will succeed. However, the operator, in the case of phased reclamation, may request partial release of the financial guarantee reflective of the amount of the completed work of any affected

land on which final reclamation has been completed and approved by the Administrator. The operator may also request, for the entire mining operation or for any phase of the mining operation, release of a surety amount applicable to the completed and approved reclamation effort, pending completion of the reestablishment of vegetation. The remaining guarantee amount may be held by the Administrator. To request release of funds, the operator shall notify the Administrator at the time that the operator determines that reclamation of any portion of the mining operation or the entire site is complete. The Administrator shall inspect the mining operation or portion thereof to determine if reclamation has been carried out in accordance with the approved reclamation plan and release funds if it determines that all or a portion of the reclamation effort has been successfully completed and that adequate funds remain to cover the reclamation work yet to be completed.

3. If the required financial guarantee is cancelled for any reason, the operator shall provide a valid replacement under the same conditions described in this Section 742-206 within 30 days after receiving notice of the need for replacement. Failure to provide replacement financial guarantee within the 30 day period, or failure to provide additional surety within a like 30 day period due to start-up of new phases of the mining operation shall result in the automatic and immediate suspension of the applicable Improvement Location Permit or license, such suspension shall continue until the operator provides the Administrator with a valid replacement or additional financial guarantee. The Administrator may elect to redeem the financial guarantee.
4. If the operator fails to install improvements as required or fails to commence or complete reclamation as required, the Administrator may utilize the financial guarantee furnished by the operator to effect the installation or reclamation.

L. Annual reports

An annual report shall be submitted within 60 days of the anniversary date of the applicable Improvement Location Permit or license. The operator may submit its first annual report within 60 days of the end of the calendar year; provided, however that the operator shall continue to submit an annual report within 60 days of the end of the calendar year every year thereafter. The annual report shall contain the following information:

1. The name, business address, and telephone number of the owner of the mining operation and of a designated agent residing within Indiana for the receipt of all orders and notices.
2. The location of the mining operation, its name, its mine number as issued by the Bureau of Mines or the State Geologist, its section, township, range, tax parcel numbers, and boundaries as marked on a United States Geological Survey 7½-minute quadrangle map.
3. A written description of activities detailing the mining and reclamation accomplished during the past year.
4. An updated mining plan depicting the current extent of mining, including current mining faces as surveyed by a Registered Land Surveyor or as depicted on a current aerial photo, the proposed advancement of the working faces for the next 3 years, and current or immediately impending reclamation efforts.

5. A map showing the acreage total of land newly disturbed by the operation during the previous year and the acreage total of disturbed land reclaimed during the previous year.
6. A map showing the total remaining disturbed acreage as of the end of the previous year that is not reclaimed.
7. Results of studies or monitoring required under this Section 742-206.
8. A statement of certification by the operator that all mining, processing, or reclamation conducted during the reporting year has been in conformance with the permit and the approved operations and reclamation plans, and that the operator is in compliance with this Section 742-206.
9. A statement of whether or not the Indiana Department of Environmental Management has conducted an on-site inspection since submission of the previous report, and a description of their findings if applicable.
10. Copies of correspondence with City, County, State and Federal agencies with regard to permitting, complaints, and enforcement matters.
11. A log of all complaints from all persons and a description of efforts to resolve the complaints.
12. A groundwater report that provides information regarding water flows, water quality, and operational activities to ensure protection of groundwater, to include:
    a. All groundwater level and surface water level measurements taken during the reporting year (minimum monthly basis);
    b. All pumping rates (minimum monthly basis) and total discharge (minimum monthly basis) from the mine;
    c. All discharge rates (minimum monthly basis) into nearby surface water bodies;
    d. All relevant stream discharge flow measurements (minimum monthly basis);
    e. All changes in the location and number of pumping and discharge points;
    f. Groundwater and surface water analytical testing during the reporting year (minimum monthly basis);
    g. All chemical spills and releases during the reporting year;
    h. Observed variations between subsurface soil/bedrock conditions at boring locations and actual mining operations (e.g., variations from expected conditions, areas of increased discharge of groundwater, zones of greater hydraulic conductivity within soil and bedrock); and
    i. Results of measurement of vertical separation between the excavation limits and the average seasonally high water table. If the groundwater level is found to be within 15 feet of the bottom of the pit, a piezometer shall be installed in order to provide continuous monitoring of the groundwater level.
13. A blasting report, recording:
    a. The location, date, and time of each surface blast and underground blast;
    b. The weather conditions for each blast, wind direction and speed, and cloud cover;

c. The name and license number of the person conducting the blast;

d. The identification of the closest protected structure and its distance from the blast;

e. A summary of methods used to protect nearby public and private property from damage by air blast and ground vibration;

f. A complaint log, listing blasting complaints and claims for damages; and

g. All other related information required by the Administrator consistent with the purposes of this Article.

M. Licensing permit

1. Licensing requirement

It shall be unlawful for a person to operate, or cause to be operated, a mining operation in the city, unless the mining operation first is registered with the License Administrator as provided in this Section 742-206.M.

2. Licensing fee

The annual fee for licensing of a mining operation shall be provided in Section 131-501 of the Revised Code of the Consolidated City and County.

3. License renewal or transfer

Licenses issued pursuant to this Section 742-206 may be renewed or transferred, provided the original license holder is carrying out the requirements of the license and there exist no judicial determinations to the contrary at the time of renewal or transfer request. Renewal approval, if issued, shall be for a period of not more than 5 years. Transfer approval, if issued, shall be for the remainder of the original license period or for not more than 5 years if transfer is proposed at the end of the original license period. Application for renewal or transfer shall be made 60 days prior to the expiration date of the original license period. If application is not made within the 60 day period, the renewal or transfer application shall be treated as a new application and all requirements of this Section 742-206 shall apply. In the event that the renewal or transfer application is treated as a new application, the original license conditions shall remain in effect until a decision has been made on the new application. An application for renewal or transfer shall include the following:

a. Completed application form and licensing fee consistent with all requirements of this Section 742-206 and the Zoning Ordinance.

b. Proof of financial guarantee, covering the requested renewal period, to ensure compliance with the regulations of this Section 742-206 and the Zoning Ordinance.

c. Changes to the Operations Plan Map, if any.

d. Changes to the Operations Plan written description, if any.

e. Identification of reclamation accomplished during the existing license term.

f. Copies of all approvals or permits, or licenses needed from other municipality, State, or Federal agencies.

g. Other related information that may be required by the Administrator consistent with the requirements of this Section 742-206 and the Zoning Ordinance.

4. License modifications

In the event that the operator requests a modification to an existing license because of, for example, a change in the method, depth or the expansion of the mining operation onto adjacent land, that modification shall be treated as a new application, and all requirements of this Section 742-206 and the Zoning Ordinance shall apply. The original license conditions shall remain in effect until a decision has been made on the modification application.

5. License suspension or revocation

The Administrator may suspend, revoke, or refuse to renew a license for violation of any of the terms of the license or the provisions of this Section 742-206 and the Zoning Ordinance, or if the Administrator determines that serious hazard is posed to the health, safety, or general welfare of the public through violation of the terms of the permit or the provisions of this Section 742-206 and the Zoning Ordinance. If a license is suspended, revoked, or not renewed, the Administrator may require the operator to commence reclamation upon 30 day notice. Any persons aggrieved by an action or determination made by the Administrator may appeal the Administrator's decision, within 30 days of the date rendered, to the Metropolitan Development Commission.

Section 07. Transit Oriented Development Secondary Zoning District (TOD)

A. Applicability

With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this Section. In the case of any difference of regulations between this Section 742-207 and the regulations of the Primary Zoning District, the provisions of this section shall control. Except as modified by this Section 742-207, all development standards as required by the Primary Zoning District shall apply.

The Transit Oriented Development Secondary District is established on all lots, wholly or partially, within 1,000' from centerline of a BRT Line established on the effective date of this section as depicted on the map contained in the 2015 IndyGo Comprehensive Operational Analysis (COA) except the following property in this area are not subject to the standards in Section 742-207:

1. Any property with D- district zoning;
2. Any property with CBD- district zoning;
3. Any property with I- district zoning;
4. All lots located within any locally designated historic preservation areas as established by, and under the jurisdiction of, the Indianapolis Historic Preservation Commission (IHPC).

B. Intent & Design Objectives

The intent of the Transit Oriented Development {TOD) Secondary District is to coordinate more compact, walkable and urban development patterns with public investment in the transit system. These development patterns ensure that walking and biking are viable options for short trips and transit is a priority for longer trips. Development patterns and site designs that prioritize automobile travel undermine these public and private investments. This district follows the policies and principles of the comprehensive plan, the transit-oriented development strategic plans, and the Livability Principles in this code, and has the following specific design objectives:

1. Place a wide range of housing types within walking distance of commercial centers and transit stops or stations, and at a critical mass that supports these places.
2. Create connections through many different modes of transportation between neighborhoods and places for commercial services and employment.
3. Provide a concentration of many different and small-scale uses with a fine-grained pattern that integrates and transitions well with the neighborhoods they support.
4. Ensure human-scale design that prioritizes relationships of sites and buildings to the streetscapes.

C. Approvals

Development in the TOD Secondary District may be approved in the following manner:

1. Projects that meet all development and design standards may apply for permits unless Administrative Approval is required by this code.
2. Projects requesting relief from the use or development standards require approval by the Board of Zoning Appeals, in addition to all other approvals that may otherwise apply, including but not limited to approval by the Indianapolis Historic Preservation Commission or Regional Center Hearing Examiner.

D. Use Limitation

In addition to any use allowances, limitations or prohibitions in the base zoning districts, uses in the TOD Secondary district shall be further limited as specified in this section.

1. **Commercial and Industrial Uses**, Generally. Commercial and Industrial Uses permitted in any primary District shall be limited by scale of the use in the TOD Secondary District as follows. Retail Sales/ Services shall apply to any commercial and/or industrial use enabled in the primary district, unless it is more specifically described in the table below:

TABLE 742-207-1 Commercial & Industrial Use Limitations							
	C-1	C-3	C-4	C-5	MU-2	MU-3	MU-4
Micro-Retail Sales/Service (under 1,000sf)	P	P	P	P	P	P	P
Small Retail Sales/Service (1,001 to 3,000sf)	P	P	P	P	P	P	P
Medium Retail Sales/Service (3,001 to 8,000sf)	P	P	P	P	S	P	P
Large Retail Sales/Service (8,000 to 20,000sf)		S	P	P		S	P
Extra Large Retail Sales/Service (20,001+ sf)			S	S			S
Small Grocery Store (3,001 to 10,000sf)	P	P	P	P	P	P	P
Medium Grocery Store (10,001 to 30,000sf)	S	P	P	P	S	P	P
Large Grocery Store (30,001 to 50,000sf)			S	S		S	S
Super Market Grocery Store (50,000+ sf)			S	S		S	S
Office–Small (under 10,000sf)	P	P	P	P	P	P	P
Office–Medium (10,001 to 50,000sf)		P	P	P	S	P	P
Office–Large (under 50,001 + sf)			S	P		S	P
Lodging–Bed and Breakfast (under 5 guest rooms)	P	P	P	P	P	P	P
Lodging–Inn (6 to 20 guest rooms)		P	P	P		P	P
Lodging–Small Hotel (21 to 100 guest rooms)			P	P		S	P
Lodging–Large Hotel (101+ guest rooms)				S			P

P = Permitted
S = Special Exception

2. Location and Limitation of Specific Uses. The following uses in their typical form or format, and when concentrated in areas have a detrimental effect on the intent and design objectives of the Transit Oriented Development Secondary District. Where these uses are enabled by the primary zoning district, they shall be further limited in the TOD Secondary District as stated in Table 742- 707-2. Each use remains subject to all other form, format and design standards found in Section 744.702 Commercial and Mixed-Use Design Standards.

TABLE 742-207-2 Location and Limitation of Specific Uses	
Use Type	Specific Restrictions
Automobile Fueling Station (primary or accessory use)	• Within 600' of a Transit Station*--Prohibited • Greater than 601' from a Transit Station–Limited to no more than 8 pump islands/services areas.
Automobile and Light Vehicle Wash	• Prohibited as primary use. • Limited to an accessory use to automobile fueling station, but each car wash station counts as a pump/service station.
Automobile, Motorcycle, and Light Vehicle Service or Repair	• Pedestrian Frontages–Prohibited • Where otherwise permitted–Limited to lots no larger than 0.5 acres.
Automobile, Motorcycle, and Light Vehicle Sales or Rental	• Within 600' of a Transit Station and on Pedestrian Frontages–Prohibited • Where otherwise permitted–Limited to lots no larger than 0.5 acres.
Drive Thru Accessory Uses, included but not limited to food service, banking service, and ATMs	• Within 600' of a Transit Station–Prohibited, except where located behind the building and all access provided by alleys. • Greater than 601' from a Transit Station–Prohibited, except where located behind or to the side of the building and all access is provided by alleys, or along a Buffer Frontage.
Mini-Warehouse (Self-Storage Facilities)	• Within 600' of a Transit Station, or on Pedestrian Frontages–Prohibited • Where otherwise permitted–Limited to lots of 0.5 acres or less, and all facilities, operations and access to individual storage units shall be inside a building meeting all applicable form, format and design standards.
Commercial Parking (Primary Use)	• Within the TOD Secondary District–Limited to parking garages, provided that access to any such garage shall not be permitted from a Pedestrian Frontage.

**The 600' shall be taken from the lot line of the parcel containing the use to the leading edge of the Transit Station.*

Any use otherwise permitted by these standards shall be required to meet all applicable form and design standards of the zoning ordinance.

M. Additional Development Standards.

1. Mixed-Use Districts. All MU-districts in the TOD Secondary District shall meet the Mixed-use and Commercial Design Standards in Section 744.702.

2. Commercial Districts. All C-districts in the TOD Secondary District shall meet the Mixed- use and Commercial Design Standards in Section 744.702.

3. Regional Center. All lots in the RC Secondary District governed by Section 742.202 are subject to the Regional Center Design Guidelines.

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Chapter 743. Uses &Use-Specific Standards

Article I. GENERAL

Table 743-1: Use Table lists land uses and indicates whether they are permitted by right or with approval of a special exception, or prohibited in each Primary Zoning District. The Use Table also includes references to additional use-specific standards that may be applicable to that use. The Use Table does not include Development Plan districts (Section 742-108), Special Use districts (Section 742-109), Historic Preservation Districts (Section 742-110), or Secondary districts (Section 742-200).

Article II. USE TABLE

Section 01. Permitted uses

A “P” in a cell of the Use Table indicates that the land use is allowed by right in that Primary Zoning District, subject to compliance with the use-specific standards referenced in the final column of the Use Table and with all other applicable requirements of the Zoning Ordinance. All uses permitted by right in a Primary Zoning District are also permitted as an accessory use in that Primary Zoning District. Permitted uses are subject to all other applicable requirements of the Zoning Ordinance, including those set forth in Chapter 744 Development Standards.

Section 02. Special exception uses

An “S” in a cell of the Use Table indicates that the land use is allowed in that Primary Zoning District upon approval of a Special Exception as described in Section 740-705 and compliance with any use-specific standards referenced in the final column of the Use Table and with all other applicable requirements of the Zoning Ordinance. All land uses that were permitted as a use by right when it was established, but that is listed as an S use in the Zoning Ordinance, shall be deemed to have already obtained special exception approval, and the City will issue the requisite permit at the request of the property owner.

Section 03. Permitted where vacant

A “V” in a cell of the Use Table indicates that the land use may be permitted in that Primary Zoning District upon acknowledgement by the Administrator, provided that it takes place in an existing building that the applicant documents that the building has been vacant for a period of 5 consecutive years and that it complies with any use-specific standards referenced in the final column of Table 743-1: Use Table and with all other applicable requirements of the Zoning Ordinance. All uses that were permitted by right when the building was established, but that is listed as a “V” use in the Zoning Ordinance will be deemed to have already obtained approval and the City will issue a permit at the request of the property owner.

Section 04. Accessory uses

An “A” in a cell of the Use Table indicates that the land use is allowed in that Primary Zoning District only if it is incidental and subordinate to a “P” use or an approved “S” or “V” use in that Primary Zoning District, provided that it complies with any use-specific standards referenced in the final column of Table 743-1: Use Table and with all other applicable requirements of the Zoning Ordinance. The Administrator shall determine whether a use is incidental and subordinate based on the amount of pedestrian or vehicle activity related to other uses on the site, the area of the site or building occupied by each use on the site, and the level of impact on surrounding properties generated by each use on the site. In addition, any use listed as a “P” use in a Primary Zoning District may also be conducted as an accessory use in that district.

Section 05. Temporary uses

A “T” in a cell of the Use Table indicates that the land use is allowed in that Primary Zoning District only at those times or at those periods indicated in the use-specific standards for that use and provided that it complies with any other use-specific standards referenced in the final column of Table 743-1: Use Table and with all other applicable requirements of the Zoning Ordinance.

Section 06. Prohibited uses

A blank cell in the Use Table indicates that the land use is prohibited in that Primary Zoning District. In addition, any use that is not listed in Table 743-1: Use Table is prohibited in all Primary Zoning Districts, unless the Administrator determines that it is substantially similar to a listed use as described in Section 743-210.

Section 07. Secondary district provisions govern

When a property is located within the boundaries of a Secondary Zoning District, the provisions for that Secondary Zoning District prevail over those in the Primary Zoning District. For example, if a use is prohibited in the Primary Zoning District where the property is located, but is a permitted use in a Secondary Zoning District applicable to the same property, then the use is allowed on that property. On the other hand, if a use is listed as a permitted use in the Primary Zoning District but is listed as a special exception use in a Secondary Zoning District applicable to the same property, then the use is a special exception use for that property. If a property is located in more than one Secondary Zoning District, then the most restrictive use provision in those Secondary Zoning Districts shall apply to the property.

The following uses require rezoning to the Special Use District (Section 742-109) shown in the following Table 743-208-1, and may not be interpreted as a Permitted or Special Exception use in any other primary or secondary zoning district.

TABLE 743-208-1: USES PROHIBITED IN NON-SU DISTRICTS	
DISTRICT	**USES**
SU-8	Correctional or penal institution, diversion center
SU-10	Cemetery
SU-13	Sanitary landfill
SU-18	Light or power station
SU-23	Permanent gravel or sand processing plant, rock crushing, grinding or milling and stockpiling
SU-28	Petroleum refinery and petroleum products storage
SU-35	Telecommunication receiving or broadcasting tower and associated accessory buildings
SU-39	Water tank, water pumping station and similar structures not located on buildings

Section 09. Use-specific standards

When a land use is allowed by right or by special exception in a zoning district, there may be additional standards that apply to that specific use. Those additional standards are cross-referenced in the last column of the Use Table (use-specific standards). The cross-referenced standards appear in Chapter 743, Article III Use-Specific Standards, immediately following the Use Table. In some cases, accessory and temporary uses are required to comply with the same standards applicable to a similar primary use of land. In other cases, similar primary and accessory uses are subject to different standards. All uses must comply with the use-specific standards applicable to that use category and use regardless of how the use is permitted or approved, unless a variance is obtained pursuant to Section 740-800 Improvement Location Permits. All accessory uses must also comply with Section 743-306.A through C.

Section 10. Unlisted uses

A. When a proposed land use is not explicitly listed in the Use Table, the Administrator shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics and external impacts of a listed use that it should be treated as the same use. All such interpretations shall be made available to the public and shall be binding on future decisions of the City until the Administrator makes a different interpretation.

B. The Administrator may approve accessory uses not listed in the Use Table if the Administrator determines that they are similar in nature to one or more accessory uses listed in the table and will have no more adverse impacts on the surrounding properties than those accessory uses listed in the table.

Table 743-1: USE TABLE

P = Permitted use
S = Special exception use
V= 'P' if Vacant for 5 consecutive years
A = Accessory use
T = Temporary use

Zoning District / LAND USE CATEGORY	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4	C-5	C-7	MU-1	MU-2	MU-3	MU-4	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards
RESIDENTIAL USES																																
Household Living																																
Single-Family Detached Dwelling	P	P	P	P	P	P	P	P				P				V	V	V	V				P									Article III. Section 02. A
Manufactured Home on a lot platted before 7-1-82	S	S	S	S	S	S	S	S				S																				Article III. Section 02. B
Manufactured Home on a lot platted on or after 7-1-82	S	S	S	S	P	P	P	P				S																				Article III. Section 02. B
Two-Family Dwelling				P	P	P	P	P	P	P	P	P				V	V	V	V				P									Article III. Section 02.C
Triplex or Fourplex									P	P	P	P				V	V	V	V			P	P									Article III. Section 02. D
Single-Family Attached Dwellings (a/k/a Townhouses or Rowhouses)								P	P	P	P	P				V	V	V	V			P	P							P	P	Article III. Section 02. E
Multifamily Dwellings (five or more units)									P	P	P	P	P	P		V	V	V	V		P	P	P	P					P	P	P	
Live/Work Unit																V	V	V	V		P	P	P	P					P	P	P	Article III. Section 02. F
Mobile Dwelling															P																	See Chapter 742.Article I. Section 03. L
Group Living																																
Assisted Living Facility									P	P	P	S	P	P		P					P	P	P	P								Article III. Section 02. G
Emergency Shelter, Daily																	P	P	P	P										S		Article III. Section 02.H
Group Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	V	V	V	V		P	P	P							P	P	Article III. Section 02. I
Nursing Home									P	P	P	S	P	P		P	P					P										Article III. Section 02. J
Transitional Living Quarters									P	P	P	S	P	P							A		A	A								Article III.Section 02.K

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Table 743-1: USE TABLE

P = Permitted use
S = Special exception use
V= 'P' if Vacant for 5 consecutive years
A = Accessory use
T = Temporary use

Zoning District / LAND USE CATEGORY	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4	C-5	C-7	MU-1	MU-2	MU-3	MU-4	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards
PUBLIC, INSTITUTIONAL, RELIGIOUS AND CIVIC USES																																
Community, Cultural and Educational Facilities																																
Business, art, or other post-secondary proprietary school																P	P	P	P	P	P	P	P	P	V	V			V	P	P	
Club or Lodge																P	P	P	P	P	P	P									P	Article III.Section 03.A
Community Center											S		S	S		P	P	P	P		P	P	P							P	P	P	Article III.Section 03.B
Day Care Center or Nursery School									S	S	S	S	A	A	A	P	P	P	A	A	A	P	P	P	P	P	A	A	P	P	P	Article III.Section 03.C
Greenway	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Article III.Section 03.E
Park or Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Museum, Library, or Art Gallery																P	P	P	P	P	A	P	P	P	V	V	V	V	P	P	P	Article III.Section 03.D
Public Safety Facility or Post Office																	P	P	P	P	A	P	P		P	P	P	P	P	P	P	Article III.Section 03.F
Religious Uses	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	S	P	P	P	S	S	S	S	P	P	P	Article III.Section 03.G
Schools: Elementary, Middle or High Schools																P	P	P				P							P	P	P	
Vocational, technical, or industrial school or training facility																		P	P	P					P	P	P	P				
Health Care Facilities																																
Hospital																	P	P	P	P												
Medical or Dental Offices, Centers, or Clinics																P	P	P	P	P	P	P	P	P	P	A	A	A	P	P	P	

Zoning District / LAND USE CATEGORY	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4	C-5	C-7	MU-1	MU-2	MU-3	MU-4	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards
Medical or Dental Laboratories																P	P	P	P	P		P	P	P	P	P	P	P				
Methadone Clinic or Treatment Facility																		S	S	S										S		Article III.Section 03.H
Plasma (Blood) Center																	S	P	P	P			S	S						S	S	
Substance Abuse Treatment Facility																		P	P	P										P		Article III.Section 03. I
AGRICULTURAL, ANIMAL RELATED, and FOOD PRODUCTION USES																																
Agricultural Machinery and Equipment Sales, Rental or Repair																				P							P	P				
Agricultural Uses, Buildings and Structures	P																		V	V					P	P	P	P				Article III. Section 04. A
Animal Care, Boarding, Veterinarian Services	P																P	P	P	P	A	P	P	P	P	P				P		Article III. Section 04. B
Artisan Food and Beverage																	P	P	P	P	A	P	P	P	V	V			P	P	P	Article III.Section 04.C
Farmers' Market	A																P	P	P			P	A	A					P	T	T	Article III. Section 04. D
Garden as a Primary Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	A	A	P	P	P	P	A	P	P	Article III. Section 04. E
Processing, and Packaging of Food and Beverages																									S	P	P	P				
Stock Yards and Processing of Stock																												S				

Zoning District / LAND USE CATEGORY	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4	C-5	C-7	MU-1	MU-2	MU-3	MU-4	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards
COMMERCIAL and INDUSTRIAL USES																																
Business, Home, and Personal Services or Repair																																
Auctioneering and Liquidating Services																				P					P	P	P					
Check Cashing or Validation Service																	P	P	P	P		P	P	P								Article III. Section 05. K
Consumer Services or Repair of Consumer Goods													A	A		A	P	P	P	P	A	P	P	P	P	P	P		P	P	P	Article III. Section 05. L
Crematorium																											S	P				
Dry Cleaning Plant or Industrial Laundry																				P					P	P	P	P				Article III. Section 05.M
Financial and Insurance Services																P	P	P	P	P	P	P	P	P					P	P	P	
Hair and Body Care Salon or Service													A	A		P	P	P	P	P	A	P	P	P	A	A	A	A	P	P	P	
Laundromats													A	A			P	P	P	P		P	P	P	V	V						
Mortuary, Funeral Home																P	P	P	P													
Outdoor Advertising Off-Premises Sign																	P	P	P	P		P	P	P	P	P	P	P				Article III. Section 05. AA
Printing Services																	P	P	P	P		P	P	P	P	P	P	P	P	P	P	Article III. Section 05. FF
Tattoo Parlor																	S	P	P	P			S	S								Article III. Section 05. KK

Zoning District / LAND USE CATEGORY	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4	C-5	C-7	MU-1	MU-2	MU-3	MU-4	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards
Food, Beverage, and Indoor Entertainment																																
Adult Entertainment Business																		P	P	P												Article III. Section 05. A
Bar or Tavern																	P	P	P	P	A	P	P	P					P	P	P	Article III. Section 05.H
Eating Establishment or Food Preparation													A	A		A	P	P	P	P	A	P	P	P	A	A	A	A	P	P	P	Article III. Section 05. N
Indoor Recreation & Entertainment																A	A	P	P	P	A	A	P	P	V	V			P	P	P	Article III. Section 05. T
Indoor Spectator Venue																		P	P				P	P					P	P	P	Article III. Section 05. U
Night Club or Cabaret																		P	P	P	A		P	P					P	P	P	Article III. Section 05. Z
Heavy Services																																
Commercial and Building Contractors																		S	P	P					P	P	P	P				Article III. Section 05. I
Heavy Equipment Sales, Service or Repair																				P					P	P	P	P				
Lodging																																
Bed and Breakfast	S	S	S	S	S	S	S	S	S	S	S	S				P	P	P			A	P	P	P						P	P	Article III. Section 05. I
Hotel, Motel, or Hostel																		P	P		P		P	P					P	P	P	
Manufacturing																																
Artisan Manufacturing																			V	V	V	P	P	P	P	P	P			P		Article III. Section 05.C
Manufacturing, Light																						P	P	P	P	P	P			P		
Manufacturing, Medium																									S	P	P	P				
Manufacturing, Heavy																											S	P				

Zoning District / LAND USE CATEGORY	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4	C-5	C-7	MU-1	MU-2	MU-3	MU-4	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards
Manufacturing, Hazardous Materials or Objectionable Substances																												S				Article III. Section 05. W
Processing of Extracted Materials																												S				See Chapter 742.Article II.Section 06
Offices																																
Office: Business, Professional or Government																P	P	P	P	P	P	P	P	P	V	V	V	V	P	P	P	
Outdoor Recreation and Entertainment																																
Marina																				P						P	P		P	P	P	
Outdoor Recreation and Entertainment, General																			P	P										P		
Sports Stadium																													P	P	P	
Research and Development																																
Agricultural Sciences R&D	P																		P	P					P	P	P	P				
Clean Energy R&D	S																		P	P			P	P	P	P	P	P				
Information Technology R&D																P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Life Sciences R&D																			P	P			P	P	P	P	P	P	P	P	P	
Logistics R&D																P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Research and Development, Other																			V	V					P	P	P	P				

Zoning District / LAND USE CATEGORY	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4	C-5	C-7	MU-1	MU-2	MU-3	MU-4	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards
Retail Sales																																
Adult Entertainment Business: Retail																		P	P	P												Article III.Section 05.B
Department Store																	P	P	P	P			P	P					P	P	P	
Firearm Sales																		P	P	P			P		P				P	P	P	
Fireworks Sales, On-going																		P	P	P												Article III. Section 05. O
Grocery Store													A	A		A	P	P	P	P	A	P	P	P					P	P	P	Article III. Section 05. Q
Liquor Store																		P	P	P		P	P	P					P	P	P	Article III. Section 05. V
Pawn Shop																	P	P	P	P			S	S								Article III. Section 05.DD
Retail, Light General													A	A		A	P	P	P	P	A	P	P	P	A	A	A	A	P	P	P	Article III. Section 05. HH
Retail, Heavy General																		P	P	P					P				P	P		Article III. Section 05. II
Utilities																																
Power Generating Facility, Local																		P	P	P					P	P	P	P				Article III. Section 05.EE
Power Generating Facility, Major																											S	P				
Substations and Utility Distribution Nodes																P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	Article III. Section 05. JJ
Wireless Communications Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Article III. Section 05. OO
Vehicle-Related Operations																																
Automobile and Light Vehicle Wash																		P	P	P					V	V				P		Article III. Section 05. D

Zoning District / LAND USE CATEGORY	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4	C-5	C-7	MU-1	MU-2	MU-3	MU-4	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards
Automobile and Vehicle Storage or Auction																				P						P	P	P				
Automobile Fueling Station																		P	P	P			S		P	P	P	P		P		Article III. Section 05. E
Automobile, Motorcycle, and Light Vehicle Sales or Rental																			P	P										P		Article III. Section 05. F
Automobile, Motorcycle, and Light Vehicle Service or Repair																		P	P	P							P	P		P		Article III. Section 05. G
Fleet Terminals																											P	P				Article III. Section 05. P
Heavy Vehicle Wash																				P							P	P				
Heliport or Helistop																									P	P	P	P	A	P	A	Article III. Section 05. S
Motorsports Industry																				P					P	P	P	P				Article III. Section 05. Y
Other Vehicle Sales, Rental or Repair																				P						V	P	P				
Parking Lot, Commercial																A	A	S	S	S	S	S	S	S	S	S	S	S	S	P	P	Article III. Section 05.BB
Parking Garage, Commercial																A	A	P	P	P	S	S	S	S	A	A	A	A	S	P	P	Article III. Section 05.CC
Transit Center																P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Truck or Heavy Vehicle Sales, Rental or Repair																				P							P	P				
Truck Stop																				P						P	P	P				Article III. Section 05. LL
Waste and Recycling																																
Recycling Station																		P	P	P					P	P	P	P				Article III. Section 05.GG
Waste or Recycling Transfer Facility																										S	P	P				Article III. Section 05. NN

Table 743-1: USE TABLE

P = Permitted use
S = Special exception use
V= 'P' if Vacant for 5 consecutive years
A = Accessory use
T = Temporary use

Zoning District / LAND USE CATEGORY	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4	C-5	C-7	MU-1	MU-2	MU-3	MU-4	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards
Wrecking or Salvage Facility																												S				Article III. Section 05. PP
Wholesale Distribution or Storage																																
Bulk Storage of Commercial or Industrial Liquids																												P				Article III. Section 05. J
Heavy Outdoor Storage																										S	P	P				Article III. Section 05. R
Mini-Warehouses (Self-Storage Facility)																			V	P					P	P	P	P				Article III. Section 05.X
Warehousing, Wholesaling and Distribution																			V	P					P	P	P	P	P	P		Article III. Section 05.MM
ACCESSORY and TEMPORARY USES																																
Amateur Radio Antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III. Section 06. D
Antenna, Radio or Television Broadcasting																											A	A	A	A	A	Article III. Section 06. E
Automated Teller Machine (ATM)													A	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III. Section 06. F
Automobile Rental Station													A	A			A	A	A	A	A	A	A	A	A	A	A	A	A	A		Article III. Section 06. G
Bicycle Sharing									A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Child Care Home	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A						A	A	A	A					A	A	A	Article III. Section 06.H
Drive-Through																A	A	A	A	A	A	A			A	A	A	A		A		Article III. Section 06. I
Employee Living Quarters	A	A	A	A	A	A	A	A	A	A	A	A	A	A							A	A	A	A					A	A	A	Article III. Section 06. J
Game Courts	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III. Section 06. K
Home Occupations	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A																	Article III. Section 06. L
Minor Mobile Home															A																	Article III. Section 06.M

Table 743-1: USE TABLE

P = Permitted use
S = Special exception use
V= 'P' if Vacant for 5 consecutive years
A = Accessory use
T = Temporary use

Zoning District / LAND USE CATEGORY	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4	C-5	C-7	MU-1	MU-2	MU-3	MU-4	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards
Minor Residential Structures	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A							A	A									Article III.Section 06.N
Mobile Home Display															A					A												Article III. Section 06. O
Model Home	T	T	T	T	T	T	T	T				T											T									Article III. Section 06. P
Outdoor Display and Sales, On-going																		A	A	A			A	A						A		Article III. Section 06. Q
Outdoor Display and Sales, Temporary	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Article III. Section 06. R
Outdoor Seating or Patio (nonresidential)																A	A	A	A	A	A	A	A	A	A				A	A	A	Article III. Section 06. T
Outdoor Seasonal Produce Sales																	T	T	T	T		T	T	T								Article III. Section 06. S
Outdoor Storage and Operations																			A	A					A	A	A	A				Article III. Section 06. U
Personal Garden	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III. Section 06. V
Personal Livestock	A	A	A	A	A	A	A	A	A	A	A	A																				Article III. Section 06. W
Pick-up Station for Dry Cleaning or Laundry									A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III. Section 06.X
Portable Storage	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Article III. Section 06. Y
Produce Sales	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Article III. Section 06. Z
Recycling Collection Point									A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III. Section 06.BB
Recreational Vehicle Parking	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A																	Article III. Section 06. AA
Renewable Energy Facility, Solar and Geothermal	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III. Section 06.CC
Renewable Energy Facility, Wind	A								A	A	A		A	A	A				A	A					A	A	A	A				Article III. Section 06.DD
Residential Support Facility or Amenity	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A																	Article III. Section 06.EE

Zoning District / LAND USE CATEGORY	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4	C-5	C-7	MU-1	MU-2	MU-3	MU-4	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards
Satellite Dish Antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III. Section 06. FF
Secondary Dwelling Unit	A	A	A	A	A	A	A	A				A										A	A									Article III. Section 06.GG
Sidewalk Cafe																A	A	A	A	A	A	A	A	A					A	A	A	Article III. Section 06. HH
Sign	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III. Section 06. II
Swimming Pool or Hot Tub	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III. Section 06. JJ
Temporary Construction Yard, Office, or Equipment	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Article III. Section 06. KK
Temporary Fireworks Sales																T	T	T	T	T					T	T	T	T				Article III. Section 06.MM
Temporary Outdoor Event	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Article III. Section 06. LL
Transportation Facilities and Accessories (Ground)							A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III. Section 06. NN
Underground Storeroom or Safe Room	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A																	Article III. Section 06. OO
Vending Machine or Self-serve Kiosk (outside)																	A	A	A	A		A	A	A	A	A	A	A		A		Article III. Section 06. PP
Walk-up Window																	A	A	A	A	A	A	A	A					A	A	A	Article III. Section 06. QQ

Article III. USE-SPECIFIC STANDARDS

Section 01. Spacing of uses

Table 743-301-1: Required Spacing for Specific Uses			
Use Type	**Minimum Distance from Same Use Type (Existing or Approved)**	**Minimum Distance from Other Use Types or Districts (Existing or Approved)**	**Reference to Standards in this Article III.**
Adult Entertainment Businesses	500 feet	500 feet from the following: • church • church zoning district • public, private or parochial school for K-12 • school zoning district • park • park zoning district • locally designated historic preservation area • area under jurisdiction of Meridian Street Preservation Commission • day care center • day care home • any existing dwelling zoning district	Section 05.A Section 05.B
Agricultural Uses, involving confinement operations for cattle, hogs or poultry		500 feet from any dwelling units located on a lot of less than 3 acres	Section 04.A
Animal Care, Boarding, Veterinarian Services		• 100 feet from all dwelling districts other than the D-A district • 500 feet between any area devoted to confinement operations for cattle, hogs or poultry and any dwelling unit located on a lot less than 3 acres in size	Section 04.A Section 04.B
Automobile and Light Vehicle Wash		100 feet from any protected district	Section 05.D
Automobile Fueling Station		½ mile from any Transit Station	Section 05.E
Bar or Tavern		• 100 feet from any protected district • 500 feet from any Indoor Recreation & Entertainment that caters to, or markets itself predominantly to, persons under 21-years of age	Section 05.H
Bulk Storage of Commercial or Industrial Liquids		1,000 feet from any protected district	Section 743-305.J

Table 743-301-1: Required Spacing for Specific Uses			
Use Type	**Minimum Distance from Same Use Type (Existing or Approved)**	**Minimum Distance from Other Use Types or Districts (Existing or Approved)**	**Reference to Standards in this Article III.**
Check Cashing or Validation Service	500 feet	500 feet from any protected district	Section 05.K
Crushing or Shredding of Motor Vehicles		3,000 feet from any protected district	Section 05.PP
Drive-Through		25 feet from any protected district	Section 06.H
Explosives manufacturing or storage		500 feet from any protected district or commercial district	Section 743-305.W
Group Home	1000 feet		Section 02.G
Heliport		200 feet from any protected district	Section 05.S
Indoor Recreation & Entertainment that caters to, or markets itself predominantly to, persons under 21-years of age		500 feet from the following: • Substance abuse treatment facility • Bar or tavern, liquor store, night club, or such establishment where alcoholic beverages may be carried out (except drug stores or grocery stores)	Section 05.T
Liquor Store		• 100 feet from any protected district • 500 feet from any Indoor Recreation & Entertainment that caters to, or markets itself predominantly to, persons under 21-years of age	Section 05.V
Manufacturing, Hazardous Materials or Objectionable Substances		500 feet from any protected district or commercial district	Section 05.W
Methadone Clinic or Treatment Facility		500 feet from the following: • Dwelling district • Historic preservation district • PK-1 Park district • University quarter district • SU-1 District (church) • SU-2 District (school) • SU-37 District (library) • SU-38 District (community center) • A lot or parcel containing an elementary, junior high, or high school	Section 03.H
Mini-Warehouses (Self-Storage Facility)		Public access to any storage unit within 100 feet of any dwelling district shall be limited to the period between 6:00 a.m. and 10:00 p.m.	Section 05.X
Motorsports Engine Testing		• 2,000 feet of any protected district	Section 743-305.Y

Table 743-301-1: Required Spacing for specific Uses			
Use Type	**Minimum Distance from Same Use Type (Existing or Approved)**	**Minimum Distance from Other Use Types or Districts (Existing or Approved)**	**Reference to Standards in this Article III.**
Night Club or Cabaret		• 100 feet from any protected district • 500 feet from any Indoor Recreation & Entertainment that caters to, or markets itself predominantly to, persons under 21-years of age	Section 05.Z
Recycling Collection Point		100 feet from any Protected district	Section 06.Y
Parking Garage, Commercial		Off-street parking garage entrances or exits shall be located a minimum distance of seventy-five feet (75') from the nearest point of 2 intersecting street right-of-way lines under specified circumstances	Section 744-404.B
Power Generating Facility, Local		100 feet from any dwelling district	Section 05.EE
Sidewalk Café		8 feet from any building standpipe, hydrant, crosswalk, driveway, alley, access ramp, parking meter, landscape beds, street tree, sign post, utility pole, or similar obstacle	Section 06.FF
Substance Abuse Treatment Facility		500 feet from the following: • Protected district • Indoor Recreation & Entertainment that caters to, or markets itself predominantly to, persons under 21-years of age	Section 03.I
Tattoo Parlor		In the C-4, C-5 and C-7 districts,1000 feet from any Protected District. In the C-3, MU-3, and MU-4 districts, 500 feet from the following: • Dwelling district • Historic preservation district • PK-1 Park district • University quarter district • SU-1 District (church) • SU-2 District (school) • SU-37 District (library) • SU-38 District (community center)	Section 05.KK
Temporary Outdoor Sales by Dealers of Motor Vehicles		500 feet from any protected district	Section 06.Q
Wireless Communication Facility	½ mile		Section 05.OO.6

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Section 02. Residential Uses

A. Single-family Detached Dwelling

Each unit with an attached garage established after the first day of the month that is six months after the date of adoption may, but are not required, incorporate the following components:

1. At least one means of entering the dwelling unit through a doorway with at least 34 inches of clearance width without a vertical step between that doorway and the perimeter sidewalk, driveway, or garage floor; and
2. At least one toilet on the ground floor with a doorway with at least 34 inches of clearance width.

B. Manufactured Home

Manufactured homes must comply with the following requirements:

1. All manufactured homes, except those located in the D-11 district, shall be set onto a permanent foundation and comply with the set-up, utility connection and underfloor space requirements set forth in IC 25-23.7, which is incorporated herein by reference.
2. When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and upon the Board's determination that:
    a. The manufactured home will be in harmony with the character of the surrounding neighborhood, use siding and roofing materials that are aesthetically compatible with the surrounding neighborhood.

C. Two-Family Dwelling

1. In D-2 and D-3 districts, two-family dwellings are only permitted on corner lots. The orientation (front doors, driveways) of each unit in a two-family dwelling shall be toward a different street frontage.
2. Each unit with an attached garage established after April 1, 2016 may, but are not required to, incorporate the following components:
    a. At least one means of entering the dwelling unit through a doorway with at least 34 inches of clearance width without a vertical step between that doorway and the perimeter sidewalk, driveway, or garage floor; and
    b. At least one toilet on the ground floor with a doorway with at least 34 inches of clearance width.

D. Triplex or Fourplex

In MU-1, MU-2, and MU-3 districts, the primary entrance of every dwelling unit shall be oriented to and clearly visible from a public street frontage.

E. Single-Family Attached Dwellings

1. Each dwelling unit shall be located on its own lot or as a condominium as defined in Chapter 551 of the Revised Code of the Consolidated City and County.

2. No more than two abutting townhouse units may have front facades in the same vertical plane. Where a variation in front façade plane is necessary, the variation shall be a minimum of 3 ft.
3. In the D-5II district, no more than 8 dwellings may be constructed in a structure in which individual dwelling units share a common wall.

F. Live/Work Units

1. The nonresidential use must be owned or operated by a resident of the live-work dwelling unit.
2. The nonresidential use is limited to the nonresidential uses otherwise permitted in the district.

G. Assisted Living Facility

When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and upon the Board's determination that:

1. The design of the assisted living facility will be in harmony with the character of the surrounding neighborhood, use materials that are aesthetically compatible with the surrounding neighborhood.
2. The orientation and entrance placement of the assisted living facility will be compatible with the surrounding neighborhood, and the scale and location of the vehicle areas and service areas of the assisted living facility are located and designed in harmony with the surrounding residential uses.

H. Emergency Shelter, Daily

When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and upon the Board's determination that:

1. The facility will be adequately separated from residential uses.

I. Group Home

1. No group home in a Dwelling District shall be located within 1,000 feet of another group home, as measured between the closest points on their respective lot lines, unless the two properties are separated by a river, creek, railroad track or street with 4 or more travel lanes. (See Section 740-308 and Section 743-301)
2. No group home in a D-A, D-S, D1, D2, D3, D4, D5, D5II, or D-8 district shall provide housing for more than 8 residents.
3. Group homes in dwelling districts shall be designed to be residential in character.
4. Group homes housing for persons with developmental disabilities shall obtain, comply with, and maintain a license from the Indiana Division of Disability and Rehabilitative Services.
5. Group homes housing those living with psychiatric disorders or addictions shall obtain, comply with, and maintain a license from the Indiana Division of Mental Health and Addictions.

J. Nursing Home

1. Nursing homes shall be licensed by the Indiana State Department of Health and obtain, comply with, and maintain any required license from the Marion County Public Health Department.
2. Nursing homes in dwelling districts shall be designed to be residential in character.
3. Nursing homes shall be designed with appropriate access and maneuverability for emergency vehicles.

K. Transitional Living Quarters

When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and upon the Board's determination that:

1. The facility will be in harmony with the character of the surrounding neighborhood, and use materials that are aesthetically compatible with the surrounding neighborhood.

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Section 03. Public, Institutional, Religious, and Civic Uses

A. Club or Lodge

In the C-1 and C-3 districts, vehicle-related clubs or groups that gather members on site for activities and meetings shall be prohibited.

B. Community Center

When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and upon the Board's determination that:

1. The design of the facility will be in harmony with the character of the surrounding neighborhood, using materials that are aesthetically compatible with the surrounding neighborhood.
2. Adequate parking facilities will be provided and the scale and location of the vehicle areas and service areas are located and designed in harmony with the surrounding residential uses.
3. The location, size, and features of any outdoor recreational areas will be compatible with the surrounding neighborhood and any lighting or noise will not negatively impact the surrounding neighborhood.

C. Day Care Center or Nursery School

When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and upon the Board's determination that:

1. The design of the facility will be in harmony with the character of the surrounding neighborhood, using materials that are aesthetically compatible with the surrounding neighborhood.
2. Adequate parking, loading, and drop-off facilities will be provided and the scale and location of these areas are in harmony with the surrounding residential uses.

D. Museum, Library, or Art Gallery

1. In the MU-1, and MU-4 districts, this use is limited to 12,000 square feet of gross floor area.
2. In the MU-2 and MU-3 districts, this use is limited to 15,000 square feet of gross floor area.

E. Greenway

Greenways must be constructed in accordance with the Indy Greenways Full Circle 2014-2024 Master Plan.

F. Public Safety Facility or Post Office

In the MU-3 and MU-4 districts, police stations shall not include police stations where more than 5 police vehicles are parked regularly.

G. Religious Uses

1. When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and upon the Board's determination that:
    a. Any adverse impact on the public health, safety, morals or general welfare caused by the grant does not outweigh the restriction on the petitioner's right to religious worship and peaceful assembly.
    b. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property.
2. If applicable, a request for modification of development standards may also be filed indicating any development standard of the applicable district to be modified in connection with the grant of a Special Exception.
    a. The Board, in connection with the granting of any Special Exception, may modify any development standard of the applicable district, if requested by the landowner petitioner, but the Board need not modify any development standard if it finds that the benefit to the public health, safety or general welfare derived from such development standard outweighs any restriction on the right of freedom of worship and peaceful assembly caused by such development standard.
    b. The Board may impose reasonable restrictions or conditions in connection with the grant of any Special Exception, including restrictions and conditions that are more restrictive than the applicable development standards, if the Board finds that such restrictions or conditions benefit the public health, safety or general welfare, and such benefit outweighs any restriction on the right of freedom of worship and peaceful assembly caused by the imposition of such restrictions or conditions.
3. In the MU-3 and MU-4 districts, the total non-worship space shall not be more than 50% of the total worship space.

H. Methadone Clinic or Treatment Facility

Notwithstanding the provisions of the Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and shall not be located within 500 feet (See Section 740-308 and Section 743-301) of the following;

1. Dwelling districts;
2. HP-1 district;
3. PK-1 district;
4. University quarter districts;
5. SU-1 District (church);
6. SU-2 District (school);
7. SU-37 District (library);
8. SU-38 District (community center); or

9. A lot or parcel containing an elementary school, junior high school or high school, as defined in IC 20-10.1-1, regardless of zoning classification. If the elementary, junior high or high school use is included within an integrated center, the perimeter of the part of the lot, parcel, or building occupied by the elementary, junior high, or high school use shall be deemed the perimeter of the lot for purposes of the 500-foot spacing requirement.

I. Substance Abuse Treatment Facility

In the C-4, C-5, and C-7 districts, substance abuse treatment facilities shall not be located within 500 feet, measured in any direction, of any protected district or any Indoor recreation & entertainment establishment that caters to, or markets itself predominantly to, persons under 21-years of age. (See Section 740-308 and Section 743-301)

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Section 04. Agricultural, Animal Related, and Food Production Uses

A. Agricultural Uses, Buildings, and Structures

1. An inherent characteristic of this use is the outside operations, such as plowing, harvesting, storage of equipment, and is considered a primary facet of the use; therefore the buildings and structures, such as barns and silos, are not considered as accessory outdoor storage and operation, but rather part of the primary activity.
2. All area devoted to the concentration of cattle, swine or poultry shall be a minimum of 500 feet from any dwelling unit located on a lot of less than 3 acres, other than the principal homestead. (See Section 743-301 and Section 740-308)
3. This use does not include any operation meeting the definition of a Confined Feeding Operation or Concentrated Animal Feeding Operations as defined under IC Title 13 Article 11.

B. Animal Care, Boarding, Veterinarian Services

1. Care of large animals is only permitted in the D-A, C-7, I-1, and 1-2 districts.
2. Outdoor runs and kennels are only permitted in the D-A, C-4, C-5, C-7, I-1, and I-2 districts.
3. No portion of an outdoor animal exercise or boarding area shall be located within 100 feet of any dwelling district other than the D-A district. (See Section 743-301 and Section 740-308)
4. In the D-A district, any area devoted to the concentration of cattle, hogs or poultry shall be a minimum of 500 feet from any dwelling unit that is located on a lot of less than 3 acres, other than the principal homestead. (See Section 743-301 and Section 740-308)
5. Kennels, pet shops, and commercial stables must obtain, comply with and maintain a license as prescribed under Chapter 836 of the Revised Code of the Consolidated City and County.

C. Artisan Food and Beverage

1. In the MU districts, this use shall not exceed 10,000 square feet of gross floor area.
2. Retail sales of food and beverages produced on-site shall be permitted as an accessory use.

D. Farmers' Market

a. Food, food products, arts, and crafts prepared on- or off-site may be offered or sold. However, at least 75% of the vendors must exclusively offer or sell goods in which the good's principle production, ingredients or components are created or grown within Indiana.

b. The Farmers' Market may operate no more than 3 days in a one week period (Monday through Sunday).

c. If the Farmers' Market is conducted in a parking lot, it may not occupy more than 25%of the parking required by the other uses on the site. Further, an agreement with the property owner must be provided that existing parking may be used by Farmers' Market vendors and patrons during the hours the Farmers' Market is in operation.

E. Garden as a Primary Use

1. The maximum size is 3 contiguous acres. Larger primary uses are classified as an agricultural use.
2. Personal beekeeping is permitted in accordance with the use-specific standards identified under Personal Garden. Keeping of other livestock or animals is prohibited.
3. If any boundary of the Garden as a Primary Use is adjacent to, or across the street or alley from, a dwelling district, the garden must be registered with the City as an Urban Garden, or the perimeter of the garden site must be enclosed by a fence at least 36 inches in height, with at least 50% transparency, and in accordance with the fence standards applicable to the dwelling district.
4. Garden structures, such as greenhouses, hoop houses, storage sheds, gazebos, shelters, cold frames, are limited to a maximum height of 15 feet and shall meet the setback requirements of the district. However, the area for compost, refuse, equipment and facilities shall also be setback at least 20 feet from the front lot line.
5. In the dwelling districts, the size of all enclosed storage buildings and facilities shall be limited to 600 square feet and not on a permanent foundation. However, the size of structures housing cultivated plant materials, such as greenhouses and hoop houses, shall be limited by the open space and setback requirements of the district.
6. Composting shall be located or designed and constructed to prevent the composting material and compost from sitting in ponded surface water. Area for compost must be enclosed solid at ground level for at least 6 inches above grade level and completely around the base or composting conducted in-vessel. Refuse must be removed from the site at least once a week.
7. Operation of power equipment or generators may occur between sunrise, but no earlier than 7 a.m., and sunset, but no later than 10 p.m.
8. Herbicides, pesticides, fertilizer or other chemicals shall not be kept outside and shall be locked when not in use. The site drainage and maintenance must prevent water, herbicides, pesticides, or fertilizer from draining onto adjacent property or into a right-of-way.

9. Sales of products grown on the site is permitted on the site, provided that any structure used for sales is no larger than 100 square feet, not on a permanent foundation and is not located in a required yard area.
10. Food products may be grown in soil native to the site if:
    a. A composite sample of the native soil, consisting of no less than five individual samples, has been tested for lead content and the lead content in the soil is determined to be at or below the Indiana direct-contact standards for lead; and either:
        1. The City determines through maps, deeds, prior permits or a combination of those sources that the site has only been put to residential or agricultural use in the past; or
        2. A composite sample of the soil native to the site, consisting of no less than five individual samples, has been tested for metal content using the US EPA 3050B, 3051, or a comparable method and that (i) the metals arsenic, cadmium, mercury, molybdenum, Nickel, selenium, and zinc are determined to be at or below the thresholds listed in the tables in number 11 below, as amended, food products may only be grown in raised beds filled with clean top soils.
    b. As an alternative to meeting the standards in subsection a.1 or a.2 above, food products may be grown in clean soil 6 inches deep brought to the site without completing a soil test of the native soil.
11. **Soil testing requirements**. Clean soil is soil that has less than 200ppm of lead content. At least 5 samples of the native soil from the proposed planting area shall be tested for lead content and heavy metals. If the site has been determined through maps, aerial photography, deeds, prior permits or a combination of those sources that it has only been used for residential or agricultural purposes in the past, the gardening activities indicated in Table 743-304-1: Lead Limits may be conducted based upon the lead content test results.

Table 743-304-1: Lead Limits

Lead content	Permitted Activity
Less than 200ppm	Soil native to the site may be used.
200ppm to 400ppm	Soil native to the site shall not be used for gardening. Raised beds are required using clean soil.
400ppm to 600ppm	Soil native to the site shall not be used for gardening. Raised beds are required using clean soil. Water source for cleaning produce shall be provided on site.
600ppm and higher	Gardening as a primary use is prohibited.

If the site has been determined through maps, aerial photography, deeds, prior permits or a combination of those sources that it has been used for purposes other than residential or agricultural in the past, soil shall be tested for metal content using the US EPA 3050B, 3051, or a comparable method. Food production may be conducted if the test results for the following chemicals are below the levels identified in the following Table 743-304-2: Chemical Limits.

Table 743-304-2: Chemical Limits		
Chemical Name	**CASRN [1]**	**Soil Exposure Direct Contact Residential Maximum (mg/kg)**
Arsenic, Inorganic	7440-38-2	5.5
Cadmium (Diet)	7440-43-9	98
Mercuric Chloride (and other Mercury salts)	7487-94-7	32
Lead and Compounds	7439-92-1	400
Mercury (elemental)	7439-97-6	3.1
Molybdenum	7439-98-7	550
Nickel Soluble Salts	7440-02-0	2100
Selenium	7782-49-2	550
Zinc and Compounds	7440-66-6	32000
Note: [1] CASRN means Chemical Abstracts Service Registry Number		

Section 05. Commercial and Industrial Uses

A. Adult Entertainment Business

1. **Purpose**. It is the purpose of this Section 743-305.A to regulate adult entertainment businesses and related activities, to promote the health, safety, morals, and general welfare of the citizens of Marion County, and to establish reasonable and uniform provisions to prevent the deleterious effects of adult entertainment businesses within Marion County. The provisions of this Section 743-305.A have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this Section 743-305.A to restrict or deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. It is not the intent or effect of this Section 743-305.A to condone or legitimize the distribution of obscene materials. It is not the intent or effect of this Section 743-305.A to limit or restrict the lawful activities permitted under Indiana Code 7.1.

2. **Findings**. Based on evidence concerning the adverse secondary effects of adult entertainment businesses on the community presented in hearing(s) and in reports made available to the City-County Council, and on findings incorporated in the cases of City of Renton v. Playtime Theatres, Inc., 475 U.S.41 (1986), Young v. American Mini Theatres, 426 U.S.50 (1976), Barnes v. Glen Theatre, Inc., 501 U.S.560 (1991), Arcara v. Cloud Books, Inc., 478 U.S.697 (1986), California v. LaRue, 409 U.S.109 (1972), Iacobucci v. City of Newport, KY, 479 U.S.92 (1986), United States v. O'Brien, 391 U.S.367 (1968), City of Erie v. Pap's A.M., 120 S.Ct. 1382 (2000), City of Los Angeles v. Alameda Books, Inc., 122 S.Ct. 1728 (2002), Broadway Books, Inc. v. Roberts, 642 F. Supp. 486 (E.D. Tenn. 1986), DLS, Inc. v. City of Chattanooga, 107F.3d403 (6th Cir. 1997), Pleasureland Museum, Inc. v. Beutter, 2002 WL 818791 (7th Cir. 2002), Kev, Inc. v. Kitsap County, 793F.2d1053 (9th Cir. 1986), Hang On, Inc. v. City of Arlington, 65F.2d1248 (5th Cir. 1995), South Florida Free Beaches, Inc. v. City of Miami, 734F.2d608 (11th Cir. 1984), and Mitchell et al v. Commission on Adult Entertainment Establishments of the State of Delaware et al, 10F.3d123 (3rd Cir. 1993), Ellwest Stereo Theatre, Inc. v. Boner, 718 F. Supp. 1553 (M.D. Tenn. 1989), City of Lincoln Nebraska v. ABC Books, Inc., 470 N.W. 2d 760 (Neb. 1991), Berg v. Health & Hosp. Corp. of Marion County, 865 F.2d 797 (7th Cir. 1989), Shultz v. Cumberland, 228 F.3d 831 (7th Cir. 2000), as well as studies conducted in communities including, but not limited to Indianapolis, Indiana; Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; findings reported in the Final Report of the Attorney General's Commission on Pornography (1986), the Report of the Attorney General's Working Group On the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, the City-County Council finds:

   a. Adult entertainment businesses lend themselves to ancillary unlawful and unhealthy activities that are presently insufficiently controlled by the operators of the establishments.

b. Crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where adult entertainment businesses are located.

c. Sexual acts, including masturbation, oral sex and anal sex, occur at adult entertainment businesses, especially those that provide booths or cubicles for viewing films, videos, or live sex shows.

d. Acts of prostitution commonly occur at adult entertainment businesses.

e. Persons frequent certain adult theaters and other adult entertainment businesses for the purpose of engaging in sex within the premises.

f. At least 50 communicable diseases may be spread by activities that occur in adult entertainment businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, salmonella infections and shigella infections.

g. Prostitution, sexual assaults and other criminal activity occur at adult entertainment businesses.

h. Prostitution is connected to the spread of sexually transmitted diseases.

i. Adult entertainment businesses have operational characteristics that should be reasonably regulated in order to protect those substantial governmental concerns.

j. The general welfare, health, morals and safety of the citizens of the city will be promoted by the enactment of this chapter.

3. **Prohibitions**.

a. The establishment, enlargement, reconstruction, resumption or structural alteration of any adult entertainment business is prohibited if such business is within 500 feet of another such business or within 500 feet of any existing church, church zoning district, public, private or parochial school for kindergarten through twelfth grade, school zoning district, park, park zoning district, locally designated historic preservation area established by, and under the jurisdiction of the Indianapolis Historic Preservation Commission or the Meridian Street Preservation Commission, day care center, day care home or any existing dwelling zoning district within Marion County, Indiana. (See Section 743-301)

b. No adult entertainment business shall be established, enlarged, reconstructed, resumed or structurally altered unless the site or proposed site is located in a C-4 (Community-Regional Commercial) Zoning District, C-5 (General Commercial) Zoning District, or C-7 (High Intensity Commercial) Zoning District.

c. No adult entertainment business shall be established, enlarged, reconstructed, resumed or structurally altered in a C-4 (Community-Regional Commercial) Zoning District unless the site or proposed site is located within an integrated center.

4. **Measurement of distances**. The distance between one adult entertainment business and another adult entertainment business shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of each such business. The distance between an adult entertainment business and any church, church zoning district, public, private or parochial school for kindergarten through twelfth grade, school zoning district, park, park zoning

district, locally designated historic preservation area established by, and under the jurisdiction of, the Indianapolis Historic Preservation Commission, day care center, day care home or dwelling zoning district shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of the adult entertainment business to the nearest property line of the church, church zoning district, public, private or parochial school for kindergarten through 12th grade, school zoning district, park, park zoning district, locally designated historic preservation area established by, and under the jurisdiction of, the Indianapolis Historic Preservation Commission, day care center, day care home or dwelling zoning district. If an adult entertainment business is part of or included within an integrated center, only the portion of such center or leased space occupied by such adult entertainment business shall be included in determining the closest exterior structural wall of such establishment.

5. **Exterior display**

   a. No adult entertainment establishment shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public view.

   b. *Number of signs*. Not more than one business wall sign shall be permitted for an adult entertainment business and such sign shall be permitted only on the front facade. In addition to the one permitted business wall sign, an adult entertainment business not located within an integrated center shall be permitted not more than one pole or ground sign structure if it is an entity of commercial development held in either private ownership or long-term lease, and that meets all of the requirements of the zoning district in which it is located. Such requirements shall include direct access to a public street from that property and a full amount of required parking on the site with the use. All other sign structures are prohibited.

   c. *Sign surface area*. The sign surface areas of a business wall sign for an adult entertainment business shall not exceed an amount equal to 5% of the front building facade of the first floor elevation (first 10 feet) of the premises occupied by the adult entertainment business, or 100 square feet, whichever is the lesser. The maximum sign surface area of a ground or pole sign structure, where permitted, shall not exceed one square foot for each lineal foot of frontage of the lot, or 36 square feet, whichever is the lesser.

   d. *Lighting*. Signs and sign structures may be illuminated, provided, however, such illumination shall not be by way of exposed neon, exterior lighting (e.g., spot or floodlights), or any flashing or animated lights (either interior to the sign, on the exterior of the sign, or as a border to the sign).

6. **Parking**. Parking for an adult entertainment business shall be provided on the site with the use. There shall be at least one parking space for each 285 square feet of floor area or one parking space for every 2 seats of seating capacity, whichever standard results in the higher requirement.

7. **Continuation of nonconforming use**. The lawful use of land or buildings existing at the time of the adoption of this Section 743-305.A may continue although such use does not conform to the regulations specified in this section, subject to the provisions set forth in this Section 743-305.A.

B. Adult Entertainment Business, Retail

See Adult Entertainment Business use-specific standards.

C. Artisan Manufacturing

1. In the MU and CBD districts, this use shall not exceed 8,000 total square feet.
2. Retail sales of goods manufactured on-site shall be permitted as an accessory use.

D. Automobile and Light Vehicle Wash

1. In the Regional Center and North Meridian Street Corridor district, this use of any type, such as, completely indoors wash, self-service wash, automatic or semi-automatic wash, shall not be permitted on any lot with frontage on Meridian Street, Washington Street, Market Street, or located on any lot within the Mile Square.
2. No drying, cleaning, polishing, dispensing of fuel, or other comparable operation shall be conducted within any required yard or required transitional yard.
3. The use shall not be located within 100 feet, measured in any direction, of a protected district. (See Section 743-301 and Section 740-308)
4. The exit drive as measured from the vehicle exit of the washing mechanism or activity to the pavement edge of the street shall be a minimum of 100 feet in length.
5. The surface and drainage treatment at the exit drive shall be designed so that no water accumulates on the surface or flows onto the public right-of-way as a result of the vehicle wash operations.

E. Automobile Fueling Station

1. In the Regional Center and North Meridian Street Corridor district, automobile fueling stations are prohibited on any lot with frontage on Meridian Street, Market Street, Pennsylvania Street, Washington Street, or on any lot located within the Mile Square.
2. The sale of convenience food items, incidental automobile supplies or accessories may be provided as an accessory use to an automobile fueling station.
3. Exterior display and sale may be permitted in accordance with the limitations and standards of Section 743-306.P Outdoor Display and Sales.
4. Outdoor waste and recycling receptacles for customer use shall be provided, conveniently located, regularly serviced, and maintained.
5. Automobile fueling stations are prohibited within ½-mile of a Transit Station (See Section 743-301).
6. After the first day of the month that is six months after the date of adoption, new automobile fueling stations shall have the primary cash register area located so there is an unobstructed view between an area along the property frontage and any attendant at the cash register area.
7. Storage of compressed natural gas or associated CNG facilities shall not be located within 100 feet of an occupied dwelling unit on the same side of the street.
8. In the C-4 district, automobile fueling stations shall not include the following:
    a. Any outdoor service operations (other than the dispensing or installation of gasoline, oil, antifreeze, headlights, wiper blades and other similar products and

the performance of minor services for customers as related to such dispensing or installation);

b. The sale, rental, display or storage of vehicles, trailers, tractors, machinery or other similar equipment;

c. Commercial parking of vehicles;

d. Major servicing or motor or body repair such as, but not limited to, body or fender work, motor overhaul, major transmission repair, auto glass work, tire recapping, muffler repair or installation, auto body painting or trim shops; or

e. Dismantling or wrecking of any vehicles, or the storage of inoperable, damaged or wrecked vehicles, other than those awaiting immediate repair.

9. There shall be no exterior displays that restrict traffic visibility in any way or that impede the movement of any vehicles on the station or center driveways or public rights-of-way, or located in or in any way conflicting or interfering with walks, off-street parking areas or required landscaping yards. All exterior displays shall be maintained in an orderly manner.

10. When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and upon the Board's determination that:

a. The facility will not detract from the pedestrian experience and walkability of the area.

b. The facility is efficiently designed and appropriately-sized so as not to inhibit or detract from the long-term purpose of the district in which it is located.

c. The facility maximizes crime prevention techniques and security measures to ensure safety of employees, customers, and neighbors.

F. Automobile, Motorcycle, and Light Vehicle Sales or Rental

In the Regional Center and North Meridian Street Corridor district, vehicle sales (new or used) are prohibited on any lot with frontage on Meridian Street, Pennsylvania Street, Washington Street, Market Street, or on any lot located within the Mile Square. And further, used vehicle sales are prohibited within the Regional Center or North Meridian Street Corridor except as an accessory use to new vehicle sales.

G. Automobile, Motorcycle, and Light Vehicle Service or Repair

1. All servicing, motor repair, or body repair shall be conducted within an enclosed building.

2. In the Regional Center and North Meridian Street Corridor district, vehicle service or repair is prohibited on any lot with frontage on Meridian Street, Pennsylvania Street, Washington Street, Market Street, or on any lot located within the Mile Square.

H. Bar or Tavern

1. The use shall not be located within 100 feet, measured in any direction, of a protected district. (See Section 743-301 and Section 740-308.)

2. The use shall not be located within 500 feet, measured in any direction, of any indoor recreation & entertainment establishment that caters to, or markets itself

predominantly to, persons under 21-years of age. (See Section 743-301 and Section 740-308.)

3. The facility shall include a camera mounted inside the facility to view pedestrian entry-exit doors, the camera shall make recordings of pedestrian entry/exit during hours when the facility is open for business due to the high incidence of gun violence in these uses, and the operator shall be required to maintain recordings from the camera for a period of 48 hours after recording.

I. Bed and Breakfast

1. The owner of the Bed and Breakfast shall reside on site as their permanent residence.
2. The use shall be located in a primary building with at least 1,500 sq. ft. of gross floor area.
3. The use shall have no more than 6 bedrooms.
4. Guest stays shall be limited to a maximum of 10 consecutive days.
5. If located in a dwelling district:
    a. The use shall outwardly appear to be residential in character, giving no appearance of a business use other than allowed signs.
    b. In addition to resident guests, only guests of resident guests shall be permitted to dine in a bed and breakfast; or guests participating in meetings or other private events hosted by the facility when other overnight guests are not present, not to exceed the approved design capacity of the facility.
6. When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall be subject to an approved plan of operation and site plan, and only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and upon the Board's determination that:

The facility will be in harmony with the character of the surrounding neighborhood, in terms of siding and roofing materials that are aesthetically compatible, and building placement, entrance location, vehicle and service areas design that are comparable and compatible with the surrounding neighborhood.

J. Bulk Storage of Commercial or Industrial Liquids

1. The use is not permitted in a wellfield protection district or flood control zoning district.
2. The use shall not be located within 1,000 feet of any protected district. (See Section 740-301 and Section 740-308.)

K. Check Cashing or Validation Service

1. This use is not permitted within the Regional Center and North Meridian Street Corridor District, except as a part of an integrated commercial center with a gross floor area of 10,000 square feet or more.

2. This use is not permitted within 500 feet from any protected district. (See Section 743-301 and Section 740-308.)
3. This use is not permitted within 500 feet of any other Check Cashing or Validation Service. (See Section 743-301 and Section 740-308.)
4. After the first day of the month that is six months after the date of adoption, new uses shall have the primary cash register area located so there is an unobstructed view between an area along the property frontage and any attendant at the cash register area.

L. Commercial and Building Contractors

1. When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall be subject to an approved plan of operation and site plan, and only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705.

M. Consumer Services or Repair of Consumer Goods

1. Consumer Services or Repair of Consumer Goods shall be limited to a maximum of 8,000 gross square feet in the MU-1, MU-2, MU-3, MU-4, CBD-1, CBD-2 and CBD-3 districts.
2. Outdoor storage or outdoor display associated with this use is prohibited.

N. Dry Cleaning Plant or Industrial Laundry

This use is not permitted in a wellfield protection district or flood control zoning district.

O. Eating Establishment or Food Preparation

1. Drive-through facilities are only permitted in the C-3, C-4, C-5, C-7, and MU-1 districts and must meet the requirements of Section 744-406.
2. Establishments that are permitted as accessory only must be within the same building as the primary use.

P. Fireworks Sales, On-Going

This use must comply with all applicable requirements of the Indiana Department of Homeland Security in I.C. 22-11.14.

Q. Fleet Terminals

1. Fleet terminals shall be no larger than 10 acres in total area, except in the I-4 districts.
2. The parking of trucks or trailers shall not be defined or construed as outdoor storage in computing permitted outdoor storage and operations.

R. Grocery Store

1. In the MU-1, MU-2, MU-3, MU-4, CBD-1, CBD-2, and CBD-3 districts, no single grocery store shall exceed 50,000 square feet of gross floor area. This standard only applies to the portion of the building used as a grocery store, not the total square footage of the building itself.
2. An accessory grocery store shall be within a building that contains a permitted primary use.
3. In the D-9, D-10 and C-1 districts, an accessory grocery store shall not exceed the ground-floor square footage of the primary building containing the use.

S. Heavy Outdoor Storage

1. This activity is not permitted in a wellfield protection district or flood control zoning district.
2. When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705.

T. Heliport or Helistop

1. Minimum heliport or helistop size shall be 200 feet by 400 feet.
2. No heliport or helistop shall be located within 200 feet of a protected district. (See Section 743-301 and Section 740-308.)
3. A clear zone (which no structures shall penetrate) shall be provided. The clear zone shall be described by a projected imaginary surface, the base of which encompasses the landing area, extends upward and outward at a slope equal to one foot of vertical elevation to 8 feet of horizontal distance, and extends to a vertical projection of the heliport boundary.
4. A clean landing surface shall be provided free of dust, loose gravel, and debris that may be blown about by the downwash of the helicopter's rotors.
5. The landing area shall be well drained.
6. If a roof top is used as a landing area, it shall be located on a building not more than 4 stories or 50 feet in height, whichever is the lesser, and the same obstruction clearance as required under paragraph 3 above shall apply.
7. The minimum setbacks applicable to the zoning district shall apply to all structures and the landing area associated with such heliport.
8. A fence or other suitable barrier, not less than 3 feet in height, shall be erected at least 75 feet from all landing surfaces.

U. Indoor Recreation & Entertainment

1. Billiard parlors and ice or roller skating rinks are prohibited in the Regional Center and North Meridian Street Corridor district on any lot with frontage on Meridian Street.
2. All indoor recreation & entertainment establishments that cater to, or markets itself predominantly to, persons under 21-years of age shall not be located within 500 feet of any substance abuse treatment facility, bar or tavern, liquor store, night club establishment, or such establishment where alcoholic beverages may be carried out (except drug stores or grocery stores). (See Section 743-301 and Section 740-308.)
3. All indoor recreation & entertainment establishments that cater to, or markets itself predominantly to, persons under 21-years of age shall not utilize the Permitted Where Vacant (“V”) option pursuant to Table 743-1: Use Table until a Dance Hall license for the property has been obtained in accordance with Chapter 881 of the Revised Code for the Consolidated City and County.
4. In the C-1 and C-3 districts, any indoor recreation & entertainment establishment that includes live entertainment as an accessory use shall not permit the amplification of music.

5. Sound associated with any indoor recreation & entertainment establishment shall not be audible outside of the building in which the activity is occurring.

V. Indoor Spectator Venue

1. In the MU-1, and MU-4 districts, this use is limited to a maximum design capacity of 2,500 persons.
2. In the MU-2, and MU-3 districts, this use is limited to a maximum design capacity of 5,000 persons.

W. Liquor Store

1. The use shall not be located within 100 feet, measured in any direction, of a protected district. (See Section 743-301 and Section 740-308.)
2. The use shall not be located within 500 feet, measured in any direction, of any indoor recreation & entertainment establishment that caters to, or markets itself predominantly to, persons under 21-years of age. (See Section 743-301 and Section 740-308.)
3. Liquor stores, except as a part of an integrated commercial center that exceeds a gross floor area of 10,000 square feet, are prohibited within the Regional Center and North Meridian Street Corridor district.
4. Outdoor waste and recycling receptacles shall be provided, conveniently located, regularly serviced and maintained.
5. The use may not include a drive-through or walk-up window.
6. After the first day of the month that is six months after the date of adoption, new uses shall have the primary cash register area located so there is an unobstructed view between an area along the property frontage and any attendant at the cash register area.
7. The facility shall include a camera mounted inside the facility to view pedestrian entry-exit doors, the camera shall make recordings of pedestrian entry/exit during hours when the facility is open for business, and the operator shall be required to maintain recordings from the camera for a period of 48 hours after recording.

X. Manufacturing, Hazardous Materials or Objectionable Substances

1. Storage, utilization, or manufacture of explosives may be permitted in any industrial district only upon the approval of a Special Exception in accordance with Section 740-705, provided all development standards and performance standards of such district shall be met.
2. Explosives shall not be stored, utilized, or manufactured within 500 feet of a protected district or commercial district boundary, measured from the building in which the explosives are located. (See Section 743-301 and Section 740-308.)
3. This use shall not be located in a Wellfield Protection zoning district.

Y. Mini-Warehouses (Self-Storage Facility)

1. All storage shall be within enclosed buildings except in the C-7, I-3 and I-4 districts.
2. Security fencing shall not include razor wire or barbed wire within 10 feet of a front lot line or transitional yard.

3. Doors to individual storage units shall not face any abutting street frontage, or, if the site is located on a corner parcel, shall not face the primary street frontage.
4. A landscaped or naturally vegetated buffer at least 50 feet in width shall be provided along any lot line that abuts a protected district.
5. Exterior access to any storage units within 100 feet, measured in any direction, of any dwelling district shall be limited to the period between 6:00 a.m. and 10:00 p.m. (See Section 743-301 and Section 740-308.)

Z. Motor Sports Industry

In the C-7, I-1, and I-2 districts, engine testing is prohibited within 2,000 feet of any protected district.

AA. Night Club or Cabaret

1. The use shall not be located within 100 feet, measured in any direction, of a protected district. (See Section 743-301 and Section 740-308.)
2. The use shall not be located within 500 feet, measured in any direction, of any indoor recreation & entertainment establishment that caters to, or markets itself predominantly to, persons under 21-years of age. (See Section 743-301 and Section 740-308.)

BB. Outdoor Advertising Off-Premise Sign

This use shall comply with Chapter 744, Article IX Signs.

CC. Parking Lot, Commercial

1. Access from Monument Circle is prohibited.
2. Notwithstanding Table 743-1: Use Table, off-street parking facilities obtaining access from any street within the CBD-1 District shall only be permitted upon the approval of a Special Exception by the Board of Zoning Appeals in accordance with 740-705 and upon the Board's determination that:
    a. The parking facility and the location of entrances and exits will not unduly inhibit traffic; and
    b. The parking facility and the location of entrances and exits will not hinder or compromise the pedestrian traffic or walkability.
3. This use may be limited by restrictions in the Regional Center and North Meridian Street Corridor district (See Section 742-202) and Chapter 931 of the Revised Code of the Consolidated City and County.
4. Parking lots, Commercial shall be limited to a maximum of 2 acres.

DD. Parking Garage, Commercial

1. Access from Monument Circle is prohibited.
2. Notwithstanding Table 743-1: Use Table, off-street parking facilities obtaining access from any street within the CBD-1 District shall only be permitted upon the approval of a Special Exception by the Board of Zoning Appeals in accordance with 740-705 and upon the Board's determination that:
    a. The parking facility and the location of entrances and exits will not unduly inhibit traffic; and

b. The parking facility and the location of entrances and exits will not hinder or compromise the pedestrian traffic or walkability.

3. This use may be limited by restrictions in the Regional Center and North Meridian Street Corridor district (See Section 742-202) and Chapter 931 of the Revised Code of the Consolidated City and County.

EE. Pawn Shop

1. In the Regional Center and North Meridian Street Corridor district, pawn shops are prohibited.
2. After the first day of the month that is six months after the date of adoption, new uses shall have the primary cash register area located so there is an unobstructed view between an area along the property frontage and any attendant at the cash register area.
3. When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705.

FF. Power Generating Facility, Local

1. All primary use aboveground facilities and equipment that are not fully enclosed within a building shall be located at least 100 feet, measured in any direction, from any Dwelling district. (See Section 743-301)
2. Any accessory use aboveground facilities or equipment that are not fully enclosed within a building and are located within 100 feet, measured in any direction, of a dwelling district, a vegetated buffer at least 25 feet in width, measured from and paralleling the lot line, shall be provided along such lot line.
3. In Commercial districts, all facilities shall be subject to the height regulations applicable in the district.
4. In the Industrial districts, wind generation facilities may exceed the maximum height applicable in the district by up to 30 feet.

GG. Printing Services

This use is not permitted within a wellfield protection district or flood control zoning district.

HH. Recycling Station

1. Facilities that accept hazardous materials or objectionable substances are not permitted within a wellfield protection district or flood control zoning district.
2. Recycling collection or exchange centers or facilities shall be attended during operating hours.
3. This use may include kiosks or bin-type collection facilities as an accessory use.
4. Materials, such as aluminum cans, plastics, paper products, tin and metal cans, glass containers household scrap and minor automobile parts made of aluminum, brass, copper, or steel may be collected. All materials collected for delivery to the center or facility shall be in amounts that allow delivery by vehicles having a Gross Vehicle Weight Rating of 14,000 pounds or less (i.e. light duty pickup or passenger

automobile). All deliveries that necessitate the use of vehicles in excess of this size shall be required to deliver the recyclable materials to a recycling facility.

5. This use may include the crushing or compacting of aluminum recyclable materials, such as cans, in order to facilitate their handling and transport, provided that in C-4 and C-5 districts all crushing or compacting takes places indoors. This processing step shall be an incidental aspect of the center.
6. A sign shall be posted indicating that hazardous materials or objectionable substances shall not be left after hours or at any time an attendant is not present.
7. This use may require a license per Section 951-402 of the Revised Code of the Consolidated City and County.

II. Retail, Light General

1. In the MU-1, MU-3, and MU-4 districts, no single light general retail use shall exceed 15,000 square feet. This standard only applies to the portion of the building used for that retail establishment, not the total square footage of the building itself.
2. In the MU-2 district, no single light general retail use shall exceed 8,000 square feet. This standard only applies to the portion of the building used for that retail establishment, not the total square footage of the building itself.
3. An accessory retail use shall be within a building that contains a permitted primary use.
4. In the D-9, D-10 and C-1 districts, an accessory retail use shall not exceed the ground-floor square footage of the primary building containing the use.

JJ. Retail, Heavy General

5. In the CBD-1 and CBD-2 districts, no single use shall exceed 25,000 square feet of gross floor area. This standard only applies to the portion of the building used for retail, not the total square footage of the building itself.
6. In the C-4, CBD-1, and CBD-2 districts, outdoor retail, including sales of model homes, garages, outbuildings, gravestones, and monuments are prohibited.
7. Outdoor flea markets are only permitted in C-5 and C-7 zoning districts.

KK. Substations and Utility Distribution Nodes

1. High-tension power transmission lines shall only be permitted in industrial districts or in SU-43 district for power transmission lines.
2. After the first day of the month that is six months after the date of adoption, new uses shall include motion-activated lighting that complies with Chapter 744, Article VI Street and Exterior Lighting.
3. After the first day of the month that is six months after the date of adoption, new uses shall comply with landscaping and buffering standards applicable to freestanding wireless communication facilities.

LL. Tattoo Parlor

1. In the C-4, C-5 and C-7 districts, the use shall not be permitted within 1,000 feet of any protected district (See Section 743-301 and Section 740-308).

2. This use shall be permitted in the C-3, MU-3, and MU-4 districts only upon approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and shall not be located within 500 ft. of the following (See Section 743-301 and Section 740-308):

a. Dwelling districts;

b. Historic preservation districts;

c. PK-1 Park district;

d. University quarter districts;

e. SU-1 District (church);

f. SU-2 District (school);

g. SU-37 District (library);

h. SU-38 District (community center); or

i. All portions of the perimeter of a lot containing an elementary school, junior high school or high school, as defined in IC 20-10.1-1, regardless of zoning classification.

MM. Truck Stop

The parking of trucks or trailers shall not be defined or construed as outdoor storage in computing permitted outdoor storage and operations.

1. Truck stops shall not be permitted within 500ft. of a Protected District as defined by this Ordinance.

NN. Warehousing, Wholesaling, and Distribution

1. Any operations, servicing or processing (except storage and off-street loading) shall be conducted within completely enclosed buildings except in the I-2, I-3, and I-4 districts.
2. In the I-2 and I-3 districts, all operations, servicing or processing located within 500 feet of a protected district boundary (except storage and off-street loading) shall be conducted within completely enclosed buildings. (See Section 743-301 and Section 308.)

OO. Waste or Recycling Transfer Facility

1. The use is not permitted in a wellfield protection district or flood control zoning district.
2. Outdoor waste or recycling transfer facilities are only permitted in the I-3 and I-4 districts.
3. In the I-4 districts, the parking of trucks or trailers shall not be defined or construed as outdoor storage in computing permitted outdoor storage and operations.
4. When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705.

PP. Wireless Communications Facility

12. Statement of purpose

a. This article creates the framework for wireless communications regulations, so that wireless communications facilities can be sited in a manner that provides comprehensive service to the community, which protects the community from clutter and design, which is compatible with existing and future land use, and which reinforces the need for an urban landscape that contributes to a sense of place and sense of community. These regulations have been developed in accordance with the technological considerations known at this time, with some anticipation for future changes in the wireless communications industry. Changes to the industry that were not anticipated will be considered in future amendments to this article.

b. The purpose of the wireless communications regulations set forth in this article shall be to: encourage facilities to be located in areas least disruptive to residential, park and greenway uses and functions, including wildlife habitats, and to be as unobtrusive and invisible as reasonably possible; encourage designs and use of colors that are compatible with the adjacent land uses; retain current residents and attract new residents to the city; encourage and facilitate installation of necessary and desirable wireless communications infrastructure; preserve and improve the appearance of the city as a place in which to live and work as an attraction to nonresidents who come to visit or trade; safeguard and enhance property values; protect public and private investment in buildings and open spaces; supplement and be a part of the regulations imposed and the plan set forth under the Comprehensive Plan for Marion County; and promote the public health, safety, morals and general welfare.

13. Wall-mounted and roof-mounted facilities

a. When permitted in D-A, D-S, D-1, D-2, D-3, D-4, D-5 and D-5II districts, wall-mounted and roof-mounted Wireless Communications Facilities (WCF) shall be in compliance with the following requirements:

   1. WCF shall be no greater than 3 square feet in area and no more than 6 inches deep (excluding antennas).
   2. Antennas may extend no more than 24 inches from the wall or other surface to which they are mounted.
   3. WCF shall be compatible with the colors of the wall on which they are located.
   4. WCF shall be located in a place least obtrusive to public view.
   5. Administrator's approval is required for all wall-mounted and roof-mounted WCF.

b. In all other districts, where permitted by this article, wall-mounted WCF shall be in compliance with the following requirements:

   1. Wall-mounted WCF may extend a maximum 24 inches from the side of the building on which the WCF is located. The distance shall be measured from the point on the wall where the WCF is attached, at right angles from the wall, to the furthermost extension of the WCF.

2. Wall-mounted WCF shall be compatible with the colors of the wall on which they are located.
3. Wall-mounted WCF shall be designed to be compatible with the design and materials of the building on which the WCF will be attached, and located in a place least obtrusive to public view.
4. The total area of all wall-mounted WCF located on a building side shall not exceed 2% of the area of the side of the building on which the structure is located.
5. Wall-mounted WCF may extend a maximum of 10 feet above the wall on which they are located.
6. Administrator's approval is required for all wall-mounted WCF.

14. Landscaping

a. Landscape yard shall be provided around the entire perimeter of a tower site to screen the fence and the equipment structure, exclusive of vehicular or pedestrian entrances. This yard shall be planted to provide a continuous landscape screen around the site. This may be done by one of the following methods:
   1. Shrubs. Shrubs shall have a minimum height of 4 feet and shall be planted at a maximum of 4 feet on center. The shrubs shall be evergreen shrubs or densely twigged deciduous shrubs.
   2. Deciduous ornamental trees or multi-stemmed trees. Deciduous ornamental trees or multi-stemmed trees shall have a dense branching pattern that extends to the ground and shall be a minimum size of 1½ caliper inches at time of planting and shall be planted at a maximum of 10 feet on center.
   3. Evergreen trees. Evergreen trees shall have a dense branching pattern and shall be planted at a maximum of 12.5 feet on center.
   4. Existing trees and shrubs. Existing trees and shrubs may be used to screen the site. If the existing vegetation does not form a continuous screen around the site or does not extend from the ground to a height of 6 feet, it shall be supplemented with additional vegetation.
   5. Combination. A combination of the above methods may be used, provided that the vegetation forms a continuous screen around the site or extends from the ground to a height of 6 feet.
   6. Maintenance. Where multiple users of a site are involved, the owner of the site shall be responsible for the installation and maintenance of all landscaping.

b. The landscape yard shall be a minimum of 10 feet in width. If using method (3), the yard shall be 20 feet in width to accommodate the larger width of the vegetation.

c. The minimum size of all required landscape plant materials, at the time of planting, including replacement trees and shrubs, shall be as required in Section 744-503.E.

d. The required landscaping shall be maintained at all times and replaced if it dies, for as long as the use remains.

e. The Administrator shall have the power to modify or waive any of the foregoing landscape requirements and approve alternatives for those requirements as long as the alternative plan is appropriate for the site and its surroundings and is compatible and consistent with the intent of the stated standards.

f. After the first day of the month that is six months after the date of adoption, new uses shall include motion-activated lighting that complies with Chapter 744, Article VI Exterior Lighting.

15. Guy anchorages

No guy anchorages shall be located within any front, side or rear transitional yard, and shall be set back at least 30 feet from any lot line.

16. Provisions for more than one user

a. Sufficient land shall be secured by the initial WCF tower provider to reserve adequate area for more than one equipment structure.

b. All towers shall be designed and constructed so that more than one wireless communications company may attach equipment to the tower. When applying for an Improvement Location Permit, the owner of the tower shall provide assurance that the tower is available for use by other wireless communications providers.

17. More than one tower in a half mile

a. If any tower is proposed within ½-mile radius of another tower, prior to obtaining an Improvement Location Permit, the entity requesting the new tower must:

1. Identify all towers within one-half-mile radius of the proposed tower; and

2. Provide information to the Administrator outlining the reasons those towers cannot be used for additional WCF.

b. If there is space available for additional WCF on any of those towers, as required by Section 743-305.OO.5 above, or by previous variance condition or commitment, or if the reasons are found by the Administrator not to be justified, the Improvement Location Permit for the new tower shall not be granted. Requirements of IC 36-7-11.1, and sites located within the Meridian Street Preservation Area are subject to the requirements of IC 36-7-11.2. This Section 743-305.RR.OO.9 is not intended to alter or affect the authorities of the Indianapolis Historic Preservation Commission (IHPC) or the Meridian Street Preservation Commission (MSPC), or the foregoing Indiana statutes.

18. Existing towers

All towers that are legally established on August 2, 1999 may be used for WCF, as long as the height is not increased, nor the location of the tower changed.

19. Signs prohibited

No lettering, symbols, images, trademarks, signs or advertising of any kind shall be placed on, or affixed to, any part of a tower or structure, other than as required by the Federal Aviation Administration, by Federal Communications Commission or other agency regulations, or as required to protect public health and safety.

20. Where permitted

a. Wireless communication facilities may be located in the zoning districts indicated on the following chart, subject to the standards referenced on the chart. Sites located within a locally designated historic district are also subject to the

requirements of IC 36-7-11.1, and sites located within the Meridian Street Preservation Area are subject to the requirements of IC 36-7-11.2. This Section 743-305.OO.9 is not intended to alter or affect the authorities of the Indianapolis Historic Preservation Commission (IHPC) or the Meridian Street Preservation Commission (MSPC), or the foregoing Indiana statutes.

b. Wireless communications facilities may also be located:

1. On signs as regulated by Section 743-305.OO.13;
2. In high-power electric transmission line easements or rights-of-way as regulated by Section 743-305.OO.12.a); and
3. In public rights-of-way, as regulated by Section 743-305.OO.12.

Table 743-305-1: Summary of Wireless Communication Location Standards

Zone	Wall-Mounted WCF	Roof-Mounted WCF	Monopole Tower for WCF	All Other Towers for WCF	Height Category
D-A	Yes	Yes	No	No	5
D-S	Yes	Yes	No	No	5
D-1	Yes	Yes	No	No	5
D-2	Yes	Yes	No	No	5
D-3	Yes	Yes	No	No	5
D-4	Yes	Yes	No	No	5
D-5	Yes	Yes	No	No	5
D-5II	Yes	Yes	No	No	5
D-6	Yes	Yes	No	No	4
D-6II	Yes	Yes	No	No	4
D-7	Yes	Yes	No	No	4
D-8	Yes	Yes	No	No	4
D-9	Yes	Yes	No	No	4
D-10	Yes	Yes	No	No	4
D-11	Yes	Yes	No	No	5
D-P	(Note 1)	(Note 1)	(Note 1)	(Note 1)	(Note 1)
C-1	Yes	Yes	No	No	4
C-3	Yes	Yes	No	No	4
C-4	Yes	Yes	Yes	No	3
C-5	Yes	Yes	Yes	No	3
C-7	Yes	Yes	Yes	No	2
C-S	Yes	Yes	(Note 2)	(Note 2)	(Note 2)
MU-1	Yes	Yes	No	No	4
MU-2	Yes	Yes	No	No	4
MU-3	Yes	Yes	No	No	4
MU-4	Yes	Yes	No	No	4
CBD-1	Yes (Note 3)	Yes (Note 3)	Yes (Note 3)	No	1 (Note 3)
CBD-2	Yes (Note 3)	Yes (Note 3)	Yes (Note 3)	No	1 (Note 3)
CBD-3	Yes (Note 3)	Yes (Note 3)	No	No	4

Table 743-305-1: Summary of Wireless Communication Location Standards					
Zone	**Wall-Mounted WCF**	**Roof-Mounted WCF**	**Monopole Tower for WCF**	**All Other Towers for WCF**	**Height Category**
CBD-S	(Note 4)	(Note 4)	(Note 4)	(Note 4)	(Note 4)
I-1	Yes	Yes	No	No	4
I-2	Yes	Yes	Yes	No	2
I-3	Yes	Yes	Yes	Yes	2
I-4	Yes	Yes	Yes	Yes	2
SU-1	Yes	Yes	(Note 6)	(Note 6)	(Note 6)
SU-2	Yes	Yes	(Note 6)	(Note 6)	(Note 6)
SU-3	Yes	Yes	(Note 6)	(Note 6)	(Note 6)
SU-5	Yes	Yes	Yes	Yes	1
SU-9	Yes (Note 5)	Yes (Note 5)	(Note 8)	(Note 8)	(Note 8)
SU-10	Yes	Yes	(Note 6)	Note 6)	(Note 6)
SU-13	Yes	Yes	Yes	Yes	1
SU-18	Yes	Yes	Yes	Yes	1
SU-23	Yes	Yes	Yes	Yes	1
SU-28	Yes	Yes	Yes	Yes	1
SU-35	Yes	Yes	Yes	Yes	1
SU (all other)	Yes	Yes	No	No	4 (Note 7)

Notes:
1. Provisions for wireless communications must be provided in the D-P development statement.
2. Provisions for wireless communications shall be provided in the C-S rezoning ordinance. If no specific provisions were listed, wall- and roof-mounted WCF are subject to height Category 4.
3. The appropriateness of the request will be evaluated in the regional center review process.
4. Provisions for wireless communications must be provided in the CBD-S rezoning ordinance.
5. The appropriateness of the request will be evaluated in the special districts review process.
6. Requires approval of special exception by Board of Zoning Appeals.
7. Requires Administrator's approval.
8. If proposed tower is within 500 feet of a dwelling district, requires special exception, where height will be determined. Wall- and roof-mounted WCF subject to height Category 4. Towers over 500 feet from a dwelling district subject to height Category 1.

21. Height regulations

a. *Category 1.* No height restrictions.

b. *Category 2*

1. In the C-7 districts, no height restrictions for freestanding WCF located 500 feet or more from a protected district or a greenway. In the I-2, I-3 and I-4 districts, no height restrictions for freestanding WCF located 300 feet or more from a protected district or a greenway.

2. Within 500 feet of a protected district or a greenway, in the C-7 districts, the height for a freestanding WCF is limited to a maximum of 25 feet higher than the building height permitted by the district where the WCF is located. Within 300 feet of a protected district or a greenway, in the I-2, I-3 and I-4 districts,

the height for a freestanding WCF is limited to a maximum of 25 feet higher than the building height permitted by the district where the WCF is located.

3. Roof-mounted WCF subject to the following:
    i. Height may be 10 feet greater than the existing building height.
    ii. Height may be increased to 20 feet greater than the existing building height, if the height increase is approved by the Administrator.
4. Wall-mounted WCF may extend a maximum of 10 feet above the wall on which they are located.

c. *Category 3*

1. Maximum height of 90 feet allowed for freestanding WCF located 500 feet or more from a protected district or a greenway.
2. Within 500 feet of a protected district or a greenway, the height for a freestanding WCF is limited to a maximum of 5 feet higher than the building height permitted by the district where the WCF is located.
3. Roof-mounted WCF subject to the following:
    i. Height may be 10 feet greater than the existing building height.
    ii. Height may be increased to 20 feet greater than the existing building height, if the height increase is approved by the Administrator.
4. Wall-mounted WCF may extend a maximum of 10 feet above the wall on which they are located.

d. *Category 4*

1. Roof-mounted WCF subject to the following:
    i. Height may be 10 feet greater than the existing building height.
    ii. Height may be increased to 20 feet greater than the existing building height, if the height increase is approved by the Administrator.
2. Wall-mounted WCF may extend a maximum of 10 feet above the wall on which they are located.

e. *Category 5*. Wall-mounted and roof-mounted WCF antennas may extend a maximum of 2 feet above the wall or roof on which they are located.

22. Equipment structures for WCF

a. *Commercial, mixed-use, industrial, and dwelling districts*. Equipment structures shall be located in compliance with the specific accessory structure requirements for the district in which the site is located.

b. *Central business districts*. Equipment structures are subject to the regional center approval process requirements.

c. *Hospital districts, university quarter districts, and park districts*. Equipment structures are subject to the special district approval process requirements for HD-1, HD-2, UQ-1 UQ-2 and PK-2, or special exception process as required for PK-1.

d. *Special Use Districts*.

1. Equipment structures shall not exceed 300 square feet in area, with a maximum height of 15 feet.
2. The location of equipment structures shall be subject to Administrator's approval.

23. Transmission line easements and public rights-of-way

a. Wireless communications facilities may be located in high-power electric transmission line and substation easements or rights-of-way and public rights-of-way, under the following circumstances.

1. High-power electric transmission line easements or rights-of-way

i. Existing utility structures. WCF may be located on existing utility structures, as long as the height of the WCF and the structure together is not more than 110% of the height of the existing structure.

ii. New WCF structures. New WCF structures shall only be located within the footprint of an existing utility structure (except in PK-1, where the location is subject to a special exception). WCF may be located on new structures, as long as the height of the WCF and the new structure together is not more than one 110% of the height of the existing utility structure.

iii. Each WCF provider shall obtain written consent of the owner of the electric transmission line structure and submit a copy of such consent along with all plans to the Administrator, and shall have its WCF design package approved by the Administrator, prior to installation of any WCF on utility structures.

iv. Equipment structures for WCF. Equipment structures shall not exceed 300 square feet in area for each structure, with a maximum height of 15 feet.

2. Public rights-of-way that are local and collector streets (any streets not indicated in the Official Thoroughfare Plan).

i. Wireless communications facilities may be located on utility poles, as long as the pole is not increased in height.

ii. Extension from poles: WCF shall extend no more than 4 feet from the pole, measured from the pole to the furthest point of the WCF from the pole.

iii. Equipment structures for WCF: Equipment structures shall not exceed 8 square feet in area, with a maximum projection of 2 feet from the utility pole, and shall be attached to the same utility pole as the WCF.

iv. Design: Each WCF provider shall obtain written consent of the owner of the utility pole and submit a copy of such consent along with all plans to the Administrator, and shall have its WCF design package approved by the Administrator, prior to installation of any WCF on utility poles.

3. Other public rights-of-way (all streets indicated in the Official Thoroughfare Plan).

i. WCF may be located on utility poles, as long as the height of the WCF and the pole together is not more than 110% of the height of the existing pole.

ii. Extension from poles: WCF shall extend no more than 4 feet from the pole, measured from the pole to the furthest point of the WCF from the pole.

iii. Equipment structures for WCF:

a. Freeways and Expressways: Equipment structures in rights-of-way of freeways and expressways shall not exceed 300 square feet in area, with a maximum height of 15 feet.

b. All other streets: Equipment structures shall not exceed 8 square feet in area.

4. Each WCF provider shall obtain written consent of the owner of the utility pole and submit a copy of that consent along with all plans to the Administrator, and shall have its WCF design package approved by the Administrator, prior to installation of any WCF on utility poles.

24. Signs

Sign-mounted wireless communications facilities may be located on legally established signs under the following circumstances:

a. WCF may be incorporated into a sign face, or located on a sign structure, as long as the sign face and structure are in compliance with all aspects of Chapter 744, Article IX. If the WCF is located on the outside of the sign face and structure, and is visible, the area of the antenna shall be included in the measurement of the sign area permitted by Chapter 744, Article IX.

b. Administrator's approval is required prior to installation of WCF on any sign or sign structure.

c. Equipment structures for WCF shall not exceed 200 square feet in area, with a maximum height of 10 feet. Equipment structures shall be in compliance with Section 743-305.OO.11.

d. Where signs have been approved by variance, WCF may be integrated into the sign or sign structure, only if all parameters and conditions of the variance are met.

25. Special exception

Where wireless communications facilities are permitted only upon approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and the following:

a. The grant will assure that the design of the WCF is compatible with the surrounding environment, by camouflage, integration with existing structures, or other design-related solution;

b. The grant is consistent with the 1996 Telecommunications Act; and

c. The grant is consistent with the statement of purposes for WCFs.

26. Tower removal

a. All towers that cease to be used for a period of more than one year shall be removed.

b. Before obtaining an Improvement Location Permit for a tower, an applicant that is not also the owner of the property must provide recordable evidence of a written agreement (a lease, a memorandum of lease, an affidavit or other recordable instrument) between the WCF operator and the property owner that the WCF operator has agreed to remove the tower as required by this Section 743-305.OO.15 and further granting a right of access to the Department of Metropolitan Development to enforce this section and cause removal of the tower. If the Department of Metropolitan Development causes the removal of the tower pursuant to this Section 743-305.OO.15, the WCF operator, its successors, all other past users of the tower and the owner of the property upon which the tower is located shall be jointly and severally liable for the costs incurred by the Department of Metropolitan Development in accomplishing the removal.

c. Within 30 days after use of a tower has ceased, the last user shall notify the Administrator of the discontinued use.

27. Improvement Location Permit

An Improvement Location Permit application for a WCF shall include the following:

a. Site and landscape plans, drawn to scale;

b. A description of the WCF and its design;

c. Documentation, establishing the structural integrity of the WCF;

d. A statement that the WCF meets the standards of the American National Standards Institute;

e. A statement regarding the availability of another WCF provider to use a tower, as required in Section 743-305.OO.5;

f. Proof of ownership of the proposed site, or property owner's consent to use the site for WCF;

g. Copies or other evidence of any necessary easements;

h. A map indicating the existing topography of the site; and

i. For a variance or special exception, a graphic or photographic representation shall be submitted that shows the height of the WCF, in relation to its surroundings.

28. Standards of Administrator's approval

a. Where the Administrator has been given the authority to review and approve certain aspects of WCF, the following standards shall be considered:

   1. The visual impact of the proposed WCF on the adjacent properties, and the community as a whole;

   2. The recommendations of the comprehensive plan or the most recently adopted neighborhood plan for the site in question;

3. Current trends in the WCF industry and their potential impact on the community;
4. Consistency with other designs approved in other areas of the city;
5. Compliance with the Telecommunications Act of 1996; and
6. Necessary or desirable infrastructure requirements of the community.

b. The Administrator's decision may be appealed in accordance with the provisions of the rules of procedure of the Board of Zoning Appeals.

29. **Excluded cities**

Prior to applying for an Improvement Location Permit (ILP) for a WCF in an excluded city, the WCF provider shall provide a written letter to the excluded city, indicating their intent. The letter shall be mailed at least 5 days prior to applying for the ILP, and shall include the proposed location, type, and design of the WCF, and a contact person for the WCF provider. The WCF provider shall submit a copy of the letter, and proof of mailing with the application for the ILP.

QQ. Wrecking or Salvage Facility

1. The use is not permitted in a wellfield protection district or flood control zoning district.

2. The crushing or shredding of motor vehicles, in whole or in part, is prohibited within 3,000 feet of a protected district. (See Section 743-301 and Section 740-308.)

3. Crushing or shredding is prohibited before 8:00 a.m. and prohibited after 6:00 p.m.

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Section 06. Accessory and Temporary Uses

A. General Conditions in the Dwelling Districts

1. Accessory uses in all dwelling districts shall comply with the following requirements:
   a. Any accessory use shall be customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot.
   b. Any accessory use shall be operated and maintained under the same ownership and on the same lot as the primary use.
   c. Accessory uses or structures shall not be permitted on a lot prior to the erection of the primary building.
2. Accessory buildings and minor residential structures in all dwelling districts shall comply with the following requirements:
   a. The horizontal land area covered by the primary building and all accessory buildings and all game courts and all minor residential structures must cumulatively meet the required open space requirement of the district.
   b. The horizontal land area covered by any one accessory building or minor residential structure must be less than the horizontal land area covered by the primary building.
   c. The height of any accessory building or minor residential structure shall be less than the height of the primary building.
3. In the D-A district on lots in which an agricultural use is being conducted, the height of buildings and structures, except for the primary dwelling unit, shall not be limited if used for agricultural purposes, such as barns, silos, or equipment sheds.
4. On lots in the D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II and D-8 dwelling districts improved with a Single-family detached dwelling, Single-family atttached dwelling, or Two-family dwelling, minor residential structures:
   a. Shall not be located closer to any front or side lot line than the required minimum front and side yard setbacks of the dwelling district, or, in the case of a front yard, the established front yard setback on the lot, whichever is greater;
   b. Shall not be located closer to any rear lot line than 5 feet;
   c. Shall comply with the minimum side yard requirements of the district independently of the side yards established by the primary building; and
   d. Shall not encroach upon, as the primary building shall not encroach upon, any platted easement.
5. In the D-6, D-6II, D-7, D-8, D-9 and D-10 dwelling districts, minor residential structures and residential support facilities or amenities:
   a. Shall not be located closer to any front, rear or side lot line than the required minimum perimeter yard setback of the dwelling district, or, in the case of a front yard, the established front yard setback on the lot, whichever is greater; and
   b. Shall not encroach upon, as the primary building shall not encroach upon, any platted easement.

B. Prohibited Activities in the Dwelling Districts

The following activities are prohibited in all Dwelling districts, and may not be approved by the Administrator.

1. Dismantling, repairing or restoring of vehicles: No person shall dismantle, repair, restore or otherwise perform any work on any vehicle, machine, motor, or similar device not owned or leased by that person or a member of that person's family, on any property in a Dwelling district. In addition, any work beyond basic maintenance performed shall be:
   a. Incidental to a permitted use and completely within a garage or carport; or
   b. Completely within an area wholly enclosed from the view of surrounding properties and rights-of-way by a solid structural barrier (either a wall or fence of ornamental block, brick, wood, or combination of those materials) of 6 feet in height.
2. Storing of inoperable vehicles in dwelling districts: No inoperable vehicle shall be stored, maintained or kept on any property in a Dwelling district unless such vehicle is:
   a. Owned or leased by the resident of the property on which it is stored or by a member of that person's family; and
   b. Completely within an accessory building.
3. Storing of commercial vehicles in dwelling districts: No commercial vehicle or trailer shall be parked, stored, maintained or kept on any property in a Dwelling district unless:
   a. The vehicle has a gross vehicle weight rating (GVWR) of 10,000 pounds or less; or
   b. The vehicle is parked, stored, maintained or kept within a garage or carport and is not categorized as a commercial vehicle by Item 2 in the definition of a commercial vehicle; or
   c. The vehicle is parked or stored on a site where active, legal construction activity is taking place. Commercial vehicles that are in the course of making normal and reasonable service calls are exempt from this provision.

C. General Conditions for All Accessory Uses & Buildings in Commercial and Mixed-Use Districts

1. Accessory uses, buildings and structures shall not be located in any transitional yard or edge buffering area or required landscape area.
2. The total square footage of all accessory buildings shall not exceed the maximum limit indicated in the Table 743-306-1 below:

Table 743-306-1: Maximum Accessory Square Footage Total

Zoning District	Maximum square footage of all accessory buildings
C-1, MU-3, and MU-4 districts	10% of the total gross floor area of all primary buildings.
C-3, C-4, C-5, MU-1, and MU-2 districts	25% of the total gross floor area of all primary buildings.
C-7 district	50% of the total gross floor area of all primary buildings.

D. Amateur Radio Antenna

1. The height including masts shall not exceed 75 feet measured from grade level at the base of the antenna.
2. The antenna shall not be located in the front yard as established by the building line of the existing primary building.

E. Antenna, Radio or Television Broadcasting

1. In the Regional Center and North Meridian Street Corridor district, the antenna shall not be located on a freestanding tower. It may be mounted on rooftops or attached to a building.
2. In the Industrial districts, the antenna may be located on a freestanding tower, subject to the height requirements of the district.

F. Automated Teller Machine (ATM)

1. Automated teller machines are not permitted on undeveloped parcels or lots without a primary building.
2. Automated teller machines must be located within or incorporated into a primary building or as a drive-through facility.
3. After the first day of the month that is six months after the date of adoption, new ATMs accessible after hours or accessible from the outside shall be located so there is an unobstructed view from a property frontage.

G. Automobile Rental Station

1. Parking spaces designated for this use do not count as minimum required off-street parking spaces and do not count against maximum allowed off-street parking spaces as regulated in Sec. 744-402 of this Ordinance.

2. Parking spaces designated for this use do not qualify as shared vehicles, carpool, or vanpool spaces as regulated in Sec. 744-403 of this Ordinance.
3. The maximum number of automobiles permitted at a station is ten (10) vehicles. Only one station is permitted per lot unless the contiguous parking area on a lot contains more than 500 parking spaces, then multiple stations are permitted per lot at a ratio of 1 station for every 200 parking spaces.
4. A station may include a single kiosk for authorizing the rental of the automobile and may include an electric charging device for each vehicle space. The kiosk and electric charging device shall not encroach into any pedestrian walkway.
5. A station shall not include any building or enclosed structure and may not have any employee(s)permanently staffing the station.
6. Maintenance of automobiles and exterior washing of automobiles is not permitted at the station. Emergency repairs and interior cleaning of automobiles is permitted at the station.

H. Child Care Home

1. A child care home is only permitted as an accessory use to a dwelling unit. It is not considered a Home Occupation.
2. The child care provider shall reside on site as their permanent residence.
3. Child Care Homes must be licensed and shall comply with all provisions of Indiana Code Title 12.

I. Drive-Through

1. Drive-through including lanes must be located at least 25 feet from the boundary of any protected district. Impacts along the boundary with those districts shall be buffered in accordance with the standards of Section 744-506.B.

2. Any drive-through in which a portion of the drive through is located between the primary structure and a property boundary with a Dwelling district, the noise from speakers shall be limited to 70 decibels at the property line with the Dwelling district.
3. No service unit shall be located on a façade that is adjacent to or faces a public right-of-way that exceeds 30 feet in width. No off-street stacking space shall be located in a front yard that is along a public right-of-way that exceeds 30 feet in width. In all instances, service units shall be screened from all public rights-of-way that exceed 30 feet in width regardless of proximity.
4. In the MU-1, MU-2 and CBD-2 districts, no vehicle lane or stacking space may be located in the front yard except for a driveway extending along the shortest, most direct route.

J. Employee Living Quarters

1. The occupancy by the employee shall occur within the primary building or secondary dwelling unit.
2. No alteration shall be made to the primary building to create a room or rooms that are only accessible from the exterior of the primary building.

K. Game Courts

1. Game Courts may be used by the occupants and guests of the primary use, and shall not be made available for use by the public with or without a fee.
2. Game courts shall not be located closer to any front or side lot line than the required minimum front, or side yard setbacks of the dwelling district, nor shall any part of a game court project into the front yard as established by the existing primary building, except as stated in subsection 3 below. Game courts shall not be located closer to any rear lot line than 5 feet.
3. Basketball goals may be located along a driveway in any yard area, however may not encroach onto a public right-of-way.
4. Game court lighting shall be subject to the exterior lighting standards in Section 744-603 (Required Lighting).
5. Lights for game courts in the D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II, and D-8 districts shall not be higher than 15 feet above grade level.
6. No loud speakers, public address systems or other noise producing devices shall be permitted in association with a game court.
7. Fences that are a component of a regulation game court shall not be subject to the fence height limitations of Section 744-511.A.2. Fences that are components of game courts shall not exceed 10 feet in height.

L. Home Occupations

1. The primary use of the dwelling unit shall remain residential.
2. The dwelling unit shall not be a mobile dwelling unit.
3. The operator of the home occupation shall make the dwelling unit within which the home occupation is conducted his legal and primary place of residence, and shall also carry out more of the activities such as sleeping, eating, entertaining and other functions and activities normally associated with home life in the dwelling unit where the home occupation is being conducted than are carried out at any other place.
4. The home occupation shall be clearly incidental and subordinate to the primary residential use of the dwelling. No more than 600 square feet or 30% of the total square footage of the dwelling unit, whichever is less, shall be used in connection with the home occupation. If more than one home occupation operates in the dwelling unit, these limits shall apply to all of the home occupations combined, not to each home occupation individually.

5. The area used for the home occupation shall be finished in accordance with the Building Code as habitable space.
6. Food preparation facilities and bathing facilities shall not be removed.
7. No structural additions, enlargements or exterior alterations changing the residential appearance of the dwelling or lot shall be permitted, and no additional or separate exterior entrance shall be constructed for the purpose of conducting the home occupation.
8. No provision for off-street parking or loading facilities, other than requirements of the applicable Dwelling district, shall be permitted. No part of the minimum required yard shall be used for such off-street parking or loading purposes. No additional driveway to serve the home occupation shall be permitted.
9. The home occupation shall not regularly attract more than 4 individuals simultaneously onto the premises for reasons related to the home occupation and shall not generate significantly greater traffic volume than would normally be expected in the residential area in which the home occupation is conducted.
10. No display of goods or external evidence of the home occupation shall be permitted other than one window or wall sign not exceeding 2 square feet in area.
11. No goods, commodities or stock in trade shall be received, retained, used, stored on or physically transferred from the premises except for:
    a. A reasonable number of samples needed in the home occupation, or
    b. Those goods, commodities or stock in trade, a substantial portion of the value of which is or will be attributable to work or services performed by the operator of the home occupation on the premises as a part of the operation of the home occupation. These materials may include, but are not limited to:
        1. Equipment or devices, such as medical instruments in the case of a physician, necessary to the conduct of the home occupation;
        2. Materials, such as paint and canvas in the case of an artist, needed to produce a finished product or perform a service in the operation of the home occupation on the premises;
        3. Items of tangible property, such as legal documents in the case of an attorney, transferred in connection with the performance of personal services by the operator of the home occupation; or
        4. Items of tangible property, such as clothing in the case of a tailor, to be repaired, altered, or serviced by the operator of the home occupation on the premises.
12. No electrical or mechanical equipment shall interfere with local radio, television, or wireless internet connections.
13. No aspect of a home occupation, including but not limited to its hours of operation, shall interfere with the reasonable use and enjoyment of adjacent residential properties.
14. No one in addition to the operator may participate in or assist with the conduct or operation of a home occupation from a secondary dwelling unit.
15. No one may participate in or assist with the conduct or operation of a home occupation except:
    a. Individuals who meet the same residence requirements, set forth in paragraph 3. above, that must be met by the operator of home occupation;

b. 2 nonresident assistants, subject to the following requirements and limitations:

1. Nonresident assistant activity shall be limited to 45 hours per week per assistant.

2. If more than one home occupation is conducted in the same dwelling unit, only one of the home occupations may utilize nonresident assistance.

16. The following are not permitted as home occupations:

a. The storage or parking of non-passenger vehicles not owned by the property owner;

b. All uses involving the storage or use of hazardous materials, such as petroleum or fertilizers, or the outdoor storage of nonresidential equipment or supplies;

c. Home based food production or brewing of alcoholic beverages for sale; and

d. Repair of motor vehicles or heavy equipment.

17. Permitted home occupations shall not operate between 10:00 p.m. and 7:00 a.m.

18. Permitted home occupations shall comply with all performance standards set forth in Section 740-401.B.

19. For purposes of the Zoning Ordinance, a child care home shall be considered an accessory use, and not a home occupation.

M. Minor Mobile Home Structures

1. The height of minor accessory structures shall not exceed 12 feet measured from the finished mobile dwelling site grade level.
2. Floors of carports, patios, storage rooms and porches shall be of concrete or other permanent pavement.

N. Minor Residential Structures

1. Minor residential structures shall comply with all applicable provisions of Section 744-200 (Dimensional Standards), unless an exception is specifically stated in the Zoning Ordinance.

0. Mobile Home Display

1. A mobile dwelling project owner/operator may not display more than 6 model mobile dwellings on mobile dwelling sites in the interior of the project.
2. The model units shall not be displayed for sale or removal outside the project.
3. An incidental model home sign as regulated in Chapter 744, Article IX shall be permitted for each model home, but no sign relative to the model units shall be installed so as to be visible to the public outside the project.
4. Except as listed in subsections 1 and 2 above, wholesale and retail sales of mobile dwellings conducted as a business by dealers of mobile dwelling project owners/operators are prohibited. This shall not restrict the right of any individual owner of a mobile dwelling unit to sell or lease that unit.

P. Model Home

1. This use must be incidental to and necessary for the sale, rental, lease of, or construction of, real property or premises in the zoning district and located in the same subdivision under development.
2. The use shall have operational plumbing prior to use.
3. No public address systems or other noise producing devices shall be permitted.
4. All floodlights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
5. The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.
6. Adequate access and parking area shall be provided, which shall not interfere with traffic movement on adjacent streets.
7. A temporary Improvement Location Permit is required, and no temporary Improvement Location Permit shall be issued for a model home until a preliminary plat, site or landscape plan, if required, has been approved by the Administrator.
8. A temporary Improvement Location Permit for a model home shall be valid for a maximum of 18 months. An extension of time, not to exceed 180 days, may be granted by the Administrator for good cause shown. The request for extension shall be filed with the Administrator prior to the termination date of the temporary Improvement Location Permit.
9. No later than 30 days after the termination date of the temporary Improvement Location Permit, the site shall be returned as nearly as reasonably possible to its condition prior to the issuance of the temporary Improvement Location Permit, or a permanent Improvement Location Permit shall be obtained for any improvements that are to remain.

Q. Outdoor Display and Sales, On-going

1. The use or structure must comply with all setback requirements for a primary building on the site.
2. Outdoor Display and Sales must not be located in any transitional yard or edge buffering area or required landscape area.
3. There shall be no outdoor displays that restrict traffic visibility in any way or impede the movement of vehicles on the site, curb cuts, or rights-of-way.
4. There shall be no outdoor displays located in or in any way conflicting with or interfering with sidewalks, walkways, off-street parking areas or required landscaping yards.
5. Outdoor displays shall be on a hard-surfaced area, such as concrete, asphaltic pavement, brick, flagstone or comparable material, and maintained in good condition.
6. All exterior displays shall be maintained in an orderly manner.
7. After the first day of the month that is six months after the date of adoption, new uses that remain outdoors at night shall include motion-activated lighting that complies with Section 744-604 (Lighting Standards).

8. After the first day of the month that is six months after the date of adoption, new uses shall be located so that an unobstructed view from the lot frontage or an adjacent property is available.
9. Unless indicated otherwise, outdoor displays and sales shall be located abutting a building exterior wall and shall not be located within a required yard or required transitional yard.
10. In the C-4 district, outdoor display and sales shall not be located in a front yard unless the display is located abutting a building exterior wall and is less than 8 feet in depth. However, automobile fueling stations in the C-4 district may have outdoor display and sales in the front yard if located on the pump island.
11. In the MU-3 and MU-4 districts, outdoor display and sales shall not be located in a front yard and any outdoor display and sales must be located abutting a building exterior wall and must be less than 8 feet in depth.
12. In the CBD-2 district, outdoor display and sales shall not exceed 25% of the gross floor area of the ground floor of the primary building.
13. Outdoor display and sales in the CBD-1 and CBD-3 districts shall only be the retail sales of beverages, flowers and food. In the CBD-1, CBD-2, and CBD-3 districts, retail sales of beverages, flowers and food may be carried out on a portion of the sidewalk abutting the same business premises provided:
    a. Regional center approval is obtained.
    b. Permission is secured from the appropriate governmental unit to use the right-of-way.
    c. The depth of the sales area shall not be greater than 50% of the depth of right-of-way extending between the back of curb (or pavement edge) to the lot line.
    d. In no instance shall the width of the sidewalk available for use outside the sales area be less than 8 feet in the CBD districts.
    e. Sales area is located at least eight feet from any building standpipe, hydrant, crosswalk, driveway, alleyway, access ramp, parking meter, landscape bed, street tree, sign post, utility pole, or similar obstacle.
    f. The sales area shall not contain any sidewalk utility vault.
    g. Outside of the immediately abutting primary business's hours of operation, all furniture, equipment, and goods shall be removed from the sidewalk area or otherwise secured to prevent movement by natural elements or by unauthorized persons.

R. Outdoor Display and Sales, Temporary

1. In the Dwelling districts, any Temporary Outdoor Display and Sales shall meet the standards of Chapter 987, Article II (Garage Sales).
2. Temporary Outdoor Display and Sales by transient merchants are permitted if licensed under Chapter 987, Article I (Transient Merchant Activity).
3. Temporary Outdoor Display and Sales must not be located in any transitional yard or edge buffering area or required landscape area.
4. Unless otherwise regulated, Temporary Outdoor Display and Sales are limited to:

a. 30 days and no more than 3 times a calendar year;

b. Using no more than 10% of the required on-site parking spaces and maintaining vehicle maneuverability on the site;

c. Maintaining a setback of at least 5 feet from any lot line and any sidewalk;

d. Not obstructing any clear sight triangular area.

5. In the C-3, CBD and MU districts, Temporary Outdoor Display and Sales shall only be permitted once each month for a 3-day period provided the outdoor display and sales area is limited to 200 square feet or less.

6. In the C-4 district, Temporary Outdoor Display and Sales shall only be permitted once each month for a 3-day period provided the Temporary Outdoor Display and Sales is limited to 200 square feet or less. In addition, Temporary Outdoor Display and Sales for dealers of motor vehicles shall be permitted if the temporary outdoor display and sales:

a. Meets the requirements of IC 9-23-2-6 and IC 9-23-2-7;

b. Limited in duration to a total of 10 calendar days per event, and no more than two events per calendar year per site or integrated center;

c. Limited to vehicles with GVWR of less than 14,000 pounds;

d. Not located within 500 feet, measured in any direction, of any protected district.(See Section 743-301) The measurement shall be taken from the perimeter of the display or operations area of the Temporary Outdoor Display and Sales to the zoning boundary of the protected district;

e. Complies with all setback requirements for a parking area on the site;

f. Does not encroach upon any interior access drive or parking maneuvering area or otherwise inhibit the internal circulation of the remaining vehicle areas.

S. Outdoor Seasonal Produce Sales

1. May operate from April 1st through December 31st in a single calendar year;
2. Must be located on a hard surface;
3. Must use no more than 10% of the required on-site parking spaces and must maintain vehicle maneuverability on the site;
4. Must not be located in any transitional yard or edge buffering area or required landscape area;
5. Must maintain a setback of at least 5 feet from any lot line and any sidewalk; and
6. Must not obstruct any clear-sight triangular area.

T. Outdoor Seating or Patio (Nonresidential)

1. A decorative fence or wall or similar barrier shall be erected and maintained between any outdoor seating or patio area and a right-of-way. The fence, wall or barrier shall be at least 3 feet in height.
2. Outdoor waste and recycling receptacles for customers shall be provided, conveniently located, regularly serviced and maintained.

U. Outdoor Storage and Operations

1. Outdoor storage and operations shall not be permitted in the Regional Center and North Meridian Street Corridor district.
2. Outdoor storage and operations must be screened in accordance with Section 744-508.C.
3. Outdoor storage and operations shall not be located in any transitional yard or edge buffering area or required landscape area.

4. Maximum height of outdoor storage shall be 10 feet with solid screening required and no storage higher than the screening if located within 500 feet of a protected district in the Metro Context Area or within 300 feet of a protected district in the Compact Context area. However, in the I-1 district the maximum height of outdoor storage shall be the height of the screening.

5. Outdoor storage and operations is permitted in the following districts as indicated in the Table 743-306-2 and shall not exceed the maximum limits indicated in Table 743-306-2 below:

Table 743-306-2: Maximum Outside Storage and Operations Permitted

Zoning District	Outside Operations	Outside Storage	Maximum square footage of all outdoor storage and operations	Maximum height of storage near protected district [1]
C-5	Permitted	Only storage of inoperable vehicles awaiting repair is permitted	Storage limited to 25% of the total gross floor area of enclosed buildings; Outside operations not limited	10 feet with solid screening required and no storage higher than the screening
C-7	Permitted	Permitted	No limit	10 feet with solid screening required and no storage higher than the screening
I-1	Not permitted	Not permitted within 500 ft. of a protected district	Storage and operations limited to 25% of the total gross floor area of enclosed buildings	10 feet with solid screening required and no storage higher than the screening
I-2	Not permitted within 500 ft. of a protected district	Not permitted within 500 ft. of a protected district	Storage and operations limited to 25% of the total gross floor area of enclosed buildings	10 feet with solid screening required and no storage higher than the screening
I-3	Permitted	Permitted	No limit	10 feet with solid screening required and no storage higher than the screening
I-4	Permitted	Permitted	No limit	20 feet

Note:
[1] In the Metro Context Area, within 500 feet; in the Compact Context Area, within 300 feet.

V. Personal Garden

1. Personal beekeeping of domesticated honeybees is permitted in all districts. Without a personal livestock license, the number of bee hives on a site shall be limited to 8 hives. No bee hive shall be larger than 16 cubic feet.
2. Bee hives may be located on the ground or on the roof of a building with a permanent foundation.
3. If the opening of any bee hive located on the ground opens toward an area on-site or another lot that is an activity area, such as a walkway, play area, patio, then a barrier must be provided to cause the bee flight path to be directed at least six feet above the area.

W. Personal Livestock

The following standards govern the keeping of Personal Livestock as an accessory use in all zoning districts except Agricultural Uses and lots in the D-A district over three acres in size.

1. This use must be accessory to a single-family detached or two-family dwelling as the principal use on the same lot or parcel and shall be for personal use only.
2. The caretaker or owner of the animal must reside on the same lot as the animal.
3. The following domesticated adult animals are permitted outside in accordance with Table 743-306-3 without a Personal Livestock License pursuant to Chapter 838 of the Revised Code of the Consolidated City and County. All Category One animals may be present on a lot so long as any required minimum lot size is met. However, only a maximum of four Category Two animals may be present on a lot so long as the minimum lot size is met.
4. The number of domesticated adult animals may be increased or kept on a smaller lot if the owner maintains a valid Personal Livestock License and the conditions of that license are maintained.

Table 743-306-3: Permitted Personal Livestock

Domesticated Animal	Category	Maximum Number of Adult Animals on a Lot [1]	Minimum Lot Size
Rabbits	One	8	No minimum
Chickens, Quail, Pigeons and Ducks	One	12	No minimum
Miniature / Dwarf / Pygmy Goats that are female, or neutered male goats	One	3	1/4 acre
Sheep and Goats that are female or neutered male goats	Two	4	1 acre
Miniature Equine (horses, donkeys, mules) and Lamoids (alpacas, llamas)	Two	2	1 acre
Equine (horses, donkeys, mules)	Two	2	2 acres

Note:
[1] Adult animals are those animals 8-months of age and older.

5. Roosters are limited to one per lot and between dusk to dawn the rooster must be kept inside an enclosed coop or similar fully-enclosed structure.
6. Bee-keeping is permitted in accordance with the use-specific standards identified under Personal Garden.

7. Outside exercise area and pasture must be fenced and must not be located in the front yard. Pen, shelter, coop, roost, hutch, or other shelter for animals must not be located in a front yard and must meet setbacks required in the district. Animals must at all times be confined to the lot.
8. Reasonable care of the animals must be afforded in all aspects including proper handling, restraining, sheltering, exercise, grooming, nutrition, watering, parasite and waste management, and veterinary care for the species of animal kept. Industry or breed standards for the breed and type of animal may be used to determine whether reasonable care is being provided. Poor condition or health in the absence of veterinary supervision is prima facie evidence of a violation.
9. Clean water must at all times be present and available for the animals. Feed must be animal-appropriate and stored in such a manner as to prohibit contamination by moisture, mold, and insects and to restrict access by rodents.
10. Odors from the animals or from animal waste must not be discernible at any property line.
11. Waste must be collected and removed or composted regularly.
12. Slaughter must be limited to personal livestock, must not be conducted in the front yard, and must be conducted within a completely screened area. Remains must be disposed of and removed from the site within 24 hours.
13. Domesticated dogs and cats are not regulated by this Section 743-306.U. Refer to Kennels.

X. Pick-Up Station for Dry Cleaning or Laundry

In the D-6, D6-II, D-7, D-8, D-9, and D-10 districts:

1. This use is limited to structures where the primary use is multifamily dwellings.
2. The use shall be conducted completely within an enclosed building.
3. The area occupied by this use, including any accessory structures containing this use, shall not exceed 10% of the gross floor area of the primary building in which the use is located.
4. No freestanding sign related to this use shall be erected.

Y. Portable Storage

1. Portable storage is limited to 30 consecutive days.
2. Under extenuating circumstances, an extension may be granted by the Administrator; but no more than one 30 day extension shall be permitted.
3. Portable storage units as a temporary use shall not include location in the right-of-way.

Z. Produce Sales

1. In the Metro Context Area, 2 off-street parking spaces must be available.
2. The number of produce stands on one lot shall be limited to one (1).
3. In the Dwellling Districts except for the D-A district, any produce stand or structure used for produce sales located in the front yard must be removed when not in use.

4. Size of the area used for produce sales shall not exceed 200 square feet. Area used for produce sales shall not be located in a Clear Sight Triangular Area.
5. In the Dwelling districts, produce sales may occur between sunrise, but no earlier than 7:00 am, and sunset, but no later than 10:00 p.m.

AA. Recreational Vehicle Parking

a. Recreational vehicles may be parked inside permitted buildings or outside provided that:

i. No part of any such vehicle shall project into any required side or rear yard;

ii. No part of any such vehicle shall be parked outside in the front yard other than on the hard-surfaced area of the driveway or interior access drive; and

iii. No part of any such vehicle shall be parked outside in a side yard other than on a durable and dust-free surface area improved with bricks, concrete, asphaltic pavement, or gravel.

b. In the D-S, D-1, D-2, D-3, D-4, D-5, D-5II and D-8 districts, not more than 2 recreational vehicles shall be permitted to be parked outside on the same lot at any one time.

c. Parked recreational vehicles shall not be occupied or used for living, sleeping or housekeeping purposes for more than one instance, not to exceed 15 days per calendar year.

BB. Recycling Collection Point

1. In the D-6, D6-II, D-7, D-8, D-9, and D-10 districts, the use is limited to lots where the primary use is multifamily dwellings.
2. A recycling collection point shall not accept hazardous materials or objectionable substances.
3. All recycling containers at the recycling collection point shall be placed on a hard surface.
4. All recycling containers at the recycling collection point shall be equipped with and use a lid covering or be in a roofed enclosure, and shall be designed so that stormwater runoff does not reach storm drain inlets or stormwater treatment units.
5. All recycling containers shall be constructed and maintained with durable waterproof and rust-resistant materials or coating. Recycling containers shall be emptied or exchanged with a new container at or before the time the existing container becomes completely filled.
6. Required labeling. Labeling shall be affixed to the front of the recycling container, near the deposit opening, and with lettering that is sized to be clearly legible to the user, indicating:
    a. Acceptable materials for deposit, and operating instructions.
    b. Identity and telephone number of the operator or responsible person to contact in the event that the unit is inoperative or full.
    c. If the recycling container operator is approved by the U.S. Internal Revenue Service as a 501(c)(3) entity and if the donation is tax deductible under IRS regulations.
    d. Prohibition of hazardous or objectionable substances at any time.
    e. Prohibition of the depositing of materials outside of the container.

7. Total capacity of all containers at the recycling collection point shall not exceed 52 cubic yards for the site and no more than 5 containers are permitted per lot or project.
8. Recycling containers, individually or in the aggregate, shall occupy no more than 5 parking spaces, not including the space necessary for material removal or transfer, whether or not the parking spaces are required or in excess of the minimum parking requirements for the primary use. No additional parking spaces shall be required for the recycling collection point.
9. With the exception of recycling collection points located within a protected district, no recycling collection point shall be located closer than 100 feet of a protected district. (See Section 740-308 and Section 743-301).
10. All recycling containers shall meet the minimum setback requirements for the district, and located so as not to obstruct pedestrian and vehicular traffic flows on-site.
11. No recycling containers shall be located within any required yard, transitional yard, drive, maneuvering aisle, and landscaped island or within any street right-of-way. In the C-1, C-3, and MU districts, recycling containers must be located against a building exterior wall.
12. Signs may be placed on the recycling container, provided the surface area of each sign does not exceed 4 square feet, provided there are not more than one sign per side of the recycling container.

CC. Renewable Energy Facility, Solar and Geothermal

1. Accessory renewable energy facilities for solar and geothermal shall only be located in side and rear yards or on rooftops.
2. Accessory renewable energy facilities for solar may exceed the maximum height requirement by a maximum of 18 inches.

DD. Renewable Energy Facility, Wind

1. Accessory renewable energy facilities for wind shall only be located in rear yards or on rooftops.
2. Accessory renewable energy facilities for wind shall not exceed the maximum building height by more than 10 feet.

EE. Residential Support Facility or Amenity

1. Any residential support facility or amenity must meet the development standards of the district.

FF. Satellite Dish Antenna

The requirements of this Section 743-306.DD shall apply to any antenna that is greater than one meter (39.37 inches) in diameter or diagonal measurement. No requirement contained in this Section 743-306.DD shall be enforced to the extent it (i) unreasonably delays or prevents installation, maintenance or use of an antenna; or (ii) unreasonably increases the cost of installation, maintenance, or use of an antenna; or (iii) precludes reception of an acceptable quality signal by an antenna.

1. Installations shall comply with all front, side and rear yard setback requirements specified within the district; except, however, no installation shall be located in such a

manner that any part of any such antenna shall project into the front yard as established by the building line of the existing primary building.

2. The maximum height for a ground-mounted antenna shall not exceed the maximum height of an accessory structure permitted by that district (see Section 743-306.A).
3. In any dwelling district, roof-mounted antennas may be permitted, subject to demonstration by the applicant that compliance with Section 743-306.DD.1 and 2 would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant.
4. The height of the proposed installation does not exceed the maximum height restriction imposed upon primary uses within the district.
5. All applications for Structural Permits shall include certification by a registered engineer that the proposed installation complies with those standards listed in the adopted building code. Furthermore, written documentation of such compliance, including load distribution within the building's support structure, shall be furnished.
6. All roof-mounted installations shall be contained within the area of the roof.

GG. Secondary Dwelling Unit

1. Limited to one secondary dwelling unit per lot per single-family detached dwelling.
2. Secondary dwelling unit that is detached from the primary structure shall count toward the total allowable square footage allocated for accessory buildings unless it is above an existing detached accessory building.
3. In the Compact Context Area, a secondary dwelling unit can only be separate from the primary building within a permitted accessory building.
4. A dwelling unit owner shall occupy either the primary dwelling unit or secondary dwelling unit on the lot as their permanent residence.
5. The maximum size of a secondary dwelling unit is 720 sq. ft.
6. One additional off-street parking space shall be provided for the secondary dwelling unit.
7. The secondary dwelling unit shall have a separate entrance from the primary dwelling unit.
8. For any secondary dwelling unit within or attached to a primary dwelling unit, a separate entrance from the primary dwelling unit must be provided that is distinguished by either a) location on a different side of the building than the primary dwelling’s entrance; or b) use of materials or a change in plane of at least 3 feet if located on the same side of the building. Secondary dwelling units within or attached to a primary dwelling unit must be designed and constructed of materials compatible with the primary dwelling unit.
9. For detached secondary units, the entrance must be visible from a right-of-way.

HH. Sidewalk Cafe

1. The gross floor area of the ground floor of the immediately abutting primary use shall be greater than the area of the sidewalk café.

2. The sidewalk café shall be accessory only to the immediately abutting primary use. The beverages or food sold for consumption in the sidewalk café area shall also be sold in the immediately abutting primary use.
3. An encroachment license for the sidewalk café or an associated awning or canopy that extends beyond the lot line into the right-of-way shall be obtained.
4. A decorative fence or wall or similar barrier shall be erected and maintained along the perimeter of the sidewalk café and outdoor seating or patio area. The fence, wall, or barrier shall be between 3 and 4 feet in height. If the fence, wall, or barrier includes a gate, including any means of entering or exiting the sidewalk café area, the gate shall not open into the public sidewalk area except when a person is entering or exiting the sidewalk café area.
5. A sidewalk café enclosed by a fence, wall, or barrier shall be at least eight feet from any building standpipe, hydrant, crosswalk, driveway, alleyway, access ramp, parking meter, landscape bed, street tree, sign post, utility pole, or similar obstacle.
6. The depth of the sidewalk café as enclosed by a fence, wall, or barrier shall not be greater than 50% of the depth of right-of-way extending between the back of curb (or pavement edge) to the lot line.
7. In no instance shall the width of the sidewalk available for use outside the sidewalk café area be less than 8 feet in the CBD districts and 5 feet in the Commercial and MU districts.
8. The sidewalk café area enclosed by a fence, wall, or barrier shall not contain any sidewalk utility vault.
9. Outdoor waste and recycling receptacles for customers shall be provided, placed in a convenient location, and regularly serviced and maintained.
10. Outside of the immediately abutting primary business's hours of operation, all furniture, equipment, and goods shall be removed from the sidewalk area or otherwise secured to prevent movement by natural elements or by unauthorized persons.
11. The sidewalk café shall not include any open flames or other safety or health hazards, with the exception of properly shielded tabletop candles.
12. Sales of beverages or food shall not be made to a person in or on any motorized vehicle or to passersby not seated in the café area unless an accessory walk-up window is permitted in Table 743-1: Use Table, and has been incorporated into the design of the primary structure.

II. Sign This use shall comply with Chapter 744. Article IX Signs.

JJ. Swimming Pool or Hot Tub

1. No pool or hot tub that has more than 200 square feet in water surface area shall be installed before an Improvement Location Permit has been obtained.
2. The pool or hot tub shall not be located in nor on any front yard or closer to any side lot line than the required minimum side yard setbacks of the dwelling district and in no case shall the pool or hot tub be located closer to any rear lot line than 5 feet.
3. The pool or tub area shall be enclosed by either:

a. A safety pool cover, as defined by, and meeting the specifications of 675 IAC 20-4-27(c); or

b. A fence or other structural barrier, which shall be adequate to prevent persons, children or animals from danger or harm, and shall be equipped with a self-closing, self-latching gate. The fence or structural barrier shall be a chain link fence, ornamental fence, solid fence, solid wall, or combination thereof. The height of the fence or structural barrier shall be no less than: 5 feet if fence or structural barrier is erected at grade level; or, 36 inches if fence or structural barrier is erected on the raised deck or top of the pool wall of an aboveground pool or hot tub. In no instance, shall the combined height of fence or structural barrier and pool be higher than 10 feet.

4. Properties that contain a perimeter fence preventing the public from entering the yard where the pool or hot tub is located shall not be required to install a pool security fence unless the perimeter property fence is more than 50 feet from the pool or hot tub.

5. Each pool or hot tub shall provide adequate distance from overhead electrical wires is provided in accordance with the current editions of the National Safety Code, and the National Electrical Code.

6. Each pool or hot tub that has a walkway or platform more than 24 inches above grade level that provides access to the water shall have a handrail on the outer edge of the platform except at those points where stairs or other features provide access from the ground to the platform.

7. Pools or hot tubs that are less than 18 inches above grade level shall not be considered as part of the building area, as defined in Chapter 740, Article II Definitions and Construction of Language.

8. Abandoned or unused swimming pools or hot tubs that are not occupied for periods of 30 days or more shall be drained or equipped with a cover adequate to prevent persons, children or animals from danger or harm.

KK. Temporary Construction Yard, Office, or Equipment Storage.

1. Temporary use structures are permitted in all industrial districts under a temporary Improvement Location Permit issued by the Administrator. A temporary Improvement Location Permit for a temporary use structure shall be valid for a maximum of 18 months. An extension of time not to exceed 180 days may be granted by the Administrator for good cause shown. The request for extension must be filed with the Administrator prior to the termination date of the temporary Improvement Location Permit.
2. The temporary use structure must be incidental to and necessary for the sale, rental, lease of, or construction of, real property or premises in the zoning district that permits the use and located within 300 feet of the lot or project.
3. Temporary use structures shall comply with all setback requirements for a primary building on the site, provided, however, that temporary construction trailers are permitted within the required front, side, or rear yards if they do not encroach into any Clear Sight Triangular Areas.
4. No public address systems or other noise producing devices are permitted.
5. All site lighting shall comply with Chapter 744, Article VI Street and Exterior Lighting.

6. The site shall be enclosed by temporary fencing to prevent construction materials, debris, or trash from leaving the site.
7. All structures, buildings, appurtenances, trash or debris associated with the temporary use structure shall be removed from the site immediately upon completion or cessation of the temporary use.
8. Adequate access and parking area shall be provided, and shall not interfere with traffic movement on adjacent streets.

LL. Temporary Outdoor Event

1. Any civic sponsored special event that has obtained a permit for a Special Event under Chapter 986 of the Revised Code of the Consolidated City and County is exempt from the standards of this Zoning Ordinance.
2. Any special event that has obtained a permit for a Special Event under Chapter 986 of the Revised Code of the Consolidated City and County is exempt from the standards of this Zoning Ordinance.
3. The applicant shall be responsible for ensuring that waste or debris related to the event does not leave the site.

MM. Temporary Fireworks Sales

1. This use shall comply with all applicable requirements of the Indiana Department of Homeland Security in I.C. 22-11-14.
2. Sales shall be permitted from June 1 through July 15 only.
3. Temporary structure must be outside of any Clear Sight Triangular Area.

NN. Transportation Facilities and Accessories (Ground)

1. All facilities except bicycle lockers and bus shelters must be contained entirely within an enclosed building.
2. This use shall not exceed more than 10% of the gross floor area of the building within which it is located, or, if in a freestanding structure, the structure shall not exceed 4,000 square feet of gross floor area.

00. Underground Storeroom or Safe Room

1. An underground storeroom or safe room shall not be located in or on any front yard or closer to any side or rear lot line than the required minimum side and rear yard setbacks of the district.
2. No underground storeroom or safe room shall be erected or constructed until an Improvement Location Permit has been obtained.
3. Underground storeroom or safe room space shall not be included in calculations of the gross square footage of primary or accessory structures on the lot.

PP. Vending Machine or Self-serve Kiosk

1. Vending machine or self-serve kiosks located outside shall be covered by a roof, awning, or similar structure.
2. Vending machine or self-serve kiosks must be located abutting a building exterior wall and must be less than 8 feet in depth.

QQ. Walk-up Window

1. Walk-up windows shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
2. Waste receptacles shall be provided and regularly emptied during hours of operation.

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Chapter 744. Development Standards

Article I. GENERAL

Section 01. General Requirement

All development shall be subject to the development standards in this Chapter 744 unless specifically excluded by a provision of the Zoning Ordinance or other regulation of the City of Indianapolis.

Article II. LOT & BUILDING DIMENSIONS

Section 01. General Dimensional Standards

A. Primary Dimensional Standards

All development in all zoning districts shall comply with the primary dimensional standards in this Section 744-201;

and shall also comply with standards in Section 744-202 (New Construction for Nonconformities), Section 744-203 (Special Dimensional Standards), Section 744-204 (Height Exceptions and Yard Encroachments) and Section 744-205 (Stream Protection Corridors) as applicable to the development;

and any dimensional requirements in Chapter 743, Article III (Use-Specific Standards), as applicable to the uses included in the development;

and any dimensional requirements in Chapter 742, Article II (Secondary Districts) as applicable to the property.

In case of any conflict between the dimensional standards in any of the referenced sections, the strictest provision shall apply.

B. Dwelling Districts

Dimensional standards for Dwelling Districts are shown in Table 744-201-1 and Table 744-201-2. Units are in feet unless indicated otherwise.

Table 744-201-1: Dimensional Standards for Districts D-A through D-5II
Standards apply to Metro and Compact Context Areas unless indicated otherwise. Units are in feet unless indicated otherwise.

District Standard	D-A	D-S	D-1	D-2	D-3	D-4	D-5 [6] [7]	D-5II [6] [7]	D-8 [3] [6] [7]
Lot [1]									
Minimum Lot Area									
Single-family Detached	3 acres	1 acre	24,000 sf	15,000 sf	10,000 sf	7,200 sf			
Two-family Dwelling	N/A	N/A	N/A	20,000 sf	15,000 sf	10,000 sf			
Single-family Attached	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
Minimum Lot Width									
Single-family Detached	250	150	90	80	70	60			
Two-family Dwelling	N/A	N/A	N/A	120	105	90			
Single-family Attached	N/A	N/A	N/A	N/A	N/A	N/A	N/A		
Minimum Street Frontage									
Single-family Detached	125	75	45	40	35	30	25	25	30
Two-family Dwelling	N/A	N/A	N/A	40	35	30	25	25	30
Single-family Attached	N/A	N/A	N/A	N/A	N/A	N/A	N/A	20	20
Minimum Total Open Space	85%/50% [2]	85%	80%	75%	70%	65%			
Maximum Height									
Primary Building Height	35	35	35	35	35	35			
Primary Building Height may increase 1 ft. per 1 ft. of additional side setback up to:	45	45	45	N/A	N/A	N/A	N/A	N/A	N/A
Maximum Accessory Building Height [5]	24	24	24	24	24	24	24	24	24
Accessory Building Height may increase 1 ft. per 1 ft. of additional side setback up to: [5]	45	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Floor Area for Primary Dwelling Unit									
Main Floor of a 1-story dwelling	1200 sf	1200 sf	1200 sf	1200 sf	1200 sf	900 sf	900 sf	800 sf	800 sf
Main Floor of a dwelling over 1 story	800 sf	800 sf	800 sf	800 sf	660 sf	660 sf	660 sf	660 sf	660 sf

Table 744-201-1: Dimensional Standards for Districts D-A through D-5II Standards apply to Metro and Compact Context Areas unless indicated otherwise. Units are in feet unless indicated otherwise.									
District **Standard**	**D-A**	**D-S**	**D-1**	**D-2**	**D-3**	**D-4**	**D-5** [6] [7]	**D-5II** [6] [7]	**D-8** [3] [6] [7]
Total Floor Area for primary dwelling units	1200 sf	1200 sf	1200 sf	1200 sf	1200 sf	900 sf	900 sf	800 sf	800 sf
Minimum Setbacks in Metro Context Area [1] [4]									
Fronts Along Expressways and Freeways	50	50	50	50	50	50	50	50	50
Fronts Along Primary and Secondary Thoroughfares	40 from proposed ROW	Greater of 60 from proposed ROW or average setback	Greater of 50 from proposed ROW or average setback	40 from proposed ROW	35 from proposed ROW	35 from proposed ROW			
Fronts Along Collector Streets	35	Greater of 40 from proposed ROW or average setback	Greater of 30 from proposed ROW or average setback	30	30	30			
Fronts Along Local Streets	35	Greater of 40 from proposed ROW or average setback	Greater of 30 from proposed ROW or average setback	25	25	25			
Fronts Along Cul-de-sacs	30	30	25	25	20	20			
Side Yard Each / Combined	30 / 75	15 / 35	8 / 22	7 / 19	6 / 16	5 / 13			
Rear Yard General / Along Rail Track	75 / 50	25 / 50	25 / 50	25 / 50	20 / 50	20 / 50	[6] / 50	[6] / 50	[6] / 50
Minimum Setbacks in Compact Context Area [1][4]									
Fronts Along Expressways and Freeways	50	50	50	50	50	50	50	50	50
Fronts Along Primary and Secondary Thoroughfares	40	Greater of 60 or average setback	Greater of 50 or average setback	40	30	30			
Fronts Along Collector and Local Streets and Cul-de-sacs	35	Greater of 40 or average setback	Greater of 30 or average setback	25	20	20			
Each Side Yard	30	15	8	7	4	4			

Table 744-201-1: Dimensional Standards for Districts D-A through D-5II

Standards apply to Metro and Compact Context Areas unless indicated otherwise. Units are in feet unless indicated otherwise.

District Standard	D-A	D-S	D-1	D-2	D-3	D-4	D-5 [6] [7]	D-5II [6] [7]	D-8 [3] [6] [7]
Rear Yard General / Along Rail Track	75 / 50	25 / 50	25 / 50	25 / 50	20 / 50	20 / 50	[6] / 50	[6] / 50	[6] / 50

Notes:

[1] See also Section 744-202 - New Construction for Nonconformities.

[2] On lots 3 acres or less, the minimum open space requirement shall be 85%. For lots over 3 acres, the minimum open space requirement shall be 50%.

[3] Standards apply to lots for Single-family detached dwellings, Single-family attached dwellings, or Two-family dwellings.

[4] Front setbacks are always measured from an existing right-of-way line unless otherwise indicated. See also Sections 744-202 through 744-204; in particular note Section 744-202.D – Front Setback Exceptions – Section 744-203.A – Land Within the Town of Meridian Hills – and Section 744-203.C – Side Yard Setback Exception for Zero-Lot Line Option.

[5] However, the height of an accessory building may not exceed the height of the primary building unless excepted in Section 744-204.

[6] See also Table 742.103.03 – Residential Building Type Standards, for Walkable Neighborhood Dwelling District dimensional standards not found in this table.

[7] See also Table 744-701-2: Private Frontage Design Standards for frontage standards not found in this table.

[8] Minor residential structures shall not be located closer to any rear lot line than 5 feet, see also Section 743-306.

Table 744-201-2: Dimensional Standards for Districts D-6 through D-11

All standards apply to both Metro and Compact Context Areas. Units are in feet unless indicated otherwise.

District Standard	D-6	D-6II	D-7	D-8 [3] [6] [7]	D-9 [6] [7]	D-10 [6] [7]	D-11
Lot							
Minimum Project Area	[1]	[1]	N/A	N/A	N/A	N/A	15 acres
Minimum Lot Area for a lot with a:							
Single-family Attached Dwelling	2,400 sf	2,400 sf	2,000 sf				N/A
Two-family Dwelling	4,000 sf	4,000 sf	3,000 sf		N/A	N/A	N/A
Triplex	N/A	N/A	N/A				N/A
Fourplex	N/A	N/A	N/A				N/A
Minimum Street Frontage for a Project	150	150	100	50	150	100	150
Minimum Street Frontage for a lot with a:							
Single-family Attached Dwelling	20	20	18	See Table 744-201-1			N/A
Two-family Dwelling	35	35	30	See Table 744-201-1	N/A	N/A	N/A
Triplex	50	50	35	30			N/A
Fourplex	50	50	40	40			N/A
Minimum Setbacks and Yards [2]							
Front Setback:							
Fronts Along Expressways and Freeways	30	30	30	30	30	30	30
Fronts Along Primary and Secondary Thoroughfares	30 from proposed ROW	30 from proposed ROW	25 from proposed ROW	30 from proposed ROW	30 from proposed ROW	25 from proposed ROW	60 from proposed ROW
Fronts Along Collector Streets	30	25	25	25	25	25	60
Fronts Along Local Streets	30	25	20	20	25	25	60
Perimeter Yard for a Project	30	25	20	N/A	20	20	50
Distance Between Primary Buildings in a Project	25	25	20	20	20	20	25
Side Yard on a lot with a: [4]							
Single-family Attached Dwelling	15	15	10				N/A
Two-family Dwelling	15	15	10		N/A	N/A	N/A

Table 744-201-2: Dimensional Standards for Districts D-6 through D-11

All standards apply to both Metro and Compact Context Areas. Units are in feet unless indicated otherwise.

District Standard	D-6	D-6II	D-7	D-8 [3] [6] [7]	D-9 [6] [7]	D-10 [6] [7]	D-11
Triplex	15	15	10				N/A
Fourplex	15	15	10				N/A
Rear Yard on a lot with a: [4]							
Single-family Attached Dwelling	15	15	10				N/A
Two-family Dwelling	15	15	10		N/A	N/A	N/A
Triplex	15	15	10				N/A
Fourplex	15	15	10				N/A
Setback from a Railroad Track ROW	50	50	50	50	50	50	50
Maximum Height							
Primary Building Height							
Maximum Height	45	45	56				N/A
If abutting or adjacent to a lot separated by a right-of-way less than 30' that is improved with a single family detached dwelling, maximum height	35	35	40				
Maximum Accessory Building Height [5]	25	25	25	25	25	25	20
Maximum Floor Area Ratio (FAR) for sites with buildings:							
1 to 3 floors	0.40	0.55	0.70	0.60	0.50	0.60	N/A
4 to 5 floors	N/A	N/A	0.70	0.80	0.80	0.80	N/A
6 to 11 floors	N/A	N/A	N/A	N/A	1.50	1.50	N/A
12 to 23 floors	N/A	N/A	N/A	N/A	2.20	3.00	N/A
24 floors or more	N/A	N/A	N/A	N/A	2.20	3.20	N/A
Minimum Livability Space Ratio (LSR)	1.80	1.30	0.95	0.66	0.75	0.66	N/A

Notes:
[1] See also Section 744-202.C.2 – Lot Area and Width Exceptions for D-6 and D-6II districts. These exceptions apply to the setbacks as platted.
[2] Front setbacks are always measured from an existing right-of-way line unless otherwise indicated.

Table 744-201-2: Dimensional Standards for Districts D-6 through D-11

All standards apply to both Metro and Compact Context Areas. Units are in feet unless indicated otherwise.

District Standard	D-6	D-6II	D-7	D-8 [3] [6] [7]	D-9 [6] [7]	D-10 [6] [7]	D-11

[3] These standards apply to D-8 sites not used for Single-family detached dwelling, Single-family attached dwelling, or Two-family dwelling.
[4] Common, unpierced walls that separate two dwellings are not required to meet side or rear yard setbacks.
[5] However, the height of an accessory building may not exceed the height of any primary building.
[6] See also: Table 742.103.03 – Residential Building Type Standards, for Walkable Neighborhood Dwelling District dimensional standards not found in this table.
[7] See also Section 744.701.C – Private Frontage Types, for Private Frontage Standards not found in this table.
[8] Minor residential structures shall not be located closer to any rear lot line than 5 feet, see also Section 743-306.

C. Commercial Districts

Dimensional standards for Commercial districts are shown in Table 744-201-3.

Table 744-201-3: Dimensional Standards for Districts C-1, C-3, C-4, C-5, C-7 and C-S
Dimensions apply to both Metro and Compact context areas unless indicated otherwise. Units are in feet unless indicated otherwise.

District / Standard	C-1	C-3	C-4	C-5	C-7	C-S
Lot						
Minimum Street Frontage	50	50	50	50	50	50
Minimum Setbacks in Metro Context Area [1]						
Fronts Along Expressways and Freeways						
Minimum	10 from proposed ROW or existing ROW, whichever is greater					
Maximum	N/A	N/A	N/A	N/A	N/A	N/A
Fronts Along Primary and Secondary Thoroughfares, Collector or Local Streets						
Minimum	10 from proposed ROW or existing ROW, whichever is greater					
Maximum	85 from proposed ROW	85 from proposed ROW	N/A	N/A	N/A	85 from proposed ROW
Front Transitional Yard	20	20	20	20	20	20
Side and Rear Yard [2]	10	N/A	N/A	10	10	10
Side and Rear Transitional Yard	15	20	20	20	40	15
Transitional Yard Abuts an Alley	10	10	10	10	20	10
Minimum Setbacks in Compact Context Area [1]						
Front Yard Minimum	10	10	10	10	10	10
Front Yard Maximum	65	65	65	N/A	N/A	65

Table 744-201-3: Dimensional Standards for Districts C-1, C-3, C-4, C-5, C-7 and C-S

Dimensions apply to both Metro and Compact context areas unless indicated otherwise. Units are in feet unless indicated otherwise.

District Standard	C-1	C-3	C-4	C-5	C-7	C-S
Front Transitional Yard	10	10	10	10	10	10
Side and Rear Yard	N/A	N/A	N/A	10	10	10
Side and Rear Transitional Yard	10	10	10	15	20	10
Transitional Yard Abuts an Alley	8	8	8	10	10	8
Maximum Height in Metro Context Areas						
Buildings and Structures Height	50	35	65	65	35	45
Buildings and Structures Height Along a Transitional Yard	35	18	18	18	18	35
Buildings and Structures Height Along a Transitional Yard may increase 1 ft. per 1 ft. of additional side setback up to:	50	35	65	65	35	45
Maximum Height in Compact Context Areas						
Buildings and Structures Height	38	38	65	65	38	38
Buildings and Structures Height Along a Transitional Yard	25	25	25	25	25	25
Buildings and Structures Height Along a Transitional Yard may increase 1 ft. per 1 ft. of additional side setback up to:	38	38	65	65	38	38

Notes:
[1] Front setbacks are always measured from an existing right-of-way line unless otherwise indicated.
[2] See also Section 744-202. E.2. Side and Rear Yard Setback Exceptions.

D. Mixed-Use Districts

Dimensional Standards for Mixed-Use districts are shown in Table 744-201-4.

Table 744-201-4: Dimensional Standards for Mixed-Use Districts MU-1 through MU-4

All standards apply to both Metro and Compact Context Areas unless indicated otherwise. Units are in feet unless indicated otherwise.

District Standard	MU-1	MU-2	MU-3	MU-4
Lot				
Street Frontage				
Minimum	50	50	N/A	N/A
Maximum [1]	(block length)	(block length)	(block length)	(block length)
Open Space (%)				
Minimum	N/A	N/A	20%	10%
Maximum	N/A	N/A	50%	40%
Setbacks [2]				
Front Yard				
Minimum	12	5	N/A	N/A
Maximum	40	20	12	12
Front Transitional Yard	20	12	12	12
Side Yard	10	N/A	N/A	N/A
Side Transitional Yard/ Abutting alley	15	15/10	10/10	10/10
Rear Yard	10	N/A	N/A	N/A
Rear Transitional Yard/ Abutting alley	15	15/10	10/10	10/10
Height [3]				
Primary Building Height				
Minimum	25	18	18	35
Maximum	N/A	35	50; 75 with bonuses	50; 90 with bonused
Transitional Building Height				
Minimum	25	18	18	25
Maximum	45	35	35	50
Accessory Building Height Maximum	25	25	25	25

Notes:
[1] Maximum lot width is the block width maximum indicated in the district or as platted whichever is the lesser.
[2] Front setbacks are always measured from an existing right-of-way line unless otherwise indicated.
[3] Height bonuses are in the individual MU districts: 742-105.

E. Central Business Districts

Dimensional Standards for Central Business Districts are shown in Table 744-201-5.

Table 744-201-5: Dimensional Standards for Central Business Districts CBD-1, CBD-2, CBD-3
Units are in feet unless indicated otherwise.

District / Standard	CBD-1	CBD-2	CBD-3
Lot			
Maximum Coverage	100%	100%	100%
Minimum Setbacks [1]			
Front Yard	N/A	N/A	N/A
Side and Rear Yard	N/A	N/A	N/A
Side or Rear Yard Not Abutting an Alley [2]	0 or 10	0 or 10	0 or 10
Maximum Height			
Sky Exposure Planes (see diagrams with definitions)	Planes 1 and 3	Plane 2	N/A

Notes:
[1] Front setbacks in CBD districts are always measured from an existing right-of-way line unless otherwise indicated.
[2] No setback is required; however if one is provided, it must be at least 10 feet.

F. Industrial Districts

Dimensional Standards for Industrial Districts are shown in Table 744-201-6.

Table 744-201-6: Dimensional Standards for Districts I-1 through I-4
All standards apply to both Compact Context Area and Metro Context Area unless noted otherwise. Units are in feet unless indicated otherwise.

District Standard	I-1	I-2	I-3	I-4
Maximum Height in all districts				
Primary Building Height	40	50	N/A	N/A
Primary Building Height Along a Transitional Yard	22	22	35	35
Primary Building Height Along a Transitional Yard may increase 1 ft. per 1 ft. of additional side setback up to:	40	50	No limit	No limit
Lot				
Minimum Street Frontage in Compact Context Area	35	35	35	35
Minimum Street Frontage in Metro Context Area	75	75	75	75
Minimum Setbacks in Compact Context Area [1]				
Fronts Along Expressways, Freeways, Primary and Secondary Arterials, Collector and Local Streets	20	20	30	30
Front Transitional Yard	30	30	40	50
Side and Rear Yard	10	10	10	20
Side and Rear Transitional Yard	30	30	40	50
Yard Abutting Railroad	[2]	[2]	[2]	[2]
Minimum Setbacks in Metro Context Area [1]				
Fronts Along Expressways, Freeways, Primary and Secondary Arterials, Collector and Local Streets	30 from proposed ROW	30 from proposed ROW	60 from proposed ROW	60 from proposed ROW
Front Transitional Yard	100	100	150	200
Side and Rear Yard	30	30	30	30
Side and Rear Transitional Yard	50	50	100	150
Yard Abutting Railroad	[2]	[2]	[2]	[2]

Notes:
[1] Front setbacks are always measured from an existing right-of-way line unless otherwise indicated.
[2] See also Section 744-204 Height exceptions and yard encroachments.

G. Development Plan Districts

Dimensional standards for Development Plan Districts (PK-1, PK-2, HD-1, HD-2, UQ-1, UQ-2, SZ-1, and SZ-2) are set forth in Section 742-108, and the Development Plans approved for each of those districts pursuant to Section 742-108.

H. Special Use (SU) Districts

Dimensional standards for Special Use (SU) Districts are set forth in Section 742-109

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Section 02. New Construction for Nonconformities

The standards in this Section 744-202 apply in addition to those in Section 744-201. In the event of a conflict between standards in the two sections, the provisions of this Section 744-202 shall apply.

A. Setback exception for D-A Lots platted prior to December 20, 1989

Any lot, with deficient minimum lot area or lot width, required by the D-A district requirements of this Ordinance, previously platted or recorded prior to December 20, 1989, in conformance with the applicable A-1 or A-2 agricultural district standards of the Marion County Master Plan Permanent Code, may construct, enlarge, extend, reconstruct, or relocate primary and accessory single-family uses with 15-foot minimum side and rear setbacks.

B. Lot Area and Width Exception for Subdivisions in Dwelling Districts

1. In the D-S, D-1, D-2, D-3 and D-4 zoning districts, any plat of a major subdivision of more than 5 lots submitted for approval in accordance with Chapter 741 Subdivision Regulations after December 20, 1989, may reduce the minimum lot area for up to 20% of the total number of lots within the subdivision, to the extent of up to 20% below the district's minimum lot area, provided the average size of all lots within the subdivision shall be at least the minimum lot area required by the district.
2. In the D-S, D-1, D-2, D-3 and D-4 zoning districts, any plat of a major subdivision of more than 5 lots submitted for approval in accordance with Chapter 741 Subdivision Regulations after December 20, 1989, may reduce the minimum lot width for up to 20% of the total number of lots within the subdivision, to the extent of up to 10% below the minimum lot width required by the district.

C. Lot Area and Width Exceptions for Previously Recorded Lots

1. All lots recorded or any platted lot recorded prior to December 20, 1989, having less than the minimum lot area or minimum lot width required by the applicable dwelling district regulations of the Zoning Ordinance for a single-family detached dwelling, shall be deemed an exception to such minimum lot area and lot width requirement, and a single-family detached dwelling may be constructed thereon provided all other requirements of this ordinance, including minimum yard and setback requirements, shall be maintained.
2. In the D-6II and D-7 districts, a single-family detached dwelling or two-family dwelling, including accessory structures, may be constructed, erected, enlarged, extended, or reconstructed on any platted lot recorded prior to December 20, 1989, that was specifically platted for single-family or two-family dwelling purposes. Such development shall be in accordance with the approved plat, any restrictions thereof, and any commitments resulting from the rezoning of such lot.
3. All lots recorded or any platted lot recorded prior to August 2, 1993 having less than the minimum frontage required by the applicable commercial district regulations of the Zoning Ordinance, shall be deemed an exception to such minimum frontage requirement, and a commercial establishment may be constructed thereon provided all other requirements of the commercial district, unless specifically excepted in this section, shall be maintained.

D. Front Setback Exceptions

1. The minimum required front setback for a site may be reduced to the average setback derived from the established front setbacks of the nearest lot on each side of the site that is improved with an existing primary building facing the same street and is within 200 feet of the site. In the case of a corner lot, the average is derived from the established front setback of the nearest improved lot and the setback established by ordinance.

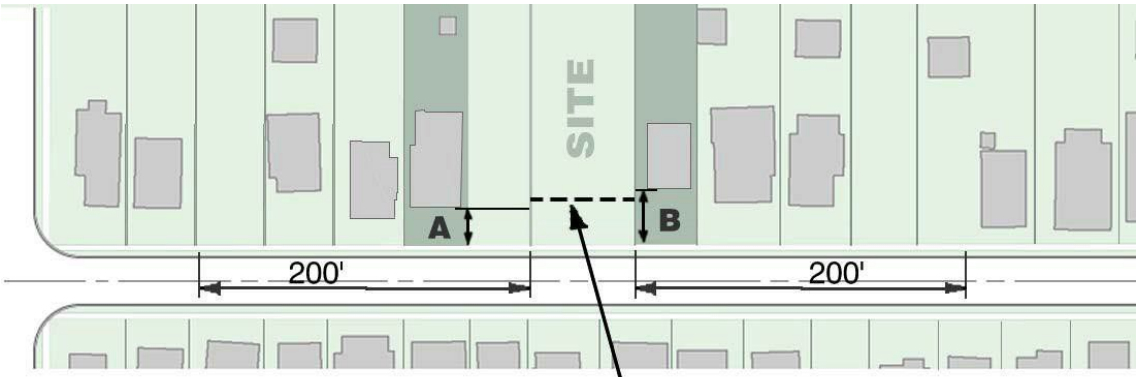

Diagram TT Front Setback Averaging

2. The required front setback in any district for any existing building, having a legally established front setback line which is less than the minimum front setback or greater than the maximum setback of the district, shall be modified to permit expansion of such building along the building's legally established front setback line, provided that:
   a. Only a one-time expansion along the legally established nonconforming front setback line shall be permitted; and
   b. The linear front footage of expansion does not exceed 50% of the linear front footage of the original building, and all other requirements of the Zoning Ordinance are maintained for the expansion.
3. Notwithstanding the provisions of subsections 1 and 2 above no building or structure shall:
   1. Encroach upon any proposed right-of-way, as determined by the Official Thoroughfare Plan;
   2. Encroach upon any existing right-of-way; or,
   3. Encroach into a Clear Sight Triangular Area.

E. Side and Rear Yard Setback Exceptions

1. In the D-S, D-1, D-2, D-3, D-4, D-5, D-5II, and D-8 zoning districts, the minimum side and rear yard setback requirements for a lot containing a single-family detached dwelling or a two-family dwelling shall be subject to the following:
   a. The primary building may be enlarged or extended along a legally established nonconforming side yard between the established front setback line and the established rear yard setback line of the primary building provided that the linear footage of such enlargement or extension:

1. Does not exceed 50% of the linear footage of the primary building along that side yard setback line, and
2. Is a one-time only expansion along the legally established setback line.

b. Legally established, detached, accessory structures may be reconstructed on an existing foundation, even though such reconstruction would not comply with required side or rear yards, provided however it does not encroach upon any right-of-way or clear sight triangular area.

c. An accessory building may be enlarged or extended along a legally established nonconforming side or rear yard provided that the linear footage of such enlargement or extension:

1. Does not exceed 50% of the linear footage of the accessory building along that side or rear yard setback line; and
2. Is a one-time only expansion along the legally established setback line; and
3. Such enlargement or extension shall not encroach into any required yard other than the existing nonconforming side or rear yard along which the enlargement or extension is occurring.

d. A detached garage giving access to an alley may be located with a setback from the lot line abutting the alley of 5 feet or greater, provided however it does not encroach upon any clear sight triangular area.

2. In the Commercial, Industrial and Mixed-Use zoning districts, the minimum required side yard setback for any existing legally established building, having a legally established side yard setback line that is less than the required side yard setback of the district, shall be modified to permit expansion of such building along its legally established nonconforming side yard setback line between the established front setback line and the established rear yard setback line provided that:

a. Only a one-time expansion along the legally established setback line shall be permitted; and

b. The linear footage of such expansion does not exceed 50% of the linear footage of the building along that side yard setback line, and all other requirements of this chapter are maintained for the expansion; and

c. This exception shall not apply to required side transitional yards.

F. Stream Protection Corridor Nonconformity

Legally-established buildings and structures within the Stream Protection Corridor existing prior to the first day of the month that is six months after the date of adoption, may not be altered to create a new nonconformity or increase the degree of noncompliance with Section 744-205 (Stream Protection Corridor). However, this shall not preclude additional development located outside the Stream Protection Corridor.

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Section 03. Special Dimensional Standards

The standards in this Section 744-203 apply in addition to those in Section 744-201. In the event of a conflict between standards in the two sections, the provisions of this Section 744-203 shall apply.

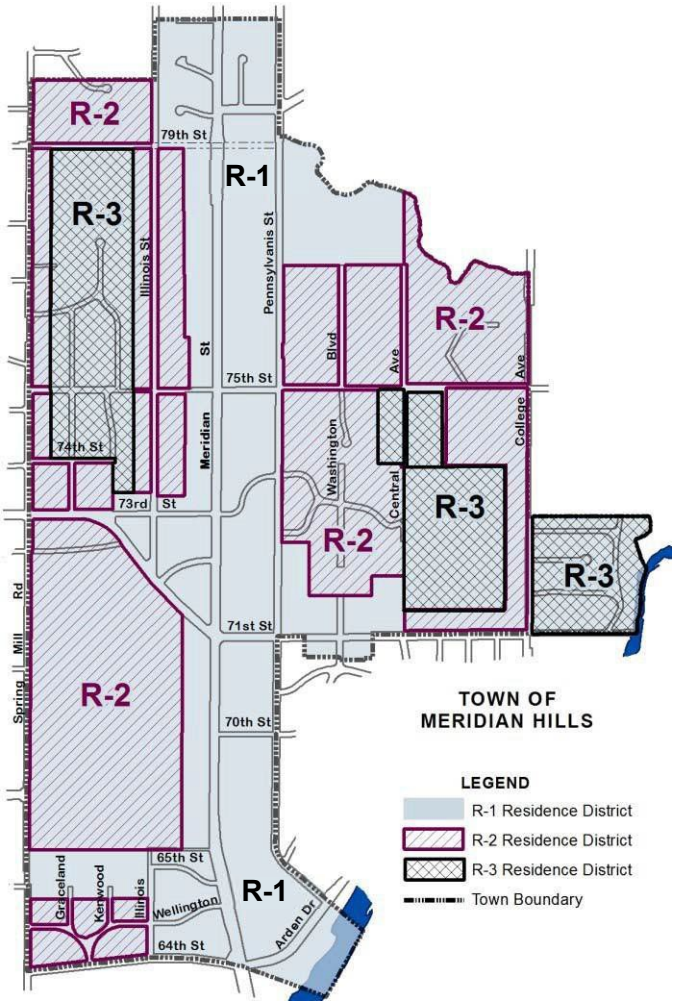
A. Land within the Town of Meridian Hills

The required front, side and rear setback and minimum front, side and rear yard requirements applicable to all land within the Town of Meridian Hills, Indiana, however presently zoned, shall be not less than the standards of the class R-1, R-2, and R-3 area districts, respectively, previously applicable thereto as said land was formerly zoned, in accordance with the Meridian Hills Zoning Map as reflected on the map below and sections 9, 10, and 12 of the Code of the Town of Meridian Hills, Indiana, General Ordinance No. 1, 1946, prior to August 2, 1966, as reflected in Table 744-203-1 below, which rezoned and reclassified said land.

Table 744-203-1: Town of Meridian Hills Setback standards

District / Standard	Class R-1 district	Class R-2 district	Class R-3 district
Min. Side Yard width	15 feet	12 feet	10 feet
Min. Rear Yard width	15% of the depth of the lot, but no more than 30 feet required		
Min. Front setback on a block in which 50% or more of the lots are improved with a dwelling unit	Average setback of the existing dwelling units on the block		
Min. Front setback on a block in which less than 50% of the lots are improved with a dwelling unit	40% of the average lot depth on the block, but no more than 100 feet required	40% of the average lot depth on the block, but no more than 75 feet required	40% of the average lot depth on the block, but no more than 60 feet required

(Said Code of the Town of Meridian Hills, Indiana, sections 9, 10, and 12 and Meridian Hills Zoning Map, adopted by the Marion County Council March 28, 1957, as part of Marion County Council Ordinance No. 8-1957, are hereby incorporated herein by reference).



B. Development Standard Exceptions in Historic Preservation Areas

All lots in a Dwelling district or Commercial district that are located within a locally designated historic preservation area as established by, and under the jurisdiction of, the Indianapolis Historic Preservation Commission (IHPC):

1. Not fronting on a thoroughfare, as designated on Official Thoroughfare Plan shall be exempt from the provisions of Chapter 744, Article II Lot and Building Dimensions, regarding required minimum front, side and rear yard setbacks. The minimum required front, side and rear yard setbacks for lots located within such historic preservation areas shall be as determined by the IHPC. The minimum required front, side and rear yards shall be as set forth in and specified by the grant of a Certificate of Appropriateness following all procedures set forth by the IHPC.
2. Fronting on a thoroughfare, as designated on the Official Thoroughfare Plan shall be exempt from the provisions of Chapter 744, Article II Lot and Building Dimensions, regarding required minimum side and rear setbacks. The minimum required side and rear yard setbacks for lots located within such historic preservation areas shall be as determined by the IHPC. The minimum required side and rear yards shall be as set forth in and specified by the grant of a Certificate of Appropriateness following all procedures set forth by the IHPC.

3. Shall be exempt from the provisions of Chapter 744, Article II Lot and Building Dimensions, regarding maximum height of primary buildings and accessory structures. The maximum height of primary buildings and accessory structures located within such historic preservation areas shall be as determined by the IHPC. The maximum height of primary and accessory buildings shall be set forth in and specified by the grant of a certificate of appropriateness following all procedures set forth by the IHPC.

C. Zero-lot line option for Subdivisions in Dwelling Districts

The minimum side yard setback requirements of the D-S, D-1, D-2, D-3, D-4, D-5, and D-5II zoning districts shall be subject to the following exceptions: Any plat of a major subdivision submitted for plat approval in accordance with the Chapter 741 Subdivision Regulations after December 20, 1989, may reduce the minimum side yard requirement for one side yard of each lot to zero feet provided that:

1. A minimum distance of 10 feet shall be required and maintained between all buildings on adjacent lots; and,
2. No windows or doors shall be provided or maintained on that portion of the structure that reduces the required side yard by use of this exception; and,
3. The aggregate side yards are provided on the lot according to the applicable dwelling district regulations; and
4. An easement, providing for the continual maintenance of that portion of the structure that reduces the required side yard by use of this exception, is provided, recorded and maintained.

D. Cluster Subdivision option in Dwelling Districts

Exceptions to dwelling district development standards for the development of cluster subdivisions. In any plat of a major subdivision recorded after January 1, 1990, in the D-S, D-1, D-2, D-3 and D-4 zoning districts, the development standard exceptions listed in this Section 744-203.D shall apply. Any major subdivision in the D-S, D-1, D-2,D-3 and D-4 zoning districts, the plat of which is submitted for plat approval in accordance with Chapter 741 Subdivision Regulations, may be developed as a cluster subdivision in accordance with the following:

1. **Purpose**. Cluster subdivisions are intended to allow greater flexibility in design and development of subdivisions, in order to produce innovative residential environments, provide for more efficient use of land, protect topographical features, and permit common area and open space. To accomplish this purpose, the following regulations and exceptions shall apply only to cluster subdivisions.
2. **Criteria for a cluster subdivision**. The following criteria must all be fulfilled to be eligible for a cluster subdivision.
    a. Unique topographical features on the site, including but not limited to slopes, streams, and natural water features, are protected and preserved.
    b. Wooded areas, individual trees of significant size, wetlands, or other environmentally sensitive features are protected and preserved.
    c. Common open space and recreational areas accessible to residents of the subdivision including provisions for walkways and bikeways are provided.

d. Innovative residential environment is produced.

e. Alteration of the natural site features is minimized through the design and situation of individual lots, streets, and buildings.

f. Diversity and originality in lot layout and individual building design achieves the best possible relationship between development and the land.

g. The land area devoted to motor vehicle access is minimized.

3. **Exceptions to dwelling district development standards**. If the criteria for a cluster subdivision is met, exceptions to the development standards relating to the subdivision's lot size, shape and dimensions may be permitted for individual lots within a cluster subdivision as follows:

   a. **Project area (minimum size of subdivision)**. There shall be a minimum of 5 acres required for the development of a cluster subdivision. The tract of land to be developed shall be in one ownership or shall be the subject of an application filed by the owners of the entire tract. The tract shall be developed as a unit and in the manner approved.

   b. **Project density**. The overall maximum density of the proposed cluster subdivision shall remain the same as that permitted by developing the same site area into developable lots in full compliance with the applicable underlying dwelling district regulations and the Chapter 741 Subdivision Regulations.

   c. **Sewers**. Attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in any cluster subdivision with a minimum lot area of less than 24,000 square feet.

   d. **Area, width, setback, and open space for individual lots**. Individual lots in a cluster subdivision are exempt from the following development standards of the applicable dwelling district:

      1. Minimum lot area.

      2. Minimum lot width.

      3. Minimum lot width at setback.

      4. Minimum side and rear yard setback regulations. Minimum side and rear yard setback regulations may be modified by the following:

         i. Setback from any subdivision boundary property lines: 20 feet.

         ii. The minimum rear yard setback: 15 feet.

         iii. The minimum side yard setback shall have a minimum depth in accordance with Section 744-203.C Zero-lot line option for Subdivisions in Dwelling Districts, with the exception that Section 744-203.C.3 shall not apply when utilizing the cluster subdivision exception.

      5. The minimum street frontage. Minimum street frontage may be reduced to 15 feet provided, however, that each individual lot shall have direct access to a public street; and,

      6. Minimum open space. Individual cluster lots shall have a minimum open space of 50%.

e. **Project open space**. The amount of permanent open space created by the development of the site as a cluster subdivision shall be equivalent to, or more than, the total reduction in lot sizes. At least 75% of the total amount of open space shall consist of tracts of land at least 50 feet wide. The open space created by the development of the site as a cluster subdivision shall be provided in such a manner that it is preserved in its naturally occurring state for passive recreational activities. A subordinate amount of this open space may be developed as a common recreational area. The open space created by the development of the site as a cluster subdivision shall further be provided in such a manner that it is accessible to residents of the subdivision and for maintenance. The open space shall perpetually run with the subdivision and shall not be developed or separated from the cluster subdivision at a later date. Provisions shall be made for continuous and adequate maintenance at a reasonable and nondiscriminatory rate of charge.

4. **Procedures for cluster subdivision approval**.

a. The petitioner shall submit two site plans for the property proposed for a cluster subdivision for review and conceptual design approval by the Administrator prior to filing for plat approval.

1. **Site plan 1** shall depict the development of the site in full compliance with all use and development standards of the applicable underlying dwelling district and Chapter 741 Subdivision Regulations. This site plan will be used to determine the maximum number of developable lots possible on the site and set the density of that development.

2. **Site plan 2** shall depict the development of the site as a proposed cluster subdivision. The density of the overall development shall be no greater than that permitted by the development of the site depicted in Site plan 1.

b. The Administrator shall compare the proposed cluster subdivision (Site plan 2) with the site plan showing the same site developed in compliance with the applicable dwelling district (Site plan 1) and determine if the criteria for a cluster design is met.

c. If upon review, the Administrator determines that the criteria for a cluster subdivision is not met or the submission requirements not fulfilled, the Administrator shall inform the petitioner in writing of the determination. The petitioner may, within 5 business days, appeal the Administrator's decision by filing an approval petition before the Metropolitan Development Commission.

d. If upon review the Administrator determines that the criteria for a cluster subdivision is met, the Administrator shall:

1. Inform the petitioner in writing of the determination; and,

2. Send a copy of that letter to the applicable registered neighborhood organizations.

e. The petitioner may then proceed with the filing of a preliminary plat before the Plat Committee. The filed plat shall be in substantial compliance with the Site Plan 2 approved by the Administrator. The legal notice for the public hearing of the Plat Committee regarding such a preliminary plat shall indicate clearly that the request is for a cluster subdivision.

5. **Maintenance of common open space areas**. As a condition of Administrator's approval of the cluster subdivision permitting exceptions to the standard requirements of the applicable zoning district, the petitioner shall submit with the site plan for review and approval documentary assurances that permanent dedication of the open space areas shall be made and that adequate provisions are being made for continuous and adequate maintenance of project open space, common areas and recreation areas. Once approved by the Administrator, the documentary assurances shall be filed with the Plat Committee at the time a petition for plat approval is initiated. Further, the documentary assurances shall be incorporated in the plat that is recorded with the Office of the Marion County Recorder. No exceptions to these requirements shall be permitted unless the Plat Committee determines that the petitioner has adequately provided for such upkeep, protection and maintenance of open space, common area or recreational areas through other legally binding perpetual agreements.

Section 04. Height Exceptions and Yard Encroachments

The following exceptions to height limits and encroachments into required setbacks and yard areas are allowed as indicated in Table 744-204-1: Encroachments and Exceptions.

Table 744-204-1: Encroachments and Exceptions	
Structure or Feature	**Conditions or Limits**
Encroachments into Required Yard or Setback	
Accessory boat dock, residential	No setback required from lot lines along the water.
Accessory clotheslines, play equipment	May encroach into the side or rear yard setback.
Architectural features (sills, belt courses, eaves, cornices), awnings and canopies, bay windows, gutters and downspouts	May encroach no more than 4 ft. into any side or rear setback in the Industrial Districts; no more than 18 in. into any yard or setback in all other district.
Balconies and porches associated with a multi-family residential development project	May encroach up to 5 feet into the required perimeter yard and up to 5 feet into the required distance between buildings.
Chimneys and flues	May encroach not more than 2 ft. into any required front or side yard setback; however, not into a right-of-way.
Composting bin (personal)	May encroach into required rear yard setback or required side yard setback.
Driveways, Wheelchair Ramps, Walkways	May encroach into and cross through a required front, side, rear, perimeter or transitional yard in the most direct manner possible to connect a right-of-way line and setback line.
Enclosed vestibule or fixed canopy with a floor area of not more than 40 sq. ft.	May encroach not more than 4 ft. into front setback; however, not into a right-of-way.
Fences and walls meeting the standards of Section 744-510 Fences and walls	Fences and walls may be located up to a lot line. Further, in Dwelling districts and Mixed-Use districts, fences may be located within 1 ft. of sidewalk in the public right-of-way along local and collector streets except if that location encroaches into the right-of-way
Fuel pumps or pump islands that do not have a canopy	May not be located closer than 15 ft. from any right-of-way or closer than 50 ft. from any Dwelling district boundary
Industrial facilities along a railroad or rail spur	No setback required from a railroad or rail spur.
Minor Residential Feature that is less than 18 in. above grade level, with the exception of any attached railings	Except as listed for specific accessory structures, Minor Residential Feature may be located in any of the following areas that are not within an easement: (a) Not more than 6 ft. into front yard from the façade, or (b) No closer than 5 ft. to any rear lot line, or (c) No closer than 2 ft. to any side lot line
Minor Residential Structure, Temporary placement less than 10 consecutive workdays	Except as listed for specific accessory structures, may be temporarily located between a street and any façade of a primary building facing that street.
Outdoor Seating or Patio (nonresidential)	May be located in a quired yard, but not in the public right-of-way without a right-of-way permit nor within a transitional yard.

Table 744-204-1: Encroachments and Exceptions	
Structure or Feature	**Conditions or Limits**
Renewable Energy Facility, Solar or Geothermal	May encroach into the side or rear yard setback.
Renewable Energy Facility, Wind	May encroach into required rear yards.
Satellite Dish Antenna	May not encroach into required front, side, or rear yards or be located forward of the front line of the primary structure.
Secondary means of escape, unenclosed or lattice-enclosed stairs, fire escapes, and balconies opening upon fire towers	May not encroach more than 5 ft. into any side or rear yard setback, except as required to comply with fire code or Americans with Disabilities Act.
Shelter or canopy at defined transit stops	May encroach into right-of-way, but must comply with Americans with Disabilities Act
Swimming pool or hot tub, residential	May not be located closer than 5 ft. to rear lot line.
Wireless Communication Facility, Wall-mounted and roof-mounted in D-A, D-S, D-1, D-2, D-3, D-4, D-5 and D-5II Districts (Category 5)	May not extend more than 2 ft. from the wall, or above the roof line; however, not into a right-of-way.
Wheelchair ramp	May be located in a required yard or transitional yard, but not in the public right-of-way without a right-of-way permit
Exceptions to Building Height Limits	
Amateur radio antenna	May be up to 75 feet in the rear or side yard or on the primary building.
Barns, Silos, and similar agricultural outbuildings associated with an agricultural use	Unlimited height if zoned D-A and on a site over 3-acres.
Chimneys; Flagpoles; Ornamental towers; Religious use spires, towers, belfries, monuments; Roof structures for the housing of elevators, stairways, air conditioning apparatus, cooling towers, ventilating fans, skylights, or similar equipment to operate and maintain the structure; Television and radio antennas; Theatrical stage tower or scenery lofts;	May not extend more than 25 feet above the roof line.
Game Court fences, residential	May not exceed 10 ft.
Parapets	May not extend more than 4 feet above the maximum building height
Power Generating Facility, Local, Wind Generation	May not extend more than 30 feet above the maximum building height
Renewable Energy Facility, Solar	May not extend more than 18 inches above the maximum building height
Renewable Energy Facility, Wind	May not extend more than 10 feet above the maximum building height
Secondary Dwelling Unit located above a garage	May be up to 29 ft; however, in no instance may the height exceed the height of the primary building
Wireless Communication Facility, Wall-mounted and roof-mounted in D-6, D-6II, D-7, D-8, D-9, D-10, C-1, C-3, , C-S, CBD-3, I-1, SU limited (Category 4)	May not extend more than 10 ft. above the wall or roof line

Table 744-204-1: Encroachments and Exceptions	
Structure or Feature	**Conditions or Limits**
Wireless Communication Facility in C-4 and C-5 Districts (Category 3)	Wall-mounted or roof-mounted may not extend more than 10 ft. above the wall or roof line. Freestanding WCF located 500 or more feet from a protected district may be 90 ft. in height. Freestanding WCF located less than 500 feet from a protected district may not extend more than 5 ft. above the maximum building height.

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Section 05. Stream Protection Corridors

A. Establishment of Stream Protection Corridors

1. A stream protection corridor shall consist of a strip of land, extending along both sides of all streams shown on the map of natural, non-intermittent streams maintained by the Department of Metropolitan Development.

2. Construction projects over one (1) acre are subject to the requirements of the Environmental Protection Agency (EPA) General Permit and Indiana Department of Environmental Management (IDEM) Construction Stormwater General Permit (CSGP).

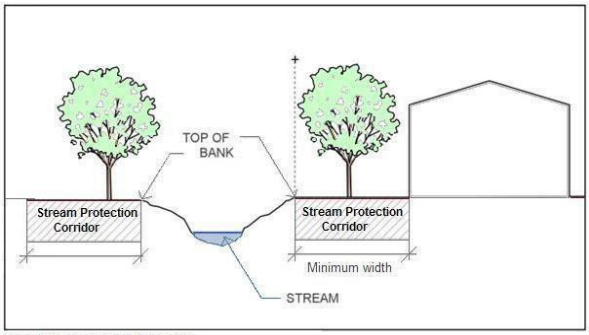


Diagram UU: Stream Protection Corridor Cross Section

3. The minimum width of the stream protection corridor must be provided as shown in the Table 744-205-1. The width is measured parallel to the top of bank.

Table 744-205-1: Stream Protection Corridor Widths		
	Category One Streams	**Category Two (Other Mapped Streams)**
Compact Context	60 feet	25 feet
Metro Context	100 feet	50 feet

3. When wetland areas extend from within a Stream Protection Corridor's required boundary to a point outside of that boundary, the corridor width shall be adjusted to include the extent of the wetland.

4. Category One Streams are listed in Table 744-205-2.

Table 744-205-2: Category One Streams		
Bean Creek	Big Eagle Creek	Big Run
Buck Creek	Bunker Creek	Crooked Creek
Devon Creek	Dry Branch of Fall Creek	Eagle Creek
East Fork of White Lick Creek	Fall Creek	Fishback Creek
Flat Branch	Goose Creek	Grassy Creek
Indian Creek	Lick Creek	Little Buck Creek
Little Eagle Creek	Mann Creek	Maze Creek
Middle Fork of Fall Creek	Milhouse Creek	Mud Creek
North Fork of Fall Creek	Pleasant Run	Pogues Run
Quack Branch	Sterling Run	Swamp Creek
Trotter Creek	White River	Wildcat Run
Williams Creek		

B. Uses Permitted in the Stream Protection Corridor

1. The vegetative target for the Stream Protection Corridor is a variety of mature, native riparian tree and shrub species that can provide shade, leaf litter, woody debris, and erosion protection to the stream, along with appropriate plantings necessary for

stream bank stabilization. The following activities are permitted within the Stream Protection Corridor:

a. Flood control structures.

b. Residential support facilities and recreational facilities, such as trail or hiking paths, docks, picnic shelter, scenic overlook, provided however the cumulative area of subsections b. and c. activities does not exceed 10% of the Stream Protection Corridor area on the lot.

c. Minor residential features, decks associated with an individual dwelling unit, mini-barns or sheds that are 200 square feet or less and are not on a permanent foundation, provided however the cumulative area of subsections b. and c. activities does not exceed 10% of the Stream Protection Corridor area on the lot.

d. Passive uses such as wildlife sanctuaries, nature preserves, forest preserves, fishing areas, and public and private parkland.

e. Crossings, subject to the following, and as approved by the Administrator:

1. Road or railroad crossings, with the right-of-way the minimum width needed to allow for maintenance access and installation and with the angle of the crossing to be perpendicular to the stream. In the case of proposed development or modification to existing development, there shall be one stream crossing per development project, to be no closer than 1000 feet to any other crossing.

2. Intrusions necessary to provide access to a property provided that the angle of crossing is perpendicular to the stream in order to require less buffer clearing.

3. Public sewer or utility easement crossings, including such land disturbance and impervious cover as is necessary for operation and maintenance, including, but not limited to, manholes, vents, and valve structures.

4. Livestock crossings.

2. **Disturbances in the Stream Protection Corridor.** Any tree or vegetation removal must be replaced with native species of shade trees and shrubs at the rate of one shade tree and 4 large shrubs per 1,000 sq.ft of disturbed area.

Article III. Access and Connectivity

Section 01. General Standards

A. Access to accessory parking areas

After the first day of the month that is six months after the date of adoption, if a lot abuts an improved alley and the street frontage is less than 200 feet, vehicle access to that lot shall be exclusively from that alley.

B. Greenway access

If a site abuts a greenway, pedestrian access must be provided in accordance with the Indy Greenways Full Circle 2014-2024 Master Plan, unless the Administrator determines that access in that location is not practicable due to site, utility or topography constraints.

C. Bicycle or Pedestrian Paths

Where plans adopted by the city show a bicycle or pedestrian path or trail, the site design shall provide connections to those paths or trails. Any requests by the city for designation or dedication of land for bicycle or pedestrian trails within a proposed development shall comply with all applicable provisions of federal and Indiana state law.

D. Safe Routes to School

Where a Safe Routes to School route associated with the federal or Indiana Safe Routes to School program is adjacent to the boundaries of a development or redevelopment involving residential uses, the project design shall provide connections to the designated school route and shall dedicate right-of-way to accommodate the provision of the route. Any requests by the city for designation or dedication of land for the designated school route within a proposed development shall comply with all applicable provisions of federal and Indiana state law.

E. Cul-de-sac Pedestrian Access

Whenever cul-de-sac streets are created, a 15 foot wide pedestrian access/public utility easement shall be provided between the cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or pedestrian sidewalk or pathway, unless the Administrator determines that public access in that location is not practicable due to site, utility or topography constraints.

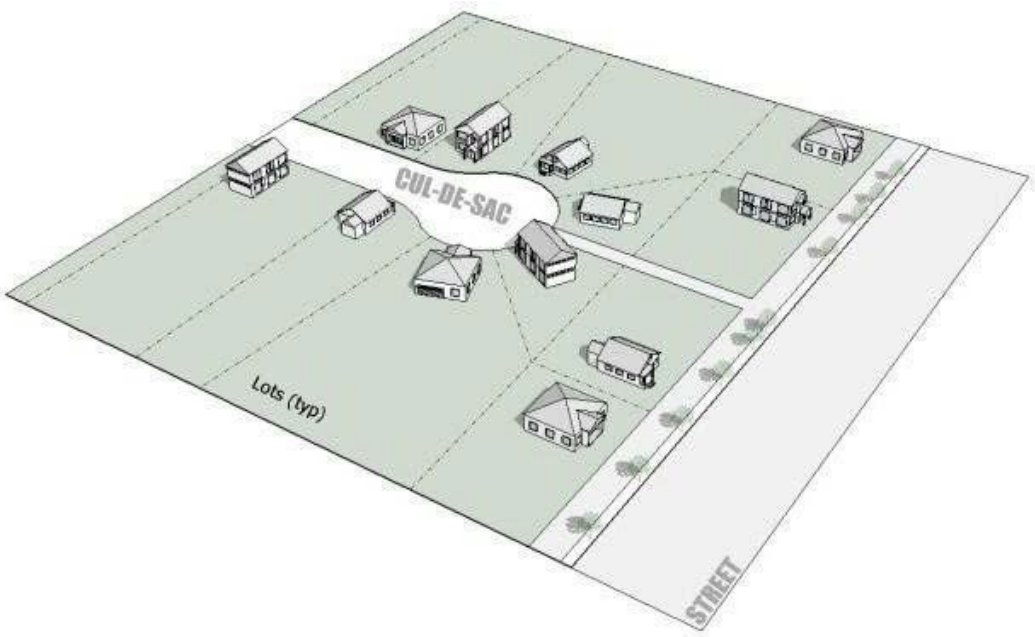
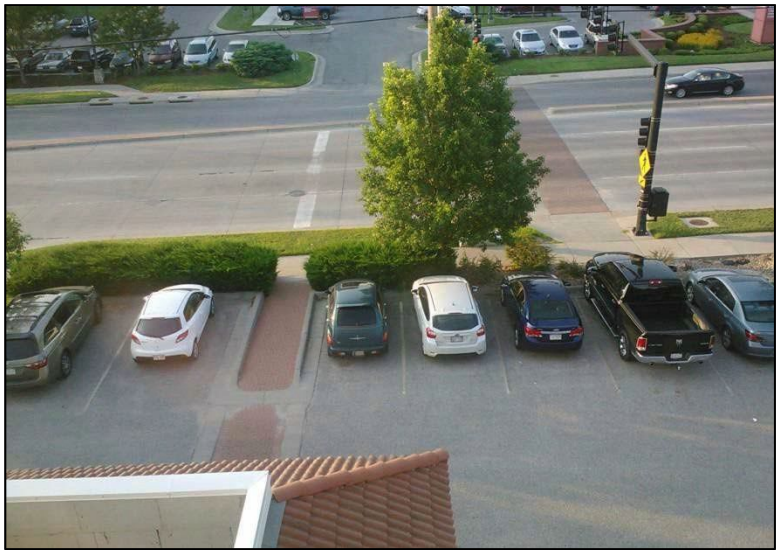


Diagram VV Pedestrian Access from cul-de-sac

F. On-site Connectivity

1. **Walkways to sidewalks**. For two-family dwellings and single-family attached dwellings, walkways from the sidewalk system shall be provided to each dwelling unit. For all other buildings, at least one walkway from the sidewalk system shall be provided to each public pedestrian entrance.
2. **Internal connectivity.** Within a freestanding lot, project or integrated center, hard-surfaced walkways shall be provided in accordance with a pedestrian plan that shall include a walkway system that functionally connects all of the building's main front entrances with the sidewalk located in the public right-of-way of each of the freestanding lot or integrated center's eligible public streets. Nonresidential and mixed-use developments containing more than one primary building on a single lot shall include an unobstructed walkway or pathway at least 5 feet wide providing access between the primary buildings.
3. **Markings.** Such private walkways shall provide for identifiable pedestrian crossing markings, such as change in paving material, color, or height, along the functional pedestrian routes wherever the route crosses an interior access drive, street, drive-through lane, or parking lot.



G. Waiver of Sidewalks

In locations where site conditions cause extreme difficulty in the construction of sidewalks, the Administrator may, upon written request, waive that portion of sidewalks. Examples of extreme difficulty include, but are not limited to, waterway crossings, significant elevation change, existing deep drainage swales in the right-of-way, and grades steeper than 3:1. The request shall include supporting documentation. The waiver would be pursuant to a written agreement and subject to a contribution in lieu of sidewalks that shall be made to the City for the provision of sidewalks in Marion County. The rate amount shall be set annually.

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Section 02. Construction of Sidewalks in the Right-of-way

A. Sidewalks and any alternative pedestrian walkway shall comply with the Americans with Disabilities Act.

B. Sidewalks shall consist of the walkway and any curb ramps or blended transitions.

C. Width of sidewalks, exclusive of the width of any curb, must be at least the width indicated in Table 744-302-1: Minimum Sidewalk Widths. The sidewalk shall be unobstructed, except as detailed in the Sidewalk Zone provisions of the Thoroughfare Plan.

Table 744-302-1 Minimum Sidewalk Widths

District	*Street Classifications*	*Minimum Sidewalk Width*
D-S, D-A, D-1, D-2, D-3, and D-4, D-6 and D-7	Collector, Local, and Cul-de-sac	6’
	All other streets	6’
D-5, D-5II, D-8, D-9, and D-10	Local Streets	6’
	Collector and Arterial Streets	8’
CBD, MU Districts, and C Districts in the TOD Secondary District	Buffer Frontages and/or Local Streets	6’ -8’
	Commuter Frontages and/or Collector Streets	8’ – 12’
	Pedestrian Frontages and/or Arterial Streets	12’ – 20’
All other streets	All streets	6’

*See Sidewalk Zone provisions and standards in the Thoroughfare Plan for specific streetscape designs strategies for various street types and contexts.

D. Sidewalks shall meet the Standards for Street and Bridge Design and Construction (G.O. 49, 1972/Standards for Acceptance of Streets and Bridges of the City-County Council of Indianapolis and Marion County, Indiana), except as indicated otherwise herein.

E. Sidewalks shall be a minimum of four inches in thickness of Portland cement concrete, except where sidewalks cross concrete drives or driveways the thickness shall be a minimum of six inches, conforming to subsection 604 of the current Indiana Department of Transportation Design Standards and Specifications. Sidewalks along frontages that are identified in the Indy Greenways Full Circle 2014-2024 Master Plan, Marion County Comprehensive Plan, or Indy Parks Connectivity Plan as a greenway or linear path may be constructed with alternate materials and depth standards as approved by the Administrator.

F. Sidewalks shall be provided along the entire frontage of all abutting eligible public streets, excepting freeways and expressways as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator.

G. Unless a different location is approved by the Administrator, the sidewalks shall generally be provided within the public right-of-way, one foot from the right-of-way line. The Sidewalk Zone provisions of the Thoroughfare Plan provide more specific design details for design of specific street types a rights-of-way conditions.

H. Where sidewalks exist in the public right-of-way in front of an adjacent lot and extend to a point equal to the common lot line extended, the sidewalks shall fully connect with such existing sidewalks on the adjacent property to provide a continuous, unobstructed walkway along the public street.

Section 03. Single- and Two-Family Sidewalk Standards

The following standards apply for residential areas that were approved without the provision of sidewalks.

A. When a lot is part of an approved major residential subdivision that includes or required sidewalks, sidewalks must be installed.

B. When a single-family detached dwelling, single-family attached dwelling, two-family dwelling, triplex or fouplex is constructed on a freestanding lot, a sidewalk must be provided only if either one of the adjacent lots has a sidewalk installed. A sidewalk along each frontage shall be provided and connect with each existing sidewalk on an adjacent property.

Section 04. Sidewalk Standards for Other Development

A. All "places of public accommodation," as defined in the federal Americans with Disabilities Act (42 U.S.C. 12101 et. seq.) shall comply with the requirements of that act concerning on-site circulation and access.

B. **New development.** Sidewalks, as prescribed in this Section 744-300, shall be provided in connection with the initial development of a freestanding lot or integrated center when a building is constructed, erected, or relocated. Sidewalks shall be provided for the reconstruction of a freestanding lot or integrated center upon which at least 2/3 of all buildings have been removed, demolished, or destroyed.

C. **Redevelopment or additions.** When improvements are proposed for a freestanding lot or integrated center upon which a building on a permanent foundation exists prior to December 9 2008; or, a lot upon which no building on permanent foundation exists and is located within an integrated center upon which a building on a permanent foundation exists prior to August 12, 2008, sidewalks for the redevelopment or the additions shall be provided as prescribed in this Section 744-300 and in compliance with the following regulations:

1. Sidewalks shall be required when a building is constructed, erected, enlarged, extended, reconstructed, relocated, or converted to a commercial use; except a building that was destroyed or damaged by fire or natural causes and is reconstructed on substantially the same foundation and of substantially the same gross floor area.
2. Sidewalks shall be provided at a minimum rate of 5 linear feet of sidewalk per 100 square feet or fraction thereof of the gross floor area of the constructed, erected, enlarged, extended, reconstructed, or converted to a commercial use, or relocated building or addition. The linear amount of sidewalk required shall not exceed the cumulative length of the eligible public streets of the freestanding lot or integrated center, excepting freeways and expressways as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator.
3. The provision of the sidewalks shall be in accordance with the following options with the first option being preferred:
    a. Sidewalks shall be constructed; or
    b. Pursuant to a written agreement, a contribution in lieu of sidewalks shall be made to the City for the provision of sidewalks in Marion County. The amount shall be

$60 per linear foot of required sidewalk. The rate per linear foot shall be increased by $3.00 annually beginning January 1, 2017.

4. Where this Section 744-304.C would result in the partial installation of sidewalks along an eligible public street, the Administrator shall determine the location along the eligible public street where the sidewalks shall be installed. The criteria for the sidewalk location shall be the greatest improvement to the public health, safety, welfare and convenience.
5. The provision of the sidewalks shall be required for each addition to the site until the sidewalks are constructed along all eligible frontages or the equivalent contribution has been made for the sidewalks.
6. A through block sidewalk at least 5 feet wide shall be provided near the middle of any block face longer than 800 feet in order to provide connections with streets on either side of the block, unless the ownership of adjacent parcels would prevent the walkway from connecting to a public sidewalk or the Administrator determines that the walkway is not practicable due to site, utility, or topography constraints.

Section 05. Private Street and Interior Access Drives

Private streets and interior access drives must meet the minimum standards for construction, materials for use in construction, and design as specified by the Standards for Street and Bridge Design and Construction (Standards for Acceptance of Streets and Bridges; G.O. 49, 1972 of the City-County Council of Indianapolis and Marion County, Indiana) and Chapter 691 of the Revised Code of the Consolidated City and County. Provided, however, that theses standard specifications are modified as follows:

A. Curbing shall not be required unless required by storm drainage improvements.

B. The minimum width of pavement, including curb and gutter, if provided, for private streets and interior access drives must be provided in accordance with Table 744-306-1.

Table 744-305-1: Minimum width of private street pavement, to back of curb, if provided

Direction of traffic	On-street Parking provision	Minimum width
One-way	No parking	12 feet
One-way	One side only	20 feet
Two-way	No parking	20 feet
Two-way	One side only	27 feet
Two-way	Both sides	36 feet

C. The owner or project management, homeowners' association or other similar organization (not by a governmental agency) must maintain all sidewalks, pedestrian ways, private streets, interior access drives and parking areas in good condition and repair reasonably free of chuckholes, standing water, weeds, dirt, trash, mud, ice and snow and debris.

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Article IV. PARKING, LOADING, AND DRIVE-THROUGH

Section 01. Applicability

All off-street parking, loading, and drive-through stacking areas for motor vehicles and bicycles areas shall be provided in accordance with the following regulations. However, commercial parking facilities, including attendant parking, shall be subject to the provisions of Chapter 931 of the Revised Code of the Consolidated City and County, in addition to the development standards of this chapter.

A. Exception for permits previously issued

For all buildings and structures erected and all uses of land established after the first day of the month that is six months after the date of adoption, parking facilities shall be provided in accordance with the regulations of this Chapter 744, Article IV Parking, Loading and Drive-Through. However, where Improvement Location Permits and building permits have been issued prior to that effective date, and provided that construction has begun within six months of that effective date and diligently pursued to completion (but such time period not to exceed three years after the issuance of such building permit), parking facilities in the amounts required for issuance of such permits may be provided in lieu of any different amount required by the off-street parking regulations of this zoning ordinance.

B. Increased intensity of use

When the intensity of use of any legally established building, structure or premises (existing on the first day of the month that is six months after the date of adoption or hereafter established) is increased resulting in a net increase of gross floor area or any other unit of measurement specified herein for determining required parking areas, parking spaces and any other facilities as required by this Chapter 744 Article IV shall be provided for the increased intensity of use. However, no building or structure lawfully erected, or use lawfully established, prior to the first day of the month that is six months after the date of adoption shall be required to provide such additional parking spaces or areas, unless and until the aggregate increase in any unit of measurement specified herein for determining required parking spaces causes an increase in the required number of parking spaces that equals 15% or more of the number of parking spaces existing on the first day of the month that is six months after the date of adoption, in which event parking spaces and areas as required herein shall be provided for the total increase.

C. Change of use

Whenever the type of land use of a building, structure or premises is hereafter changed to a new type of land use permitted by this ordinance, parking spaces and areas shall be provided as required by the provisions of this chapter for such new type of land use, subject to the exception noted in Section 744-401.B above.

D. Change to existing parking areas

Required accessory off-street parking areas in existence on the first day of the month that is six months after the date of adoption, shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirements for such use as

would be required for such use as a new use of a building, structure or premises under the provisions of this chapter.

Further, accessory off-street parking areas in existence on the first day of the month that is six months after the date of adoption that exceed the maximum number of parking spaces allowed, shall not be required to eliminate the excess parking spaces.

E. New or expanded parking areas

Nothing in this chapter shall prevent the establishment of, or expansion of the amount of, parking areas to serve any existing land use or building, provided that all other regulations in this Chapter 744 Article IV shall be adhered to.

F. Damage or destruction

1. If any legally established nonconforming structure, building, or facility is damaged or partially destroyed by fire or other naturally occurring disaster, and the damage or destruction does not exceed two-thirds of the gross floor area of the building, structure, or facility, any reconstruction of the structure, building or facility shall restore and continue in operation off-street parking and loading spaces equal to those maintained at the time of the damage or partial destruction.
2. If any legally established nonconforming structure, building, or facility is damaged or partially destroyed by fire or other naturally occurring disaster, and the damage or destruction equals two-thirds or more of the gross floor area of the building, structure, or facility, any reconstruction of the structure, building or facility shall provide off-street parking and loading spaces in accordance with this Article.

G. Calculating Amount of Required Parking

When a computation of required parking spaces results in a fraction, the number of required parking spaces shall be rounded down to the next whole number.

H. On-street Parking Spaces

In the Compact Context area, on-street parking spaces, lawful at the time of permit issuance, located on the same side of the street and directly in front of the property containing the use or building being served (as determined by extensions of the property side or rear lot lines, as applicable, into the on-street parking lane) may be counted towards minimum off-street parking requirements.

I. Measuring and Configuring Parking Areas

All off-street parking areas and facilities, except those for single-family detached dwellings, single-family attached dwellings, two-family dwellings, triplexes, and fourplexes, must comply with the dimensional and configuration standards shown in Table 740-401-1: Parking Space and Lot Design and Dimensions based upon the angle of parking, direction of travel and vehicle size, and depicted in Figure 740-401-A: Parking Lot Layout.

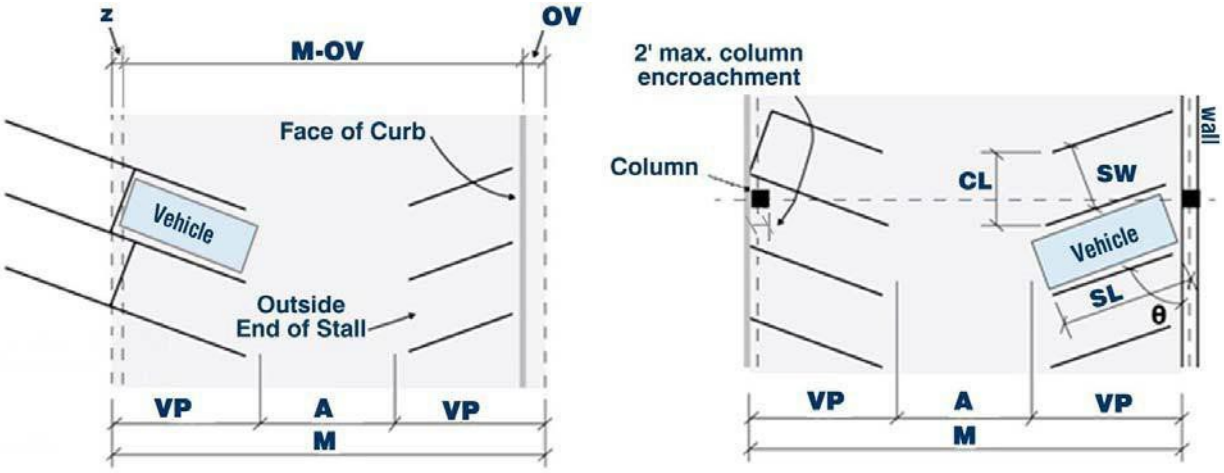

Figure 744-401-A: Parking Lot Layout	
Key	
Θ = angle of park	SL = stall length
A = aisle width	CL = curb length
z = interlock reduction	SW = stall width
OV = overhang	VP = vehicle projection
M = module or parking bay	

Notes

1. Up to 30 percent of the required parking spaces can be designed as small vehicle parking. Small vehicle parking spaces shall not be less than eight feet in width and 16 feet in length.
2. Angles between 76° and 89° are not permitted for one-way design because these angles permit drivers of smaller cars to back out and exit the wrong way.
3. Angled parking is not permitted with two-way aisles as drivers often attempt to make a U-turn into stalls on the other side of the aisle.
4. Columns and light poles may protrude into a parking module a combined maximum of 2 ft. as long as not more than 25% of the stalls are affected in that module. For example, a 2 ft. encroachment by a column on one side of the aisle or 1 ft. each from columns on both sides is permissible.

Figure 744-401-1: Parking Space and Lot Design and Dimensions

Parking Angle	Vehicle Size	Curb Length (CL in figure)	Stall Width [1] (SW in figure)	Stall Length [2] (SL in figure)	Aisle Width (A in figure)	Direction of Travel
45°	Small vehicle	10 ft. 6 in.	8 ft.	16 ft.	11 ft.	1-way
	Standard	12 ft. 9 in.	9 ft.	19 ft.	13 ft.	1-way
	Small vehicle	10 ft. 6 in.	8 ft.	16 ft.	18 ft.	2-way
	Standard	12 ft. 9 in.	9 ft.	19 ft.	22 ft.	2-way
60°	Small vehicle	8 ft. 9 in.	8 ft.	16 ft.	14 ft.	1-way
	Standard	9 ft. 9 in.	9 ft.	20 ft. 6 in.	16 ft.	1-way
	Small vehicle	8 ft. 9 in.	8 ft.	16 ft.	20 ft.	2-way
	Standard	9 ft. 9 in.	9 ft.	20 ft. 6 in.	22 ft.	2-way
	Small vehicle	8 ft. 4 in.	8 ft.	16 ft.	17 ft. 3 in.	1-way

75°	Standard	9 ft. 4 in.	9 ft.	21 ft.	18 ft. 6 in.	1-way
	Small vehicle	8 ft. 4 in.	8 ft.	16 ft.	20 ft.	2-way
	Standard	9 ft. 4 in.	9 ft.	21 ft.	22 ft.	2-way
90°	Small vehicle	8 ft.	8 ft.	16 ft.	20 ft.	2-way
	Standard	9 ft.	9 ft.	20 ft.	23 ft.	2-way

Notes

[1] Stall width (also known as Parking Space width) measured by a line perpendicularly from the sides of the parking space at a point on the outside end of the stall, except when the stall is on the inside edge of a curve, in which case the point of measurement must be on the inside end of the stall. Depicted as SW in Figure 740-306-A: Parking Lot Layout.

[2] Stall length (also known as Parking Space length) measured from the curb, wall or interlocking strip on the inside edge of the stall to the outside end of the stall. Depicted as SL in Figure 740-306-A: Parking Lot Layout.

Section 02. Required Parking Spaces

Table 744-402-1: Required Parking Table indicates the minimum and/or maximum number of parking spaces that shall be provided for specific types of land uses in all districts unless otherwise stated in another section of the Zoning Ordinance. Table 744-402-1 is based on Table 743-1: Use Table; however, it does not provide parking requirements for every listed land use type or land use category in that table.

A. Unlisted uses

For any land use type not listed in Table 744-402-1: Required Parking Table, specific requirements shall be determined by the Administrator and shall be based upon requirements for similar types of uses, expected demand and traffic generated by the proposed use type, and other information from appropriate traffic engineering and planning criteria.

B. General requirement

Off-street parking spaces shall be provided as shown in Table 744-402-1: Required Parking Table, except as follows:

1. No off-street vehicle parking is required in the Mile Square Area or MU-4 district.
2. No off-street vehicle parking is required for any parcel containing less than 5,000 sf of lot area, except for single-family attached dwellings or single-family detached dwellings.
3. Minimum vehicle parking required in the CBD-2, CBD-3 and MU-3 districts is 1 space per 900 sf of floor area regardless of the type of land use.
4. No space used for a required parking space may be used for a required loading or stacking space.

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Table 744-402-1: Required Parking Table
Standards based upon square footage refer to the total floor area square footage.

LAND USE	Minimum Off-Street Vehicle Parking Spaces Required	Maximum Off-Street Vehicle Parking Spaces Permitted	Minimum Bicycle Parking Spaces Required
RESIDENTIAL USES			
Single-Family Detached Dwellings and Dwelling Structures with Four or Fewer Units	1 per dwelling unit	None	Not required
Single-Family Attached Dwellings (a/k/a Townhouses or Rowhouses)	1 per dwelling unit	None	Not required
Multifamily Dwellings (five or more units)	1 per dwelling unit (between one and three stories); 0.75 per dwelling unit (for entire structure if over three stories)	None	3 spaces or 10% of required off-street parking spaces, whichever is greater 60% must be enclosed
Live/Work Unit	2 per dwelling unit	None	Not required
Assisted Living Facility	1 per 2 habitable units, plus 1 visitor space per 20 habitable units	2 per 3 habitable units	3 spaces
Nursing Home	1 per four beds at design capacity, plus 1 visitor space per six beds	1 per two beds	3 spaces
PUBLIC, INSTITUTIONAL, RELIGIOUS AND CIVIC USES			
Community Center, Club or Lodge, Athletic Club, Recreation Facility, Museum, Library, or Art Gallery	1 per 400 sf	1 per 200 sf	3 spaces or 10% of required off-street parking spaces, whichever is greater [1] 30% must be covered or enclosed
Auditorium, Assembly Halls, and other uses involving assembling of persons (unless otherwise listed in this table)	1 per 4 seats in main auditorium	None	3 spaces or 10% of required off-street parking spaces, whichever is greater [1]
Day Care Center or Nursery School	1 per 400 sf	1 per 200 sf	Not required
Greenway; Park, or Playground	No parking required	None	Not required

Table 744-402-1: Required Parking Table
Standards based upon square footage refer to the total floor area square footage.

LAND USE	Minimum Off-Street Vehicle Parking Spaces Required	Maximum Off-Street Vehicle Parking Spaces Permitted	Minimum Bicycle Parking Spaces Required
Religious Uses	1 per 4 seats in the place of worship, or 1 per 1,000 sf, whichever is greater	None	3 spaces
Schools: Elementary or Middle	1 per 20 students at design capacity	None	10% of required off-street parking spaces
Schools: High Schools	1 per 8 students at design capacity	1 per 6 students at design capacity	10% of required off-street parking spaces
Other educational facilities	1 per 3 students at design capacity	None	10% of required off-street parking spaces 30% must be covered or enclosed
Hospital	1 per 3 patient beds at design capacity	1 per 2 patient beds at design capacity	5% of required off-street parking spaces [1] 60% must be covered or enclosed
Medical or Dental Offices, Centers, Clinics, or Treatment Facilities	1 per 300 sf	1 per 150 sf	3 spaces or 10% of required off-street parking spaces, whichever is greater [1]
Medical or Dental Laboratories	1 per 350 sf	1 per 200 sf	3 spaces
AGRICULTURAL, ANIMAL RELATED, and FOOD PRODUCTION USES			
Agricultural Machinery and Equipment Sales, Rental, or Repair	1 per 1,000 sf	None	Not required
Animal Care, Boarding, Veterinarian Services	1 per 400 sf	None	2 spaces
Processing and Packaging of Food and Beverages, and Processing of Stock	1 per 1,000 sf	None	3 spaces
COMMERCIAL AND INDUSTRIAL USES			
Business, Home, and Personal Services or Repair			

Table 744-402-1: Required Parking Table
Standards based upon square footage refer to the total floor area square footage.

LAND USE	Minimum Off-Street Vehicle Parking Spaces Required	Maximum Off-Street Vehicle Parking Spaces Permitted	Minimum Bicycle Parking Spaces Required
Crematorium or Funeral Home	1 per 4 seats in main seating areas or 1 per 200 sf, whichever is greater	None	Not required
Dry Cleaning Plant or Industrial Laundry	*See Manufacturing or Industrial Plants*		
Personal or Commercial Services including Consumer Services or Repair of Consumer Goods, Hair and Body Care Salon or Service, Financial and Insurance Services (banks and check cashing or validation services), Laundromats, Printing Services, and Tattoo Parlors	5 spaces or 1 per 350 sf, whichever is greater	None	3 spaces or 10% of required off-street parking spaces, whichever is greater [1]
Food, Beverage, and Indoor Entertainment			
Adult Entertainment Business	Greater of 1 per 285 sf or 1 per 2 seats	None	Not required
Bar, Tavern, Night Club, or Cabaret; Eating Establishment or Food Preparation	1 per 150 sf	1 per 100 sf	3 spaces or 10% of required off-street parking spaces, whichever is greater
Indoor Recreation & Entertainment	Greater of 1 per 4 seats at maximum capacity or 1 per 400 sf	Greater of 1 per 2 seats at maximum capacity or 1 per 250 sf	10% of required off-street parking spaces [1]
Heavy Services			
Commercial and Building Contractors; Heavy Equipment Sales, Service or Repair	1 per 1,000 sf	None	Not required
Lodging			
Hotel, Motel, Hostel; or Bed and Breakfast	1 per guest room	1.5 per guest room	3 spaces
Manufacturing			
Artisan Food and Beverage, and Artisan Manufacturing	1 per 350 sf	1 per 200 sf	Greater of 3 spaces or 10% of required off-street parking spaces
Manufacturing or Industrial Plants	1 per 1,000 sf	None	Greater of 3 spaces or 5% of required off-street parking spaces [1]

Table 744-402-1: Required Parking Table
Standards based upon square footage refer to the total floor area square footage.

LAND USE	Minimum Off-Street Vehicle Parking Spaces Required	Maximum Off-Street Vehicle Parking Spaces Permitted	Minimum Bicycle Parking Spaces Required
Offices			
Office: Business, Professional (includes research and development offices), or Government (includes Post Office).	1 per 350 sf	1 per 200 sf	10% of required off-street parking spaces [1] 60% must be covered or enclosed
Outdoor Recreation and Entertainment			
Outdoor Recreation and Entertainment, General	1 per 400 sf, plus 1.5 per 10,000 sf outdoor recreation /entertainment area	None	Greater of 3 spaces or 10% of required off-street parking spaces
Golf Course	1 per 250 sf of clubhouse and similarly common areas, plus 3 per green	None	Not required
Research and Development			
Agricultural Sciences R&D; Clean Energy R&D; Information Technology R&D; Life Sciences R&D; Logistics R&D; Research and Development, Other	1 per 1,000 sf	None	3 spaces
Retail Sales			
All Retail Sales uses	1 per 350 sf if under 200,000 sf; 1 per 400 sf if 200,000 sf or larger; plus 1 per 1,000 sf of outside display area	1 per 200 sf	3 spaces or 10% of required off-street parking spaces, whichever is greater [2]
Utilities			
Any use in the Utilities category	No parking required	None	Not required
Vehicle-Related Operations			
Automobile Fueling Station	1 per 250 sf; parking at fuel pumps can be counted toward requirement	None	2 spaces
Automobile, Motorcycle, Truck, and Light or Heavy Vehicle Service or Repair	2 per service bay plus 1 per 250 sf indoor sales/display area	None	2 spaces
Transit Center	Determined by Administrator	None	Determined by Administrator
All Other Vehicle-Related Operations	5 spaces	None	Not required

Table 744-402-1: Required Parking Table
Standards based upon square footage refer to the total floor area square footage.

LAND USE	Minimum Off-Street Vehicle Parking Spaces Required	Maximum Off-Street Vehicle Parking Spaces Permitted	Minimum Bicycle Parking Spaces Required
Waste and Recycling; Wholesale Distribution or Storage			
Mini-Warehouses (Self-Storage Facility)	1 per 30 units. Required parking shall not be used as rental or leased spaces	1 per 15 units	Not required
Warehousing, Wholesaling and Distribution; Waste and Recycling uses	1 per 1,500 sf	None	Not required
Bulk Storage of Commercial or Industrial Liquids; Heavy Outdoor Storage	No parking required	None	Not required

Notes:

[1] However, in no instance shall the total number of bicycle parking spaces required exceed 5 per pedestrian entrance. The quantity of spaces located at any entrance may vary as long as the building's overall required quantity is met.

[2] However, in no instance shall the total number of bicycle parking spaces required exceed 8 per pedestrian entrance. The quantity of spaces located at any entrance may vary as long as the building's overall required quantity Ismet.

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C. ADA parking requirements

Off-street ADA parking spaces shall be provided in accordance with Table 744-402-2 for all uses that provide off-street parking.

Table 744-402-2: ADA Parking Requirement Summary

- These requirements are applicable to all uses except residential facilities and units required to be fully ADA accessible, hospitals, and outpatient facilities, which have their own requirements.
- If more than one parking facility is provided on a site, these requirements apply separately to each parking facility
- This is a summary table only. Site design must comply with all provisions of 2010 ADA Standards for Accessible Design, as amended.

Required Off-Street Parking Spaces	Minimum Number of ADA Reserved Spaces	Required Off-Street Van-Accessible Spaces
0-25	1	1 per 6 required ADA spaces shall be van-accessible
26-50	2	
51-75	3	
76-100	4	
101-150	5	
151-200	6	
201-300	7	
301-400	8	
401-500	9	
501-1,000	2% of the total number of parking spaces	
1,001 and over	20 plus 1 for each 100 spaces over 1,000	

D. Electric vehicle charging stations

1. Two electric vehicle charging stations shall be required for developments that provide 500 or more off-street parking spaces.
2. Electric vehicle charging stations shall count toward the total required off-street parking spaces.

E. Bicycle parking

1. Bicycle Parking Design and Location Requirements

a. Bicycle parking shall be located in a visible area near the intended use.

b. The minimum size of a bicycle parking space is two feet by six feet. Bicycle parking racks shall be provided for bicycle parking.

c. Bicycle parking racks shall be located to avoid potential conflict with parking and circulation of motor vehicles. Bicycle parking racks shall be positioned out of any required walkway.

d. Bicycle parking racks shall support each bicycle in a method that does not use a wheel as the primary means of support and connection to the rack.

e. Bicycle parking racks shall enable the bicycle frame and one or both wheels to be secured through use of a "U" type lock.

f. Bicycle parking racks shall be securely anchored to a hard surface.

g. Parallel bike racks shall be placed with a minimum of on-center spacing of 30 inches. Spacing of 48 inches is optimal.

h. Required covered bicycle parking shall mean bicycle parking spaces that are either in a parking garage, or sheltered by a roofed structure with at least two walls to protect from rain and snow with the cover large enough to keep the bicycles dry.

i. Required enclosed bicycle parking shall mean bicycle parking spaces that are located in one of the following:

1. Locked room.
2. Individual or community storage area.
3. Bicycle locker.
4. Locked area that is enclosed by a fence or wall with a minimum height of 8 feet.
5. Private garage serving a dwelling within a multi-unit (residential) building.
6. Inside a residential dwelling unit if the dwelling unit has an exterior ground floor entry.

F. Structured parking requirement

The following requirements apply to all developments not exempt from off-street parking requirements by another provision of this Chapter 744, Article IV Parking, Loading and Drive-Through.

1. After the first day of the month that is six months after the date of adoption, all developments in the Compact Context area providing 400 or more off-street parking spaces shall provide at least 80% of those parking spaces in structured parking facilities, such as a free-standing garage or parking integrated within the primary building, rather than surface parking lots.
2. Maximum parking limits shall not apply to developments that provide at least 80% of all off-street parking spaces in structured parking facilities rather than surface parking lots.

Section 03. Adjustments to Required Off-Street Parking

The minimum required off-street parking spaces shown in Table 744-402-1 may be reduced by the factors shown in subsections A through E below, individually or in combination, but the cumulative reduction in required off-street parking spaces shall not exceed 35% of the minimum required in Table 744-402-1.

A. Electric vehicle charging stations

For each electric vehicle charging station provided, the minimum number of required off- street parking spaces may be reduced by two. Each charging station counts toward the minimum number of required parking spaces.

B. Shared vehicle, carpool, or vanpool spaces

For each shared vehicle, carpool, or vanpool space provided, the minimum number of required off-street parking spaces may be reduced by four. Each shared vehicle, carpool, or vanpool space shall count toward the minimum number of required parking spaces.

C. Bicycle parking

For every five bicycle parking spaces provided in excess of the required bicycle parking spaces (or where no bicycle parking is required), the minimum number of required off-street parking spaces may be reduced by one, up to a maximum reduction of five off-street parking spaces.

D. Proximity to public transportation

1. The minimum number of off-street parking spaces required for any development with a lot line located within one-quarter (1/4) mile of a transit stop improved with a shelter and located on an Indianapolis Public Transportation Corporation (IndyGo) Transit Emphasis Corridor shall be reduced by 30%.
2. The minimum number of off-street parking spaces required for any development with a lot line located between ¼-mile to ½-mile of a transit stop improved with a waiting pad and located on an IndyGo Transit Emphasis Corridor in operation for one year or more may be reduced by 10%.
3. If an IndyGo transit corridor or center is eliminated or relocated, any development approved in conformance with this Section shall not be deemed nonconforming in terms of required parking and shall not be required to provide additional parking for uses or development existing at the time the transit corridor or center is eliminated or relocated.

E. Shared parking spaces

Where two land uses listed in separate use categories in Table 743-1: Use Table share a parking lot or structure, the total off-site parking required for those uses may be reduced by the factors shown in Table 744-403-1: Shared Parking Reduction Factors. Total off-street parking required shall be the sum of the two parking requirements for the two uses divided by the factors in Table 744-403-1. If uses in three or more categories of Table 744-403-1 share a parking lot or structure, the Administrator shall determine the parking reduction based on the relative sizes of the various uses and the reduction factors listed in Table 744-403-1.

Table 744-403-1: Shared Parking Reduction Factors					
Add the two parking requirements and divide by these factors					
Property Use	**Multifamily Residential**	**Public, Institutional, or Civic**	**Food, Beverage, Indoor, Entertainment, or Lodging**	**Retail**	**Other Commercial**
Multifamily Dwellings		1.1	1.1	1.2	1.3
Public, Institutional, or Civic	1.1		1.2	1.3	1.5
Food, Beverage, Indoor, Entertainment, or Lodging	1.1	1.2		1.3	1.7
Retail Sales	1.2	1.3	1.3		1.2
Other Uses in the Commercial and Industrial Uses Category	1.3	1.5	1.7	1.2	

For example: A 50-unit, three-story multifamily dwelling project will share a parking lot with a 6,000 square-foot restaurant. According to Table744-402-1, the required parking for the multifamily dwelling project is one per unit, or 50 parking spaces. The restaurant requires one per 150 square feet, or 40 spaces (6,000 sf ÷ 150). Shared parking for these two uses may be reduced by a factor of 1.1. To calculate the reduction, add the required parking for each use (50 + 40 = **90**), then divide by a factor of 1.1 (90 ÷ 1.1 = **81.8**). The total number of parking spaces required after the reduction is **82**.

F. Permeable pavers or pavement

Maximum parking requirements can be exceeded by up to 10% if permeable pavement or pavers are used for the amount of parking in excess of the maximum parking requirements listed in Table 744-402-1.

G. Flexibility for Redevelopment

Where the requirements of this Article apply to a redevelopment or reconstruction project, rather than raw land development, the Administrator may authorize a reduction of minimum off-street parking requirements established in Section 744-403 by up to 10% (in addition to other reductions available under that section) if required to accommodate street frontage landscaping required by Section 744-504 or parking area landscaping required by 744-505.

Section 04. Location and Design of Parking Facilities

The following standards apply to all accessory and commercial parking lots, and to both required and non-required parking areas, unless otherwise stated in the Zoning Ordinance.

A. Parking Lots and Access Points

1. Location

a. In the Metro Context area accessory off-street parking areas shall be provided on the same lot as the building or use served unless an exception is specifically provided in the Zoning Ordinance and shall not be located within the public right-of-way.

b. Notwithstanding subsection A.1 above, in the Metro Context area, buildings or uses existing on the first day of the month that is six months after the date of adoption that are subsequently altered or enlarged so as to require the provision of additional parking spaces under the requirements of this Chapter 744 Article IV may be served by parking spaces located on land other than the lot on which the building or use served is located, provided such spaces are within 500 feet of a lot line of the use served. However, no parking area for a nonresidential use shall be located within a dwelling district unless the nonresidential use is permitted within that dwelling district.

c. In the Compact Context area accessory off-street parking areas may be located within 500 feet of the property containing the building or use served, provided that:

1. No parking area for a nonresidential use shall be located within a dwelling district unless the nonresidential use is permitted within that dwelling district; and

2. The Administrator determines that the property on which any required accessory off-street parking is located is reasonably likely to remain available to provide parking for the designated use for a period of at least five years.

2. Parking in front of building

a. Off-street parking may be provided between the front of a building and the street right-of-way as indicated in Table 744-404-1: Limitations to Parking in Front of a Building.

Table 744-404-1: Limitations to Parking in Front of a Building

Property location	Restriction
Regional Center and the North Meridian Street Corridor District	Not permitted
Dwelling Districts:	
D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II, D-8	Limited to the smaller of 30 ft. in width or 50% of the lot width
Other Dwelling Districts	N/A

All Mixed-Use Districts	Not permitted
Commercial Districts:	
C-1	Compact Context area limited to 1 single-loaded row of parking
C-3	Compact Context area limited to 1 single-loaded row of parking Metro Context area limited to 1 double-loaded row of parking
C-4	Compact Context area limited to 1 single-loaded row of parking
C-5	Compact Context area limited to 1 double-loaded row of parking
C-7	Compact Context area limited to 1 double-loaded row of parking
Industrial Districts	Limited to 1 double-loaded row of parking
Note: The Architectural Graphic Standards in Figure 740-306-A refers to a double loaded row of parking as a "module". Where a single-loaded row of parking is permitted, the Architectural Graphic Standards applicable to one line of parking stalls and to the driving aisle giving access to those stalls shall apply.	

b. Off-street parking may be provided between the front of a building and the street right-of-way unless prohibited by another provision of the Zoning Ordinance, and provided that the parking complies with the following standards:

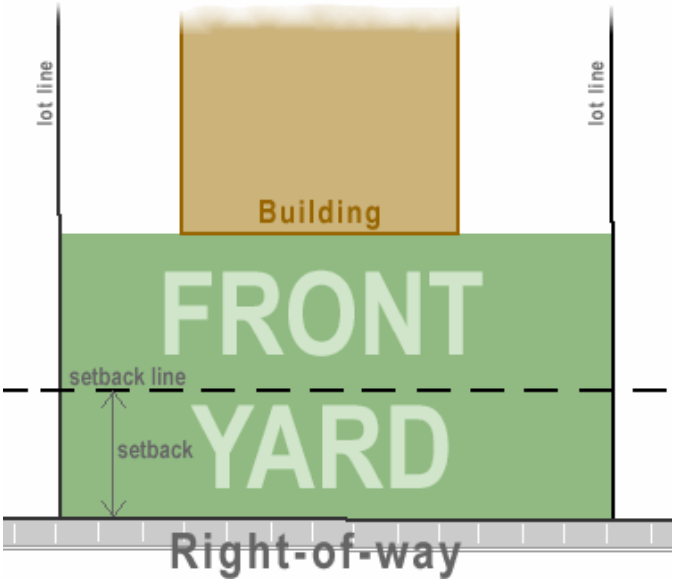


Diagram WW Front Yard

1. If located in an industrial or commercial zoning district, the parking area must not occupy more than 10% of the total area of the setback area.
2. All other provisions for Recreational Vehicle parking are met, per Section 743-306.Y (Use-Specific Standards for Recreational Vehicle Parking).
3. All provisions of Section 744-500 (Landscaping and Screening) are met.

3. Parking in side and rear yards

Unless prohibited by another section of the Zoning Ordinance, off-street parking may be located in any required side or rear yard that is not a transitional yard; provided that the transitional yard and edge buffering landscape requirements of Section 744-506 (Transitional Yard and Edge Buffering) are met.

4. Regional Center and North Meridian Street Corridor

In the Regional Center and North Meridian Street Corridor District, parking lots shall not be permitted on any lot with frontage on Meridian Street, Pennsylvania Street, Washington Street, Market Street, or on any lot located within the Mile Square.

5. CBD, MU-3, and MU-4 zoning districts

In the CBD-1, CBD-2, CBD-3, MU-3, and MU-4 districts, parking lot entrances or exits shall be located at least 75 feet from the nearest point of 2 intersecting street right-of-way lines. In the MU-4 zoning district, parking lot entrances shall not be located on a Pedestrian Frontage.

B. Parking Garage Locations and Access Points

1. Parking garages in CBD-1 zoning district

Vehicular entrances and exits to off-street parking garages in the CBD-1 zoning district shall be provided only on the following streets:

1. East New York Street; West New York Street.
2. East Maryland Street; West Maryland Street.
3. North Capitol Avenue; South Capitol Avenue.
4. North Delaware Street; South Delaware Street.
5. West Washington Street between Illinois Street and Capitol Avenue.
6. West Ohio between Illinois Street and Capitol Avenue.
7. North Pennsylvania Street between Ohio Street and New York Street; South Pennsylvania Street between Maryland Street and Washington Street.
8. North Illinois Street between Ohio Street and New York Street; South Illinois Street between Maryland Street and Washington Street.
9. Indiana, Massachusetts, Kentucky and Virginia Avenues.
10. East Washington Street between Pennsylvania Street and Delaware Street.

2. Parking garages in CBD-2 and CBD-3 zoning districts

Off-street parking garages and accessory off-street parking facilities within buildings in the CBD-2 and CBD-3 zoning districts located on lots having frontage upon North Meridian Street or North Pennsylvania Street shall be developed as an integral part of an associated apartment, office, hotel or other permitted principal use structure, with no exterior evidence of the parking use perceptible on the Pennsylvania or Meridian Street frontage, except for ingress or egress from North Meridian or North Pennsylvania Streets.

3. **Parking garages on North Meridian Street**
   Off-street parking garages entrances or exits shall not be located on North Meridian Street between 10th Street and 38th Street.

4. **Parking garages in MU-4 zoning district**
   Vehicle entrances and exits to parking garages in the MU-4 districts shall not be located on a designated Pedestrian Frontage:

5. **Parking garage entrance/exit spacing from street intersection** Parking garage entrances or exits shall be located a minimum distance of 75 feet from the nearest point of two intersecting street right-of-way lines in the following situations:
   a. The property is located in the CBD-1, CBD-2, CBD-3, MU-3, or MU-4 zoning districts; or
   b. The entrance or exit access any of the streets listed below:
      1. North Capital Avenue, extending from 10th Street to 38th Street.
      2. North Illinois Street, extending from 10th Street to 38th Street.
      3. North College Avenue, extending from 22th Street to 96th Street.

C. Shared off-street accessory parking areas

Shared off-street parking areas may be provided to serve two or more primary buildings or uses, provided that the parking areas meet the following standards:

1. The applicant shall file a Site and Development Plan with the Division of Planning for approval by the Administrator prior to the issuance of an Improvement Location Permit. The Site and Development Plan shall indicate:
   a. Adjacent streets, alleys and lots;
   b. Uses to be served, including the location, use (e.g., employee, customer, etc.) and number of parking spaces for each such use as required by Table 744-402-1: Required Parking Table and applicable parking adjustment factors in Section 744-403 Adjustments to Required Off-street Parking;
   c. Driveways and acceleration/deceleration lanes;
   d. The parking area layout, including parking areas, parking spaces, total number of parking spaces and dimensions of those spaces;
   e. Distances to the primary uses served;
   f. All landscaping and screening, walls and fences; proposed lighting, if any; and type of paving proposed;
   g. Location of signs;
   h. Location and type of parking space barriers or curbing, if any; and
   i. All other requirements of Section 740-800 Improvement Location Permits.
   j. The Site and Development Plan shall demonstrate compliance with all applicable standards of this Chapter 744 Article IV.

k. The Site and Development Plan shall be amended and resubmitted for Administrator's approval to indicate any change or other modification of uses served or number of parking spaces provided for those uses, prior to obtaining a new Improvement Location Permit.

l. Shared off-street accessory parking area shall be developed, maintained and used only in accordance with such approved Site and Development Plan and all other requirements of this Chapter 744 Article IV.

D. Design of Parking Areas and Facilities

1. Regulated as buildings

Unless otherwise stated in this zoning ordinance, parking lots and parking garages shall be subject to all use and development standards of the applicable zoning district in addition to the requirements contained this article.

2. Dimensions and specific parking space location

Off-street parking areas (including, but not limited to, entrances, exits, aisles, spaces, traffic circulation and maneuverability) shall be designed and constructed at not less than the recommended specifications contained in the Architectural Graphic Standards, Current Edition, Ramsey/Sleeper, John Wiley and Sons, Inc., New York, New York, and Section 744-401: Applicability; except that each parking space shall have, regardless of angle of parking, a usable parking space measuring as follows:

a. *Residential uses*. Not less than 8.5 feet in width (measured perpendicularly from the sides of the parking space) and at least 150 square feet of usable parking area.

b. *All other uses*. Not less than 9 feet in width (measured perpendicularly from the sides of the parking space) and not less than 18 feet in length and at least 180 square feet in total area.

c. *Small vehicle parking*. Up to 30% of the required parking spaces can be designed as small vehicle parking. Small vehicle parking spaces shall not be less than 8 feet in width and 16 feet in length.

d. *ADA parking*. All parking spaces reserved for the use of disabled persons shall have an access aisle adjacent to the parking space. The width of the access aisle shall be either 60 inches for car-accessible spaces or 96 inches for van-accessible spaces. One of every six required accessible parking spaces, but always at least one space, must be van-accessible. Two parking spaces may share an access aisle. The parking space and aisle shall not be less than 20 feet in length. The ADA parking spaces shall be located closest to the entrance of the building.

e. *Shared and motorcycle parking*. After the required ADA parking spaces are located closest to the entrance, shared vehicle, carpool, vanpool spaces, and any motorcycle parking spaces shall be located closest to the entrance of the building.

f. *Bicycle parking*. Bicycle parking shall be located within 50 feet of a pedestrian entrance.

3. Access to and from parking lots and garages

a. Each off-street parking space shall open directly upon an aisle, alley or driveway of a width and design that provides safe and efficient means of vehicular access to the parking space. Aisles, alleys, and driveways may be used to provide for vehicle circulation and maneuvering to reach parking spaces.

b. No parking space shall be designed or located so that the only way to access that space is by entering directly from or exiting directly to a highway, freeway, or primary arterial.

c. After the first day of the month that is six months after the date of adoption, no curb cut for street access to an accessory parking area in the Compact Context area, shall be approved if the property has an improved alley along the side or rear lot line.

d. Alleys may be used for vehicle circulation and maneuvering.

e. All off-street parking spaces or areas shall be designed with safe and efficient means of vehicular access to a street or alley that minimize interference with traffic movement. Off-street parking spaces and areas shall be designed and located so that vehicles shall not back into a public street or adjoining property unless the lot and the adjoining property are subject to a recorded easement agreement allowing that type of maneuverability.

f. No driveway leading to an accessory or primary use parking lot or garage may be located within 100 feet of a freight railway line or spur.

4. Location of cash register areas

After the first day of the month that is six months after the date of adoption, new above ground commercial parking facilities with an on-site attendant shall have the primary cash register area located so there is an unobstructed view between an area along the property frontage and any attendant at the cash register area.

5. Use of the parking lot or garage

a. No parking lot or garage shall be used any of the following activities for the display, advertisement, sale, repair, dismantling or wrecking of any vehicle, equipment or material, or for the storage of any inoperable vehicle, unless it is accessory to a permitted use that includes those activities, the Zoning Ordinance permits those activities, and the use and area complies with all applicable standards in the Zoning Ordinance.

b. No parking lot or garage located in a dwelling or Mixed-Use district shall be used for the storage of commercial vehicles.

c. Buildings or structures for guards, attendants or watchmen shall be permitted in the parking lot or garage; however, the structure shall not occupy any required off-street parking spaces and shall comply with all setback requirements for the parking lot or garage.

6. Surface of parking lot

a. For all uses other than Agricultural, Animal Related, and Food Production uses located in the D-A zoning district, parking lots shall provide a durable and dust-free surface through one of the following means:

1. The parking lot shall be paved with bricks or concrete; or
2. The parking lot shall be improved with a compacted aggregate base and surfaced with an asphaltic pavement; or
3. The parking lot shall be improved with a compacted aggregate base and surfaced with permeable pavers or permeable pavement approved by the city as appropriate for the type and intensity of the proposed use and for the climate of the city.
4. A gravel surface may be used for a period not exceeding one year after the commencement of the use for which the parking areas is provided, where ground or weather conditions are not immediately suitable for permanent surfacing required by the Zoning Ordinance.
5. For single-family detached dwellings, parking and drive surface may consist of a compacted aggregate base and gravel surface with a distinct edge boundary to retain the gravel.

b. The surface shall be graded, constructed and drained so that there will be no detrimental flow of water onto sidewalks.

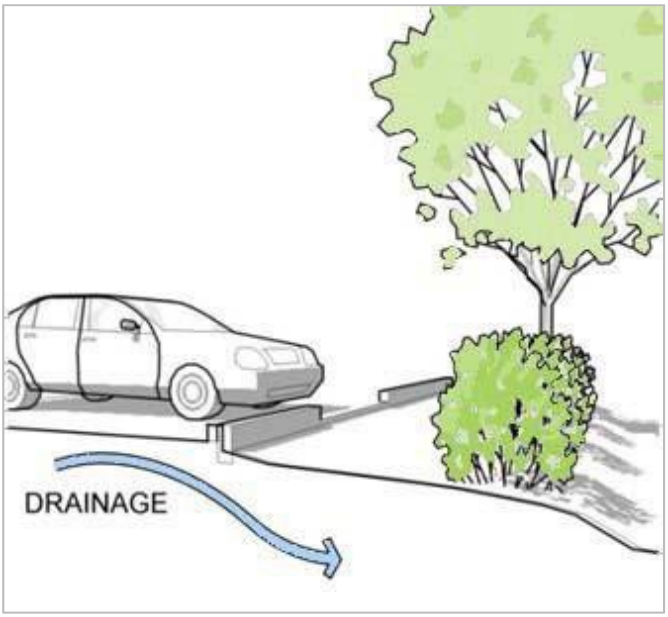


Diagram XX Parking Lot Drainage: Curb openings

c. Parking lots and garages (other than residential driveways for single-family detached dwelling, single-family attached dwelling or two-family dwelling) shall be designed and constructed in such a manner that no part of any parked vehicle shall extend beyond the boundary of the established parking lot or garage into any minimum required landscaped yard or area or onto adjoining property or onto a walkway or bikeway.

d. If curbs or wheel stops are installed in a parking lot row abutting a landscaped area, they shall have openings allowing drainage from the pavement to enter and percolate through the landscaped areas.

e. Parking lots, parking garages, and alleys used for access or maneuverability shall be maintained in good condition and free of chuckholes, weeds, dirt, trash and debris.

7. Marking of parking spaces

a. All parking spaces provided in a parking lot or parking garage (other than residential driveways) shall be marked by durable painted lines at least 4 inches wide and extending the length of the space or by curbs or other means to indicate individual spaces. Signs or markers located on the pavement surface within a parking lot may be used as necessary to ensure efficient and safe traffic operation of the lot.

b. All parking spaces for required for compliance with the Americans with Disabilities Act or for shared, carpool, vanpool, motorcycle, and small vehicles shall be marked with durable paint and identified with a sign.

8. Rooftop parking

Parking spaces may be located on a building rooftop provided that the building complies with all applicable building code standards for that use of the roof.

9. Tandem Parking

a. End-to-end tandem parking may be used to meet minimum off-street parking requirements for residential uses in the Compact Context area, provided that both spaces are leased to, allocated to, or otherwise under the control of the same party.

b. End-to-end tandem parking may be used to provide non-required parking in any zoning district provided that the maximum parking amounts provided in Table 744-402-1 are not exceeded.

c. Vertically stacked tandem parking using lift equipment may be used to meet minimum off-street parking requirements in any zoning district provided that the parking lot or garage is attended with a lift operator at all times.

10. Parking Garage Stairwell

For each floor of the parking garage, on at least one wall of any stairwell at least 40% of the wall surface area between 3 feet and 8 feet above the surface of each floor of the garage shall be of glass or other transparent materials and be maintained to allow visibility between the two areas.

11. Lighting of parking areas

See Chapter 744, Article VI Street and Exterior Lighting

12. Landscaping of parking areas

See Chapter 744, Article V Landscaping and Screening

Section 05. Loading Requirements

All off-street loading facilities accessory to uses in the commercial, mixed-use, and industrial districts shall be provided and maintained in accordance with the following regulations.

A. Amount of loading space required

1. Off-street loading space shall be provided and maintained in accordance with Table 744-405-1 and each required loading space shall have a minimum vertical clearance of 15 feet.
2. No space used for a required parking space may be used for a required loading or stacking space.

Table 744-405-1: Required Loading Spaces

Property Use	Required Number of Loading Spaces	Minimum Berth Dimensions (ft.)
Retail sales having an aggregate gross floor area of:		
Less than 15,000 sf	No loading space	N/A
15,001 to 25,000 sf	1	30 x 12
25,001 to 60,000 sf	2	First berth 30 x 12; additional berths 55 x 12
60,001 to 120,000 sf	3	
120,001 to 200,000 sf	4	
Greater than 200,000 sf	4 plus 1 per 100,000 sf or fraction thereof over 200,000	First berth 30 x 12; additional berth 55 x 12
Indoor recreation & entertainment; hotel, motel, or hostel; and offices, having an aggregate gross floor area of:		
Less than 15,000 sf	No loading space	N/A
15,001 to 40,000 sf	1	30 x 12
Greater than 40,000 sf	1 plus 1 per 60,000 sf or fraction thereof over 40,000 sf	First berth 30 x 12; additional berths 55 x 12
Heavy services; manufacturing; waste and recycling; and wholesale distribution or storage, having an aggregate gross floor area of:		
Less than 25,000 sf	No loading space	N/A
25,001 to 40,000 sf	1	30 x 12
40,001 to 100,000 sf	2	First berth 30 x 12; additional berths 55 x 12
100,001 to 200,000 sf	3	
Greater than 200,000 sf	3 plus 1 per 200,000 sf	
Buildings in the CBD-1, CBD-2, or CBD-3 districts with an aggregate gross floor area of:		
Less than 10,000 sf	No loading space	N/A
10,001 to 100,000 sf	1	30 x 12
100,001 to 400,000 sf	2	First berth 30 x 12; additional berths 55 x 12
400,001 to 800,000 sf	3	First berth 30 x 12; additional berths 55 x 12
Greater than 800,000 sf	4 plus 1 per 400,000 sf or fraction thereof over 800,000 sf	

B. Access to and from loading area.

1. The loading spaces, aisles, and vehicular circulation and maneuvering for loading areas shall be designed and constructed at not less than the recommended specifications contained in Architectural Graphic Standards, Current Edition, Ramsey/Sleeper, John Wiley and Sons, Inc., New York, New York (a copy of which is on file in the office of the division of planning and is incorporated by reference and made a part of the Zoning Ordinance).
2. Each required off-street loading space shall open directly upon a hard-surfaced aisle, driveway or alley of such width and design as to provide safe and efficient means of vehicular access to such loading space.
3. Alleys may be used for vehicular circulation and maneuvering.
4. In the CBD-1 district, each off-street loading area shall be located with direct vehicular access to an alley only, and to least interfere with traffic movements, and so that no vehicle or part of a vehicle will protrude into an alley, street or public right-of-way.
5. Plans and specifications for: a) the width of driveways; b) location of driveways from the nearest point of two intersecting street rights-of-way; and c) the design and location of frontage lanes and passing blisters shall be submitted to, and written approval obtained from, the Bureau of License and Permit Services of the department of code enforcement. Plans and specifications shall comply with the applicable standards and regulations of such division/department.
6. Off-street loading areas may have direct access from any streets, except:
    a. The north side of New York Street between Delaware Street and Capitol Avenue;
    b. The south side of Maryland Street between Delaware Street and Capitol Avenue;
    c. The west side of Capitol Avenue between Maryland Street and New York Street;
    d. The east side of Delaware Street between Maryland Street and New York Street;
    e. North Meridian Street within the CBD-3 district;
    f. North Pennsylvania Street within the CBD-3 district; and
    g. The north side of East and West New York Street within the CBD-3 district.

C. Location and setback

1. All required off-street loading spaces shall be located on the same lot as the use served, unless one of the following exceptions applies.
2. If the lot and the adjoining property are located within the same industrial park or integrated commercial center and maneuverability areas are subject to a recorded easement agreement allowing such maneuverability, the loading space may be located anywhere within the industrial park or integrated commercial center.
3. If the lot is located within the CBD-1, CBD-2, CBD-3 or MU-4 district:
    a. All off-street loading areas shall be located within 200 feet of the lot served.
    b. Off-street loading facilities for separate lots may be provided collectively if the collective located area is located within 200 feet of all establishments served by the required spaces

c. If a collective loading area is used for 2 buildings or establishments, the number of spaces required in the collective loading area shall be determined by applying Table 744-405-1 to the combined gross floor area in the 2 buildings or establishments served by the spaces.

d. If a collective loading area is used for 3 or more buildings or establishments, the number of spaces required in the collective loading area shall be determined by applying Table 744-405-1 to 80% of the combined gross floor area in the 3 or more buildings or establishments served by the spaces.

4. No open loading area or loading space shall be located in a required minimum front, side, or rear yard or a required transitional yard.

5. No open loading area or loading space shall be located in the area between the front lot line and the front line of the primary building.

6. Off-street loading spaces may be open to the sky, covered or enclosed in a building. If a building is constructed or used for loading, it shall be treated as any other structure and subject to all use and development standards of the applicable districts in addition to the requirements of this Article IV.

D. Use of loading area

No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities, except for emergencies developing during occupation of the loading facilities.

E. Surface of loading area

All loading areas shall be hard-surfaced to provide a durable and dust-free surface. The surface shall be maintained in good condition and free of weeds, dirt, trash and debris and shall be graded, constructed and drained to prevent detrimental flow of water onto sidewalks, except that:

1. A gravel surface may be used for a temporary period not exceeding one year after commencement of the use for which the loading area is provided, where ground and weather conditions are not immediately suitable for permanent hardsurfacing.

2. For any facility in the Metro Context Area that is not located in the Wellfield Protection Zoning District, a gravel surface may be used permanently for loading and storage areas in association with industries that handle liquids or chemicals that create a potential hazard if containment should be lost and where absorption into the ground through a loose surface material would eliminate or alleviate that hazard.

F. Lighting of loading area

See Chapter 744, Article VI Street and Exterior Lighting

G. Landscaping and Screening of loading area

See Chapter 744, Article V Landscaping and Screening

Section 06. Drive-Through and Stacking Space Standards

A. General provisions

The purpose of off-street stacking space regulations is to promote public safety by alleviating on-site and off-site traffic congestion from the operation of a facility that has a drive-through service unit. All uses having a drive-through service unit shall provide off-street stacking areas on-site as required by this Section 744-406.

B. Number of required stacking spaces

1. Stacking spaces shall be provided and maintained in accordance with Table 744-406-1. Drive-through service units may contain more than one component part, such as menu boards, pay windows, and food-service pickup windows. To determine the number of off-street stacking spaces located before a service unit, the final component of the service unit shall be used in determining the location of the required off-street stacking spaces. In the case of vehicle washes, the final component of a service unit is the entrance to the vehicle wash building itself.

Table 744-406-1: Required Stacking Spaces

Property Use	Required Number of Stacking Spaces, Metro Context		Required Number of Stacking Spaces, Compact Context
Financial and Insurance Services, (including ATMs)	3 spaces before the final component of each service unit; 1 space after each service unit.		2 spaces before the final component of each service unit; 1 space after each service unit.
Drive-in Theater	20% of the total off-street parking capacity of the theatre. The inbound reservoir area shall not connect or conflict with exit driveways.		Not Applicable
Automobile and Light Vehicle Wash, Self-Service or Hand Wash	2 spaces before the final component of each service unit; 2 spaces at the exit of each unit.		1 space before the final component of each service unit; 1 space at the exit of each unit.
Automobile and Light Vehicle Wash, Semi- or Fully-Automatic	6 spaces before the final component of each service unit, which may include spaces reserved for vacuuming or drying of automobiles. Excess parking spaces not required may be used for stacking calculation.		3 spaces before the final component of each service unit, which may include 3 spaces reserved for vacuuming or drying of automobiles. Excess parking spaces not required may be used for stacking calculation.
Eating Establishment or Food Preparation	One service unit	4 spaces before the final component; 2 spaces at the exit of the unit.	4 spaces before the final component; 2 spaces at the exit of the unit.
	Two service units	4 spaces before the final component for each service unit; 2 spaces at the exit of each unit.	4 spaces before the final component; 2 spaces at the exit of the unit.

Table 744-406-1: Required Stacking Spaces			
Property Use	**Required Number of Stacking Spaces, Metro Context**		**Required Number of Stacking Spaces, Compact Context**
Eating Establishment or Food Preparation	One service unit	4 spaces before the final component; 2 spaces at the exit of the unit.	4 spaces before the final component; 2 spaces at the exit of the unit.
	Two service units	4 spaces before the final component for each service unit; 2 spaces at the exit of each unit.	4 spaces before the final component; 2 spaces at the exit of the unit
	Each additional unit	4 spaces before the final component for each service unit; 1 space at the exit of each unit.	4 spaces before the final component; 1 space at the exit of the unit.
All other facilities not listed	3 spaces before the final component of the service unit; 1 space at the exit of each service unit		2 spaces before the final component of the service unit; 1 space at the exist of each service unit.

2. The Administrator may approve reductions in required stacking spaces based upon requirements for similar uses, expected demand and traffic generated by the proposed use, and other information from appropriate traffic engineering and planning criteria.

C. Design and location of stacking spaces

Each drive-through service unit shall provide stacking spaces as follows:

1. Each stacking space shall be not less than 8.5 feet in width and 17½ feet in length, with additional spaces for necessary turning and maneuvering.
2. The area required for stacking spaces shall be exclusive of and in addition to any required parking space, loading space, driveway, aisle and required yard, unless specifically noted.
3. A parking space at any component of a drive-through service unit (window, menu board, order station, or service bay) shall be considered to be a stacking space.
4. An area reserved for stacking spaces shall not double as a circulation driveway, maneuvering area, and may not include any portion of an alley.
5. In the Metro Context area, sites with stacking spaces shall include an exclusive bypass aisle, driveway or other circulation area in the parking lot design to allow vehicles to bypass the stacking area.
6. A drive-through service unit may project up to one foot into the stacking area.
7. A drive-through service unit shall not be permitted on the side or rear of a building, or within the side or rear yard of a building, that abuts a protected district unless the

side or rear setback of each component of a service unit meets the landscaping and screening requirements in Chapter 744, Article V Landscaping and Screening.

D. Site plan submission

1. All required off-street stacking spaces and circulation patterns shall be demonstrated on the site plan that is submitted at the time of filing for an Improvement Location Permit. The submitted site plan shall also include:
   a. All existing and proposed points of ingress and egress, circulation and maneuvering areas, off-street parking and loading areas; and
   b. A separate tabulation of the number of required off-street parking, loading, and stacking spaces in a conspicuous place on the plan for easy reference.

2. Prior to obtaining an Improvement Location Permit, the site plan shall be forwarded to the Bureau of License and Permit Services for its review and comment.

Article V. LANDSCAPING AND SCREENING

Section 01. Purpose

The purpose of this Chapter 744 Article V is to foster aesthetically pleasing, environmentally beneficial, and sustainable development that will protect and preserve the appearance, character, general health, safety and welfare of the community through regulations that are appropriate to the type and scale of development and the level of investment being made. More specifically, this Article is intended to increase the compatibility of adjacent uses requiring a buffer or screen between uses; to minimize the harmful impact of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusions and other objectionable activities or impacts conducted or created by an adjoining or nearby use; to increase the attractiveness and long-term value; to encourage the use of landscaping that will assist in the management of stormwater runoff quantity and quality; and to encourage the preservation of significant trees that will help absorb carbon dioxide emissions and reduce heat island impacts and related energy costs.

Section 02. Applicability

A. After the first day of the month that is six months after the date of adoption, all development of single-family detached, single-family attached or two-family dwelling units and development of individual lots with triplex, fourplex, or live-work unit not part of a larger project or subdivision shall be required to comply with Sections 744-503, 744-507, and 744-510, but shall not be required to comply with other provisions of this Chapter 744 Article V.

B. All development in all zoning districts not exempted either in whole or in part by Table 744-502-1 shall comply with the landscaping and screening standards in this Chapter 744 Article V. However, legally established nonconforming uses and structures or buildings with landscaping and screening that are legally established prior to the first day of the month that is six months after the date of adoption may be modified and be exempt from complying with specific sections of Chapter 744 Article V as described in Table 744-502-1; provided, however, in no instance shall any building or structure modification be deemed to exempt the property from or lessen the landscaping and screening standards which were applicable to the property at the time of such building or property's original construction.

Table 744-502-1: Exceptions to Landscaping and Screening for Nonconformities
Standards of Article V apply unless specifically exempted

Type of Activity or Construction	Applicability
Change, repair, reconstruction or replacement of any building façade or exterior fascia	Exempt from Sections 744-503, 744-504, 744-505, 744-506, 744-507, 744-508, 744-509
Changes to the interior of any building	Exempt from Sections 744-503, 744-504, 744-505, 744-506, 744-507, 744-508, 744-509
For freestanding buildings or buildings that are a part of an integrated center, in the case of a portion of a building or a portion of a multi-tenant building is redeveloped or demolished, the building is reconstructed or expanded with up to 125% of the original square footage	Exempt from Sections 744-503, 734-504, 744-505, 744-506, 744-507 Sections 744-508 and 744-509 would only apply to the building and the parking area associated with the expansion or reconstruction; unaffected areas are not required to be changed. Such redevelopment expansion or reconstruction is eligible for a one-time exemption from Section 744-509.
For freestanding buildings or buildings that are a part of an integrated center, in the case of a portion of a building or a portion of a multi-tenant building is redeveloped or demolished, the building is reconstructed or expanded with 125% or more of the original square footage	The building and the parking area associated with the expansion or reconstruction must meet all sections of Article V; unaffected areas are not required to be changed
Construction of a complete, freestanding building, including the case of a demolition and rebuild	No exemptions
Relocation of an existing, on-site building	Exempt from Sections 744-505, 744-507, 744-509
Addition or expansion of an existing parking area resulting in an increase in the number of parking spaces that is less than 100%	Original parking area is exempt from Section 744-505 and 744-509, however the additional or expanded parking area is not exempt
Addition or expansion of an existing parking area resulting in an increase in the number of parking spaces that is 100% or more	Original and new parking area are not exempt and must meet all sections of Article V
Repave or restripe or minor repair of an existing parking area [1]	Exempt from Sections 744-504, 744-505, 744-506, 744-509
Reconstruction of an existing parking area	Exempt from Sections 744-504, 744-506, 744-507, 744-508, 744-510

Notes:
[1] Minor repair includes filling potholes and would not include the restoration of any contiguous area greater than 100 sq. ft.

C. The Heritage Tree Conservation provisions of Section 744-503.K apply to all development or redevelopment on lots and parcels in any zoning district that contain (i) more than 20,000 sq. ft. of lot area, and (ii) a primary structure with a use other than those described above in Sec. 744-502.A, as well as to any new lot of record created after the first day of the month that is six months after the date of adoption, regardless of the primary use of the property, in all zoning districts.

D. Lots in a Development Plan District (HD-1, HD-2, PK-1, PK-2, UQ-1, UQ-2, SZ-1, SZ-2), CBD-S district, C-S district or D-P district that are regulated by an approved detailed Site

and Development Plan that includes an approved landscaping and screening plan, the landscaping and screening of the lots shall be regulated by that approved plan.

Section 03. General Landscaping Standards

A. Landscape Plan Required

A landscape plan shall be submitted as a part of all development and permit applications for those activities listed in this Chapter 744 Article V, unless the Administrator determines that compliance with the provisions of this Article can be demonstrated without the use of a landscape plan. A landscape plan may be combined with other required application materials if compliance with this Article can be demonstrated in the combined materials.

B. Required Plant Materials

Landscape areas as required by the Zoning Ordinance shall be designed to be drought tolerant. Tree and shrub species used to meet the requirements of the Zoning Ordinance shall be from the *Indianapolis Selected Plant List* as approved by the Metropolitan Development Commission. Additionally, plants listed on the *Indianapolis Prohibited Plant List* shall not be counted and shall not fulfill any requirement of this Article. All plant material shall be hardy to central Indiana, suitable for the site, free of disease and insects and conform to the *American Standard for Nursery Stock* (ANSI Z60.1-2004). Upon presentation of evidence, the Administrator may authorize alternative species or cultivars that meet the intended purpose, are not invasive or hazardous, and equally hardy and capable of withstanding the local setting.

Additional plant materials may be planted unless the plant is listed on the *Indianapolis Prohibited Plant List*.

C. Minimum Living Materials

In all areas where landscaping is required, a minimum of 60% of the surface area shall be covered by living materials, rather than gravel, stone or other non-living materials.

D. Soil Condition and Planting Beds

1. All landscaping required by the Zoning Ordinance shall be planted in uncompacted soil at least 2 feet in depth.
2. Stone mulch is not permitted in required landscape areas or planting beds except as part of a stormwater best management practice in accordance with Section 702 of the Stormwater Design and Construction Specifications Manual.
3. All landscaped areas shall be protected from vehicular encroachment by curbs or wheel stops. Curbs shall be provided with openings to accommodate surface collection of stormwater runoff in vegetated swales and detention facilities.

E. Minimum Plant Sizes at Installation

Unless otherwise specifically noted, the minimum plant size at the time of installation of landscaping required by the Zoning Ordinance shall be according to Table 744-503-1: Minimum Plant Sizes.

Table 744-503-1: Minimum Plant Sizes	
Plant material type (ASNS types)	**Minimum size**
Deciduous/ Overstory Shade Tree (Type 1 or 2)	
Single Trunk	2 in. caliper
Multi Trunk	10 ft. in height
Evergreen/Coniferous Tree	6 ft. in height
Ornamental/ Understory Tree	1.5 in. caliper
Large Shrub – Deciduous (Type 2 or 3)	24 in. in height
Large Shrub – Evergreens (Types 4, 5 or 6)	30 in. in height
Small Shrub – Deciduous (Type 1)	18 in. in height
Small Shrub – Evergreens (Type 1, 2 or 3)	24 in. in spread
Ground cover	3 in. in height

F. Plant Material Spacing

Except for Transitional Yard and Edge Buffering provisions of Section 744-506, trees and shrubs shall not be placed closer than 3 feet to any lot line. A minimum 3 foot radius around fire hydrants, valve vaults, hose bibs, manholes, hydrants, and fire department connections shall be provided and free of trees or shrubs. Plant materials may be grouped but must be located within the particular landscape area to which it will be credited. The Administrator may authorize adjustments to these spacing requirements when necessary due to topography, drainage, utilities or obstructions, provided that the total amount of required landscaping is not reduced.

G. Species Variation

For sites over one acre in size, landscaping shall introduce multiple varieties within one general area. In areas in the Metro Context Area, no one species of tree may make up more than 30% of the total number of trees, and no one species of shrub may make up more than 30% of the total number of shrubs.

H. Protection of Clear Sight Triangular Areas

No obstructions shall be erected, placed, planted or allowed to grow in such a manner as to materially impede visibility between the heights of 2.5 feet and 8 feet above grade level of the adjoining right-of-way within a Clear Sight Triangular Area. See Section 740.304 Clear Sight Measurements and Calculations.

I. Planting in the Right-of-Way

Tree removal or tree planting or the placement of other landscaping elements in the right-of-way shall be done in accordance with Chapter 701 Trees and Flora of the Revised Code of the Consolidated City and County.

J. Overlapping Requirements

If areas required to be landscaped by two or more provisions of the Zoning Ordinance overlap each other, the provision requiring the greater amount of planting in that area shall apply.

K. Heritage Tree Conservation

Removal of any Heritage Tree is prohibited unless any of the following determinations are made before removal:

1. The Administrator or the city's Urban Forester determines that the tree is dead, significantly and terminally diseased, a threat to public health or safety, or is of an undesirable or nuisance species.
2. The Director of the Department of Public Works determines that the tree interferes with the provision of public services or is a hazard to traffic.
3. The Administrator determines that the location of the tree is preventing development or redevelopment that cannot be physically designed to protect the tree.
4. The site from which the tree is removed is zoned D-A and the tree is harvested as timber or similar forestry product.

L. Existing Vegetation Credit and Bonus

1. In the event that existing vegetation meets the intent of the screening requirements, preserved existing vegetation may be credited for landscape materials required by this Chapter 744 Article V. In no instance will credit be given for existing vegetation that is invasive, as listed in the *Indianapolis Prohibited Plant List*.
2. If any of the vegetation that fulfills a requirement of the Zoning Ordinance dies or is removed, replacement plant materials shall be installed in accordance these standards. Existing vegetation to be used to meet a requirement of this Article V shall be protected during construction through use of a fence erected around the area encompassing the area 1 foot beyond the drip line of the vegetation. No materials shall be placed in this encompassed area.
3. Preservation of trees and surrounding vegetation shall be given credit toward fulfilling landscaping requirements set forth in this Article as follows:
    a. Existing trees and surrounding vegetation may be credited only one time towards any one buffer, screen or other landscape area requirement.
    b. Existing trees and surrounding vegetation shall be located within the required landscape area to which it will be credited.
    c. Existing trees that conform to these standards and are proposed to be used for credit must generally have location, species, caliper and drip line indicated on the required landscape plan.
4. Existing trees shall be credited as fulfilling a requirement based upon the tree size and provided that the minimum area surrounding the tree is according to the criteria and the quantities shown in Table 744-503-2: Existing Tree Credit and Bonus.

Table 744-503-2: Existing Tree Credit and Bonus				
Existing Tree Size (inches)	Minimum Surrounding Landscape Area (sq. ft.)	Minimum Width of Surrounding Landscape Area (feet)	Number of Trees Credited	Number of Trees Credited for a Heritage Tree Species
Over 36 DBH	350	15	10	15
25.5 to 36 DBH	300	15	8	11
13 to 25	250	10	6	8
10.5 to 12.5 DBH	100	8	4	6
8.5 to 10 DBH	100	8	4	5
6.5 to 8	100	5	2	3
4 to 6	100	5	2	2
2.5 to 3.5	100	5	1	1

M. Replacement Trees

In the event an Existing Tree that was given credit or a Heritage Tree is removed or dies within 3 years of the ILP issuance date, replacement trees shall be planted. The number of replacement trees that must be planted for each tree lost shall be in accordance with Table 744-503-3: Replacement Trees.

Table 744-503-3: Replacement Trees		
Size of tree removed or dead (inches)	Number of Trees to be planted to replace a Heritage Tree	Number of Trees to be planted to replace an existing tree
Over 36 DBH	15	10
25.5 to 36 DBH	11	8
13 to 25 DBH	8	6
10.5 to 12.5 DBH	6	4
8.5 to 10 DBH	5	4
6.5 to 8	3	2
4 to 6	2	2
2.5 to 3.5	1	1

In the event that the site cannot accommodate the number of replacement trees required, the Administrator may authorize an alternate location for the planting of the replacement trees within the County as close to the site as feasible.

N. Native Vegetation and Natural Landscaping Areas

1. Growing native vegetation including ferns, grasses, sedges, rushes, forbs, shrubs and trees shall be permitted in lieu of turfgrass lawn. Natural landscape areas are permitted if planned and designed to control, direct, and maintain the growth of natural vegetation, primarily native, and may include the detention and infiltration of stormwater runoff in the natural landscape area.
2. Natural landscaping areas shall not be located within 2 feet of a front lot line, or within 4 feet of any other lot line, except that no rear or side yard setback shall be required where the natural landscaping is separated from adjacent lots by fencing or continuous shrub growth 3 feet or more in height, or where the natural landscaping area abuts another permitted natural landscaping area on an abutting lot. An

intervening path or walkway shall not be deemed to prevent natural landscape materials from abutting.

3. Where natural landscaping area is installed or preserved, a sign shall be installed indicating that the area is a natural landscape area and generally not mowed.

O. Rain Gardens, Bioswales and Storm Water Management Features

Areas included in rain gardens or vegetated site features created to meet storm water management requirements of Section 702 of the Stormwater Design and Construction Specifications Manual shall be counted towards any required interior site or parking lot landscaping, and if vegetated to meet the requirements for any landscaped buffers shall count towards those buffer requirements. Where rain gardens or vegetated site features serving a storm water management purpose are installed, a sign shall be installed indicating that the area the area should not be mowed, but should instead be maintained pursuant to an operations and maintenance manual available from the Department of Public Works.

P. Retention and Detention Facilities

Landscaping must be provided around the perimeter of all retention and detention basins. Such landscaping must consist of trees, shrubs, and emergent plantings in a quantity, species, and arrangement that will maintain an ecologically functional environment. Per Section 702.01 in the Stormwater Design and Construction Specification Manual, tall plantings in the aquatic bench are desirable as a means to keep waterfowl from the site. Waterfowl are bacteria sources and are to be discouraged from inhabiting wet ponds. Retention and detention basins should be designed to resemble natural landforms, whenever possible. Such landscaping must be integrated with the littoral zone of emergent vegetation around the pond perimeter with the safety bench of at least 10 feet in width as per Section 302.07 in the Stormwater Design and Construction Specifications Manual. Trees, shrubs and upland plantings are to be located above the normal water line; emergent or wetland plantings are to be located below the normal water line. Vegetation must be established on all side slopes to prevent erosion. A stormwater management easement and operation and maintenance agreement is required for each facility, clearly marking inlet/outlet structures and easements for inflow/outflow piping. Trees or deep-rooted vegetation must not be planted in any easement with storm drainage pipe. Vegetation must not obstruct inlet/outlet structures and inflow/outflow piping area.

Q. Alternative Landscaping

1. **Alternative Landscape Plan.** The Administrator may approve an alternate landscape plan that does not meet the specific requirements stated in this Article V if the Administrator determines that the alternative plan:
    a. Is consistent with the purposes of this chapter; and
    b. Does not include invasive vegetation; and
    c. Does not include a reduction of tree planting requirements; and
    d. Provides equal or superior buffering of adjacent properties from anticipated impacts of the proposed development; and
    e. Provides equal or superior visual appearance of the property when viewed from the street; and
    f. Provides equal or superior carbon dioxide absorption and heat island reductions.

R. Installation and Delay of Installation Due to Season

1. All landscaping material used to meet the requirements of the Zoning Ordinance shall be installed in accordance with the planting procedures established by the ANSI A300 Tree Care Operations: Standard Practices for Tree, Shrub and Other Woody Plant Maintenance.
2. All landscaping material shall be installed no later than 60 days following the completion of construction or its initial use, unless subsection 3 below applies.
3. Whenever the installation of required landscaping is not possible by the time construction on the primary structure or primary use parking lot has been completed, an Inspector may authorize a delay in installation until no later than the following May 31. As a condition of authorizing a delay in installation, a surety or other guarantee, may be required, in a form acceptable to the city, in the estimated amount of such installation. During any delay in installation, site management must comply with all applicable provisions for sediment and erosion control.

S. Maintenance

1. All landscaping required by the Zoning Ordinance shall be provided and maintained at all times.
2. Dead, missing, or damaged landscaping, or landscaping that supports less than 50% healthy leaf growth or shows dead branches over a minimum of 50% of the normal branching pattern shall be replaced with healthy, live plants by the end of the growing season to meet ordinance requirements.
3. The owner is responsible for the maintenance, repair, and replacement of all required landscaping, screening, and curbing.
4. Maintenance shall preserve at least the same quantity, quality, and screening effectiveness as initially installed.
5. Fences, walls, and other barriers shall be maintained in good repair. All barriers that are damaged, broken, or with failing paint shall be repaired, replaced or refinished.
6. Tree topping is prohibited. Tree topping is the practice of removing whole tops of trees, large branches or trunks from the tops of trees, leaving stubs or lateral branches that are too small to assume the role of a terminal leader.
7. Plant materials shall be provided water to adequately sustain long-term growth.

Section 04. Street Frontage and Front Yard Landscaping

In all zoning districts except residential lots in D-A, D-S, D-1, D-2, D-3, and D-4, the front yard shall meet the following standards:

A. The front yard shall be landscaped with at least one shade tree per 35 feet of street frontage. If overhead electric distribution lines are present, ornamental trees with a maximum mature height of 15 feet shall be planted and the number of trees planted shall be at least one ornamental tree per 20 feet of street frontage.

B. Trees required by the subsection above shall be planted in the amenity zone right-of- way, or where right-of-way design constraints prevent this, within 10 feet of the front lot line.

C. For lots that have a front yard less than 5 feet in depth or where the sidewalk extends from the back of curb to the lot line, tree wells may be installed in the right-of-way to accommodate the required frontage trees, provided the sidewalk surface remains at least 4 feet wide at all locations. The opening in a tree well must be expandable or otherwise accommodate the mature diameter of the tree, and include sub-surface techniques to account for root growth and protection.

D. All planting in the public right-of-way shall meet the requirements of Chapter 701 and may be counted toward fulfilling the requirements of this Article.

E. On lots adjacent to a landscaped median in the right-of-way, 50% of the vegetation in the median that meets a street frontage and front yard landscaping requirement may be credited towards the landscaping requirements of this Section 744-504.

F. Planting beds with shrubs, flowers, wildflowers, low grasses or sedges, excluding turfgrass, shall comprise at least 20% of the area of a front yard.

G. In Dwelling Districts, the front yard is subject to limitations on front yard parking area width shown in Section 744-404.A.2, and the remaining front yard shall be landscaped in grass, shrubbery, trees or flowers, or in combination with other similar and suitable vegetative ground cover plantings.

Section 05. Parking Lot Landscaping

Primary use and accessory parking lots shall provide at least the following amounts and types of landscaping unless alternative requirements are stated in the Zoning Ordinance.

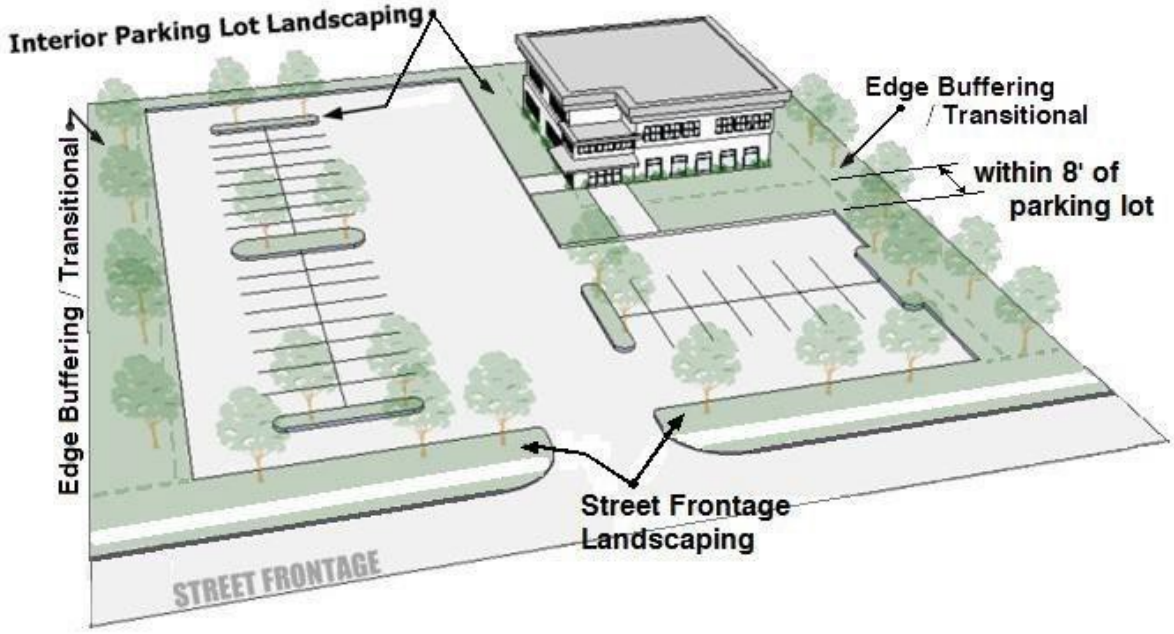


Diagram YY Landscaping of a parking lot

A. Street Frontage Landscaping

Any parking lot with off-street parking spaces must provide landscaping along any street frontage in accordance with Table 744-505-1: Required street frontage landscaping.

Table 744-505-1: Required street frontage landscaping	
Minimum depth of landscaped area along frontage	**Amount**
Metro Context Area	10 feet along the entire frontage
Compact Context Area	6 feet along the entire frontage
Minimum number of trees	
Landscaped area	1 shade tree per 35 feet of street frontage
Landscaped area within 20 feet of overhead electric distribution lines	1 ornamental tree with a maximum mature height of 15 feet per 20 feet of street frontage
Minimum number of shrubs	
Without a screening wall or fence	3 large shrubs per 25 feet of street frontage
With an opaque fence or wall at least 3 ft. tall	3 small shrubs on the streetside of the fence or wall per 25 feet of street frontage

B. Interior Landscaping

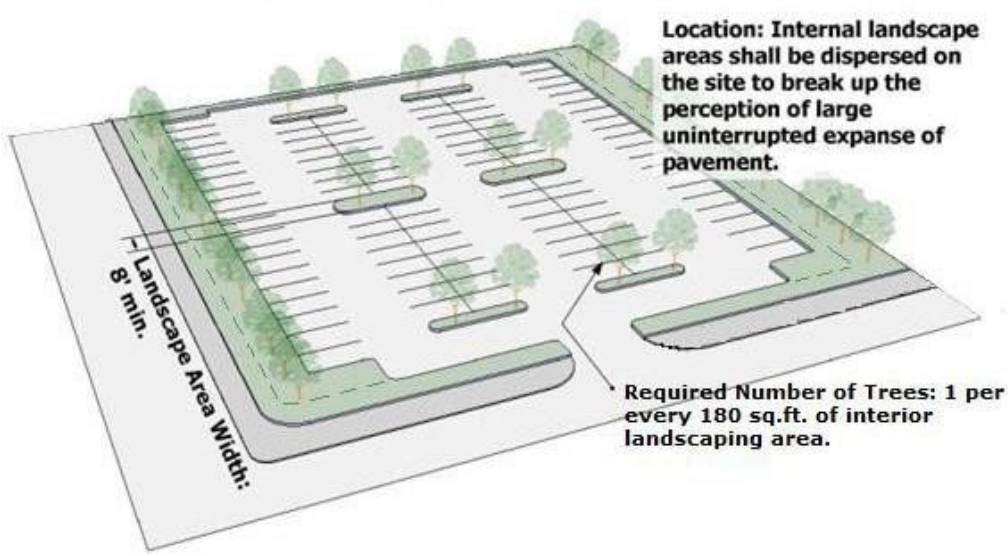


Diagram ZZ Interior landscaping of a parking lot

1. Any parking lot with 15 or more off-street parking spaces must provide Interior Landscaping in accordance with Table 744-505-2: Required interior landscaping area.

Table 744-505-2: Required interior landscaping area

Internal landscape areas shall be dispersed on the lot to break up the perception of large uninterrupted expanse of pavement.

Type of development	Amount
For development occurring on land in which 75% or more of the land area was previously developed for purposes other than residential or agricultural	6% of all uncovered vehicle areas
For any undeveloped commercial out lot established before the first day of the month that is six months after the date of adoption that is 2 acres in size or less	6% of all uncovered vehicle areas on the out lot
For new development and any other type of development	9% of all uncovered vehicle areas
Minimum width of required landscape areas	
Landscaped area	8 feet
Landscaped area using structural soil	6 feet
Minimum number of shade trees	1 per 180 square feet of interior landscaping area

2. **Redevelopment adjustment:** For development occurring on land in which 75% or more of the land area was previously developed for purposes other than residential or agricultural and not subject to Section 744-509 (Green Factor Requirement), the required area for interior landscaping may be adjusted by the credits shown in Table 744-505-3: Interior Landscaping Credits.

Table 744-505-3: Interior Landscaping Credits When an interior landscape area of 100 sq. ft or more includes the following elements, the square footage may be increased by the indicated factor and credited to the required interior landscaping area.	
Flower bed at least 25 sq.ft. in size (annual or perennials)	10%
Shrubs and non-native grasses	15%
Native grasses, shrubs, flowers	30%
Bioswale with requisite plantings	40%

Section 06. Transitional Yard and Edge Buffering

A. Multifamily Residential Abutting Single-family Residential

Where a multifamily dwelling project that abuts a lot in the D-S, D-1, D-2, D-3, D-4, D-5, or D-5II district, or a lot in the D-8 district that contains a single-family attached dwelling or single-family detached dwelling, a landscape buffer shall be provided using either Option 1 or 2 below.

1. **Option 1.** A landscape buffer area at least 10 feet wide shall be provided by the multifamily dwelling project along the shared border. The buffer area shall consist of natural landscape materials such as grasses, ground cover, shrubs, and trees, and shall not contain parking or impervious surfaces. One tree shall be provided for every 35 feet of lot line and 3 large shrubs per 25 feet of lot line, with spacing designed to minimize sound, light, and noise impacts.
2. **Option 2.** An opaque wall, fence or dense (at least 50% opacity) vegetative screen at least 6 feet tall shall be provided. In the Metro Context Area, a berm at least 3 feet tall may be used instead of the wall, fence, or dense vegetative screen. If a fence or wall is provided, the side facing away from the multifamily dwellings shall be at least as finished in appearance as the side facing the multifamily dwellings, the fence shall be placed at least 3 feet inside the property line, and 3 small shrubs per 25 feet of lot line shall be provided between the fence and the property line. If a vegetative screen is proposed, it shall be at least 4 feet in height at the time of planting and maintained at 6 feet in height minimum.

B. Commercial, Institutional, or Mixed-Use Abutting Dwelling

Where a commercial district, mixed-use district, hospital district, university quarter district, PK-II district, or SU district for a public, institutional, or civic building or project abuts a dwelling district, a landscape buffer shall be provided within the transitional yard using either Option 1 or 2 below.

1. **Option 1.** A landscape buffer area at least 15 feet wide shall be provided by the commercial or institutional project along the shared border. The buffer area shall consist of natural landscape materials such as grasses, ground cover, shrubs, and trees, and shall not contain impervious surfaces. One shade or evergreen tree shall be provided for every 30 linear feet of lot line and 3 large shrubs per 25 linear feet of lot line, with spacing designed to minimize sound, light, and noise impacts on dwelling uses.

2. **Option 2.** An opaque wall, berm, fence or dense (at least 75% opacity) vegetative screen at least 6 feet tall shall be provided with one shade tree provided for every 50 linear feet of lot line. If a fence or wall is provided, the side facing away from the commercial or institutional use shall be at least as finished in appearance as the side facing the commercial or institutional use, the fence or wall shall be placed at least 3 feet inside the property line, and 3 small shrubs per 25 linear feet of lot line shall be provided between the fence and the property line. If a vegetative screen is proposed, it shall be at least 6 ft. in height at the time of planting.

C. Industrial Abutting Dwelling

Where an industrial district, building or project abuts a dwelling district or lots used for any use listed as a dwelling use in Table 743-1: Use Table, a landscape buffer shall be provided within the transitional yard using either Option 1 or 2 below.

1. **Option 1.** A landscape buffer area at least 15 feet wide shall be provided by the industrial project along the shared border. The buffer area shall consist of natural landscape materials such as grasses, ground cover, shrubs and trees, and shall not contain impervious surfaces. One evergreen tree shall be provided for every 25 linear feet of lot line and 4 large shrubs per 25 linear feet of lot line, with spacing designed to minimize sound, light and noise impacts on dwelling uses.
2. **Option 2.** An opaque wall, berm, fence or dense (100% opacity) vegetative screen at least 8 feet tall shall be provided with one shade tree provided for every 50 linear feet of lot line. If a fence or wall is provided, the side facing away from the industrial use shall be at least as finished in appearance as the side facing the industrial use, the fence shall be placed at least 3 feet inside the property line, and 3 small shrubs per 25 linear feet of lot line shall be provided between the fence and the property line. If a vegetative screen is proposed, it shall be at least 6 feet tall at the time of planting.

D. Industrial Abutting Commercial or Institutional

Where an industrial district, building or project abuts a C-1 district, hospital district, university quarter district, or a park district, a landscape buffer shall be provided by using either Option 1 or 2 below.

1. **Option 1.** A landscape buffer area at least 10 feet wide shall be provided by the industrial project along the shared border. The buffer area shall consist of natural landscape materials such as grasses, ground cover, shrubs and trees, and shall not contain impervious surfaces. One shade or evergreen tree shall be provided for every 40 linear feet of lot line and 4 large shrubs per 20 linear feet of lot line, with spacing designed to minimize sound, light and noise impacts.
2. **Option 2.** An opaque wall, berm, fence or dense (50% opacity) vegetative screen at least 6 feet tall shall be provided with one shade tree provided for every 50 linear feet of lot line. If a fence or wall is provided, the side facing away from the industrial use shall be at least as finished in appearance as the side facing the industrial use, the fence shall be placed at least 3 feet inside the property line, and 3 small shrubs per 25 linear feet of lot line shall be provided between the fence and the property line. If a vegetative screen is proposed, it shall be at least 6 feet tall at the time of planting.

Section 07. Dwelling Districts

A. Low-density Dwelling Districts

In the D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II and D-8 districts, at the time of development, trees shall be provided on the lot being developed in accordance with Table 744-507-1: Residential Tree Planting Requirements.

Table 744-507-1: Residential Tree Planting Requirements

Lot Size (square feet)	Number of Trees Required
Up to 3,500	1
3,500—9,999	2
10,000—19,999	3
20,000 and above	4

B. Other Dwelling Districts

In the D-6, D-6II, D-7, D-9 and D-10 districts, in addition to the provisions of Section 744-504 Street frontage and front yard landscaping, trees shall be provided or preserved on site at a rate of one shade tree per 7,000 square feet of lot area.

Section 08. Screening of Facilities and Equipment

A. Mechanical Equipment

1. **Roof-mounted mechanical equipment.** Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design. The parapet wall or similar feature shall be sufficient to screen the mechanical equipment from all sides when viewed from ground level from any street bounding the block on which the property is located.
2. **Ground-mounted Mechanical Equipment.** In Commercial districts, Mixed-Use districts, and Dwelling districts developed with multifamily dwellings, ground-mounted mechanical equipment shall be screened from view from ground view of adjoining properties and from all streets bounding the block on which the property is located, by landscaping or by a decorative wall or fence that incorporates at least one of the primary materials and colors of the nearest wall of the primary structure. The wall shall be of a height equal to or greater than the height of the mechanical equipment being screened. If landscaping is used for screening, the screening material shall be designed to provide 75% opacity within one year after planting along the full required height and length of the screening buffer.

B. Loading and Service Areas

1. **General Requirement.**

   These standards shall apply to all exterior areas containing without limitation garbage dumpsters, grease/oil tanks, recycling bins and cardboard compactors, on all properties containing multifamily dwelling, commercial, institutional, industrial or mixed-uses.

   a. In all districts, non-enclosed service areas and off-street loading areas shall be screened when viewed from ground level from all streets bounding the block on which the property is located as described in subsections 3 or 4 below, as applicable.

   b. Service areas shall not be located in any front yard.

   c. All waste containers and dumpsters shall be equipped with and use a lid covering or be in a roofed enclosure, and shall be designed so that stormwater runoff does not reach storm drain inlets or stormwater treatment units.

2. **Exceptions.** The following are not subject to the requirement in subsection 1 above.

   a. Containers located behind a building and not visible from a public right-of-way or adjoining single-family, multifamily, mixed-use or public property.

   b. The temporary purpose of disposing of waste generated during the time of an active building permit, or 180 days, whichever is shorter, for the demolition or construction of improvements on the property upon which the commercial container is located.

   c. Waste or recycling containers being 96 gallons or less in size serving single-family attached dwellings, single-family detached dwellings, two-family dwellings, triplexes and fourplexes.

   d. On a temporary basis, containers for a special event authorized by the city.

3. **Service Areas Not Adjacent to Structure Wall.** Service areas that are not located adjacent to a wall of an existing principal or accessory structure shall be screened from view as follows:

   a. On 3 sides with a wall constructed of masonry, brick, wood, stone, or similar material and at least as tall as the items in the service area being screened;

   b. On the fourth side a gate constructed of wood or metal and at least as tall as the items in the service area being screened.

4. **Service Areas Adjacent to Structure Wall.** Service areas that are located adjacent to a wall of an existing principal or accessory structure shall be screened from view as follows:

   a. On 2 sides with a wall that is (i) constructed of the same principal materials and colors used on the wall of the principal or accessory building that forms the third wall of the enclosure, and (ii) at least as tall as the items in the service area being screened; and (iii) in compliance with applicable fire and building codes;

   b. On the fourth side a gate constructed of wood or metal and at least as tall as the items in the service area being screened.

C. Outdoor Storage and Operations

All outdoor storage and operations within 500 feet of a protected district must be effectively contained by a chain link, solid, lattice or similar type fence or wall and gate. The height of such fence or wall shall be at least 6 feet and shall not exceed 10 feet. Such fence or wall shall be surrounded by trees or an evergreen hedge of a height not less than the height of such fence or wall, to be planted following the provisions for landscaping and screening of required transitional yards. The storage of materials or products within the enclosure may not exceed the height of the fence.

Section 09. Green Factor

A. Purpose

This purpose of this Section 744-509 is to ensure that each new development site is more sustainable and installs landscaping, screening, or buffering while encouraging native plantings which are more resilient, promotes the integration of landscaping and drainage with thoughtful design, and allows flexibility in the type and placement of landscaping to respond to the site's context.

B. Requirement

1. The Green Factor requirement applies to all zoning districts except CBD districts, MU districts, D-A through D-5II districts and portions of the D-8 district occupied by single-family detached dwelling and two-family dwellings. Any undeveloped commercial out lot established before the first day of the month that is six months after the date of adoption that is 2 acres in size or less shall be exempt from this section.
2. The Green Factor, calculated pursuant to Section 744-509.C below, means that an equivalent percentage of the project site area is covered by vegetated cover. If the inclusion of all elements required by Sections 744-504 through 744-508 does not result in the required Green Factor, then additional elements shall be provided until the minimum Green Factor required is achieved.
3. Each development to which this section applies in which one half-acre or more is being disturbed is required to achieve the following minimum Green Factor:
    a. Development occurring on land previously undeveloped or used for residential or agricultural purposes must attain a Green Factor of .30 or higher.
    b. Development occurring on land in which 75% or more of the land area was previously developed for purposes other than residential or agricultural must attain a Green Factor of .22 or higher.
4. Each landscaping element required by Sections 744-504 through 744-508 shall count towards the Green Factor total for the site, provided that it meets all applicable design standards for that type of element established in the Indianapolis Green Infrastructure Supplement Document and that species installed complies with this Article.
5. Each development to which this Section 744-509 applies shall submit a landscape maintenance manual when submitting an Improvement Location Permit application for the property. The maintenance manual shall identify monthly, annual, and biennial maintenance regimes for all areas included in the Green Factor calculation.
6. As an alternative to the requirements of subsections 1 through 5 above, the Green Factor requirement can be met by constructing or modifying the primary building or buildings on-site in a manner that when completed the building or buildings have and maintain an ENERGY STAR rating of 75 or higher. When this alternative is used, all other applicable landscaping standards must be met. For this alternative, additional Improvement Location Permit submission requirements and maintenance requirements shall be established by Metropolitan Development Commission.

C. Calculation

The Green Factor for each development to which this Section 744-509 applies shall be calculated as follows. A copy of the completed table shall be submitted with the application for an Improvement Location Permit.

1. Fill in the square footage of the parcel in column C of Table 744-509-1.
2. Fill in the number of shrubs and trees of each type in column B of the table below and calculate the area equivalent for each from the factors in column C of Table 744-509-1.
3. For vegetated areas without shrubs or trees, fill in measured areas for vegetated areas in column C of Table 744-509-1.
    a. Landscaping elements that are located in the public right-of-way abutting the lot and between the roadway and the lot line may be counted in the total measured area, except that permeable pavers in those locations may not be counted.
    b. The measured area of vegetated walls is the non-horizontal area covered by vegetation at maturity.
    c. For all elements other than trees, large shrubs, and vegetated walls, the measured area is determined by the area of the portion of a horizontal plane that underlies the element.
4. If more than one element occupies the same area (for example ground cover under a tree) indicate both the measured area in column C and the number of trees and shrubs in column B.
5. Multiply the measured area of vegetation and the equivalent square footage of vegetated areas in column C by the multiplier in column D and enter the score for that element in column E.
6. Add up all of the scores for individual landscaping elements in column E.
7. Divide the score by the parcel size to obtain the Green Factor score for the site.

Table 744-509-1: Green Factor Calculation				
Column A	Column B	Column C	Column D	Column E
Type of Area or Element	**Number of Plants**	**Measured Area or Area Equivalent in Sq. Ft.**	**Multiplier**	**Score**
Parcel Size				
Landscaped areas with uncompacted soil depth less than 24 inches				
Area of lawn, grass pavers, ground covers, or other plants typically less than 3 ft tall at maturity			0.2	
Large shrubs or ornamental grasses [1]		16 sq. ft. per	0.3	
Landscaped areas with uncompacted soil depth of 24 in. or more				
Required Yards with mulch, ground covers, grass pavers, or other plants typically less than 3 ft tall at maturity			1.0	
Area of other areas with mulch, ground covers, grass pavers, or other plants typically less than 3 ft tall at maturity			0.7	
Large shrubs or ornamental grasses [1]		16 sq. ft. per	0.3	
Small trees [2]		50 sq. ft. per	0.3	
Medium trees [3]		100 sq. ft. per	0.4	
Large trees [4]		200 sq. ft. per	0.4	
Undisturbed Areas [5]				
Undisturbed areas less than 10,000 sf			0.8	
Undisturbed areas 10,000 sf or more			1.5	
Significant Trees over 10 in. DBH preserved		250 sq. ft. per	0.5	
Heritage Trees over 8 in. DBH preserved		250 sq. ft. per	0.5	
Tree Preservation Credits as per Sec. 503.L for preserved Significant or Heritage Trees		250 sq. ft. per	0.5	
Building or Structural Features				
Permeable paving for walkways, parking lots, etc.			1.2	
Photocatalytic pavement or building exterior			1.5	
White roof area			0.1	
Vegetated walls - area of wall covered			0.7	
Infiltration areas, underground chambers or surface, such as sand filters			1.5	
Green roofs:				
Area of green roof with more than 2 in. but not more than 4 in. growing depth			1.2	
Area of green roof with over 4 in. growing depth			1.4	
Off-site improvements				
Tree credit to the Tree Fund [6]		100 sq. ft. per	0.4	
Bonuses applied to factors above				
Bioretention areas such as rain gardens, stormwater planters, and bioretention swales			1.5	
Landscaping that consists entirely of drought-tolerant or native species, as defined by the Administrator			0.4	
Landscaped areas where at least 50% of annual irrigation needs are met through the use of harvested rainwater or grey water			0.2	
Landscaping visible to passersby (adjoining & up to 85 ft depth)			0.1	
Landscaping to be maintained in food cultivation			0.1	

Table 744-509-1: Green Factor Calculation				
Column A	Column B	Column C	Column D	Column E
Type of Area or Element	**Number of Plants**	**Measured Area or Area Equivalent in Sq. Ft.**	**Multiplier**	**Score**
Landscape area utilizing structural soil [7]			0.1	
Total Green Factor Score				

Notes for Green Factor

[1] Large shrubs or ornamental are those that reach 3 ft or more in height at maturity.

[2] Small trees are trees that have a canopy spread less than 16 ft at maturity.

[3] Medium trees are trees that have a canopy spread of 16 ft to 24 ft at maturity.

[4] Large trees are trees that have a canopy spread of 25 ft or greater at maturity.

[5] Undisturbed Area is a land area that is not affected by the construction activity; the land area must be stable and include established vegetation as evidenced by the presence of mature trees, understory plants or grasses other than turfgrass.

[6] Contribution in lieu of a tree may be made for additional trees that are not required in a required yard. No more than 50% of the site's credited trees may be tree credits. Contribution method and amount to be established by Metropolitan Development Commission.

Indicate the Tree species in each size category:

Small trees species =

Medium tree species =

Large tree species =

D. Examples

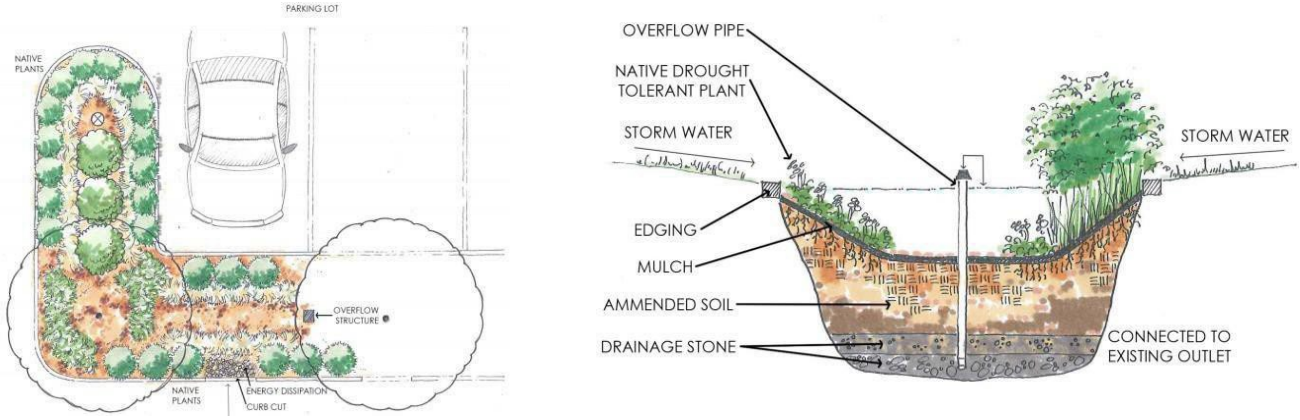


Diagram AAA Parking Lot Island Bioretention area: Plan view and Profile view

Section 10. Fences and Walls

A. Materials

1. Fences incorporating barbed wire or razor-wire are prohibited except:
   a. When used to enclose livestock on a site where the primary property use is agricultural uses, buildings or structures; or
   b. When used for public safety or security purposes for a public facility or correctional or penal institution.
2. Electrified fences are prohibited except if the electrification is of non-lethal voltage with current less than 100 mA (0.1 amp), warning sign is posted in a conspicuous location, and located at least 5 feet away from a lot line, and:
   a. When used to enclose livestock on a site where the primary property use is agricultural uses, buildings or structures; or
   b. When used for public safety or security purposes for a public facility or correctional or penal institution.
   c. When used to enclose personal livestock in a dwelling district.
3. No fence, wall or retaining wall shall be constructed of scrap or waste materials unless those materials have been recycled or reprocessed into building materials for sale to the public.
4. Fences or fences combined with a wall shall be constructed of wood, stone, brick, decorative concrete block, wrought iron, (or products created to resemble these materials), vegetated cellular confinement system, or other material compatible with the primary building materials; or a combination of any of these materials. Chain link fencing or wire fencing is allowed in accordance with Table 744-510-1:

Table 744-510-1: Chain link and Wire Fencing

Districts	Chain link or wire fencing
DA, D-S, D-1, D-2, D-3, D-4, D-5, D-5II, D-8 (single-and two-family dwellings), PK-I, SU-8, SU-43, SU-46	Allowed in all yards.
D-6, D-6II, D-7, D-8, D-9, D-10, D-11, HD-I, HD-II, UQ-I, UQ-II, PK-II, All Commercial Districts, All Mixed-Use Districts, All Central Business Districts, SU-1, SU-2, SU-3, SU-5, SU-6, SU-7, SU-9, SU-34, SU-35, SU-37, SU-38, SU-41, SU-42, SU-44, SU-45	Allowed in the side or rear yards provided it is coated in black, brown, or dark green vinyl or equivalent and shall not use slats.
All Industrial Districts, SU-10, SU-13, SU-16, SU-18, SU-23, SU-28, SU-39	Allowed in the side or rear yards. Allowed in the front yard of all Industrial Districts. In the listed Special Use Districts, allowed in the front yard if coated in black, brown, or dark green vinyl or equivalent. Slats within the chain-link fence are not permitted in the front yard or any transitional yard.

5. Retaining walls shall be constructed of or faced with natural stone, brick or similar earth-colored materials, decorative concrete block, vegetated cellular confinement system, textured and colored Mechanically Stabilized Earth (MSE) blocks or other material compatible with the primary building. In the Dwelling Districts, garden walls 30 inches or less in height shall be exempt from this materials standard.
6. Retaining walls constructed of railroad ties, timber and gabion-type materials are prohibited.

B. Maximum heights

Maximum height of fence and wall shall be in accordance Table 744-510-2:

Table 744-510-2: Maximum Fence and Wall Height (in feet)

	All Dwelling Districts				
Maximum height in front yard	3.5				
Maximum height in front yard if 30% opacity or less	4				
Maximum height in side & rear yards	6				
Commercial Districts	C-1	C-3	C-4	C-5	C-7
Maximum height in front yard	3.5	3.5	3.5	5	6
Maximum height in side & rear yards	6	6	10	10	10
Mixed-Use Districts	MU-1	MU-2	MU-3	MU-4	
Maximum height in front yard	3.5	3.5	3.5	3.5	
Maximum height in side & rear yards	6	6	6	6	
Industrial Districts	I-1	I-2	I-3	I-4	
Maximum height in required front yard	3.5	3.5	6	6	
Maximum height in side & rear yards	10	10	10	10	
Height in a front transitional yard	3.5	3.5	3.5	3.5	
Height in a transitional yard	10	10	10	10	
	All other districts				
Maximum height in front yard	3.5				
Maximum height in side & rear yards	6				

C. Exceptions to fence heights

1. **Compact Context Area.** For single-family attached dwellings, single-family detached dwellings, two-family dwellings, triplexes and fourplexes located on corner lots in the Compact Context Area, fences or walls located in any yard that a) does not serve as the primary entrance for a dwelling unit, and b) does not face the primary entrance of a dwelling unit across the street may be up to six feet (6') in height. However, in no instance shall any fence or wall exceeding 42 inches in height extend beyond the building line containing the primary entrance.
2. **Through Lots.** For through lots, fences or walls located in any front yard that does not serve as the primary entrance for a dwelling unit and does not abut a lot with a dwelling unit that has a front yard on that street, may be up to six feet (6') in height, provided that any fence or wall exceeding 42 inches in height does not extend beyond the building line established by the abutting lots.

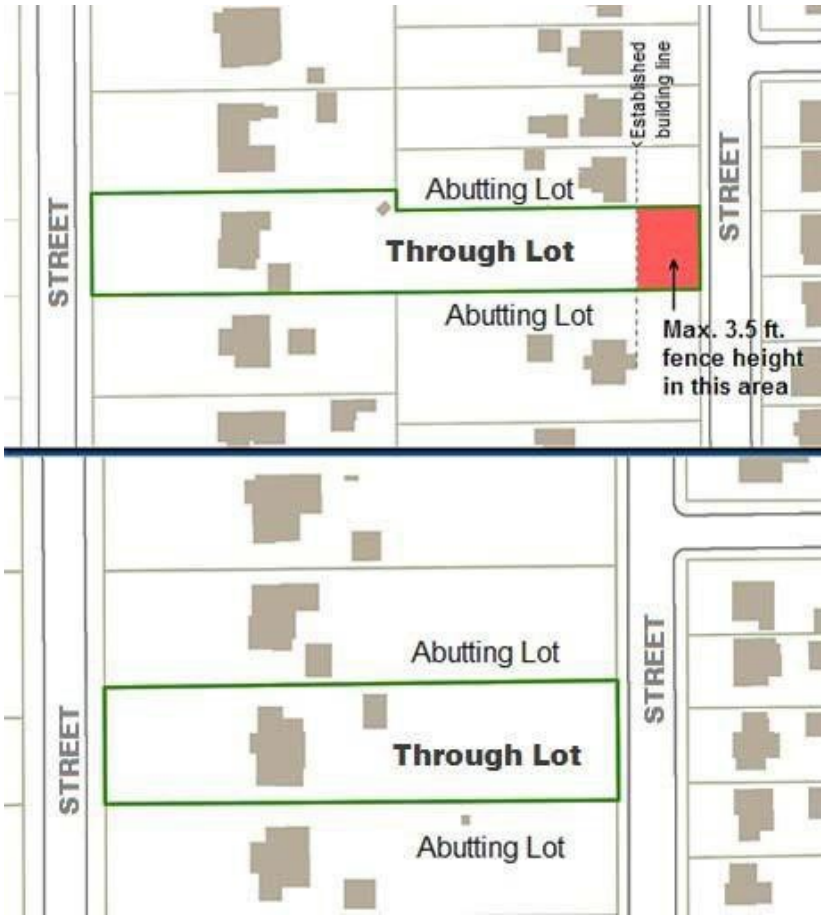


Diagram BBB Through Lot Fencing

3. **Fence Posts.** Fence posts may exceed the maximum height of the fence by one foot (1').
4. **Terrain change.** A fence or wall may exceed the maximum height by an amount equal to the accompanying drop in topography along the linear run of the fence for that portion of the fence, up to a maximum of 2 additional feet, and shall only exceed the maximum height at that location.
5. **Multifamily Dwelling Projects in a Dwelling District with excessive frontage.** Fences or walls located in the front yard may be as tall as six feet (6') provided the front yard has at least 500 linear feet of road frontage, and the fence, when located within 15 feet of pedestrian or vehicular access shall be reduced to 3.5 feet in height or be no more than 25% opacity.
6. **Adjoining a Non-Dwelling District**. In the Dwelling Districts, if a lot abuts a lot not zoned to a Dwelling District, the maximum height of a fence or wall along that lot line shall be the greater of the two districts fence height limitations.

D. Retaining Wall Design Standards

All retaining walls shall comply with the following standards:

1. Retaining walls more than 6 ft. tall shall be terraced to minimize visual impacts on residents, neighboring properties and the public realm.

2. Terracing shall be limited to three tiers.
3. A terrace at least 4 feet wide, with a maximum slope of three to one (3:1), shall be provided between each tier to create pockets for landscaping. Reduced terrace depths may be administratively approved by the Administrator where site constraints limit the amount of space available to accommodate the minimum required width.
4. Terraces between retaining wall tiers shall be vegetated with permanent landscaping to screen retaining walls and provide visual interest unless soil conditions are determined by a licensed engineer to be unsuitable due to geologic hazards.

Article VI. STREET AND EXTERIOR LIGHTING

Section 01. Street lighting

A. All subdivisions that include a new street shall provide street light at each access point to the existing street network, at each street intersection within the subdivision, and along each subdivision street at a maximum spacing of 250 ft. placed along one side or alternating sides.

B. Each required street light shall be a full cutoff fixture.

C. In Dwelling and Mixed-Use districts, each required street light fixture shall have a color rendering index of 70 or above.

D. All street lighting fixtures shall produce at least 80 lumens per watt of energy consumed, as documented by manufacturer's specifications or the results of an independent testing laboratory.

Section 02. Exterior Lighting Applicability

A. General

All exterior lighting for development in any district after the first day of the month that is six months after the date of adoption shall comply with the standards of this Chapter 744 Article VI unless excepted in Section 744-602.B below. This includes, but is not limited to, new lighting or replacement equipment exclusive of lamp replacement, whether attached to structures, poles, the earth, or any other location, including lighting installed by any third party.

B. Exceptions

The following types of lighting are not subject to the requirements of this Chapter 744, Article VI Street and Exterior Lighting:

1. Lighting of public monuments and statuary;
2. Lighting required and regulated by the FAA or another agency of the state or federal government with authority to regulate that type of lighting;
3. Temporary lighting for emergency or nighttime work and construction;
4. Temporary lighting for theatrical, television and performance areas, or for special public events;
5. Lighting for a special area designated for special lighting standards in an adopted plan or ordinance, such as Regional Center or an IHPC district plan; and
6. Temporary decorative seasonal lighting.

Section 03. Required Lighting

A. Each pedestrian entrance, excluding exits for emergency use only, shall have a full cutoff light fixture and be controlled with a photoelectric switch, motion sensor control, or astronomic time switch.

B. For all uses except single-family detached dwellings, single-family attached dwellings, two-family dwellings, triplexes, and fourplexes, exterior lighting devices shall be provided for all parking areas, walkways, exterior automatic teller machines, and automobile fueling stations.

Section 04. Lighting Standards

A. Where exterior lighting is provided, lighting levels for all areas and shall be designed and located so that the illumination measured in foot-candles at grade level shall comply with the standards in the following table unless the applicant requests an alternative lighting level for a specific area and supports that request with information that the requested lighting level is consistent with recommended levels in the Illuminating Engineers Society of North America (IESNA) Lighting Handbook.

Table 744-604-1: Light Level Standards (in foot-candles)

Use	Minimum at Entrances	Minimum for Walkways & Parking	Maximum Average for Walkways & Parking Areas	Maximum at Non-Right-of-Way Property Line	Maximum at Right-of-Way
Residential Uses	2.0	0.8	1.5	1.0	1.0
Automobile Fueling Station; Financial and Insurance Services; Food, Beverage, and Indoor Recreation & Entertainment; Retail, Light General; Grocery Store; Liquor Store; Pawn Shop; or Commercial Parking Garage Uses	4.0	2.0	4.5	1.0	2.0
All Other Uses (including Mixed-Use Development)	3.0	1.0	2.5	1.0	2.0

B. All light sources or lamps that emit more than 900 lumens (13 watt compact fluorescent or 60 watt incandescent) shall be concealed or shielded with an Illuminations Engineering Society of North America (IESNA) full cutoff light fixture with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property.

C. Private street or pedestrian lighting devices for nonresidential uses and multifamily uses may be mounted at heights between ground level to 42 inches above grade level or from 10 to 20 feet above grade level.

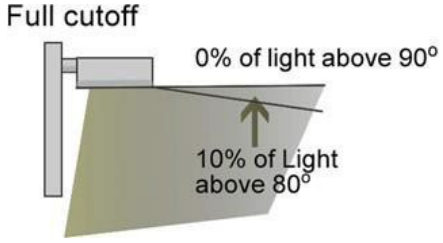


Diagram CCC: Full-cutoff light fixture

D. The maximum height of any lighting pole serving a residential use is 20 feet. The maximum height serving all other types of use is 35 feet, except that in the I-3 and I-4 districts the maximum pole height is 50 feet and in the C-5 and C-7 districts for active recreational areas and uses the maximum pole height is 80 feet.

E. Lighting devices for active recreational areas and uses, such as ball diamonds, playing fields, and tennis courts, shall be equipped with switching devices that allow lighting levels to be changed when the active recreational use ceases and a lower lighting level is sufficient, shall be extinguished no later than 11:00 p.m., shall have a maximum illumination at the property line that is no greater than 2 foot-candles, and light poles shall not be more than 80 feet tall.

F. In order to accommodate wind energy conversion systems or solar energy collectors on lighting poles, the pole height may be increased to 55 feet, but the lighting fixture height shall remain as stated in subsection D above.

G. Lighting on automobile service station, convenience store and other outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.

H. High pressure sodium lighting and all lighting devices with a color rendering index of 70 or below are prohibited in Dwelling and Mixed-Use districts.

I. All exterior lighting fixtures shall produce at least 80 lumens per watt of energy consumed, as documented by manufacturer's specifications or the results of an independent testing laboratory.

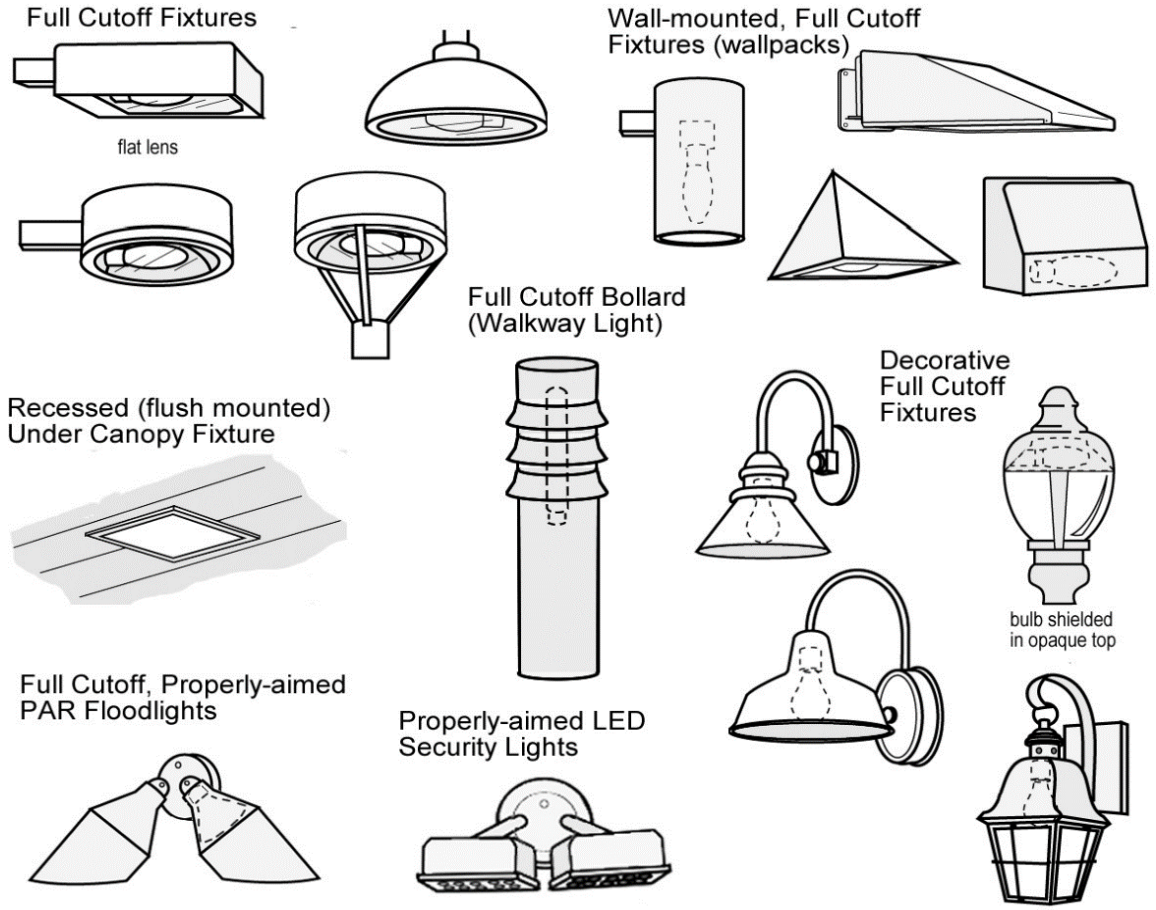


Diagram DDD: Cutoff Light Fixture Examples

[Reserved]

Article VII. Design Standards

Sec. 744-701 Walkable Neighborhood Design Standards

A. Applicability. The Walkable Neighborhood Design Standards shall apply to the D-5, D-5II, D-8, D-9 and D-10 zoning districts. The standards shall specifically apply to the following circumstances:

TABLE 744-701-1: Applicability

Activity	Applicability of Standards
Site or Landscape work on less than 50% of the lot	Standards only apply to the work being done, and only to the extent that any non-conforming situations do not become less compliant.
Site or Landscape work on 50% or more of the lot.	All site and landscape for the entire lot shall be brought into compliance with the standards.
Rehabilitation, remodeling or additions to buildings that add more than 200 square feet to the building footprint or mass, but less than 50% of the total building	Standards only apply to the work being done, and only to the extent that any non-conforming situations do not become less compliant.
New primary structure; or Rehabilitation, remodeling or additions to buildings that add 50% or more of the square footage to the building footprint or mass.	All standards for the entire building and lot shall be met.

B. Design Objectives. To advance the Livability Principles of this code, and to promote walkable neighborhoods, the design standards in this section have the following objectives. Any exceptions to the standards in this section, or discretionary review processes related to a specific application, shall be judged against these design objectives, in addition to any other criteria in this code for the application.

1. Design walkable streetscapes, with slow traffic speeds, well-connected sidewalks, and shade and enclosure offered from street trees.
2. Orient all buildings to the street to activate the streetscape, while still promoting effective transitions from public spaces to private spaces on the lot.
3. Promote human-scale buildings and create active, social spaces along the streetscape and private frontages with building massing and architectural details that break up larger masses into smaller components and define outdoor spaces.
4. Use similar forms and massing, common building elements, and consistent relationships to the streetscape to create compatibility among different building types, and to create effective transitions between different scales of buildings.
5. Minimize the impact of car access on neighborhood streetscapes by limiting driveways and the extent of front loaded garages along block frontages, and use alternative access patterns integrated towards the interior of the block.
6. Reinforce the neighborhood character with quality materials, windows, and architectural details that provide interest, depth, texture, and variety visible to those experiencing a neighborhood on foot.
7. Improve the appearance and livability of neighborhoods with good civic design.
8. Promote lasting and sustained investment in neighborhoods with quality design.

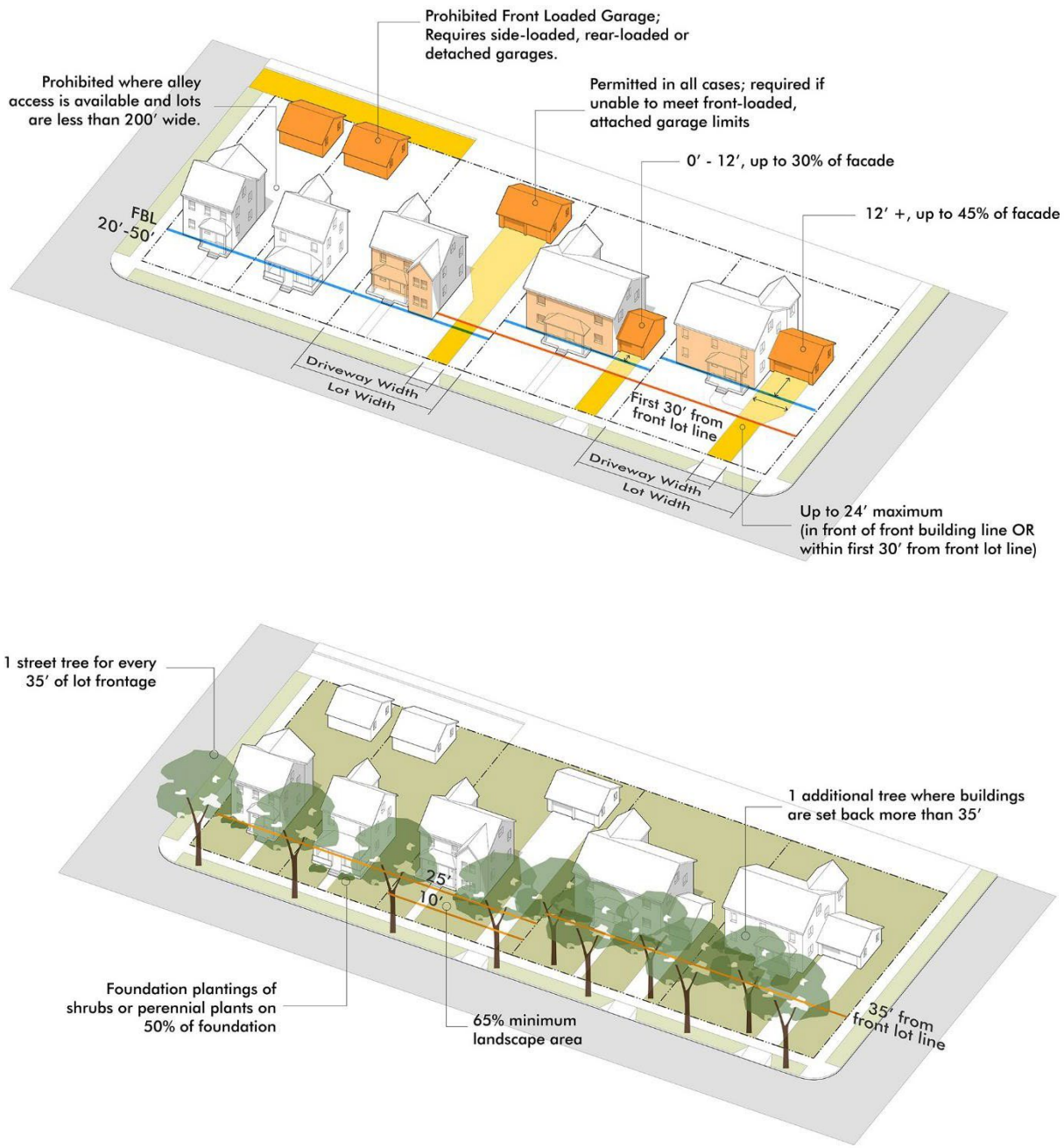
C. Private Frontage Types. The design of private frontages on lots establishes the relationship of buildings and lots to the streetscape. The proportion of this area designed for social spaces and access for pedestrians, as opposed to dedicated to vehicle access, affects the character and quality of the streetscape. A consistent frontage design among all lots and buildings along a block face reinforces neighborhood character, even where different types or scale of buildings are permitted. The private frontage design standards in Table 744-701-2 coordinate the setback and building placement of specific building types on a block-by-block basis.

Where multiple frontage types are permitted, the frontages should be similar for all lots on the same block face or gradually transition to different building placement and frontage types on adjacent lots. In general, the front building line of adjacent buildings shall not differ by more than 5 feet.

TABLE 744-701-2: PRIVATE FRONTAGE DESIGN STANDARDS

FRONTAGE ELEMENT	TERRACE FRONTAGE	NEIGHBORHOOD YARD FRONTAGE
Application	***Generally*** - Applicable D-8, D-9, and D-10. ***Exception –*** Applicable in D-5 and D-5II where: ○ Corridors have a high degree of pedestrian amenity in the streetscape; or ○ The context of the block establishes smaller frontages as the predominant pattern (typically 50% or more on the block face or at transitions to adjacent blocks and frontages)	***Generally*** – Applicable in D-5 and D-5II ***Exception*** – Applicable in D-8. D-9, and D-10 where: ○ High speed or higher-volume streets that lack pedestrian amenities needed for a quality frontage; or ○ The context of the block establishes larger frontages as the predominant pattern, (typically 50% or more on the block face or at transitions to adjacent blocks or frontages).
Front Building Line ("Build to Range")	10' – 19.9'	20' – 50'
Front Entry & Entry Features	All buildings shall have a primary entrance on the front facade. A single-story entry feature may project up to 10' in front of the front building line, but never more than 5' from the front lot line, provided it meets the scale and design standards in Section 744-701.D	
Front Loaded Garage Placement and Limitations	Prohibited; requires side-loaded, rear-loaded or detached garages.	• 0' – 12' behind front building line, up to 30% of facade at the front building line; • 12'+ behind front building line, up to 45% of facade at the front building line. • Prohibited if over 45% of facade; • All other cases require side-loaded, rear-loaded or detached garages.
Landscape [See Section 744, Article V for standards and specifications.]	• 50% minimum landscape area (living material) • 1 street tree for every 35' of lot frontage. • Planting beds with shrubs or perennial plants shall cover at least 10% of the frontage area.	• 65% minimum landscape area (living material) • 1 street tree for every 35' of lot frontage, and one additional tree per 35' of frontage where the front building line is more than 35' from the front lot line. • Planting beds with shrubs or perennial plants shall cover at least 10% of the frontage area.
Surface Parking Lot Setback and Limits	• At least 20' or behind the front building line, whichever is greater.	• Behind the front building line.

Figure 744.701.02 Neighborhood Yard Frontage Elements



D. Block and Lot Open Space. Block and lot open space provides for active gathering places, recreation and leisure, and aesthetic enhancements to the buildings and lots serving as an extension of civic spaces connected to streetscapes. The open space required for each building type specified in Table 743.301.7, shall be designed to create usable outdoor space meeting one or more of the following open space types:

1. Public or Common open space designed and platted according the standards in Table 741-310-2, provided it is on the same or abutting block, and is accessible to the project as public property, through ownership, or by other agreement;
2. Private frontage areas designed according to Section 744.701.C;
3. Courtyards, meeting the standards of Section 744.701.E;
4. Rear yards or uncovered decks or patios, provided they are part of an open area at least 140 square feet;
5. Rooftop decks provided they are at least 160 square feet; or
6. Private balconies or patios, provided they are at least 6 feet by 10 feet.

E. **Courtyard Pattern.** Residential buildings and lots may be designed to front on a courtyard based on the following design standards. A courtyard consists of an open area that is completely or mostly enclosed by the walls of a building or buildings.

1. *Applicability*. The courtyard pattern is appropriate where:
   a. Courtyards are designed as an extension of the public streetscape and open space system for the project, block or neighborhood.
   b. Blocks and surrounding lots are deep, allowing a different configuration of buildable lots; or
   c. Other developed areas where existing lot patterns in the vicinity warrant use of this pattern to facilitate infill development and compatible building types.
2. *Eligible Building Types*. The following building types are eligible for this pattern, subject to the limitations stated:
   a. Small Apartments, up to 5 buildings or 36 units, whichever is less.
   b. Row Houses, up to 4 buildings or 24 units, whichever is less.
   c. Multi-unit House, Duplex or Detached House, up to 8 buildings.
3. *Design Standards and Exceptions.*
   a. The minimum lot size per building may be reduced up to 30%, provided the courtyard is owned in common by all lots or otherwise established as a shared-space amenity.
   b. Lots and buildings may front on the courtyard, rather than along a street, provided they otherwise meet the design standards applicable to the front of buildings.
   c. The front setback may be reduced to 5 feet from the courtyard.
   d. Vehicle access and parking for each lot shall be designed in a way that minimizes the impact on the public street and the courtyard, and meets all frontage standards applied to the project as a whole.
   e. Any buildings front on the street, or the sides of any buildings adjacent to the street shall still meet requirements for public frontages and orientation standards in this section. Corner buildings must meet the front building design standards on both the street front and the courtyard.

f. The courtyard shall meet the following design standards:

(1) *Size*. 750 to 5,000 square feet.

(2) *Proportions*. The courtyard shall be at least 25 feet in all directions and be no wider than 3:1 (length to width).

(3) *Frontage & Access.* The courtyard shall have frontage on a public street, or be visible from and directly connected to the streetscape.

(4) *Landscape.* At least 40% of the area shall be allocated to planter beds, seasonal plantings, foundation plants or other landscape amenities, and otherwise meet the landscape standards applicable to Terrace frontages.

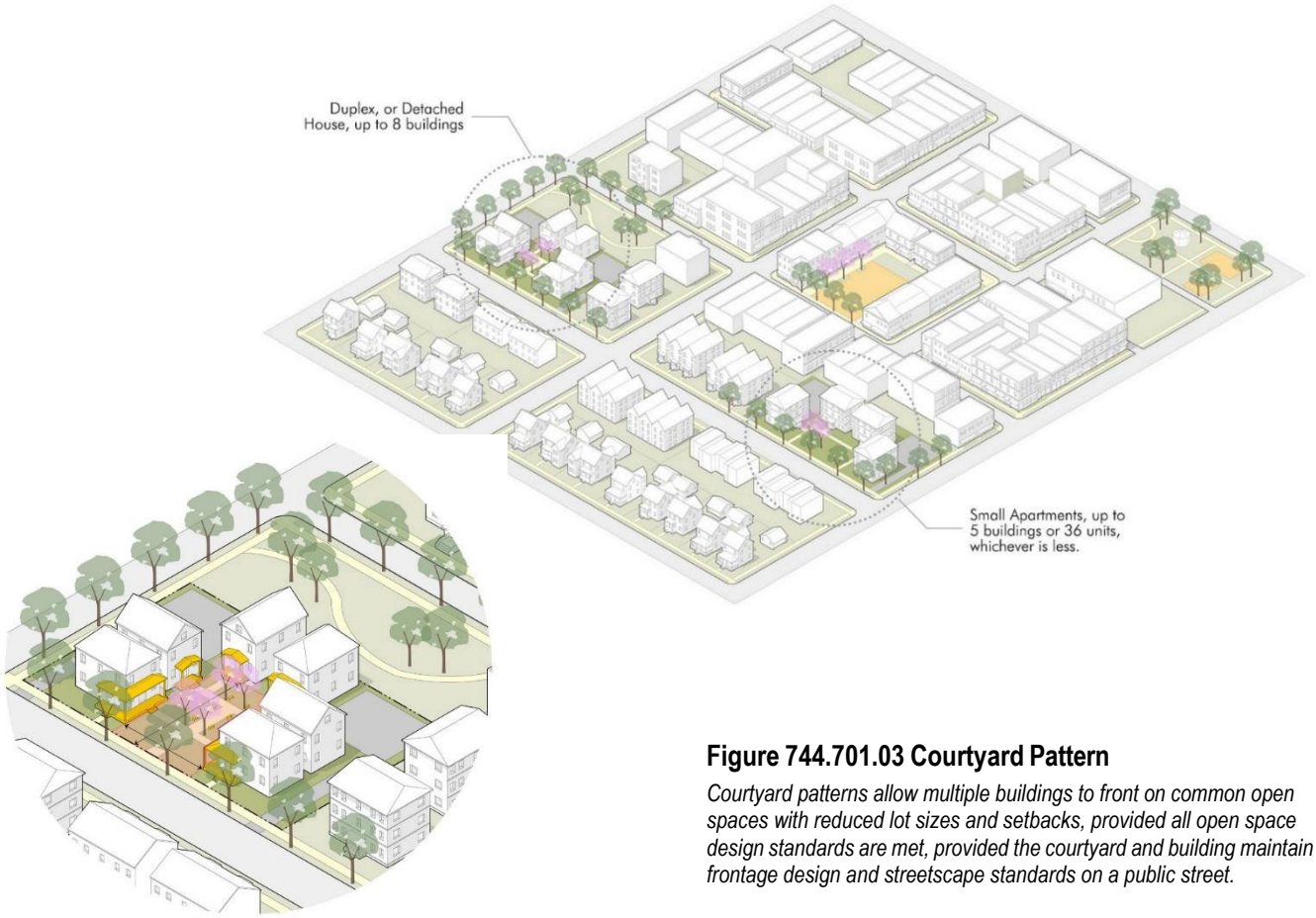
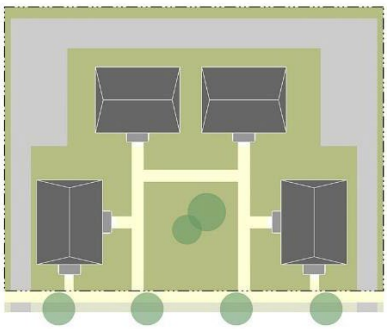
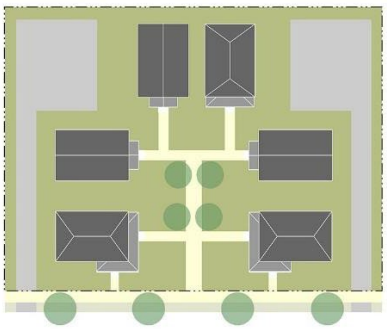


Figure 744.701.03 Courtyard Pattern

Courtyard patterns allow multiple buildings to front on common open spaces with reduced lot sizes and setbacks, provided all open space design standards are met, provided the courtyard and building maintain frontage design and streetscape standards on a public street.





Sec. 744-702 Mixed-use and Commercial Design Standards

A. Applicability. The Mixed Use and Commercial Design Standards apply to the following property:

1. Mixed-use District. All applications of the Mixed-Use Districts (MU-1, MU-2, MU-3 and MU-4);
2. Transit-Oriented Development. Any commercially zoned lot (C- districts) in the Transit Oriented Secondary District established in section 743.207.

The standards shall specifically apply to the following circumstances:

TABLE 744-702-1: Applicability

ACTIVITY	APPLICABILITY OF STANDARDS
Site or Landscape work on less than 50% of the lot	Standards only apply to the work being done, and only to the extent that any non-conforming situations do not become less compliant.
Site or Landscape work on 50% or more of the lot.	All site and landscape for the entire lot shall be brought into compliance with the standards.
Rehabilitation, remodeling or additions to buildings that add more than 200 square feet to the building footprint or mass, but less than 50% of the total building	Standards only apply to the work being done, and only to the extent that any non-conforming situations do not become less compliant.
New primary structure; or Rehabilitation, remodeling or additions to buildings that add 50% or more of the square footage to the building footprint or mass.	All standards for the entire building and lot shall be met.

B. Design Objectives. To advance the Livability Principles of this code, and to promote walkable, mixed-use and transit-oriented development patterns, the design standards in this section have the following objectives. Any exceptions to the standards in this section, or discretionary review processes related to a specific application, shall be judged against these design objectives, in addition to any other criteria in this code for the particular application.

1. Create a dynamic, mixed-use environment, where walking is the predominant mode of transportation within the center, and the center is accessed by many modes including transit, bicycles, walking and cars.
2. Design human scale streetscapes, with slow traffic speeds, well-connected sidewalks, on-street parking, social spaces along streets, and shade and enclosure offered from street trees and building facades.
3. Produce quality public spaces that are usable for a variety of public and semi-public activities.
4. Coordinate urban design, site planning and building layout on a block scale, relating to the level of design and pedestrian amenity on the associated streetscape.
5. Promote vibrant streetscapes with active uses and attractions located in storefronts and first story of buildings, and frequent windows and doors that activate the street and create visual interest on facades along a block.
6. Avoid long, monotonous, uninterrupted walls or roof planes visible from the street or other public rights-of-way. Large buildings must include details that add architectural interest and variety such as multiple entrances, projections, recesses, offsets, windows trimmed with frames, sills or lintels, or other ornamentation.

7. Minimize the impact of car access on streetscapes and the character of the district by limiting driveways and the extent of parking, garage entrances or service bays along streetscapes, and use alternative patterns of vehicle access integrated towards the interior of the block.
8. Reinforce the character of unique destinations with quality materials and architectural details that provide interest, depth, texture, and variety visible to people on foot, and which differentiate the place from other districts, activity centers, and station areas.
9. Improve the appearance and vibrancy of districts, activity centers, and station areas with good civic design.
10. Promote lasting and sustained investment in districts, activity centers and station areas with quality design and construction, and durable, adaptable and re-usable buildings.

C. Private Frontage Types. The design of private frontages on lots establishes the relationship of buildings and lots to the streetscape. Coordinating the quality and character of the streetscape, the placement of the building, and the details of building design creates better relationships. The private frontage design standards in Table 744-702-2 coordinate the access, building location and building design on a block-by-block basis to create a consistent frontage along the block. Frontage types may be established through a specific plan for each station area or mixed-use district. In the absence of a plan, and when applying these standards on a project-specific basis, the applicability guidance in Table 744-702-2 for each frontage types shall be used, and staff shall select the appropriate frontage type based on the context, and considering the following:

1. The distance of the site from transit stations;
2. The extent that building forms and development patterns on the existing block and adjacent blocks reflect compact, walkable patterns;
3. The relative quality of the public realm and pedestrian connections existing in the rights-of-way, and considering the pedestrian amenity zones in the thoroughfare plan; and
4. Whether any public or private plans to improve any of the above according to the guidance in the thoroughfare plan exist.

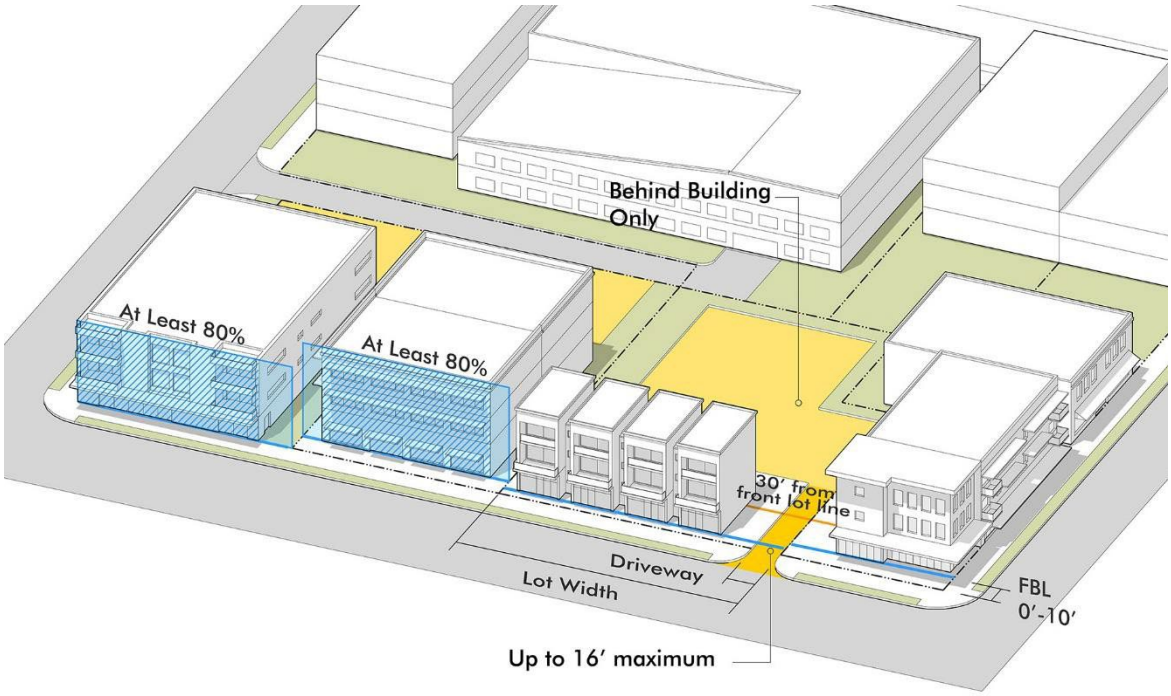
TABLE 744-702-2: APPLICATION OF FRONTAGE DESIGN STANDARDS

APPLICATION OF FRONTAGES			
Unless designated by an official plan for the area approved by the City, frontage types shall be applied for each project according to the following			
Within 600' of a Transit Station (Core Area)	Required by staff designation based on the following performance criteria: • MU-2 / C-districts – At least 2 blocks • MU-3 – At least 4 blocks • MU-4 – At least 6 blocks	Otherwise required if not designated Pedestrian Frontage	Prohibited
Between 601 and ¼ Mile of a Transit Station	Required by staff designation on any other street with a high degree of pedestrian amenity.	Permitted	Permitted only by Administrative Approval.
Any other location	Permitted	Permitted	Limited to local streets and arterial streets where no on-street parking exists.

TABLE 744-702-3: PRIVATE FRONTAGE DESIGN STANDARDS

FRONTAGE TYPE ➢ / ▼ 'FRONTAGE ELEMENT	PEDESTRIAN / URBAN	CONNECTOR	BUFFER / SUBURBAN
FRONTAGE DESIGN			
Driveway Spacing & Widths (in front of FBL OR within 30' from front lot line)	up to 16' maximum	up to 24' maximum	up to 36' maximum
	Any lot abutting an alley shall get access off the alley and shall not create new driveways from the street, except for lots with over 200' of street frontage.		
Surface Parking Limits	Prohibited – behind building only and setback minimum 50'	25' setback; AND 40% maximum of lot width behind FBL	10' setback
Structured Parking Limits	10% maximum of street wall; or 3rd story or above; all other behind buildings	30% maximum of street wall; or 2nd story or above; all other behind liner building	10' setback
Landscape [See Section 744, Article V. for standards and specifications.]	1 street tree per 35' of frontage	1 street tree per 35' of frontage	1 street tree per 35' of frontage; Plus 1 frontage landscape tree per every 35'
BUILDING PLACEMENT & FORM			
Front Building Line (FBL)	0' – 10'	0' – 25'	0' -26' – shall meet Connector Facade design standards Greater than 26' may meet Buffer / Suburban Facade design standards
Required FBL (minimum)	80%	60%	40%
BUILDING SCALE & DESIGN			
Primary Entry Feature	1 per 50'	1 per 100'	1 per building
First Story Transparency	60% - 90%	40% - 90%	25% - 90% OR 60% - 90% within 30' of Primary Entry
Upper Story Transparency	20% - 50%	15% - 40%	15% - 40%
Wall Plane Limits	50' linear feet; and 600 sf	100' linear feet; and 1,000 sf	150' linear feet; and 2,000 sf
Blank Wall Limits	30 linear feet; and 300 sf	50 linear feet; and 500 sf	100 linear feet; and 1,000 sf

Figure 744.701.04 Pedestrian: Frontage Design & Building Placement & Form



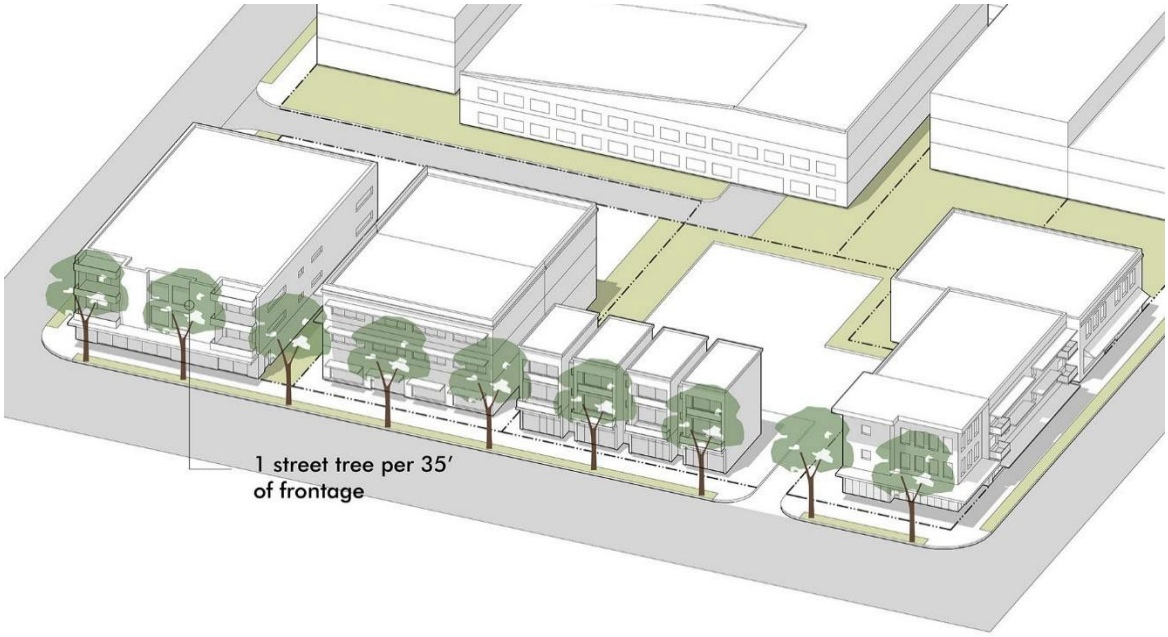


Figure 744.701.05 Connector: Frontage Design & Building Placement & Form

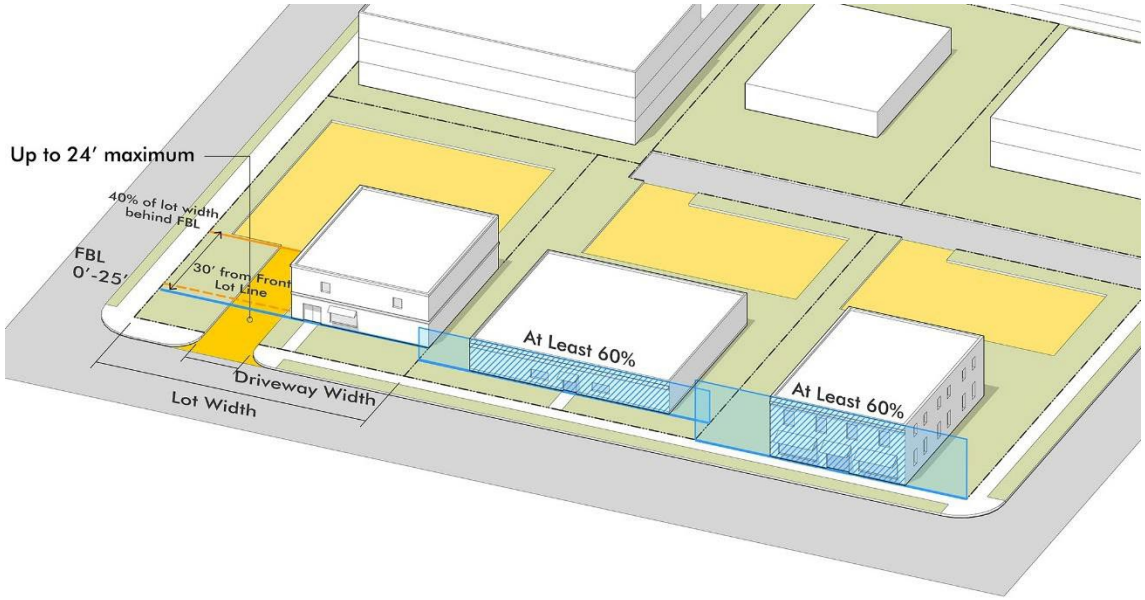
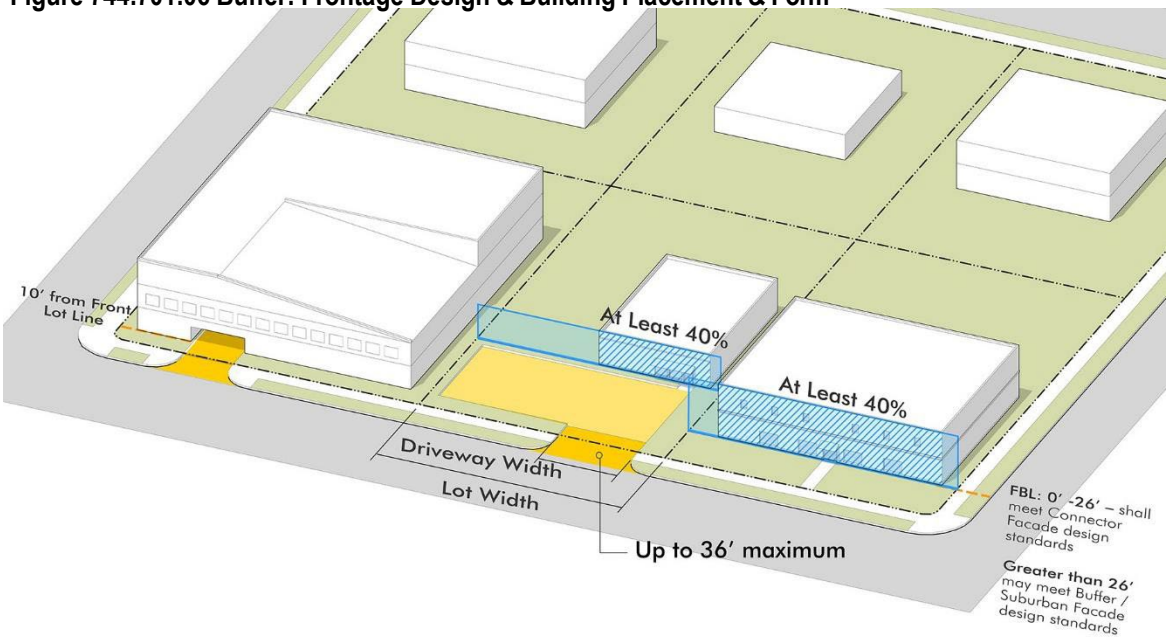
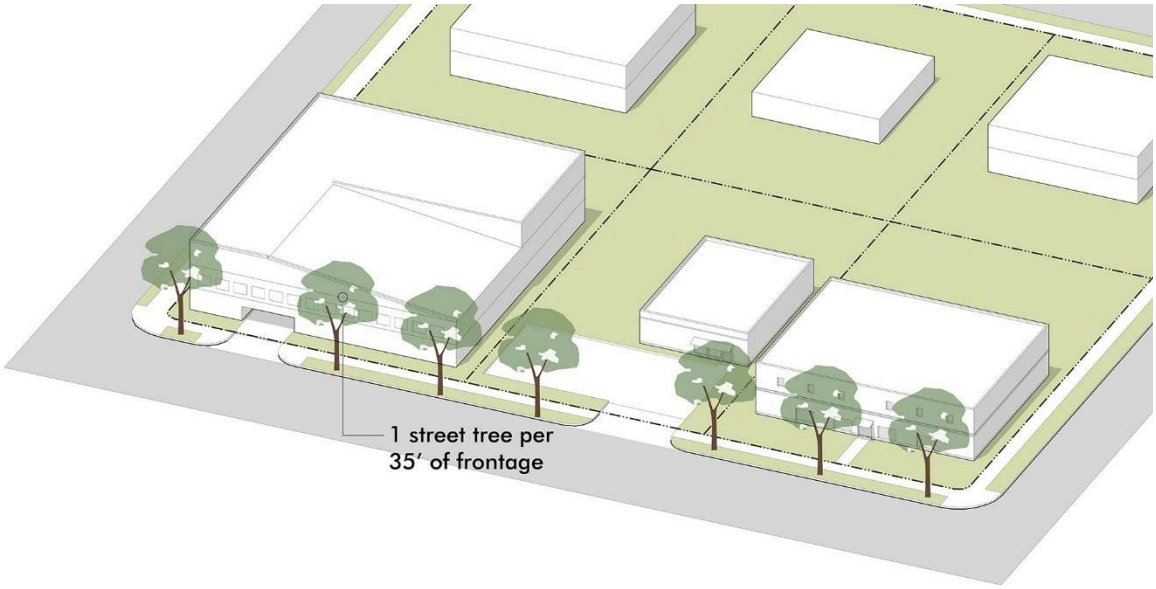


Figure 744.701.06 Buffer: Frontage Design & Building Placement & Form





D. Frontage Design.

1. *Access Limits.* Any lot abutting an alley shall get access off the alley and shall not create new driveways from the street, except for lots with over 200' of street frontage. In all other cases, access to individual lots shall be limited by the width and separation distances specified in Table 744- 702-2, measured on center. In cases where access to individual lots is prohibited by these standards, one of the following strategies shall be utilized:

   745- New rear or mid-block alleys, built as shared easements;

   746- Access from side streets; or

   747- Cross-access easements or common lanes among 2 or mote lots along the block.

2. Parking Location and Extent. Surface and structured parking shall be limited to the setback distances specified in Table 744-702-2 and any portion of the parking not behind a building or active open space shall be limited to the percent of the frontage specified in the table.

3. Landscape. In addition to any open space standards or landscape standards that otherwise apply, all frontages shall be planted according to the following:

   a. Street trees are required at the rate specified in Table 744-702-2 and shall be planted every 20 feet to 50 feet on center

   b. Street trees shall be planted in the following locations, in order of preference:

      (1) In the amenity zone where there is a landscape strip at least 6 feet wide, or a tree well at least 24 square feet and minimum 4 feet wide in all directions.

      (2) Within 4 feet of the sidewalk, where sidewalks are attached, and tree wells are not feasible.

      (3) Within 6 feet of the front property line where right-of-way constraints prohibit the first two locations.

   c. For any non-building portion of the lot frontage, or where buildings are setback more than 25 feet, additional trees shall be planted in the frontage at the time interval to fill the void with vertical landscape elements.

   d. Any parking area permitted within 30 feet of the street shall be screened from the street edge with a 2.5-foot to 4-foot wall or ornamental fence complimenting the materials of the building, a dense landscape hedge, or combination of both.

   e. Where conditions place constraints on large trees being planted according to this section, mall shade trees or ornamental trees may be substituted at a rate of 1 tree for every 20 feet of lot frontage or large trees can be concentrated at end-caps and mid-block bulb outs that create gateways or focal points on the block.

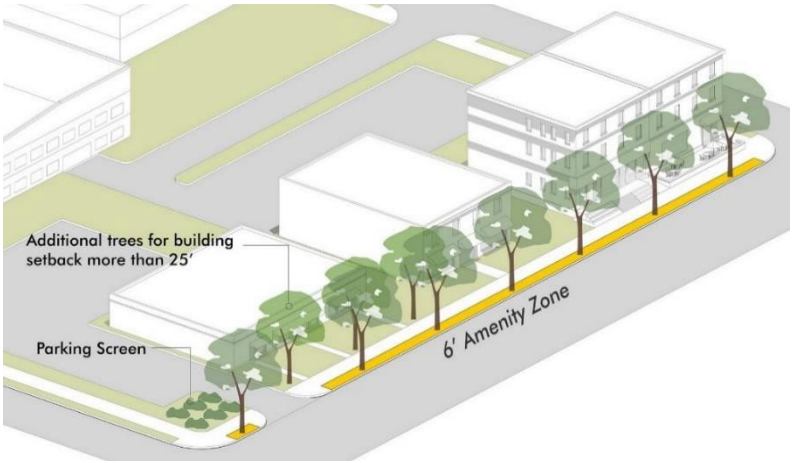


Figure 744.701.07 Frontage Landscape Design

E. Building Placement & Form.

1. *Required Front Building Line.* All buildings shall establish a front building line within the range of the front lot line specified in Table 744-702-2. The required front building line shall extend for the minimum percentage along the frontage specified in the table.
2. *Courtyards, Plazas and Patios.* Courtyards, plazas and patios along the frontage may count to the required front building line provided:
   a. It is limited to no more than 50 feet or 50% of the lot frontage, whichever is greater;
   b. There are defining features at the extension of the required front building line, such as decorative walls or fences, landscape features and other human scale details; and
   c. All building facades fronting the open space meet the standards otherwise applicable along the streetscape.

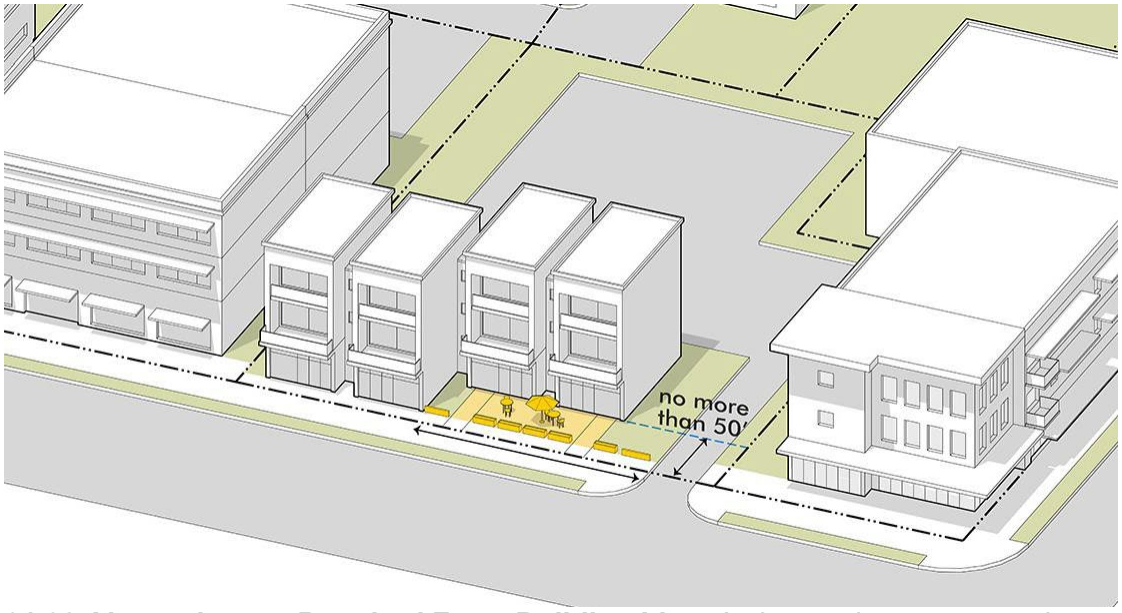


Figure 744.701.08 Alternatives to Required Front Building Line. Active outdoor space such as courtyards, plaza and patios may contribute to the required front building line, provided they are limited in extent and provide some defining features along the required front building line.

3. *Corner Buildings.* Corner lots with property lines on two different frontage types shall apply the

standards in the design standards in the following manner:

a. The lot shall be determined to front on and meet the higher frontage classification.

b. The building shall meet the higher classification on the secondary street for at least the first 25 feet from the corner on the secondary frontage.

c. An entry feature on the corner and oriented to both streets may satisfy the entire requirement of sub-section 3.b above.

4. *Residential Buildings*. Where buildings with first-floor residential are permitted on the frontage (Residential Building Types), the first story should be elevated at least 2 feet above street level, and with the front building line established at least 10 feet from the sidewalk. The building may be placed within 5 feet of the sidewalk if the first story is raised an additional 6 inches for every foot that it is closer to the street than 10 feet.

F. Building Scale & Design.

1. *Primary Entry Features.* Primary public entrances shall be located at intervals at least as frequent as specified in Table 744-702-2 and be clearly defined on all front facades with at least two of the following elements:
   a. A single-story architectural emphasis such as canopies, awning, proticos, pediments, arches, or arcades.
   b. Architectural details such as a transom or display windows, ornamental tile accents, columns, moldings or other similar accents and material changes.
   c. Railings, wing walls or plantings integral to the entry structure that incorporate landscaping and/ or places for sitting.
   d. Recesses of the building mass of at least 3 feet deep.

Figure 744.701.09 Primary Entry Features. The frequency and the design details of entry features activate the streetscape and contribute to the pedestrian quality of the street.

2. *Transparency.* Buildings shall have the percentage of openings on street-facing facades specified in Table 744-702.2 (First Story and Upper Story Transparency), based on the following:
   a. Where expressed as a first story requirement the percentage shall be measured between 3 feet and 8 feet above the street level, or above the first-floor elevation if the building is set back more than 10 feet from the street.
   b. Where expressed as an upper story requirement, the percentage shall be measured between the floor level and ceiling level of each story.
   c. All street level windows required shall have transparent glazing and provide direct views to the building's interior or to a lit display area extending a minimum of 3 feet behind the window.

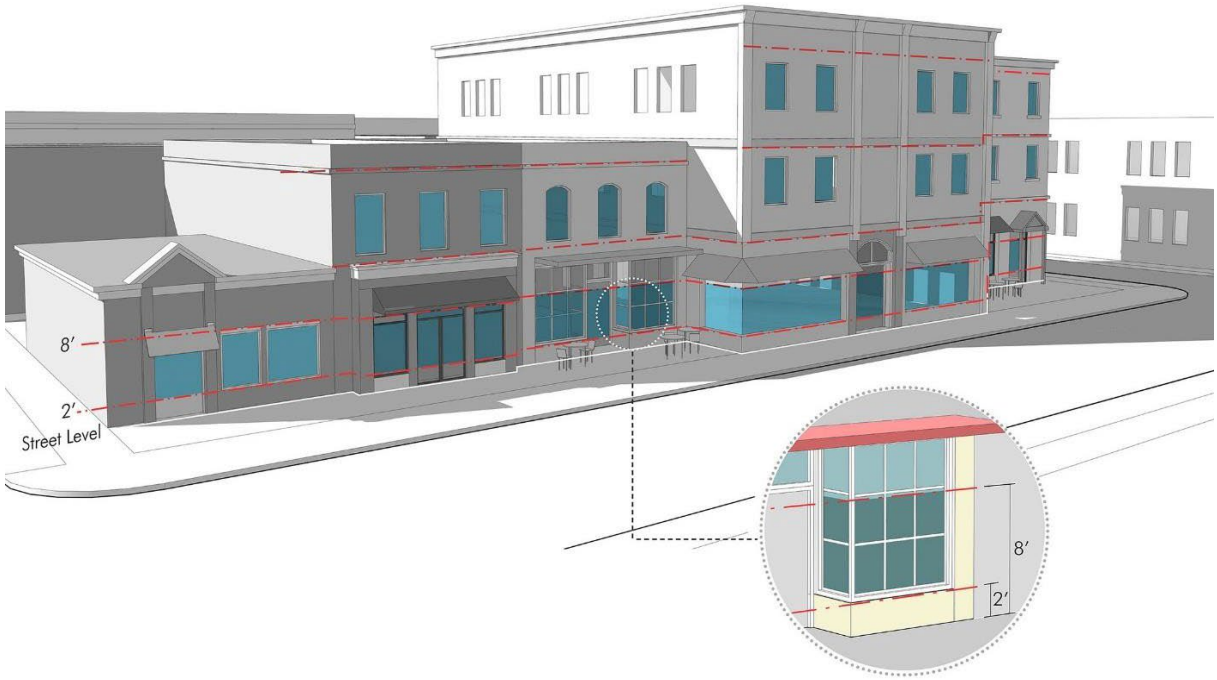


Figure 744.701.10 Transparency. The transparency of the front façade creates actual and perceived connections between the uses in the building, particularly at street level, and the activity along the street scale. The degree of transparence and the composition of windows and doors on the façade contribute to the quality and character of the street.

3. *Wall Plane & Blank Wall Limits*. Larger facades shall be broken into smaller components by one or a combination of the following techniques to meet the wall plane limits and blank wall limits in Table 744-702-2 (Massing and Modulation):

   a. Use structural bays that emphasize vertical breaks in interior components or massing elements of the building, with visible features such as columns, pillars, or pilasters, and material, color changes or other details and accents that project between 4" and 12" off the facade.

   b. Differentiate massing with projections, balconies, cantilevers or step backs from the main mass associated with different stories. Massing shall create deviations in the wall plane of at least 2 feet if projecting from the façade and at least 4 feet if recessed from the facade.

c. Emphasize horizontal differentiation of a base, body and top of all buildings with ornamental details or material changes according to the following.

(1) For buildings less than 3 stories, this can be a distinct foundation, a main façade, and an embellished roof structure, such as eaves and fascia or pitched roofs, or cornices and parapets for flat roofs.

(2) For buildings 3 to 8 stories, the first floor should be clearly differentiated from upper stories to establish the base and an embellished roof structure.

(3) For buildings 9 stories or above, the first two stories should be clearly differentiated from the upper stories, and the top story may be differentiated as the top including an embellished roof structure.

d. Any other blank wall areas in excess of the requirements of Table 744-702-2 shall be broken up by ornamental architectural details complimentary to the materials and architectural style of the building. Significant molding, trim or ornamentation used to break up blank walls or wall planes should project between 4 inches and 2 feet from the wall.

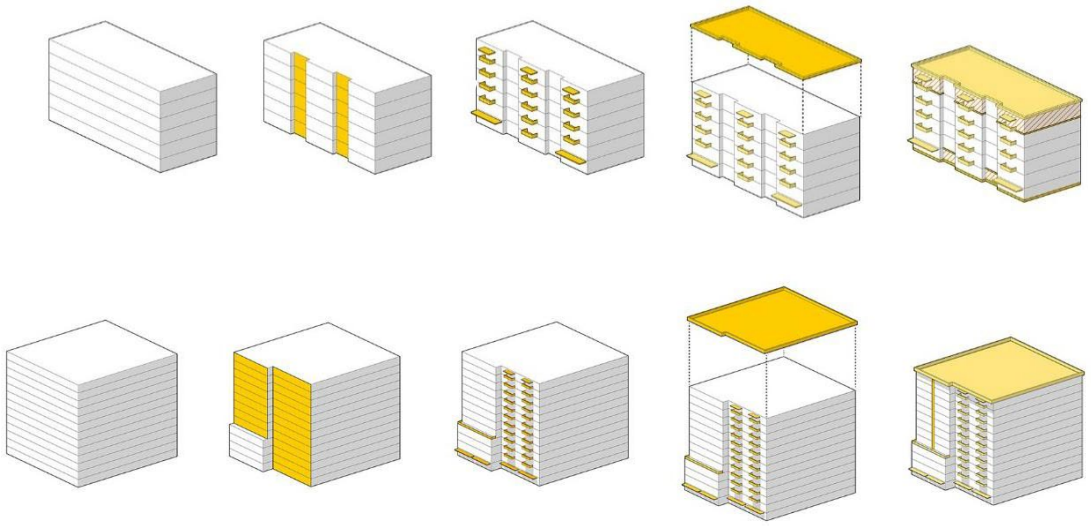


Figure 744.701.11 Wall Plane & Blank Wall Limits. A series of massing and modulation techniques can be used to meet the Building Scale & Design Standards, that will break down the buildable envelope and better relate building to the site, the streetscape and to adjacent buildings.

G. Block and Lot Open Space. Block and lot open space provides for active gathering places, recreation and leisure, and aesthetic enhancements to the buildings and lots serving as an extension of civic spaces connected to streetscapes. The open space required for each building type specified in Table 742-105-3, shall be designed to create usable outdoor space meeting one or more of the following open space types:

1. Public or Common open space designed and platted according to the standards in Table 741-310-2, provided it is on the same or abutting block, and is accessible to the project through ownership or other agreement;
2. Courtyards, plazas and patios or similar outdoor seating areas that are either designed as an extension of the public streetscape on the frontage, or at least 800 square feet and 20 feet in all directions if internal to the site.
3. Rooftop decks provided they are at least 160 square feet; or
4. Private balconies or patios for residential units, provided they are at least 60 square feet.

Article VIII. UNDERGROUNDUTILITIES

Section 01. Applicability

All utility lines installed after January 1, 1973, within all Dwelling districts, or any Mixed-Use district, or C-1 Commercial district, shall be located underground. Provided, however, nothing contained in this article shall prohibit:

A. The temporary aboveground location of utility lines during construction or emergency conditions.

B. Renewal, reinstallation, relocation, replacement, repair or maintenance of existing aboveground utility lines; or installation of aboveground utility lines in location predominantly served by existing aboveground utility lines.

C. Aboveground utility lines where underground location would not be feasible due to soil conditions, physical obstructions or terrain.

D. The at- or above-grade level location of transformers, service or meter pedestals and similar accessory installations, including all aboveground utility lines necessarily or customarily extending above-grade level in an underground utility line system.

Further provided, however, adequate access for such underground installation shall be provided at no cost to the utility.

Section 02. Exceptions

A. The Administrator shall make a determination of exception to the above underground utility line regulations as applied to any specific land area, upon sufficient evidence that the underground location of utility lines therein would be undesirable, infeasible, unnecessary or inappropriate because of the size, design, number of units or character of the proposed development, its relationship to existing or planned adjacent uses, or other relevant planning considerations of land use, location, site design, physical or environmental conditions, aesthetics, economics or technology.

B. Such determination of exception shall be made upon petition by the owners of 50% or more of the subject land area or by the utility. The Administrator shall furnish notice of his determination or denial of exception to the petitioners and the utility.

Section 03. Improvement Location Permit Required

After January 1, 1973, as a prerequisite to the issuance of an Improvement Location Permit for any structure to be served by utility lines required by this article to be located underground, the applicant shall provide a copy of an agreement with the utility (or other evidence satisfactory to the Administrator) that all utility lines required by this article to be located underground will be installed in compliance with the requirements of this Chapter 744, Article VIII.

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Article IX. SIGN REGULATIONS

Section 01. Purpose and Application

Purpose

This Chapter 744, Article IX creates the legal framework for sign regulations that are intended to facilitate an easy and agreeable communication between people and to balance the interests and objectives of the sign owner and the community audience. It is recognized that signs serve an important function and, therefore, reasonable and adequate display of signs is permitted under the provisions of this Article IX. It is further recognized that while aesthetics and design quality can vary greatly, the overall impact upon on the surrounding larger community can significantly impact property values, safety, long-term vitality and the overall quality of life in Indianapolis and its neighborhoods.

The purpose of the sign regulations set forth in this Section 744-901 shall be to:

Eliminate or reduce potential hazards to motorists and pedestrians;
Maintain an equitable opportunity for effective communication;
Enhance efficient location of places for ease of commerce, emergency response, and the convenience of residents and guests;
Eliminate excessive and confusing sign displays;
Preserve the scenic and natural beauty;
Preserve and protect historic signs;
Assure the maintenance of signs;
Encourage signs to be compatible with the scale of buildings;
To preserve and improve the appearance of the city as a place in which to live and work and act as an attraction to nonresidents who come to visit or trade;
Supplement and be a part of the regulations imposed and the plan set forth under the Comprehensive Plan for Marion County; and to
Promote the public health, safety, morals and general welfare.

Applicability of regulations

1. The requirements, conditions, prohibitions and exceptions specified in Chapter 744, Article IX of the Zoning Ordinance shall apply to all signs and sign structures in all zoning districts in Marion County, Indiana.
2. No sign or sign structure, or part thereof, shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations.

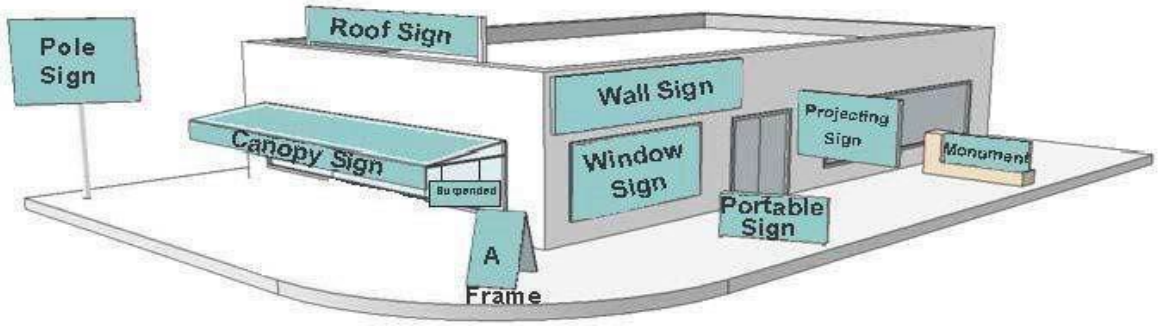
Substitution

Noncommercial content may be substituted for other content on any sign permitted under this Chapter 744, Article IX or any legal nonconforming sign under this zoning ordinance.

Severability

If any decision, subsection, sentence, phrase or portion of this Chapter 744, Article IX is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion of these regulations shall be deemed separate and distinct, and that holding shall not affect the validity or constitutionality of the remaining portions of this section, which shall remain in full force and effect.

Section 02. Definitions



The words in the text or illustrations of this article shall be interpreted in accordance with the following definitions. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

A-Frame Sign Example

A-Frame Sign: A pedestrian sign containing two sign faces and whose framing is hinged at the apex at an angle less than 60 degrees.

Abandoned Sign: Any sign or its supporting sign structure that conforms to this ordinance where the primary use, which has ceased activity for a period of one (1) year or more, is considered abandoned. Any sign or its supporting sign structure that does not conform to this ordinance and which has ceased activity for a period of 60 days or more is considered abandoned. Any sign deemed abandoned will also lose Legally Non-Conforming Status. For purposes of this definition, 'the primary use' refers to the activity occurring on the property and not to the mere generation of income for the property owner, or the intentions of the property owner or any tenant or sub-tenant.

Air Dancer: A lightweight inflatable moving product made up of one or more long tubes of thin fabric with two or more outlets, which is attached to and powered by a fan at or near its base that causes the tubes to move about in a dancing or flailing motion.

Art (pertaining to signs): Original works created by an individual or team that are designed with the intent of producing a creative or aesthetic outcome, and are not used for advertising a business, product, service or commercial activity except in accordance with Section 744-903 (F)(2).

Automobile Rental Station: A portion of a legally established parking area or parking garage that serves as the location for the parking, storage, pick-up and drop-off of a rental automobile.

Auto Sharing: A service in which automobiles are made available to the public for shared use on a short-term basis.

Banner: A sign with a message applied to cloth, paper, fabric, or flexible plastic, with any such non-rigid material for background.

Bike Sharing: A service in which bicycles are made available to the public for shared use on a short -term basis.

Building Signs: A sign accessory to the primary use of land that is attached to any part of a building including, but not limited to Projecting Signs, Projecting-Blade Signs, Canopy Signs, Marquee Signs, Pedestrian-Oriented Projecting and Suspended Signs, Skyline Signs and Wall Signs.

Canopy (pertaining to signs): A permanent roof-like cover, which extends from the building, providing shelter over, for example, a doorway, window area, outside walk or parking area.

Canopy Sign Examples

Canopy Sign: Any building sign that is part of or attached to a canopy as an accessory to the primary use of the land, made of fabric, plastic, or structural protective cover over a door, entrance, or window. A canopy/awning sign is not a marquee and is different from pump island canopy signs.

Example of Changeable Copy Sign

Changeable Copy Sign: A sign or portion thereof with characters, letters, numbers, illustrations that can be changed manually but not remotely, and without altering the physical face or the surface of the sign.

Clear Sight Visibility Area: Area between 2.5 feet and nine (9) feet above the driving surface of the adjacent road way within an area formed by measuring 25 feet along both curb lines where they intersect, and connecting the two points to form a triangle.

Commercial Flag: Flag displayed for commercial proposes.

Community (Residential): A subdivision, condominium or apartment development or building.

Cutoff: See General Definitions, Chapter 740-202.

Digital Display Sign Example

Digital Display: Any portion of a sign, such as an electrically or electronically controlled message center, where the characters, letters, or illustrations can be changed or rearranged either non-manually in the field, or from a remote location, without physically altering the face or the surface of the sign. This may include an electronic variable message sign or projected image onto a building. This shall not be construed as a prohibition on the use of LED technology.

Drive-Thru Sign: A sign on a lot that includes a drive-through service window and at least one stacking lane that is devoted exclusively to customers of a drive-through service, which is located at the entrance of or along or over one or more such stacking lanes.

Flag: Any fabric or similar light-weight material attached at only one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes. Flags are considered to be signs.

External Illumination: A lighting method provided by an external light source.

Freestanding Sign: Any sign, accessory to the primary use of land, whose primary support is placed on, or anchored in, the ground and is independent from any building or other structure and may include Monument Signs, Pole Signs and Pylon Signs.

Gateway Signs: A sign indicating entry into a neighborhood or special district. Gateway signs shall be subject to Regional Center or IHPC requirements and Administrative Approval in all districts. DPW and DBNS approval is required for work and/or encroachment into any right of way.
Ghost Sign: Historic, painted wall sign that remains from an earlier time or advertises the use of a building that provides evidence of the history of the use of the building or activities of the community.

Grade Level (pertaining to signs): Existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

Halo Illumination: A lighting method provided by concealing the light source behind three-dimensional

opaque letters, numbers, or other characters of a sign, resulting in the night time perception of a halo around the silhouette of each sign character. This is also referred to as "reverse channel" or "reverse lit" illumination. A sign with Halo Illumination is not considered an internally illuminated sign for the purpose of this Ordinance.

Heritage Sign: An existing sign having historical significance, and which advertises an establishment or product no longer in existence or a product no longer being offered on the site, may be designated a heritage sign. An exact replica of an original sign attached to a building that would have been at least 50 years old may be designated a heritage sign. See Chapter 744-909(A).

Illumination (pertaining to sign and billboard regulation): The lighting of a sign with an artificial light source incorporated internally or externally to emanate light from, or direct light to a sign's surface, whole or in part, or that is created by the projection of light onto a surface such as a building wall.

Incidental Sign: A permanent sign which has a purpose that is secondary and incidental to the use of the lot on which it is located, such as "hours of operation", "loading zone only," "air," "building directory"and "visitor parking," and which carries no commercial message that is legible beyond the lot on which the sign is located, except for a registered logo on a premises with two or more separately-operating businesses.

Inflatable Signs: Lighter-than-air or gas-filled balloons or other similar devices used to advertise or define a fixed location are prohibited, except in compliance with Section 744-910.

Integrated Center (pertaining to signs): An area of development (commercial, industrial or any combination of commercial, industrial and residential uses) that includes multiple businesses or uses in one or more buildings that share common-site facilities.

Internal Illumination: Illumination created by a light source internal to the sign, transparent or translucent material from a light source within the sign structure or panel, or exposed lighting on the sign face.

Legally Established Nonconforming Sign: Any sign and its support structure lawfully erected prior to the effective date of the adoption of this ordinance that fails to conform to the requirements of this chapter.

Maintenance (pertaining to a sign): The process of keeping a sign in good repair. Maintenance includes: cleaning, painting, and repair or replacement of damaged or defective parts with like materials in a manner that does not alter the basic design or structure of the sign.

Marquee: A permanent roof-like projection above an entrance of a building, supported by the building and designed and constructed to provide protection from the weather and may accommodate changeable copy signs or digital displays. A Marquee is not a canopy.

Marquee Sign: A building sign painted, mounted, constructed or attached in any manner on a marquee and may accommodate changeable copy signs or digital displays.

Marquee Sign Examples

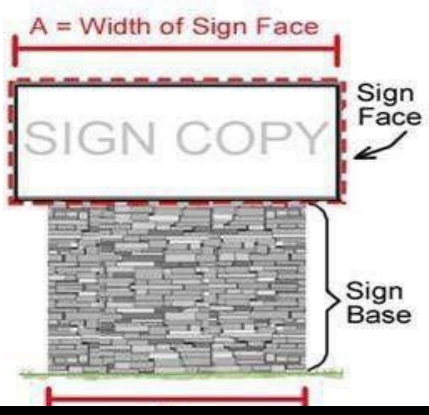


Diagram A – Monument Sign

Monument Sign: A freestanding sign, accessory to the primary use of land, whose sign face is attached to a proportionate sign base or structural frame that maintains a minimum width, without opening, greater than 80% of the width of the widest part of the sign face a constant width, without opening.

Municipal Bus Bench: A seating structure caused to be erected, maintained and managed by or on behalf of the Indianapolis Public Transportation Corporation, or their successor, to provide temporary seating for people waiting to use or ride public transportation.

Municipal Bus Shelter: A roofed structure caused to be erected, maintained and managed by or on behalf of the Indianapolis Public Transportation Corporation, or their successor, to provide temporary protection of people waiting to use or ride public transportation.

Municipal Bus Stop: A location designated by Indianapolis Public Transportation Corporation or their successor, for people waiting to use or ride public transportation that is located next to a roadway served by an operational public transit corridor.

Mural: A design or representation painted, drawn or similarly applied on the exterior surface of a structure for artistic expression, see “Art” definition. Typically, the only text includes the artist’s name and date of installation.

Multi-Tenant Sign: A single sign structure accommodating multiple sign faces dedicated to individual tenants.

Non-Commercial Flag: A flag that is not a commercial flag.

Off-premises Sign: A sign that directs attention to a business, profession, commodity, or service offered on the property other than that on which the sign is located. This limitation does not apply to the content of noncommercial messages.

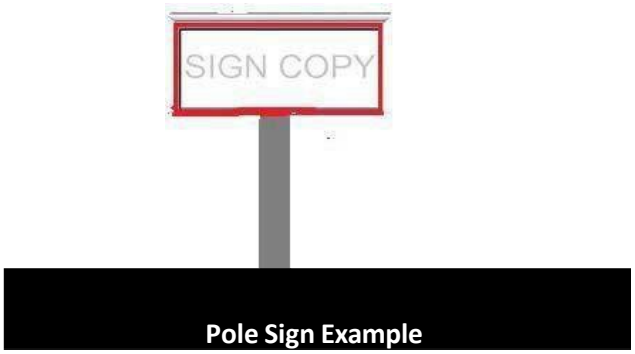
On-premises Sign: A sign that directs attention to a business, profession, commodity, or service offered on the property on which the sign is located. This limitation does not apply to the content of noncommercial messages.

Parapet (wall): The portion of a building wall that rises above the roof level.

Pavement Sign: A sign built into or affixed to the sidewalk or pavement, typically at the entrance of a building.

Pedestrian-Oriented Building Sign: Signs of scale and location that are intended for pedestrian traffic. See definitions for 'Projecting Sign and Suspended Sign'.

Pedestrian Sign: A sign that is located in pedestrian areas, such as sidewalks or plazas. A Pedestrian Sign may be of an A- or T-framed design.



Pole Sign Example

Pole Sign: A freestanding sign, accessory to the primary use of land, that has as its support structure one or more poles anchored in the ground as it extends upward from grade level.

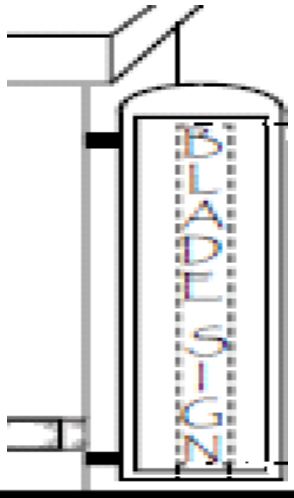
Portable Sign: A sign without a sign structure or building, or with a sign structure lacking a permanent foundation or that is otherwise not permanently attached to a fixed location, which can be carried, towed, hauled or driven, and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability, including but not limited to signs on trailer frames, whether or not the trailer wheels have been removed. This definition does not include pedestrian signs.

Primary Freestanding Sign: A monument, pylon or pole sign or other freestanding permanent sign, accessory to the primary use of land, and that is not one of the types specified as a secondary freestanding sign.

Primary Building Sign: A wall sign, canopy sign, marquee sign, skyline sign, roof-integral sign, projecting blade sign, projecting sign or a sign that is not pedestrian-oriented, or other permanent sign, accessory to the primary use of land, that is attached or affixed to a building, and that is not one of the types specified as a secondary building sign.

Projecting Sign

Projecting Sign: A building sign that is affixed to a building or wall at an angle in such a manner that its leading edge extends more than 18 inches beyond the surface of such building or wall face.



Projecting Blade Sign

Projecting - Blade Sign: A building sign that is a type of projecting sign mounted on a building facade or storefront pole or attached to a surface perpendicular to the normal flow of traffic.

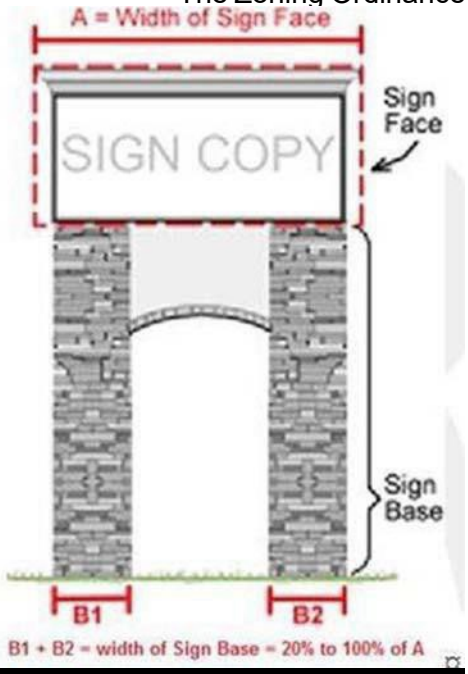
Protected District: Specific classes of zoning districts that, because of their low intensity or the sensitive land uses permitted within them, require buffering and separation when abutted by certain more intense classifications of land use. A protected district includes any dwelling district, federally or locally designated historic preservation district, hospital district, parks district, university quarter district, SU-1 (church) district or SU-2 (school) district.

Public Sign: A sign that is constructed, placed or maintained by the federal, state or local government for the purpose of carrying out an official duty or responsibility or a sign that is required to be constructed, placed or maintained by a federal, state or local government either directly or to enforce a property, including but not limited to signs which promote safety, no trespassing, or traffic signs; memorial plaques; signs of historical interest; notices of pending governmental action and signs directing people to public and semi-public facilities; public transit service signs, utility information signs, public restroom or telephone signs, trespassing signs, legal notices; signs of public service companies indicating danger and aids for service or safety.

Pump Island Canopy: A roof-like horizontal structure that extends over or covers the fuel dispenser(s), may be a lighting source for the dispensing area and may display signage.

Pump Island Canopy Example

Pump Island Canopy Sign: Any sign that is part of or attached to the pump island canopy.



Pylon Sign Example

Pylon Sign: A freestanding sign, accessory to the primary use of land, with its sign face attached to a sign base consisting of one or more supports that, from grade level to the sign face, maintains a minimum width extending upward from grade level of 20% up to 100% of the width of the widest part of the sign face.

Roof Line: The uppermost edge of the water-carrying surface of a building or structure.

Roof-Integral Sign

Roof-Integral Sign: Any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the roof.

Roof Sign Example

Roof Sign: Any building sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the roof.

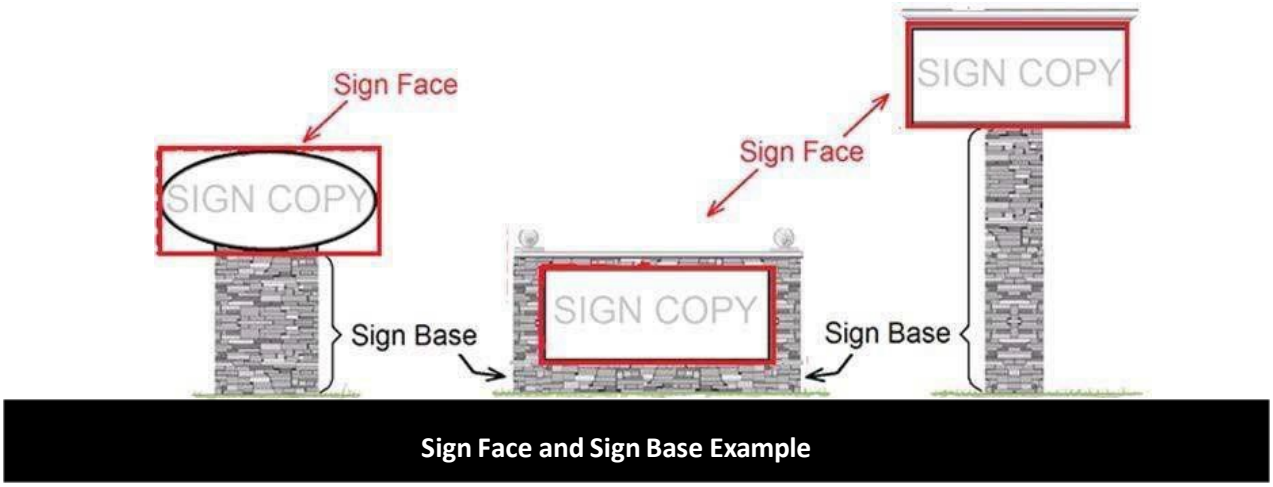
Rotating Sign: Any sign or portion of a sign designed to revolve or move in a similar manner by means of electrical or wind power.

Secondary Freestanding Sign: A vehicle entry point sign, incidental signs, drive-thru sign, auto and bike sharing sign or other permanent sign accessory to the primary use of land and that is not one of the types specified as a primary freestanding sign.

Secondary Building Sign: A window sign, a pedestrian-oriented projecting sign, suspended sign, or incidental sign, which is a permanent building sign, accessory to the primary use of land, and that is not one of the types specified as a primary building sign.

Sign: Any structure, fixture, placard, announcement, declaration, device, demonstration or insignia used for direction, information, identification or to advertise or promote any business, product, goods, activity, services or any interests.

Sign Face: The entire surface area of the sign within a single continuous rectangular shape upon, against, or through which all elements that form the display, including any background, is exhibited.



Sign Face and Sign Base Example

Sign Structure: Any structure except a building, including the supports, uprights, bracing and framework that supports or is capable of supporting any sign.

Sign Type: Itemized categories of freestanding or building signs.

Site: A single building or use, not part of an integrated center. For purposes of this Ordinance, an integrated center shall be treated as a single site.

Skyline Sign Example

Skyline Sign: A building sign, located in its entirety, on a building façade above 26 feet in height, measured from grade level.

Street Banner Example

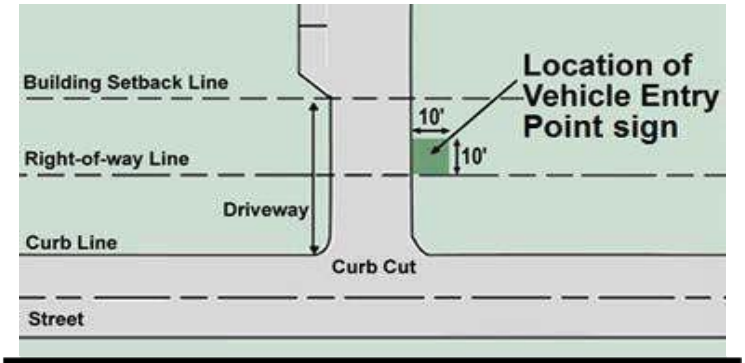
Street Banner: A message applied to cloth, paper, fabric, or flexible plastic, with any such non-rigid material for background suspended across a street for a temporary period. See 744-910(B).

Suspended Sign: A secondary sign attached at an angle to a ceiling or building overhang.

T-Frame Sign: A pedestrian sign containing two sign faces and whose framing consists of a base perpendicular to the sign face.

Temporary Sign: A sign that is authorized for a period, not to exceed 10 days. One-time event temporary signs may be a freestanding or building sign. One-time event temporary signs may be made of nondurable materials, such as pennants, banner, flags (unofficial or official), air-filled, as well as more durable materials such as wood, metal, plastic.

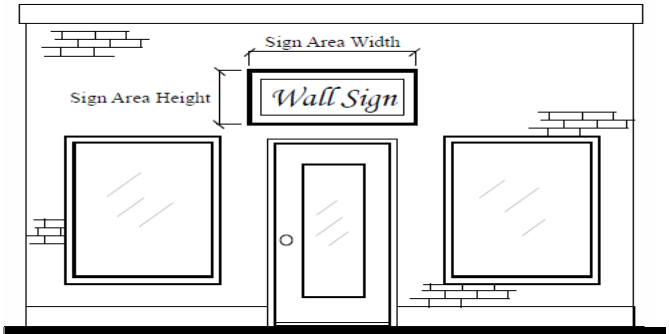
Vehicle Area (pertaining to signs): Any area including any public right-of-way, intersection, vehicle ingress or egress point, transit stop, parking space, drive aisle or driveway.



Vehicle Entry Point Example

Vehicle Entry Point Sign: Secondary, freestanding, permanent on-premises sign, accessory to the primary use of land, located within 10 feet of the right-of-way and the pavement of a driveway.

Visibly Obstructed: The view of an object that is blocked by a building or other manmade structure so as to be incapable of being seen from that line of sight.



Wall Sign Example

Wall Sign: Any building sign, accessory to the primary use of land, attached parallel to, and within 18 inches of a wall; it may be painted on or attached to the exterior elevation of a building or parking garage.

Walkway: A passage or path for walking along such as a sidewalk or trail.

Window Sign: Any sign, accessory to the primary use of land, placed, attached or painted on a window surface.

Yard Sign Example

Yard Sign: Freestanding sign, accessory to the primary use of land that is located in the yard of a lot, for temporary purposes only. Examples include signs posted by a real estate professional, land developer, builder, home improvement company, garage sale advertising, and signs expressing an opinion. A yard sign may be a maximum of six (6) square feet in size.

Section 03. Administration

A. Consent of property owner

1. No sign or sign structure shall be placed on private or public property without the expressed written consent of the owner, owner's representative, holder, lessee, agent, trustee, or other party controlling the use of such property.
2. No sign, other than signs placed by agencies of government with appropriate jurisdiction, or a sign whose placement is authorized by such agencies, shall be located, used, or maintained on or over a public property or public right-of-way, except as specifically authorized by this chapter and, if applicable, any requisite encroachment license. No sign may be installed, used, or maintained on or over a drainage or utility easement, except as specifically authorized by the entity granted the easement.

B. Required permits

Any sign not exempted from the requirements of obtaining an Improvement Location Permit (ILP) as noted in Section 744-903(E) shall be required to obtain an ILP.
Furthermore, any sign not identified as a permitted sign type in Section 744-906 is prohibited. This provision shall not be construed to require an ILP for the changing of a sign face on a sign for which an ILP has previously been issued, except that an ILP is required for the changing of a sign face from a static face to a digital display.

This provision shall not be construed to require an ILP for the maintenance of a sign (Refer to Sign Definitions - Section 744-902) for which an ILP has previously been issued, provided that the maintenance or change of parts or copy of a sign does not alter the surface area, height, or otherwise render the sign nonconforming, or increase the existing degree of nonconformity, with the standards of the Ordinance.

C. Signs within designated historic districts

The following regulations shall pertain to Primary and Secondary Signs in all districts. Any Primary or Secondary sign erected on a building or lot located within a federally designated historic district or locally designated historic district--as established by, and under the jurisdiction of, the Indianapolis Historic Preservation Commission (IHPC)--shall be exempt from the provisions of this chapter. The type, number, area, height, illumination and location of such signs located within such locally designated historic districts shall be as determined by the IHPC. The specific standards and requirements for on-premises signs shall be as set forth in and specified by the grant of a Certificate of Appropriateness following all procedures set forth by the IHPC.

D. Regional Center Guidelines and Approvals

Any Primary or Secondary sign erected on a building or lot located within the Regional Center shall be subject to the standards and requirements for on-premises signs as set forth in the Regional Center Guidelines and follow all procedures required for approval by the Administrator.

E. Signs that may be erected without a permit

The following signs may be erected and maintained without a permit or fee, provided that such signs comply with all standards applicable to that type of sign.

1. Signs on municipal bus shelters or benches

2. Yard signs
3. Non-commercial flags, non-commercial banners or other similar non-commercial emblems that are suspended entirely over private property. See definitions of Flag, Banner, and Commercial Flag
4. Parking structure signs which are not oriented to a right-of-way
5. Signs within or on railway property or railway easement for the operation of such railway
6. Window signs
7. Pedestrian signs
8. Sign that is integrated into or on a coin-operated machine, vending machine, or fuel pump that is related to its intended purpose
9. Public Signs
10. Address Signs
11. Signs permitted on undeveloped lots

F. Features that are not considered a sign

The following features are not considered a sign and not regulated by this Chapter 744, Article IX.

1. Tombstones in a cemetery or graveyard are not considered signs.
2. A Work of art is considered a sign if it contains a business name, brand name or business logo other than the creator's signature or mark, unless it constitutes a sponsorship element no larger than 5% of the size of the work.
3. Outlining by illumination of structural/architectural elements of buildings in any commercial, industrial or mixed- use district shall not be considered a sign. Such building outline lighting shall not flash or be animated or be located within 600 feet of any Protected District unless visibly obstructed from view from within that District; but in no instance may it be located within 400 feet of such a District.

G. Prohibited Signs

The following signs are prohibited in all zoning districts:

1. Signs in the public right-of-way. No sign or sign structure may be placed on or in the right-of- way of an alley or a street including those posted on utility poles or street signs, with the exception of public signs and signs associated with an approved outdoor café. Where applicable, an encroachment license from the proper governmental agency shall be obtained prior to the placement of the sign.
2. Signs which interfere with public signs or traffic devices in the following manner.
   a. No sign or sign structure shall be permitted which attempts or appears to attempt to regulate the movement of traffic or which interferes with or obstructs the view of, or can be confused with, imitates, or resembles any official traffic sign, signal, or device. No rotating beam, beacon or flashing illumination resembling any emergency light shall be used in connection with any sign display.
   b. No sign shall be permitted which obstructs a driver's view of any traffic or roadway sign, signal, device or interfere with the clear sight visibility area as defined in Section 744-902.
3. Signs painted on, attached to, or maintained upon trees, rocks or other natural features, are prohibited.
4. Banners. Banners are prohibited except in one or more of the following circumstances. Exceptions:
   a. Temporary banners in compliance with in Section 744-910.
   b. Banners on utility poles in compliance with Section 744-909(B).
   c. Non-commercial banners suspended entirely over private property.
   d. Banners that are attached securely to the wall of a building on all four (4) corners shall be considered and regulated as wall signs.
5. Portable signs are prohibited.
6. Roof signs are prohibited.

7. Vehicle Signs: Signs placed on vehicles parked on public or private property are prohibited where the primary purpose of the vehicle in that location is to display the sign. Prohibited signs do not include those placed on vehicles parked for the purpose of lawfully making deliveries or sales and service calls. Prohibited signs do not include standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to business or commercial vehicles such as buses or cabs.
8. Audio components: Signs that produce or utilize sound are prohibited with the exception of sound speakers that are components of drive-thru signs and that are components of gasoline pump islands are prohibited.
9. Off-premises signs in any location not expressly permitted by Section 744.911. This limitation does not apply to the content of noncommercial messages.

H. Computations

1. Computation of area of freestanding signs

The area of a sign face of a freestanding sign is computed by means of the smallest rectangle that encompasses the message area.

Sign Diagram B – Sign Area for Freestanding Sign

2. Computation of area of signs on landscape walls or fences

If the sign is located on a fence or landscape wall, that is in compliance, only the area of the actual sign itself shall be calculated in determining the maximum sign area, not the fence or landscape wall itself. (Refer to Sign Diagram C for illustrative guidance to computation methods).

Sign Diagram C – Sign Area for Wall Sign

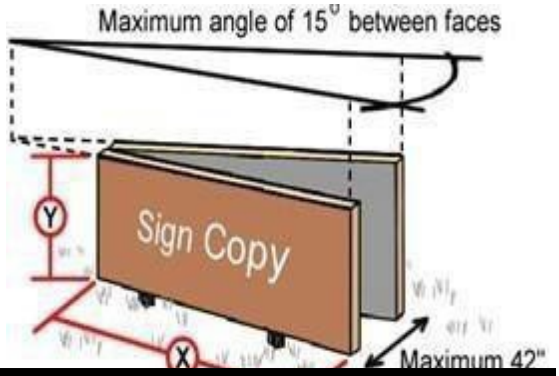
3. **Computation of area of canopy signs**

   On canopies, the computation of the sign copy area shall be limited only to the area of the canopy plane that contains the graphics or sign.

Sign Diagram D – Sign Area for Canopy Sign

4. **Computation of area of multi- sided signs**

   Multi-sided signs shall be computed by the measurement of one of the sign faces provided that the faces are back to back or no greater than 15 degrees or 42 in. apart, whichever is greater. (Refer to Sign Diagram E for illustrative guidance to computation methods).



Sign Diagram E – Two Sided Sign

5. **Computation of area of building signs**

   The sign area for building signs shall be computed by adding together the sign area of each sign face measured individually.

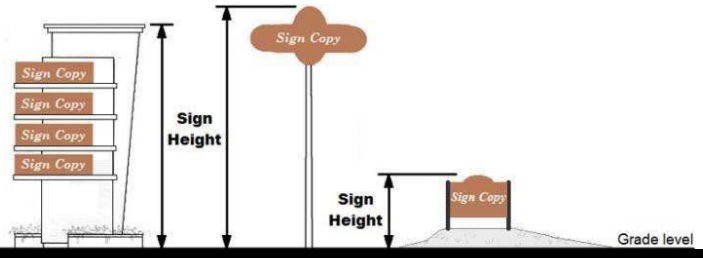
6. **Exceptions to number and area computations**

   a. **Address**. The area of the sign devoted to the site or building's street number required to comply with Title II, Sections 431-307 and 431-309 of the Revised Code is not included in the calculation of the sign area.

   b. **Heritage signs**. The area of a designated heritage sign is not counted toward the total primary and secondary sign area permitted. If the heritage sign is an existing freestanding sign, the sign is considered one of the freestanding signs permitted, however the sign area and height standards may be waived upon designation.

7. Computation of height

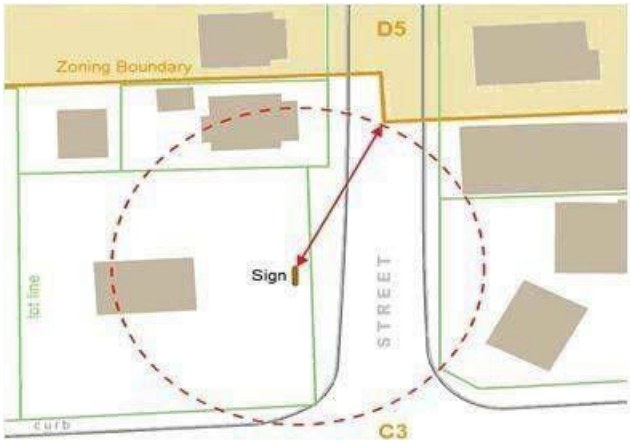
The height of a sign shall be computed as the distance from the base of the sign or sign structure at grade level to the top of the highest attached component of the sign structure.



Sign Diagram F – Sign Heights

8. Measurement to Protected District

The measurement shall be the shortest distance between the closest edge of the sign to the zoning line of the Protected District (Refer to Sign Diagram G).



Sign Diagram G – Measuring Distance to Protected District

Section 04. Maintenance, Safety and Removal

A. Maintenance required; Maintenance of signs

1. All signs and sign structures including all supports, braces, guys and anchors, shall be kept in good repair and maintained in a safe and legible condition at all times. Activities that do not alter the design or structure of the sign, including the replacement of defective or damaged parts, painting, repainting, cleaning, and other services required for maintenance of the signs shall not require an ILP as determined by the Department of Business and Neighborhood Services.

2. Unmaintained signs shall be removed or brought into compliance immediately upon written notice from the Department of Business and Neighborhood Services.

B. Maintenance and restoration of legally established nonconforming signs and sign structures

1. Safety, Maintenance and Repair. Nothing in this Article shall relieve the owner or user of a legal nonconforming sign, or owner of the property on which the legal nonconforming sign is located, from any provisions regarding safety, maintenance and repair of signs.

2. Any legally established nonconforming sign shall be permitted to be maintained without alteration in size or location or change in materials. Maintenance of such signs shall not include:

a) Any changes made to the size, height, bulk, or location of the sign.

b) Temporary or permanent removal of the sign.

3. Any abandoned sign and its sign structure shall be removed. However, any heritage sign may remain as provided in Section 744-909(A).

Example of Abandoned Sign

C. Required relocations or elevations; Outdoor Advertising Signs

1. In accordance with I.C. 8-23-20-25.6 and 8-23-20.5-3, legally-established Outdoor Advertising Signs which are required to be elevated or relocated due to a noise abatement or safety measure, grade changes, construction, directional sign, highway widening, or aesthetic improvement made by any agency of the state along the interstate and primary system or any other highway may be elevated or relocated to the extent allowed by State or Federal law and upon approval of a Special Exception from the Board of Zoning Appeals. The elevated or relocated sign shall comply with all applicable development standards of this Ordinance. An Improvement Location Permit shall be required for signs that are elevated or relocated pursuant to I.C. 8-23-20-25.6.

Section 05. General Provisions

A. Address

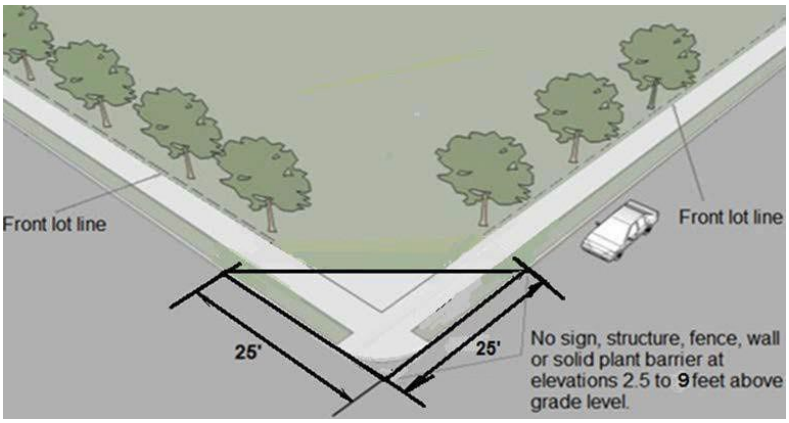
The address of a site shall be displayed as provided in this Ordinance.

B. Clearance Area Requirements

1. No sign or sign structure between 2.5 feet and nine (9) feet above the driving surface of the adjacent road way shall be permitted within the area formed by measuring 25 feet along both curb lines where they intersect, and connecting the two points to form a triangle. Refer to Sign Diagram H - Clear Sight Visibility Area below.
2. No sign may be located in a way that obstructs or blocks any public right-of-way, sidewalk, walkway, intersection, ingress or egress point, transit stop, pedestrian ramp, parking space, drive aisle, driveway, building entrance, fire escape, or accessibility ramp.
3. Any part of a sign extending over a pedestrian traffic area, walkway or sidewalk shall have

a minimum vertical clearance of nine (9) feet above that surface and any part of a sign extending over a vehicle area shall have a minimum vertical clearance of 12 feet above that surface.

4. Freestanding signs shall have at least a vertical clearance of 10 feet from any overhead power line.



Sign Diagram H – Clear Sight Visibility Area

C. Signs generally prohibited in the right-of-way

No sign shall be located, used, or maintained on or over a public property or public right-of-way, except as specifically authorized by this chapter and, if applicable, any requisite encroachment license. No sign may be installed, used, or maintained on or over a drainage or utility easement, except as specifically authorized by the entity granted the easement.

D. Construction of signs

1. **Safety**. All electrical fixtures, devices, circuits, conduits, raceways, or any apparatus used to illuminate any sign shall be installed and maintained in compliance with current electrical and fire codes with the NFPA 70. A listing label from a nationally recognized testing laboratory, such as UL, shall be provided for any sign with electrical components.
2. **Durability**. Materials for signs shall be durable and capable of withstanding weathering over the life of the sign with reasonable maintenance. Glass forming any part of a sign, with the exception of exposed lamps, shall be safety glass.
3. **Watertight**. All signs attached to a building shall be installed and maintained so that wall penetrations are watertight and do not exceed allowable stresses of supporting materials. When a building-mounted sign is removed, the wall shall be repaired and restored to its original condition prior to sign installation.
4. **Prevent nesting**. All signs and their supporting structures shall be enclosed so as to prevent inhabitation by birds, rodents, insects, and other wildlife.
5. **Raceways and Transformers**. If a raceway is necessary, it shall not extend in width or height beyond the area of the sign. A raceway shall be finished to match the background surface to which it is attached, or integrated into the overall design of the sign. Conduits and other electrical components shall be designed as an integral part of the overall sign structure and hidden from view to the extent technically feasible. Visible transformers are prohibited.
6. **Natural features prohibited**. No signs shall be permitted to be painted on, attached to, or maintained upon trees, rock outcroppings, or other natural features.

E. **Number of faces permitted on a freestanding sign structure**
Unless specifically restricted by these sign regulations, a sign structure may contain more than one sign face, and may be two-sided or multi-sided, provided all other requirements of these regulations are met.

F. **Excess sign size square footage**
No portion of a maximum size allowance may be transferrable to another sign, another frontage, another façade or between building signs.

Section 06. Primary and Secondary Signs by district

A. **Commercial, Mixed-Use and Industrial districts**

1. **Undeveloped lots**. On lots that are in any Commercial, Mixed-Use or Industrial District, which are not improved with a building, one freestanding sign, that is a maximum of 64 sq. ft. in size and 10 ft. in height is allowed along each improved street right-of-way. Upon completion of the construction of a structure the sign must be removed. Said signs shall not be illuminated and shall comply with the definition of maintenance (pertaining to a sign), Section 744-902, shall not require permit, Section 744 903.E.

2. **Primary Freestanding signs.** On lots that are improved with a legally established and occupied use permanent primary signs indicated in the following Table 744-906.1 are permitted in accordance with the indicated standards.

Primary Freestanding Examples

Table 744-906-1.
Primary Freestanding Signs in Commercial and Industrial Districts

		Commercial	Industrial	Mixed-Use
A. Construction Type permitted				
Monument		Permitted	Permitted	Permitted
Pylon		Permitted	Permitted	Only permitted in MU- 3 & MU-4
Pole		Only permitted in C-4, C-5, C-7 district	Only permitted in I-3 and I-4 districts	Not Permitted
B. Street Type				
Freeways		Monument, Pylon, Pole	Monument, Pylon, Pole	Monument & Pylon
Arterials		Monument, Pylon, Pole	Monument, Pylon, Pole	Monument & Pylon
Collector		Monument, Pylon	Monument, Pylon	Monument
Local or private		Monument	Monument	Not Permitted
C. Number of Signs permitted				
Choices referenced in columns to right, but in no case more than 2 signs per frontage	Monument	Maximum two monument signs if frontage to which the sign is oriented is greater than 500 ft. (minimum 300ft. separation between freestanding signs on site)	Maximum two monument signs if frontage to which the sign is oriented is greater than 500ft. (minimum 300ft. separation between freestanding signs on site)	Maximum two monument signs if frontage to which the sign is oriented is greater than 500ft. (minimum 300ft. separation between freestanding signs on site)

Choices referenced in columns to right, but in no case more than 2 signs per frontage	Pylon	Maximum one pylon per street frontage; if frontage to which the sign is oriented is greater than 500ft. an additional freestanding sign is permitted (minimum 300ft. separation between freestanding signs on site)	Maximum one pylon per street frontage; if frontage to which the sign is oriented is greater than 500ft. an additional freestanding sign is permitted (minimum 300ft. separation between freestanding signs on site)	Maximum one pylon per street frontage; if frontage to which the sign is oriented is greater than 500ft. an additional freestanding sign is permitted (minimum 300ft.separation between freestanding signs on site)
Choices referenced in columns to right, but in no case more than 2 signs per frontage	Pole	Maximum one pole per street frontage; if frontage to which the sign is oriented is greater than 500ft.an additional freestanding sign is permitted (minimum 300ft. separation between freestanding signs on site)	Maximum one pole per street frontage; if frontage to which the sign is oriented is greater than 500ft.an additional freestanding sign is permitted (minimum 300ft. separation between freestanding signs on site)	Not Permitted
D. Maximum Sign Area Per Site				
Up to 50 linear feet of frontage to which the sign is oriented		1.5 sf per linear foot of frontage	1.5 sf per linear foot of frontage	1.5 sf per linear foot of frontage
50 to 500 linear feet of frontage to which the sign is oriented		Additional 0.5 sf per linear foot frontage; maximum 200sf	Additional 0.5 sf per linear foot frontage; maximum 200sf	Additional 0.5 sf per linear foot frontage; maximum 200sf
Over 500 linear feet of frontage to which the sign is oriented		Additional 0.5 sf per linear foot of frontage above 500. In no case shall a sign exceed 300 sf	Additional 0.5 sf per linear foot of frontage above 500. In no case shall a sign exceed 300 sf	Additional 0.5 sf per linear foot of frontage above 500. In no case shall a sign exceed 300 sf
E. Maximum Height				
Monument Sign		10 feet	10 feet	10 feet
Pylon		25 feet	25 feet	25 feet
Pole		20 feet	20 feet	Not permitted
F. Front Setback measured from existing street right-of-way				
Compact Context Area		5ft. min. and 20ft. max.	5ft. min. and 20ft. max.	5ft. min. and 20ft. max..
Metro Context Area		5ft. min.	5ft. min.	5ft. min.
G. Other Setbacks				
• Must meet setbacks of the required side, rear, side transitional, and rear transitional yards of the district.				

Table 744-906-1. Continued
Primary Freestanding Signs in Commercial and Industrial Districts

	Commercial	Industrial	Mixed-Use
H. Illumination			
Halo, and External Lighting	Permitted	Permitted	Permitted
Internal Lighting	Permitted in C-4, C-5, C-7 & C-S	Permitted in I-3 & I-4	Permitted in MU-3 & MU-4
• No illumination permitted on signs within 50 feet of a dwelling district without an intervening public or private street. • Must meet additional standards of Sec.744-907.A			
I. Digital Displays *, **			
Monument Sign	Permitted in C-4, C-5, & C-7	Permitted in I-3, & I-4	Not Permitted
Pylon	Permitted in C-4, C-5, & C-7	Permitted in I-3, & I-4	Not Permitted
Pole	Not Permitted	Not Permitted	Not Permitted
* Size limited to 40% of the sign area or 100 sf, whichever is lesser. **Must meet additional standards of Sec. 744-907.C for digital display regulations			
J. Additional Standards			
No sign may be located in a proposed right-of-way as identified in the Marion County Thoroughfare Plan unless the sign's owner provides a written commitment to the city to relocate the sign at the owner's expense upon the acquisition of the property by the City and shall waive all claims to damages or compensation by reason of the existence or relocation of the sign.			

3. **Secondary Freestanding Signs.** On lots that are improved with a legally established and occupied use secondary signs indicated in the following Table 744-906-2 are permitted in accordance with the indicated standards.

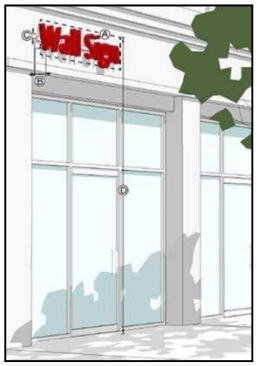
Incidental Sign Examples — Vehicle Entry Point

Table 744-906-2.
Secondary Freestanding Signs in Commercial and Industrial Districts

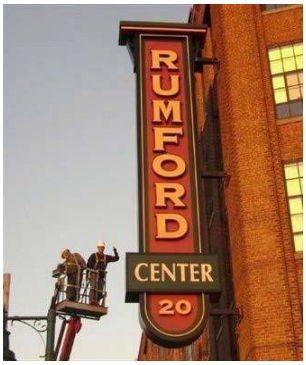
	Commercial	Industrial	Mixed Use
A. Sign Type permitted			
Vehicle Entry Point	Permitted	Permitted	Permitted
Incidental	Permitted	Permitted	Permitted
Drive-Thru	Permitted, subject to additional standards in Section 744-908.B		
Auto- or Bike-Sharing sign	Permitted, subject to additional standards in Section 744-908. G		
B. Number of Signs *			
Vehicle Entry Point	2 per driveway	2 per driveway	2 per driveway
Incidental	2 per acre	2 per acre	1 per street frontage
Drive-Thru **	1	1	1
Auto- or Bike-Sharing sign	1	1	1
* Permitted within 5 feet of specific areas of a site such as: pedestrian entrances & exits, parking areas, service areas, loading areas, and similar areas. ** Per drive lane			
C. Maximum Area permitted			
Vehicle Entry Point	6 sf	6 sf	6 sf
Incidental	32 sf	32 sf	32 sf
Drive-Thru	40 sf	40 sf	40 sf
Auto- or Bike-Sharing sign	4 sf	4 sf	4 sf
D. Maximum Height permitted			
Vehicle Entry Point	2.5 ft.	6 ft.	6 ft.
Incidental	8 ft.	8 ft.	10 ft.
Drive-Thru	6 ft.	6 ft.	6 ft.
Auto- or Bike-Sharing sign	6 ft.	6 ft.	6 ft.
E. Front Setback permitted from a street			
Vehicle Entry Point	2 ft. min.	2 ft. min.	2 ft. min.
Incidental	10 ft. min.	10 ft. min.	5 ft. min
Drive-Thru	10 ft. min.	10 ft. min.	5 ft. min.
Auto- or Bike-Sharing sign	10 ft. min.	10 ft. min.	5 ft. min.
F. Other Setback restrictions			
	May not be located in any transitional yard	May not be located in any transitional yard	May not be located in any transitional yard
G. Illumination			
	Internally and Halo permitted	Internally permitted	Internally and Halo permitted
H. Digital Display			
	Static LED Drive-thru signs permitted	Static LED Drive- thru signs permitted	Static LED Drive-thru signs permitted

Table 744-906-2. Continued Secondary Freestanding Signs in Commercial and Industrial Districts			
	Commercial	**Industrial**	**Mixed-Use**
I. Additional Standards			
• Must meet additional standards of Sec. 744-907.A for Illumination • Vehicle Entry Point signs having a maximum height of 2.5 ft. may encroach into the clear sight and clear use area • Drive-thru signs are subject to additional standards in Section 744-908. B • Auto- or Bike-Sharing Signs subject to additional standards in Section 744-908.G			

4. **Primary Building Signs.** On lots that are improved with a legally established and occupied use permanent primary building signs indicated in the following Table 744-906-3 are permitted in accordance with the indicated standards.



Wall Sign Example



Projecting Blade Sign Example

Table 744 906-3. Primary Building Signs in Commercial, Industrial and Mixed Use Districts			
	Commercial	**Industrial**	**Mixed-Use**
A. Construction Type permitted			
Wall	Permitted	Permitted	Permitted
Projecting	Permitted	Permitted	Permitted
Projecting -Blade	Permitted	Permitted	Permitted
Canopy	Permitted	Permitted	Permitted
Marquee	Permitted subject to additional requirements of Section 744.908.D	Permitted subject to additional requirements of Section 744.908.D	Permitted subject to additional requirements of Section 744.908.D
Skyline	Permitted	Permitted	Permitted
Roof-Integral Signs	Permitted	Permitted	Not Permitted
B. Number of Signs permitted			
Wall	No limit on number of wall signs within 26ft. of grade level	No limit on number of wall signs within 26ft. of grade level	No limit on number of wall signs within 26ft.of grade level
Projecting	One per building	One per building	One per building
Projecting -Blade	One per building	One per building	One per building

Canopy	No limit on canopy signs within 26ft. of grade level	No limit on canopy signs within 26ft. of grade level	No limit on canopy signs within 26ft. of grade level

Table 744 906-3. Continued
Primary Building Signs in Commercial, Industrial and Mixed Use Districts

	Commercial	Industrial	Mixed Use
Skyline	One Skyline sign per elevation with a maximum of 4 per building	One Skyline sign per elevation with a maximum of 4 per building	One Skyline sign per elevation with a maximum of 4 per building
Roof-Integral Signs	One per building elevation	One per building elevation	One per building elevation
C. Maximum Area Permitted for all primary building signs combined, not to exceed			
	20% of the front elevation	20% of the front elevation	20% of the front elevation
	15 % of the side elevation	15% of the side elevation	15% of the side elevation
	10% of the rear elevation	10% of the rear elevation	10% of the rear elevation
D. Maximum Vertical Sign Dimension Permitted			
• No more that 30% to a maximum of 4 feet of a sign shall extend above the limits of the wall • No sign except Skyline Signs and Projecting Blade Signs may be higher than 26 ft. above grade level			
E. Maximum Sign Width Permitted			
Wall	80% of the width of the tenant space or building elevation	80% of the width of the tenant space or building elevation	80% of the width of the tenant space or building elevation
Projecting	6 ft.	6 ft.	6 ft.
Projecting (Blade)	6 ft.	6 ft.	6 ft.
Canopy	80% of the width of the canopy side	80% of the width of the canopy side	80% of the width of the canopy side
Skyline	80% of the width of the building elevation	80% of the width of the building elevation	80% of the width of the building elevation
Roof-Integral Sign	80% of the width of the tenant space or building elevation	80% of the width of the tenant space or building elevation	80% of the width of the tenant space or building elevation
F. Projection – Maximum distance from the wall to the outer edge of the sign			
Wall	18 inches maximum	18 inches maximum	18 inches maximum
Projecting	6 ft. maximum with maximum 18 inches between the wall and the inner edge of the sign	6 ft. maximum with maximum 18 inches between the wall and the inner edge of the sign	6 ft. maximum with maximum 18 inches between the wall and the inner edge of the sign

Projecting –Blade	6 ft. maximum with maximum 18 inches between the wall and the inner edge of the sign	6 ft. maximum with maximum 18 inches between the wall and the inner edge of the sign	6 ft. maximum with maximum 18 inches between the wall and the inner edge of the sign
Canopy Sign	18 inches maximum	18 inches maximum	18 inches maximum
Skyline	18 inches maximum	18 inches maximum	18 inches maximum

Table 744 906-3. Continued
Primary Building Signs in Commercial, Industrial and Mixed Use Districts

	Commercial	Industrial	Mixed Use
Roof-Integral Sign	18 inches maximum	18 inches maximum	18 inches maximum
G. Clearance			
9 ft. above grade level minimum clearance for all signs protruding more than 8 inches from the building			
H. Setbacks			
Compact Context Area	Projecting, Projecting -Blade, Pedestrian Oriented and Canopy (Awning) signs may encroach into the right-of-way up to 6 ft.; however, no sign may be closer than 2 ft. from any street curb		
Metro Context Area	Setbacks established by the district		
I. Illumination			
• Only Halo permitted on signs within 50 ft. of a protected district, without an intervening street. • Must meet additional standards of Sec. 744-907.A			
J. Digital Displays			
• Permitted only as or part of a wall sign. • Size limited to 40% of the sign area or 100 sf, whichever is lesser. • Must meet additional standards of Sec. 744-907.C for digital display regulations.			
K. Additional Standards			
• Canopies must meet additional standards of Sec. 744-907.B • Illuminated signs shall be designed with the background limited to non-reflective, opaque and dark in color with lettering light in color. Individual letters may be lighted, back lit or neon type letters.			

5. **Secondary Building Signs**. On lots that are improved with a legally established and occupied use, permanent secondary building signs indicated in the following Table 744-906-4 are permitted in accordance with the indicated standards.

Window Sign

Suspended Sign

Point of Entrance

Table 744-906-4.
Secondary Building Signs in Commercial, Industrial and Mixed-Use Districts

	Commercial	Industrial	Mixed-Use
A. Type permitted			
Window	Permitted	Permitted	Permitted
Pedestrian Oriented Projecting and Suspended	Projecting from building wall: Permitted Suspended: Permitted under a canopy, marquee or protected walkway	Projecting from building wall: Permitted Suspended: Permitted under a canopy, marquee or protected walkway	Projecting from building wall: Permitted Suspended: Permitted under a canopy, marquee or protected walkway
Incidental	Permitted	Permitted	Permitted
B. Number of Signs permitted			
Window	Unlimited	Unlimited	Unlimited
Pedestrian Oriented Projecting and Suspended	One per pedestrian entrance	One per pedestrian entrance	One per pedestrian entrance
Incidental	Two per pedestrian entrance on front façade, otherwise One per pedestrian entrance	Two per pedestrian entrance on front façade, otherwise One per pedestrian entrance	Two per pedestrian entrance on front façade, otherwise One per pedestrian entrance
C. Maximum Area permitted			
Window	• Maximum 30% of all window area per window may be covered • Subject to Transparency requirements of Section 740-303 • Window signs are calculated separately and shall not be included in the total area of other signs permitted	• Maximum 30% of all window area per window may be covered • Subject to Transparency requirements of Section 740-303 • Window signs are calculated separately and shall not be included in the total area of other signs permitted	• Maximum 30% of all window area per window may be covered • Subject to Transparency requirements of Section 740-303 • Window signs are calculated separately and shall not be included in the total area of other signs permitted
Pedestrian Oriented Projecting and Suspended	6 sf per sign	6 sf per sign	6 sf per sign
Incidental	6 sf per sign	6 sf per sign	6 sf per sign

D. Projection – Maximum distance from the wall to the outer edge of the sign			
Window	Not permitted	Not permitted	Not permitted
Pedestrian Oriented, Projecting	3 ft. maximum width 12 inches between the wall and the closest edge of sign	3 ft. maximum width 12 inches between the wall and the closest edge of sign	3 ft. maximum width 12 inches between the wall and the closest edge of sign
Pedestrian Oriented, Suspended	Must be completely under the canopy, marquee or covered walkway from which it is suspended	Must be completely under the canopy, marquee or covered walkway from which it is suspended	Must be completely under the canopy, marquee or covered walkway from which it is suspended
Incidental	8 inches	8 inches	8 inches
E. Clearance			
9 ft. above grade level minimum clearance for all signs protruding more than 8 inches from the building			
F. Illumination			
Window	Not permitted	Not permitted	Not permitted
Pedestrian Oriented Projecting and Suspended	Internally, Halo, and External permitted	Internally, Halo, and External permitted	Internally, Halo, and External permitted
Incidental	Internally, Halo, and External permitted	Internally, Halo, and External permitted	Internally, Halo, and External permitted
G. Digital Displays			
• Subject to Digital Display Standards of Sec. 744-907.C			

B. Central Business Districts (CBD)

2. **Undeveloped lots**. On lots that are not improved with a building in any CBD, one (1) freestanding sign of up to 32 sq. ft. in size and 10 ft. in height is allowed along each improved street right-of-way. Upon construction of a building the sign must be removed.

3. **Primary Freestanding signs**. On lots that are improved with a legally established and occupied use, permanent primary signs indicated in the following Table 744-906-5are permitted in accordance with the indicated standards. See below for Example of Primary Freestanding signs.

Primary Freestanding Sign Examples

Table 744-906-5.
Primary Freestanding Signs in Central Business Districts

	CBD-1	CBD-2	CBD-3	CBD-S
A. Construction permitted				
Monument*	Permitted	Permitted	Permitted	Permitted
Pylon*	Permitted	Permitted	Permitted	Permitted
Pole	Not Permitted	Not Permitted	Not Permitted	Not Permitted
* No Freestanding sign shall be permitted on the street frontage of any lot abutting American Legion Mall, Veterans Memorial Plaza, the Indiana War Memorial or University Park				
B. Number of signs				
Monument or Pylon	Maximum one sign per street frontage	Maximum one sign per street frontage	Maximum one sign per street frontage	Maximum one sign per street frontage
C. Maximum Area				
Monument or Pylon	Shall not exceed 1sf. in sign area per linear feet of frontage (to which the sign is oriented), with a maximum area of 100 sf.			
D. Maximum Height				
Monument	10 feet	10 feet	10 feet	10 feet
Pylon	20 feet	20 feet	20 feet	20 feet

Table 744-906-5. Continued
Primary Freestanding Signs in Central Business Districts

	CBD-1	CBD-2	CBD-3	CBD-S
E. Front Setback*				
Monument	0 feet from existing right of way	0 feet from existing right of way	0 feet from existing right of way	0 feet from existing right of way
Pylon	10 feet from existing right of way	10 feet from existing right of way	10 feet from existing right of way	10 feet from existing right of way
*Shall meet additional standards of Section 744- 903.C. & D.				
F. Illumination				
• Halo, External and Internal illumination permitted • No illumination permitted on signs within 50 ft. of a dwelling district without an intervening public or private street. • Must meet additional standards of Section 744-907.A				
G. Digital Displays				
• Not permitted				
H. Additional Standards				
• No sign may be located in a proposed right-of-way as identified in the Marion County Thoroughfare Plan unless the sign's owner provides a written commitment to the city to relocate the sign at the owner's expense upon the acquisition of the property by the City and shall waive all claims to damages or compensation by reason of the existence or relocation of the sign.				

3. Secondary Freestanding Signs. On lots that are improved with a legally established and occupied use secondary signs indicated in the following Table 744-906-6 are permitted in accordance with the indicated standards.

Freestanding Secondary Sign Examples

Table 744-906-6.
Secondary Freestanding Signs in Central Business Districts

	CBD-1	CBD-2	CBD-3	CBD-S
A. Construction permitted				
Vehicle Entry Point	Permitted	Permitted	Permitted	Permitted
Incidental	Permitted	Permitted	Permitted	Permitted
Drive-Thru	Permitted, subject to additional standards in Section 744.908. B	Permitted, subject to additional standards in Section 744.908. B	Permitted, subject to additional standards in Section 744.908. B	Permitted, subject to additional standards in Section 744.908.B
Auto- or Bike-Sharing or Taxi Cab Stand Sign	Permitted, subject to additional standards in Section 744.908.G	Permitted, subject to additional standards in Section 744.908.G	Permitted, subject to additional standards in Section 744.908.G	Permitted, subject to additional standards in Section 744.908.G
B. Number of signs				
Vehicle Entry Point	Two per driveway	Two per driveway	Two per driveway	Two per driveway
Incidental	One per building entrance	One per building entrance	One per building entrance	One per building entrance
Drive-Thru	1 per lane	1 per lane	1 per lane	1 per lane
Auto- or Bike-Sharing or Taxi Cab Stand Sign	1 per stand or station	1 per stand or station	1 per stand or station	1 per stand or station
C. Maximum Area				
Vehicle Entry Point	6 sf	6 sf	6 sf	6 sf
Incidental	10 sf	10 sf	10 sf	10 sf
Drive-Thru	40 sf	40 sf	40 sf	40 sf

Auto- or Bike-Sharing or Taxi Cab Stand Sign	4 sf	4 sf	4 sf	4 sf
D. Maximum Height				
Vehicle Entry Point	2.5 ft.	2.5 ft.	2.5 ft.	2.5 ft.
Incidental	8 ft.	8 ft.	8 ft.	8 ft.
Drive-Thru	6 ft.	6 ft.	6 ft.	6 ft.
Auto- or Bike-Sharing or Taxi Cab Stand Sign	6 ft.	6 ft.	6 ft.	6 ft.
E. Front Setback				
Vehicle Entry Point	2 ft. min	2 ft. min	2 ft. min	2 ft. min
Incidental	10 ft. min	10 ft. min	10 ft. min	10 ft. min
Drive-Thru	NA	NA	NA	NA

Table 744-906-6. Continued
Secondary Freestanding Signs in Central Business Districts

F. Illumination

- Halo and Internal illumination permitted
- No illumination permitted on signs within 50 ft. of a dwelling district without an intervening public or private street.
- Must meet additional standards of Section744-907.A

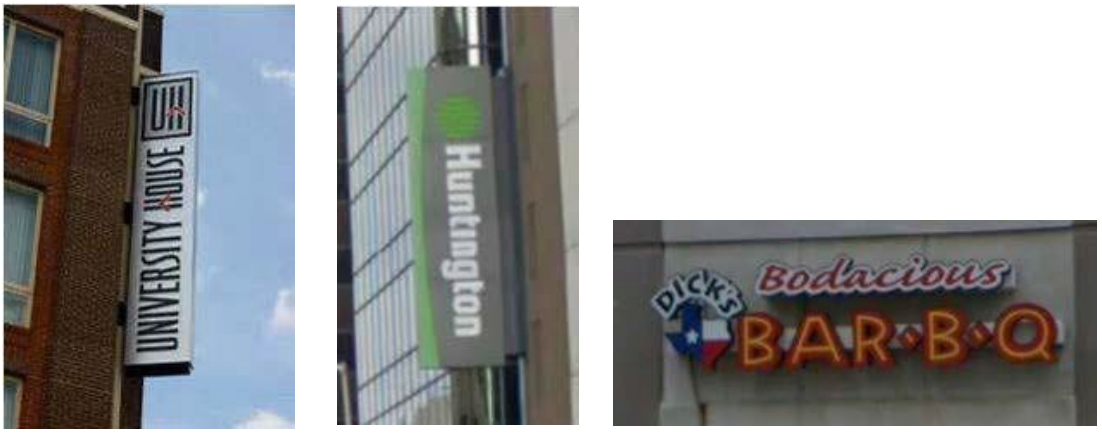
G. Digital Displays

- Not permitted

H. Additional Standards

- Vehicle Entry Point signs may encroach into the clear sight visibility area
- Drive-thru signs are subject to additional standards in Section744-908.B
- Auto- or Bike-Sharing or Taxi Cab Stand Signs subject to additional standards in Section 744-908.G
- No sign may be located in a proposed right-of-way as identified in the Marion County Thoroughfare Plan unless the sign's owner provides a written commitment to the city to relocate the sign at the owner's expense upon the acquisition of the property by the City and shall waive all claims to damages or compensation by reason of the existence or relocation of the sign.

4. **Primary Building Signs.** On lots that are improved with a legally established and occupied use permanent primary building signs indicated in the following Table 744-906.7 are permitted in accordance with the indicated standards.



Primary Building Sign Examples

Table 744-906-7 Primary Building Signs in CBD Districts				
	CBD-1	**CBD-2**	**CBD-3**	**CBD-S**
A. Construction Type permitted				
Wall	• Permitted within 26ft. of grade level • Individual letter construction required. • Raceways may be used to mount the letters	• Permitted within 26ft. of grade level • Individual letter construction required. • Raceways may be used to mount the letters	• Permitted within 26ft. of grade level • Individual letter construction required. • Raceways may be used to mount the letters	• Permitted within 26ft. of grade level • Individual letter construction required. • Raceways may be used to mount the letters
Projecting	Permitted, except on facades along Monument Circle	Permitted, except on facades along Monument Circle	Permitted, except on facades along Monument Circle	Permitted, except on facades along Monument Circle
Projecting -Blade	Permitted, except any lot fronting Monument Circle	Permitted, except any lot fronting Monument Circle	Permitted, except any lot fronting Monument Circle	Permitted, except any lot fronting Monument Circle
Canopy	Permitted	Permitted	Permitted	Permitted
Marquee	Permitted subject to additional requirements of Section 744.908.D	Permitted subject to additional requirements of Section 744.908.D	Permitted subject to additional requirements of Section 744.908.D	Permitted subject to additional requirements of Section 744.908.D
Skyline	Only Permitted on buildings over 50ft. in height	Only Permitted on buildings over 50ft. in height	Only Permitted on buildings over 50ft. in height	Only Permitted on buildings over 50ft. in height
Roof-Integral Signs	Not Permitted	Permitted	Permitted	Permitted
B. Number of Signs permitted				
Wall	No limit on number of wall signs within 26ft.of grade level	No limit on number of wall signs within 26ft.of grade level	No limit on number of wall signs within 26ft.of grade level	No limit on number of wall signs within 26 ft. of grade level
Projecting	One per building facade	One per building façade	One per building façade	One per building facade
Projecting -Blade	One per building facade	One per building façade	One per building façade	One per building facade
Canopy	No limit on canopy signs within 26ft. of grade level	No limit on canopy signs within 26ft.of grade level	No limit on canopy signs within 26ft.' of grade level	No limit on canopy signs within 26ft. of grade level
Skyline	One Skyline sign per elevation with a maximum of 4 per building	One Skyline sign per elevation with a maximum of 4 per building	One Skyline sign per elevation with a maximum of 4 per building	One Skyline sign per elevation with a maximum of 4 per building

Roof-Integral Signs	Not Permitted	One per building elevation	One per building elevation	One per building elevation

Table 744-906-7. Continued
Primary Building Signs in CBD Districts

	CBD-1	CBD-2	CBD-3	CBD-S
C. Maximum Area Permitted for all primary building signs below 26 feet				
• Permitted only on elevation facing street • Maximum area permitted = 20% (A x B) formula: A = 26 ft. or the height of the building (measured from grade level), whichever is lesser. B = Width of Building Elevation • Buildings having multiple street frontages may have signs on each of those frontages however, no square footage is transferable to any other elevation				
D. Maximum Area Permitted for all primary building signs above 26 feet				
• Permitted only on elevation facing street • Maximum area permitted = 10% (A x B) formula: A = Height of the building (measured at grade level level), less 26 ft. B = Width of Building Elevation on which the sign is to be placed • Buildings having multiple street frontages may have signs on each of those frontages however, no square footage is transferable to any other elevation				
E. Maximum Permitted Extension Above Roof Line				
• A maximum 4 feet of a sign may extend above the roof line. • No signs except Skyline Signs and Projecting and Projecting -Blade Signs may be mounted higher than 26 ft. above grade level				
F. Maximum Sign Width Permitted				
Wall	80% of the width of the tenant space or building elevation	80% of the width of the tenant space or building elevation	80% of the width of the tenant space or building elevation	80% of the width of the tenant space or building elevation
Projecting	6 ft. maximum	6 ft. maximum	6 ft. maximum	6 ft. maximum
Projecting -Blade	6 ft. maximum	6 ft. maximum	6 ft. maximum	6 ft. maximum
Canopy	80% of the width of the canopy side	80% of the width of the canopy side	80% of the width of the canopy side	80% of the width of the canopy side
Skyline	80% of the width of the building elevation	80% of the width of the building elevation	80% of the width of the building elevation	80% of the width of the building elevation
Roof-Integral Sign	80% of the width of the tenant space or building elevation	80% of the width of the tenant space or building elevation	80% of the width of the tenant space or building elevation	80% of the width of the tenant space or building elevation
G. Projection – Maximum distance from the wall to the outer edge of the sign				
Wall	18 inches maximum	18 inches maximum	18 inches maximum	18 inches maximum

Table 744-906-7. Continued
Primary Building Signs in CBD Districts

	CBD-1	CBD-2	CBD-3	CBD-S
Projecting	6 ft. maximum with maximum 18 inches between the wall and the inner edge of the sign	6 ft. maximum with maximum 18 inches between the wall and the inner edge of the sign	6 ft. maximum with maximum 18 inches between the wall and the inner edge of the sign	6 ft. maximum with maximum 18 inches between the wall and the inner edge of the sign
Projecting -Blade	6 ft. maximum with maximum 18 inches between the wall and the inner edge of the sign	6 ft. maximum with maximum 18 inches between the wall and the inner edge of the sign	6 ft. maximum with maximum 18 inches between the wall and the inner edge of the sign	6 ft. maximum with maximum 18 inches between the wall and the inner edge of the sign
Canopy Sign	18 inches maximum	18 inches maximum	18 inches maximum	18 inches maximum
Skyline	18 inches maximum	18 inches maximum	18 inches maximum	18 inches maximum
Roof-Integral Sign	18 inches maximum	18 inches maximum	18 inches maximum	18 inches maximum

H. Clearance

9 ft. above grade level minimum clearance for all signs protruding more than 8 inches from the building

I. Setbacks

Compact Context Area	Projecting, Projecting -Blade, and Canopy signs may encroach into the right-of-way up to 6 ft. and Marquee signs up to 12 ft.; however, no sign may be closer than 2 ft. from any street curb
Metro Context Area	Setbacks established by the district

J. Illumination

- Only Halo permitted on signs within 50 ft. of a dwelling district, without an intervening street.
- Internally, Halo, and External permitted on the portions of any building elevation within 50 ft. of right-of-way
- Only Internally and Halo permitted on all other elevations or portion of elevations
- Subject to additional standards of Section 744-907.A

K. Digital Displays

- Permitted only as or part of a wall sign
- Size limited to 40% of the sign area or 100 sf, whichever is lesser
- Subject to additional standards of Section 744-907.C for digital display regulations

L. Additional Standards

- Canopies must meet additional standards of Section 744-907. B. Illuminated signs shall be designed with the background be limited to opaque and dark in color with lettering light in color. Individual letters may be lighted, back lit or neon type letters.
- Projecting and Projecting Blade signs on lots fronting on Market Street between Capital Avenue and Delaware Street and on lots fronting Meridian Street between Washington and Ohio Streets shall not be permitted to obstruct the view of Monument Circle or the State Capital.

5. Secondary Building Signs. On lots that are improved with a legally established and occupied use, permanent secondary building signs indicated in the following Table 744-906- 8 are permitted in accordance with the indicated standards.

Table 744-906-8.
Secondary Building Signs in CBD Districts

	CBD-1	CBD-2	CBD-3	CBD-S
A. Type permitted				
Window	Permitted	Permitted	Permitted	Permitted
Pedestrian Oriented - Projecting	Permitted	Permitted	Permitted	Permitted
Pedestrian Oriented - Suspended	Permitted under a canopy, marquee or covered walkway	Permitted under a canopy, marquee or covered walkway	Permitted under a canopy, marquee or covered walkway	Permitted under a canopy, marquee or covered walkway
Point of Entrance	Permitted	Permitted	Permitted	Permitted
Incidental	Permitted	Permitted	Permitted	Permitted
B. Number of Signs permitted				
Window	Unlimited	Unlimited	Unlimited	Unlimited
Pedestrian Oriented Projecting or Suspended	One per pedestrian entrance	One per pedestrian entrance	One per pedestrian entrance	One per pedestrian entrance
Point of Entrance	Two per pedestrian entrance on front façade; One per pedestrian entrance on other facades	Two per pedestrian entrance on front façade; One per pedestrian entrance on other facades	Two per pedestrian entrance on front façade; One per pedestrian entrance on other facades	Two per pedestrian entrance on front façade; One per pedestrian entrance on other facades
Incidental	One per pedestrian entrance	One per pedestrian entrance	One per pedestrian entrance	One per pedestrian entrance

Table 744-906-8. Continued
Secondary Building Signs in CBD Districts

	CBD-1	CBD-2	CBD-3	CBD-S
C. Maximum Area permitted				
Window	Maximum 20% of all window area per window, maximum 100 sf Subject to additional transparency requirements of Section 740-303 F. Window signs are calculated separately and shall not be included in the total area of other signs permitted	Maximum 20% of all window area per window, maximum 100 sf Subject to additional transparency requirements of Section 740-303 F. Window signs are calculated separately and shall not be included in the total area of other signs permitted	Maximum 20% of all window area per window, maximum 100 sf Subject to additional transparency requirements of Section 740-303 F. Window signs are calculated separately and shall not be included in the total area of other signs permitted	Maximum 20% of all window area per window, maximum 100 sf Subject to additional transparency requirements of Section 740-303 F. Window signs are calculated separately and shall not be included in the total area of other signs permitted
Pedestrian Oriented Projecting/Suspended	6 sf per sign	6 sf per sign	6 sf per sign	6 sf per sign
Point of Entrance	6 sf per sign	6 sf per sign	6 sf per sign	6 sf per sign
Incidental	4 sf per sign	4 sf per sign	4 sf per sign	4 sf per sign
D. Projection – Maximum distance from the wall to the outer edge of the sign				
Window	No projection permitted	No projection permitted	No projection permitted	No projection permitted
Pedestrian Oriented Projecting	3 ft. maximum width 12 inches maximum between the wall and the closest edge of sign	3 ft. maximum width 12 inches maximum between the wall and the closest edge of sign	3 ft. maximum width 12 inches maximum between the wall and the closest edge of sign	3 ft. maximum width 12 inches maximum between the wall and the closest edge of sign.
Pedestrian Oriented Suspended	Must be completely under the canopy, marquee or covered walkway from which it is suspended	Must be completely under the canopy, marquee or covered walkway from which it is suspended	Must be completely under the canopy, marquee or covered walkway from which it is suspended	Must be completely under the canopy, marquee or covered walkway from which it is suspended
Point of Entrance	8 inches	8 inches	8 inches	8 inches
Incidental	8 inches	8 inches	8 inches	8 inches

Table 744-906-8. Continued Secondary Building Signs in CBD Districts				
	CBD-1	**CBD-2**	**CBD-3**	**CBD-S**
E. Clearance				
9 ft. above grade level minimum clearance for all signs protruding more than 8 inches from the building				
F. Illumination				
Window	Not permitted	Not permitted	Not permitted	Not permitted
Pedestrian Oriented Projecting and Suspended	Internally, Halo, and External permitted	Internally, Halo, and External permitted	Internally, Halo, and External permitted	Internally, Halo, and External permitted
Point of Entrance	Internally, Halo, and External permitted	Internally, Halo, and External permitted	Internally, Halo, and External permitted	Internally, Halo, and External permitted
Incidental	Internally, Halo, and External permitted	Internally, Halo, and External permitted	Internally, Halo, and External permitted	Internally, Halo, and External permitted
G. Digital Displays				
• Permitted for Point of Entry signs only • Subject to additional standards of Section 744-907.C for digital display				

C. Dwelling Districts

1. **Undeveloped lots**. On lots that are in any Dwelling District, which are not improved with a building, one primary, freestanding sign, that is a maximum of 32 sq. ft. in size and 10 ft. in height is allowed along each improved street right-of-way. Upon completion of the construction of a structure the sign must be removed. Said signs shall not be illuminated and shall comply with the definition of maintenance (pertaining to a sign), Section 744-902 shall not require permit, Section 744-903.C.
2. **Gateway Signs**. Signs shall be subject to Regional Center or IHPC requirements and approval if within the applicable designated area and/or Administrative Approval in all other Districts. A permit is required. DPW and DBNS approval is required for work and/or encroachment into any right of way.
3. **Primary Freestanding signs**. On lots that are improved with a legally established and occupied use, permanent primary signs indicated in the following table 744-906-9 are permitted in accordance with the indicated standards.

Freestanding Sign Examples

Table 744-906-9. Primary Freestanding Signs in Dwelling Districts	
	D-A, D-S, D-1. D-2. D-3, D-4, D-5, D-5II, D-6, D-6II, D-7, D-8, D-9, D-10, D-11
A. Construction Type permitted	
Monument	Two permitted for each residential community
Pylon	Not Permitted
Pole	Not permitted
B. Number of Signs permitted	
Two (2) Monument signs per residential community	
C. Maximum Area	
40sf	
D. Maximum Height	
6ft. feet from grade level, subject to the definition of grade level in Section 744-902	
E. Front Setback measured from existing street right-of-way	
Minimum 10 ft. except that if an established building setback line along such right-of-way is less than 15 ft. from the right-of-way, the sign may be located so that no part of the sign is closer to the right-of-way than building setback line	
F. Illumination	
External Lighting only	
G. Additional Standards	
No sign may be located in a proposed right-of-way as identified in the Marion County Thoroughfare Plan unless the sign's owner provides a written commitment to the city to relocate the sign at the owner's expense upon the acquisition of the property by the City and shall waive all claims to damages or compensation by reason of the existence or relocation of the sign.	

4. **Secondary Freestanding Signs.** On lots that are improved with a legally established and occupied use secondary signs indicated in the following tables 744-906-10 are permitted in accordance with the indicated standards.

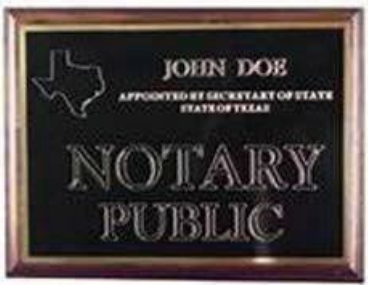
Incidental Sign Example

Vehicle Entry Sign Example

Table 744-906-10. Secondary Freestanding Signs in Dwelling Districts	
	D-A, D-S, D-1. D-2. D-3, D-4, D-5, D-5II, D-6, D-6II, D-7, D-8, D-9, D-10, D-11
A. Sign Type permitted	
Vehicle Entry Point	Permitted for residential community
Incidental	Permitted
B. Number of Signs	
Vehicle Entry Point	Two per residential community driveway
Incidental	One per street frontage
C. Maximum Area permitted	
Vehicle Entry Point	6 sf. per residential community entry sign
Incidental	10 sf. per sign
D. Maximum Height permitted	
Vehicle Entry Point	2.5 ft.
Incidental	4 ft.
E. Front Setback permitted from street	
Vehicle Entry Point	2 ft. min.
Incidental	10 ft. min.
G. Illumination	
Not permitted	
I. Additional Standards	
No sign may be located in a proposed right-of-way as identified in the Marion County Thoroughfare Plan unless the sign's owner provides a written commitment to the city to relocate the sign at the owner's expense upon the acquisition of the property to the City and shall waive all claims to damages or compensation by reason of the existence or relocation of the sign	

5. **Building Signs.** On lots that are improved with a legally established and occupied use permanent primary building signs indicated in the following tables 744-906-11 are permitted in accordance with the indicated standards.

Projecting Sign Example



Wall Sign Example

Table 744 906-11. Building Signs in Dwelling Districts		
	D-A, D-S, D-1. D-2. D-3, D-4, D-5, D-5II	**D-6, D-6II, D-7, D-8, D-9, D-10, D-11**
A. Construction Type permitted		
Wall Sign	Permitted	Permitted
Projecting or Suspended Sign	Not Permitted	Permitted
Canopy Sign	Not Permitted	Permitted
Window Signs	Not Permitted	Permitted
Roof Sign	Not Permitted	Not Permitted
Roof-Integral Sign	Not Permitted	Not Permitted
B. Number of Signs permitted		
Wall	One sign per building	One sign per building
Projecting (Suspended) Sign	Not Permitted	One per pedestrian entrance
Canopy	Not Permitted	Subject to additional requirements in 744 907.B.1
Window	Not Permitted	One sign per pedestrian entrance
C. Maximum Area Permitted		
Wall	6 sf	3% of the front elevation, but no larger than 300 sf
Projecting (Suspended)	Not Permitted	5 sf
Canopy	Not Permitted	Subject to additional requirements in Section 744- 907.B
Window	Not Permitted	20% of window area, but no larger than 6 sf
D. Clearance		
9 ft. above grade level minimum clearance for all signs protruding more than 8 inches from the building		
E. Illumination		
Wall	Not Permitted	Halo or External only
Projecting (Suspended)	Not Permitted	Not Permitted
Canopy	Not Permitted	Not Permitted
Window	Not Permitted	Not permitted

D. Planned Unit Development Districts (D-P)

1. The purpose of the Planned Unit Development District (D-P) includes promoting flexibility and incentives for residential, non-residential and mixed-use development including the creation of a planning document governing the development standards.
2. Planned Unit Development District (D-P) submissions shall include a sign program, identifying permitted signs and development standards, or a reference to the Section of the Sign Ordinance that should be applied for compliance of any proposed signage.
3. All development shall be in conformity with the approved detailed planned unit development and any material deviations from the approved detailed planned unit development shall be subject to appropriate enforcement action.

E. Special Zoning Districts

Undeveloped lots. On lots that are not improved with a building in any HD, SZ, SU, PK or UQ District, one (1) freestanding sign of up to 32 sq. ft. in size and 10 ft. in height is allowed along each improved street right-of-way. Upon construction of a building the sign must be removed.

1. **Hospital Districts**
   a. The purpose of the Hospital District (H-D) is to facilitate the development, expansion, and modernization of a hospital campus or complex and the diversity of land uses and services that support and the hospital use.
   b. Hospital District submissions shall include a sign program, identifying permitted signs and development standards, or a reference to the Section of the Sign Ordinance that should be applied for compliance of any proposed signage.
   c. All development shall be in conformity with the approved sign program and any material deviations from the approved sign program shall be subject to appropriate enforcement action.

2. **Special Use Districts (SU), Park Districts (PK), Speedway (SZ-1, SZ-2) and University Quarter (UQ) Districts**

   a. All sign applications in any SU, PK, SZ or UQ Districts shall be submitted for and subject to Administrative Approval.

   b. All sign applications in SZ1 and SZ-2 districts shall comply with additional standards in the Speedway District Regulations, Section 744-108. E.

3. **Primary Freestanding signs**. On lots that are improved with a legally established and occupied use, permanent primary signs indicated in the following table 744-906-12 are permitted in accordance with the indicated standards.

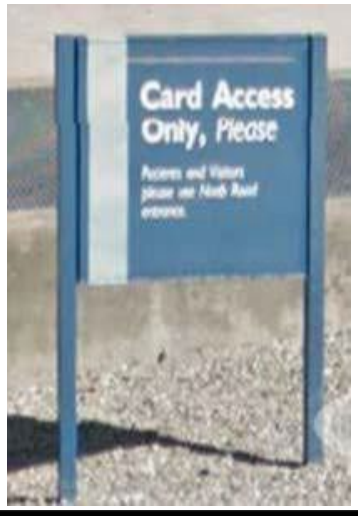
Freestanding Primary Sign Examples

Table 744-906-12.
Primary Freestanding Signs in Special Districts

	All SU, HD, PK, SZ and UQ			
A. Construction permitted				
Monument	Permitted	Permitted	Permitted	Permitted
Pylon*	Permitted	Permitted	Permitted	Permitted
Pole	Not Permitted	Not Permitted	Not Permitted	Not Permitted
* No Freestanding Pylon Sign shall be permitted within 600 feet of a Dwelling District. The method of measurement shall be taken from the leading edge of the sign to the zoning line of the dwelling district Exceptions: The provision prohibiting pylon signs within 600 feet of a dwelling district shall not apply if it can be determined that: i. A commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon adjoining property or abutting frontage property, although zoned as a dwelling district;or ii. The sign is visibly obstructed from the protected district and must meet additional standards of Section744-907.A				
B. Number of signs				
Choices referenced in columns to right, but in no case more than 2 signs per frontage	Monument	Maximum two monument signs if frontage to which the sign is oriented is greater than 500 feet (minimum 300' separation between freestanding signs on-site).		
	Pylon	Maximum one pylon per street frontage; if frontage to which the sign is oriented is greater than 500 feet an additional monument sign is permitted (minimum 300' separation between freestanding signs on site).		
	Pole	Not Permitted		
C. Maximum Area				
Monument or Pylon	The maximum sign area of a freestanding sign shall not exceed an amount equal to 3% of the building side or other architectural elevation to which the sign is oriented, or 240 sf, whichever is the lesser.			
D. Maximum Height				
Monument	5 feet			
Pylon	15 feet			
E. Front Setback				
Monument and Pylon	10 feet from existing right of way*			
*Shall meet additional standards of Section744- 905				

Table 744-906-12. Continued Primary Freestanding Signs in Special Districts	
F. Illumination	
• Halo, External and Internal illumination permitted • No illumination permitted on signs within 50 feet of a protected district Exceptions: The provision prohibiting illumination of signs within 50 feet of a protected district shall not apply if it can be determined that: i. A commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon adjoining property or abutting frontage property, although zoned as a protected district; or . The sign is visibly obstructed from the Dwelling District and must meet additional standards of Section744-907.A	
	All SU, HD, PK, SZ and UQ
G. Digital Displays	
• Not permitted	
H. Additional Standards	
• No sign may be located in a proposed right-of-way as identified in the Marion County Thoroughfare Plan unless the sign's owner provides a written commitment to the city to relocate the sign at the owner's expense upon the acquisition of the property by the City and shall waive all claims to damages or compensation by reason of the existence or relocation of the sign.	

4. **Secondary Freestanding Signs.** On lots that are improved with a legally established and occupied use secondary signs indicated in the following table 744-906-13 are permitted in accordance with the indicated standards.



Freestanding Secondary Sign Examples

Table 744-906-13.
Secondary Freestanding Signs in Special Zoning Districts

	All SU, HD, PK, SZ and UQ
A. Construction permitted	
Vehicle Entry Point	Permitted
Incidental	Permitted
Auto- or Bike-Sharing Sign	Permitted, subject to additional standards in Section 744-908,G
B. Number of signs	
Vehicle Entry Point	Two (2) per driveway
Incidental	2 per acre
Auto- or Bike-Sharing Sign	1 per station
C. Maximum Area	
Vehicle Entry Point	6 sf per sign
Incidental	10 sf per sign
Auto- or Bike-Sharing Sign	4 sf per sign
D. Maximum Height	
Vehicle Entry Point	2.5 ft.
Incidental	8 ft.
Auto- or Bike-Sharing Sign	6 ft.
E. Front Setback	
Vehicle Entry Point	2 ft. min
Incidental	10 ft. min
Auto- or Bike-Sharing Sign	NA
F. Illumination	
• Halo and Internal illumination permitted • No illumination permitted on signs within 50 feet of a dwelling district Exceptions: The provision prohibiting illumination of signs within 50 feet of a dwelling district shall not apply if it can be determined that: i. A commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon adjoining property or abutting frontage property, although zoned as a dwelling district; or ii. The sign is visibly obstructed from the Dwelling District and must meet additional standards of Section744-907.A	
G. Digital Displays	
• Not permitted	
H. Additional Standards	
• Vehicle Entry Point signs may encroach into the clear sight visibility area • Auto- or Bike-Sharing Signs subject to additional standards in Section744-9 08.G • No sign may be located in a proposed right-of-way as identified in the Marion County Thoroughfare Plan unless the sign's owner provides a written commitment to the city to relocate the sign at the owner's expense upon the acquisition of the property by the City and shall waive all claims to damages or compensation by reason of the existence or relocation of the sign.	

5. **Primary Building Signs.** On lots that are improved with a legally established and occupied use permanent primary building signs indicated in the following table 744-906-14 are permitted in accordance with the indicated standards.

Primary Building Sign Examples

Table 744 906-14
Primary Building Signs in Special Zoning Districts

	All SU, HD, PK, SZ and UQ
A. Construction Type permitted	
Wall	Permitted
Canopy	• Permitted • Subject to additional standards of Section 744-907.B
Marquee	• Permitted in all SU, all HD & PK-2 Districts • Subject to additional requirements of Section 744-908.D.
Roof Sign	Not Permitted
Roof-Integral Signs	Permitted
B. Number of Signs permitted	
Wall	No limit
Canopy	No limit
Roof-Integral Signs	One (1) per building elevation
C. Maximum Area Permitted	
• The maximum sign surface area for building signs shall not exceed an amount equal to 3% of the building side or other architectural elevation to which the sign is oriented. • Permitted only on elevation facing street • Buildings having multiple street frontages may have signs on each of those frontages however, no square footage is transferable to any other elevation	
E. Maximum Sign Width Permitted	
Wall	80% of the width of the tenant space or building elevation
Canopy	80% of the width of the canopy side
Roof-Integral Sign	80% of the width of the tenant space or building elevation
F. Projection – Maximum distance from the wall to the outer edge of the sign	
Wall	18 inches maximum
Canopy Sign	18 inches maximum
Roof-Integral Sign	18 inches maximum
G. Clearance	
9 ft. above grade level minimum clearance for all signs protruding more than 8 inches from the building	

Table 744 906-14 Continued Primary Building Signs in Special Zoning Districts	
H. Setbacks	
In the Compact Context Area	Canopy signs may encroach into the right-of-way up to 6 ft. and Marquee signs up to 12 ft.; however, no sign may be closer than 2 ft. from any street curb
In the Metro Context Area	Setbacks established by the district
I. Illumination	
• Halo and Internal illumination permitted • No illumination permitted on signs within 50 feet of a dwelling district Exceptions: The provision prohibiting illumination of signs within 50 feet of a dwelling district shall not apply if it can be determined that: i. A commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon adjoining property or abutting frontage property, although zoned as a dwelling district; or ii. The sign is visibly obstructed from the Dwelling District and must meet additional standards of Section744- 907.A	
J. Digital Displays	
Not Permitted	

6. **Secondary Building Signs.** On lots that are improved with a legally established and occupied use, permanent secondary building signs indicated in the following table 744-906- 15 are permitted in accordance with the indicated standards.

Window Sign Example

Building Entry Sign Example

Projecting Sign Example

Table 744-906-15. Secondary Building Signs in Special Zoning Districts	
	All SU, HD ,PK, SZ and UQ
A. Type permitted	
Window	Permitted
Pedestrian Oriented - Projecting	Permitted
Pedestrian Oriented - Suspended	Permitted
Point of Entrance	Permitted
Incidental	Permitted

Table 744-906-15. Continued Secondary Building Signs in Special Zoning Districts	
	All SU, PK, SZ and UQ
B. Number of Signs permitted	
Window	Unlimited – Subject to transparency requirements of Section 740-303.
Pedestrian Oriented Projecting and Suspended	One (1) per pedestrian entrance
Point of Entrance	Two (2) per pedestrian entrance on front façade One (1) per pedestrian entrance on other facades
Incidental	2 per acre
C. Maximum Area permitted	
Window	-Maximum 20% of all window area per window, maximum 100 sf -Subject to transparency requirements of Section 740-303 -Window signs are calculated separately and shall not be included in the total area of other signs permitted
Pedestrian Oriented Projecting and Suspended	6 sf per sign
Point of Entrance	6 sf per sign
Incidental	4 sf per sign
D. Projection – Maximum distance from the wall to the outer edge of the sign	
Window	No projection permitted
Pedestrian Oriented Projecting	3 ft. maximum width 12 inches between the wall and the closest edge of sign
Pedestrian Oriented Suspended	Must be completely under the canopy, marquee or covered walkway from which it is suspended
Point of Entrance	8 inches
Incidental	8 inches
E. Clearance	
9 ft. above grade level minimum clearance for all signs projecting more than 8 inches from the building	
F. Illumination	
Not Permitted	
G. Digital Displays	
Not Permitted	

Section 07. Additional Standards

A. Illumination

Any illumination of a sign shall comply with the following additional regulations.

1. All externally illuminated signs that emit more than 900 lumens shall meet the exterior lighting standards per Section 744-604.
2. External light sources or lamps shall be concealed or shielded so that the light emitting element is not visible from any property line to minimize the potential for glare and unnecessary diffusion on adjacent property.
3. Efficiency. All exterior light sources shall produce at least 80 lumens per watt of energy consumed, as documented by manufacturer's specifications or the results of an independent testing laboratory.
4. The fixtures of an externally illuminated sign shall be within 12 feet of a sign face.
5. Any light source on the underside or bottom of a pump island canopy shall be fully recessed into the canopy and shall not protrude downward beyond the lowest edge.
6. The lighting of a sign shall not be directed at any vehicle travelling on a street or any pedestrian on sidewalk.
7. No sign that uses an intermittent or flashing light source to attract attention shall be permitted or maintained. Permitted digital signs operated in accordance with the standards established in Section 744-907.C are not considered flashing or animated.

B. Canopy Sign Regulations

Canopies on which signs are placed shall comply with the following additional regulations. Maximum size of sign copy permitted on any canopy shall not exceed 45% of the area of the canopy plane on which it is placed.

1. Maximum projection of any canopy without support columns shall be six feet from the supporting wall.
2. Maximum distance from the top to the bottom of any canopy shall be nine (9) feet, including any valance.
3. No canopy may extend to a point closer than two feet from any street curb or edge of an interior access drive.
4. If located over a sidewalk, no outer support columns shall be located in or obstruct the continuous, effective walkway along the public street, and the effective walkway width shall be a minimum of eight (8) feet in the CBD districts and five feet in all other districts.

Canopy Sign Example

C. Digital Display Regulations

Any digital display shall comply with the following additional regulations.

1. No digital display shall be located within 600 feet of any Protected District unless visibly obstructed from view from within that district; but in no instance may it be located within 400 feet of such a District. Measurement is made from the leading edge of the digital display sign face in a 180-degree arc from the plane of the sign face to the zoning district boundary.
2. In no instance shall digital display signs be permitted in a federally or locally designated historic district or within 600 feet of the boundary of a federally or locally designated historic district or historic site.

3. Digital displays shall only display static messages, and shall not have movement or the appearance of or the optical illusion of movement during any part of the display. No static message shall include flashing or the varying of light intensity and the message shall not scroll.
4. Message change shall be completed in one second or less. All transition effects are prohibited. The digital display shall not flash, nor appear to move or be animated.
5. Each static message on any Digital Display shall be displayed for a minimum of 10 seconds.
6. Any digital display shall be operated with systems and monitoring in place to either turn the display off or show "full black" on the display in the event of a malfunction.
7. Each digital display shall have an operational light sensing device that adjusts the brightness as ambient light conditions change.
   a. The brightness level for any digital display shall not operate over 464 foot candles during daytime operation.
   b. The brightness level for any digital display shall be calibrated for less than 0.30 foot candles above ambient light levels, as measured at 250 feet, but in no instance shall the light level, measured at any right-of-way, exceed 2.0 foot candles.
8. Light intensity of the digital display shall not cause glare.

Section 08. Use-Specific Sign Standards

A. Automobile Fueling Station Signs

When an Automobile Fueling Station is allowed and developed, the following signs, in addition to the signs permitted by the district, are permitted subject to the following standards.

1. Pump island canopy signs. In addition to the signs permitted by the district, one sign per side of any freestanding canopy is permitted and shall not exceed 25% of the facade of the canopy on which it is located. This calculation shall not include the open area beneath the pump island canopy. Permits are required.
2. Public safety information and signs required by State and Federal laws are allowed and may be placed under the canopy or next to the appropriate emergency safety areas. Permits are not required.
3. Fuel Pump signage is allowed. Maximum size is limited to six (6) square feet. Permits are not required.
4. Signs may be internally illuminated or have LED components.

Fuel Canopy Example

B. Drive-Thru Signs

1. Drive-Thru Board—One (1) freestanding drive-thru sign per drive-thru lane with a maximum sign area of 40 square feet.

Drive-Thru Board Sign Examples

2. Canopy over stacking lane(s). One sign is permitted on one side of any canopy erected over each stacking lane sign area not to exceed 25% of canopy. Signs may be internally illuminated or have LED components.

Canopy Sign Examples

C. Commercial Parking Lot and Commercial Parking Garage Signs

When a Commercial Parking Lot or Commercial Parking Garage is allowed and developed, in addition to the signs allowed by the district or required by other ordinances or licenses, the following signs are allowed subject to the following additional standards.

1. **Signs on Payment Kiosk**. Two (2) signs, maximum eight (8) square feet each, permitted on the kiosk. Signs may be internally illuminated or have LED components if sign does not face any street.
2. **Vehicle Entry Point Signs**. One vehicle entry point sign per entrance lane or exit lane allowed with six square feet maximum area, six feet maximum height and two feet minimum setback. Signs may be internally illuminated or have LED components if sign does not face any street.
3. **T-Frame or A-Frame Sign**. Sign shall not impede any sidewalk, ramp, travel lane, access drive or parking space. Signs shall be on display during business hours only.

D. Marquees for Theaters and other Indoor Spectator Venues

Marquee Sign Examples

When a performance theater or similar other Indoor Spectator Venue is allowed and developed, marquee signs are permitted in addition to the signs permitted by the district, subject to the following additional standards.

1. Illuminated marquee signs shall be located at least 600 feet from a Protected District, unless visibly obstructed, but no less than 400 feet.
2. One Marquee, may have multiple planes with marquee signs permitted on each face.
3. Maximum width is 80% of the width of the tenant space or building elevation, with a maximum width of thirty feet, except in the CBD there is no limit.
4. Maximum projection from a building wall shall be 15 feet.
5. Minimum clearance of the marquee shall be 10 ft. above grade level.
6. Marquee signs may contain a digital display sign, subject to additional standards of Section 744- 907.C.
7. Marquee signs may be illuminated, subject to additional standards of Section 744-907. A. When the business is open to the public, lights on a marquee may flash and otherwise be animated.
8. In no instance shall any marquee extend to a point closer than two feet from any street curb, pavement edge, or edge of an interior access drive.

E. Bus Shelter Signs/Rapid Transit Stops/Super Stops

When a bus shelter is developed at a municipal bus stop, the following signs, in addition to the signs permitted by the district, are permitted on the walls of the shelter subject to the following additional standards. (See illustration below).

Non-illuminated signs, which may be double- sided, but which shall not exceed 32 cumulative sf or 25% of each individual window/panel. In no case shall signage be allowed within 4 ft. grade level.

Two digital display signs, which may be double-sided, but which shall be no larger than four (4) sf. Must meet additional standards of Section 744- 907.C.

Bus Shelter Sign Example

F. Municipal bus bench sign

When a municipal bus bench is located within 12 feet of a municipal bus stop without a municipal bus shelter, one (1) sign, in addition to the signs permitted by the district, is permitted subject to the following additional standards.

1. Maximum sign dimensions are 81 inches across horizontally, 24 inches vertically, and no higher than 36 inches from grade level.
2. Sign shall be one-sided, non-illuminated, and located on the bench.
3. Sign shall not be located on a lot, adjacent to a lot, or across the street from a lot improved with a single-family detached dwelling.

G. Automobile Rental Station/Bike-Sharing Signs/ Taxi Cab Signs

When an Automobile Rental Station, Bike-Sharing Facility or Taxi Cab Stand is allowed and developed, one non-illuminated or internally illuminated, freestanding sign with a maximum area of four (4) sf. is permitted in addition to the signs permitted by the district. No digital signs are allowed. Regional Center or IHPC approval may be required if within the applicable designated area and permitting is required.

Bike Sharing Sign Example

Section 09. Specialty Signs

A. Historic/Heritage Signs

1. Historic Sign.

A painted wall sign that remains from an earlier time or advertises the use of a building that provides evidence of the history of the use of the building or activities of the community.

a. Ghost Sign

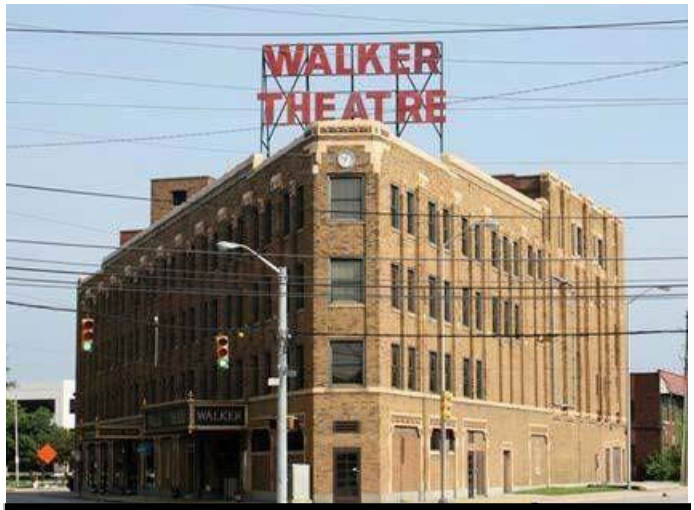
1. Ghost signs are considered wall signs and are not off-premises signs.
2. Ghost signs existing at the effective date of this ordinance are exempt from these requirements and are considered conforming.
3. Ghost signs need IHPC approval to repaint/restore.

Ghost Sign Example

2. Heritage Signs

An existing sign having historical significance, and which advertises an establishment or product in existence or no longer in existence or a product offered or no longer being offered on the site, may be designated a heritage sign. An exact replica of an original sign attached to a building that would have been at least 50 years old may be designated a heritage sign. There are three (3) types of heritage signs:

1. Retaining
2. Restoring
3. Replica



Heritage Sign Example

a. In accordance with the designation, a heritage sign may be maintained, repaired, reconstructed, or relocated, so long as no new items of information, sign features, or sign area are added to the sign. In accordance with the designation, a replica of a building sign previously located on the site at least 50 years ago may be considered a heritage sign, except a billboard.
b. Heritage signs are not considered nonconforming signs.
c. Heritage sign may not be a billboard.
d. A heritage sign may be inside or outside of an IHPC designated historic area.
e. The area of a heritage sign is not counted toward the total primary and secondary sign area permitted. If the heritage sign is an existing freestanding sign, the sign is considered one of the freestanding signs permitted, however the sign area and height standards may be waived upon designation.
f. Designation. In order for a sign to be designated a heritage sign, the IHPC Administrator shall make written findings that the sign is at least 50 years old, or is an exact replica of an original sign previously located on the site at least 50 years ago, and meets at least one (1) of the following criteria:
    i. The sign has historic character, interest, or value as part of the development, heritage, or cultural characteristics of Indianapolis or the surrounding area or the building to which it is attached.
    ii. The sign is significant as evidence of the history of the product, business, or service advertised.
    iii. The sign embodies elements of design, construction, detailing, materials, or craftsmanship that make it significant or innovative.
    iv. The sign has a unique location or contains singular physical characteristics that make it an established or familiar visual feature within Indianapolis or the surrounding area; or

v. In an IHPC-adopted historic area plan, the sign is identified as having historic significance.

g. The IHPC Administrator may impose additional requirements or conditions upon the designation pertaining to the construction, restoration, shape, size, placement and method of maintenance of any heritage sign.

h. The IHPC Administrator shall maintain and make available a list of designated heritage signs.

Heritage Sign Example

B. Banners on light, utility or free-standing poles

If allowed, banner signs on light, utility or freestanding poles are subject to the following regulations.

1. In the CBD districts and MU districts, banner signs may be located on a light, utility or freestanding pole in the right- of-way provided the banner signs are at least 10 feet from any overhead power lines and upon authorization and issuance of the applicable encroachment or right-of-way permit.
2. In all other districts, banner signs on light, utility or freestanding poles shall be at least 10 feet from any street right-of-way and any overhead power lines.

Freestanding Pole Sign Example

3. No more than two banner signs may be placed upon one light utility or freestanding pole.

4. Banner signs and sign hardware shall:

   a. Be mounted on a light, utility or freestanding pole structurally capable of accommodating the banners and hardware;
   b. Be at least 12 feet above grade, unless it overhangs an interior access drive or right-of- way, in which case it shall be at least 15 feet above grade;
   c. Be made out of weather- resistant and rust-proof material;
   d. Not project more than three feet from the pole onto which it is mounted.

Light Pole Sign Examples

5. No banner sign may exceed 18 square feet in size
6. Administrator's approval is required. The Administrator's decision to grant or withhold approval under this section is governed by the applicable criteria in this chapter.
7. Providing the provisions of this section and all other requirements of the ordinance are met, a one-time permit for the banner attachment hardware is required as well as an Encroachment License, if within a right of way, and an agreement to attach for any municipal owned utility pole(s).

Section 10. Temporary signs

A. Banner signs

Shall be permitted in addition to permitted primary and secondary building signs in Commercial, Central Business, Mixed-Use, Special Use and Industrial Districts, subject to the following standards:

1. Shall not be located in any right-of-way;
2. Shall be securely attached at all corners and along all sides;
3. Shall be securely fastened to withstand displacement by the wind. Signs that have been displaced by the wind or located in the right-of-way are subject to immediate removal;

4. Shall not block any sidewalk, walkway, pedestrian ramp or any driveway;
5. Subject to all requirements of any secondary zoning district or overlay district that may apply;
6. Shall not be higher than 2.5 feet above grade level of any sidewalk if located in the clear sight visibility area;
7. Shall not be illuminated and may not be a digital sign;
8. Maximum size shall not exceed 32 square feet;
9. Maximum height of 6ft.;
10. Maximum one (1) banner sign per use;
11. Maximum duration shall not exceed a 10-day period;
12. Maximum frequency shall not exceed three (3) times a calendar year; and
13. Permits are required.

B. Street Banners

Shall be permitted in addition to permitted primary and secondary signs, subject to the following standards:

1. Shall be securely attached at all corners;
2. Shall not be illuminated and may not be a digital sign;
3. Maximum one street banner per thoroughfare;
4. Maximum duration shall not exceed a 30-day period;
5. Maximum frequency shall not exceed three (3) times a calendar year;
6. Permits are required; and
7. Issuance of the applicable encroachment or right-of-way permit is required.

C. Pedestrian Sign Regulations

If allowed, Pedestrian signs shall comply with the following additional regulations:

1. Shall be within 20 feet of a pedestrian entrance;
2. Shall only be displayed during business or operating hour;
3. Maximum eight (8) square feet in size. See 744.902: A-Frame and T-Frame definitions;
4. Maximum height five (5) feet;
5. Maximum one (1) sign per use;
6. Shall not be located in any designated parking area or parking space, street or pedestrian ramp or within the clear visibility area, as defined in Section 744.902;
7. If located on a walkway, shall maintain a minimum clear walkway width of five (5) feet;
8. Must be weighted or anchored to prevent the wind from moving the sign; and
9. No permit is required.

D. Signs on Construction Sites or Construction Barricades

When a site is being developed or redeveloped as authorized by a valid permit, one sign per frontage may be freestanding, or located or placed upon any necessary construction barricades while a site is under construction or significant renovation in addition to any signs or displays required by law or ordinance. If permitted, Signs on Construction Sites and Signs on Construction Barricades are subject to the following standards.

1. May fully cover the construction barricade;
2. Does not horizontally project from the surface of the barricade;
3. Securely attached at all corners and along all sides;
4. Maximum height eight feet. No illumination is permitted; and
5. No permit is required.

E. Election-Period Signs

During the 60-day period before and the six-day period after a national, state, or local government election, there shall be no limit on the number of yard signs

permitted in any district, provided however, the following standards are met.

1. Maximum size of any sign shall be 32 sq. ft.;
2. Maximum sign height is five (5) ft.;
3. Sign shall not be in the right-of-way;
4. Sign shall not be illuminated;
5. Sign shall not be located in any clear sight visibility area as per, Section 744-905. B.; and
6. Permits are not required.

F. Inflatable Signs and Air Dancers

1. Shall not block any sidewalk, walkway, pedestrian ramp or any driveway;
2. Subject to all requirements of any secondary zoning district or overlay district that may apply;
3. Shall not be higher than 2.5 feet above grade level of any sidewalk if located in the clear sight visibility area;
4. Shall not be illuminated and may not be a digital sign;
5. Maximum one (1) inflatable or air dancer sign per use;
6. Maximum duration shall not exceed a 10-day period;
7. Maximum frequency shall not exceed three (3) times a calendar year; and
8. Permits are required.

Section 11. Off-Premises (Outdoor Advertising) Signs

A. General Regulations. The following regulations shall pertain to off-premises signs (also known as outdoor advertising signs) in all districts where permitted by this Section 744-911, Section 744-903.F, Table 744-903-7. Also, refer to Section 744-911(B) - Signs on freeways and expressways, for additional requirements**.**

1. **ILP required**. An ILP shall be required for any new or relocated outdoor advertising sign —or alterations to an existing outdoor advertising sign—not exempted by 744-904: Maintenance required; Maintenance of Signs.
2. **Outdoor advertising signs inside I-465.** No portion of an outdoor advertising sign shall be erected or otherwise located within 660 feet of the right-of-way of a freeway or expressway, as herein defined, located within the entire area circumscribed by the interior right-of-way line of the Outer Belt Freeway commonly identified as I-465. (The application of these provisions is illustrated in Sign Diagram 21.).
3. **Relocations for outdoor advertising signs.**
   a. Relocations for outdoor advertising signs inside I-465. For legally-established, nonconforming signs located in the area described in Sec.744-911.A.2, an owner of an outdoor advertising sign may relocate an outdoor advertising sign upon the same parcel of property from which it is being removed. The outdoor advertising sign structure and/or face must not be expanded or enlarged unless in compliance with the standards of this Ordinance. The relocated outdoor advertising sign shall require an ILP. This subsection does not limit any relocation that is governed by Indiana Code 8- 23-20-25.6 and 8-23-20.5-3.

b. Relocations for outdoor advertising signs outside I-465. Legally-established, non-conforming outdoor advertising signs may be relocated outside of I-465 provided that the outdoor advertising sign structure and/or face must not be expanded or enlarged unless in compliance with the standards of the Ordinance. The relocated outdoor advertising sign shall require and ILP. This subsection does not limit any relocation that is governed by Indiana Code 8-23-20-25.6 and 8-23-20.5-3.

4. **Proportional regulations.** The size of an outdoor advertising sign on a lot shall not exceed the size specified in Table 744-903-4

TABLE 744-903-4 Proportional Regulations

Lot Size (in square feet)	Maximum Sign Dimensions (vertical by horizontal)
Up to 10,000	6 ft. by 12 ft.
10,000+--20,000	12 ft. by 12 ft.
20,000+--43,560	12 ft. by 25 ft.
43,560+	10.5 ft. by 36 ft. plus extensions or 12 ft. by 50 ft. or 14 ft. by 48 ft. plus extensions

5. **Extensions**. Elements of an outdoor advertising sign may be permitted to extend beyond the horizontal or vertical sign edge. The maximum length of an extension shall not be greater than five feet beyond the top edge of the sign, three feet below the bottom edge of sign face and extend more than foot two and a half feet along all other sign edges. The maximum width of an extension shall not be greater than 45% of the linear length of the horizontal or vertical dimension of the outdoor advertising sign (Refer to Extension Sign Diagram 35).

6. **Outdoor advertising sign size**. The face of an outdoor advertising sign shall not be greater than 14 feet in vertical dimension nor greater than 48 feet in horizontal dimension, except where specifically regulated by Section 744-911(B). The sign shall not contain more than two advertising signs per facing. The advertising sign displays may be oriented side-by-side or in a stacked position provided that the total face shall not be greater than 14 feet in vertical dimension nor greater than 48 feet in horizontal dimension.

7. **Flashing, intermittent or moving lights.** No advertising sign shall be permitted which contains, includes, or is illuminated by a flashing, intermittent or moving light or lights.

8. **Animation.** No advertising sign shall be permitted which has animated or moving images.

9. **Advertising sign.** Advertising sign faces consisting of three or less panels that rotate to present a single fixed display at a time, commonly known as Tri-vision signs, are permitted, provided that the rotation of one display to another is no more frequent than every 15 seconds.

10. **Video, LED, (light emitting diode), LCD (liquid crystal display) or electrically powered.** No advertising sign shall be permitted which displays video or emitting graphics except as permitted in Section 744-911(B)(2)(d)(2). Internal illumination of outdoor advertising signs is not permitted.

11. **Distance between outdoor advertising signs.** Except as otherwise provided for signs in the protected areas along highways, freeways and expressways (see Section 744-911(B)), the minimum distance between outdoor advertising signs shall be as specified below. The applications of these provisions are illustrated in Sign Diagrams 18 and 19.

a. *Radial spacing between outdoor advertising signs.* In no event shall any point of an outdoor advertising sign or sign structure be closer than 1,000 feet from any point of any other outdoor advertising sign or sign structure.
b. *Outdoor advertising signs adjacent to protected districts.* In no event shall any point of an outdoor advertising sign be closer than 300 feet from a protected district. For the purposes of this section, a protected district shall include any dwelling district, parks district, university quarter district, SU-1 (church) district or SU-2 (school) district. (The applications of these provisions are illustrated in Sign Diagram 20.)

12. **Signs on freeways and expressways.** In addition to the requirements of this section, outdoor advertising signs shall further comply with Section 744-911(B) when located on freeways and expressways.
13. **Roof top outdoor advertising signs.** Roof top outdoor advertising signs shall not be permitted in any zoning district.
14. **Advertising sign on or appurtenant to buildings.** Advertising signs shall not be located on, above or below any portion of primary buildings.
15. **Outdoor advertising sign setback.** Signs or sign structures shall be set back in accordance with the building setback lines required by the applicable zoning district. Advertising signs shall not be eligible for setback averaging exceptions. (See Table 744-903-6 below).

Table 744-903-6: Setbacks

Zoning District	Freeways	Primary/Secondary	Collector/Local Streets
Commercial Districts	50 feet	10 feet from the proposed ROW	10 feet from the proposed ROW
Industrial Districts—Compact Context Areas	50 feet	30 feet from the proposed ROW	20 feet from the proposed ROW
Industrial Districts—Metro Context Area	50 feet	30 feet from the proposed ROW	50 feet from the proposed ROW

16. **Maximum and minimum height of outdoor advertising signs and sign structures.**
a. The maximum height of signs and sign structures shall not exceed 60 feet above grade level at the base of such sign or sign structure.
b. No outdoor advertising sign or sign structure (except for the supports, building, structure or column) shall be at its lowest point less than 9 feet above grade level. Ground signs, where permitted, shall not exceed 4 feet in height above grade level.
17. **Construction of outdoor advertising signs**. The supports, uprights, bracing and framework of an outdoor advertising sign shall be of steel construction.

18. **Districts permitted and allowable square footage.** (Refer to Table 744-903-7 below)

Table 744-903-7: Districts Permitted

Zoning Classification	Dwelling	Commercial and Mixed-Use				Industrial	Special Use	CBD/RC
District	All Districts	C-1, MU-1	C-3, MU-2	C-4, C-5, C-7	C-S	All Districts	All Districts	All Districts
Maximum Square Footage	NP	NP	378*	672*	NP	672*	NP	NP

Key/Note:
NP: Not Permitted
•Extensions available if requirements met
•Advertising signs shall not be permitted in HP-C Districts

B. Signs on freeways and expressways. All signs within 660 feet of the right-of-way of freeways and expressways, as shown on the Official Thoroughfare Plan shall comply with the requirements of this section in addition to all other provisions of this Chapter 744 Article IX.

1. **Permitted signs.** Unless prohibited by local, state or federal law, erection or maintenance of the following signs shall be permitted in Protected Areas.
   a. *Official signs.* Directional or other official signs or notices erected and maintained by public officers or agencies pursuant to and in accordance with direction or authorization contained in local, state, or federal law, for the purpose of carrying out an official duty or responsibility.
   b. *On-premises (business) signs. H*owever, not more than one freestanding identification sign shall be permitted to be located on each premises.
   c. *Off-premises (advertising) signs.*
2. **General provisions**. No off-premises signs shall be permitted to be erected or maintained on freeways or expressways in any manner inconsistent with the following:
   a. *Flashing, intermittent or moving lights.* No sign shall be permitted which contains, includes, or is illuminated by a flashing, intermittent or moving light or lights.
   b. *Animation.* No sign shall be permitted which moves or has any animated or moving parts.
   c. *Rotating, louvered (vertical and or horizontally), moving or other elements.* Advertising signs with rotating, louvered (vertical and/or horizontally), moving parts or elements shall not be permitted.
   d. *Video, LED (light emitting diode), LCD (liquid crystal display) or electrically powered.*
      1. No sign shall be permitted which displays video or emitting graphics. Internal illumination of outdoor advertising signs is not permitted.
      2. Sign faces can be converted to include a pricing display, commonly known as price packs, which may be remotely changed no more than 3 times per day. This display is limited to 10% of an outdoor advertising sign face and only permitted on one face on a single outdoor advertising sign structure.

e. *Measurement of distance.*

1. The distance from the edge of a right-of-way shall be measured horizontally along a line normal or perpendicular to the centerline of the freeway or expressway.
2. All dimensions parallel to the alignment of the freeway or expressway shall be measured along the centerline of the freeway or expressway between two vertical planes which are normal or perpendicular to and intersect the centerline of the freeway or expressway, and which pass through the termini of the measured distance.

3. **Regulations for off-premises (advertising) signs.**

a. *Off-premises signs within informational sites.* If the Indiana Department of Transportation (INDOT) constructs an Informational Site, on the freeway system in Marion County, control over off-premises signs within such site shall be the responsibility of that Department.

b. *Off-premises signs outside of informational sites.*

1. The erection or maintenance of the following signs shall be permitted within protected areas outside of informational sites: off-premises signs which are located within 660 feet of a freeway or expressway, as herein defined.

2. The erection or maintenance of off-premises signs permitted under Section 744- 911(b)(3)(a) shall not be permitted in any manner inconsistent with the following:

i. *Sign spacing:* Subject to the other provisions of this Section 744- 911(b)(3), within protected areas adjacent to freeway or expressway rights-of-way, no part of any off-premise sign structure shall be located within 1,000 feet of any other off-premises sign structure located adjacent to said freeway or expressway on the same side of said freeway. Said 1,000 feet distance shall be measured linearly along the centerline of the freeway or expressway. (The application of this provision is illustrated in Sign Diagrams 26 and 27).

ii. *Maximum sign dimensions:* The maximum size of any sign shall not exceed 14 feet in vertical dimension and 48 feet in horizontal dimension, plus extensions as defined in Section 744-911(A).

iii. *Sign setback:* Signs shall not be located closer than 50 feet to the right-of-way of the freeway or expressway.

iv. *Sign clearance:* Signs shall not be less than nine feet above grade level at the lowest point, except for the supporting structure.

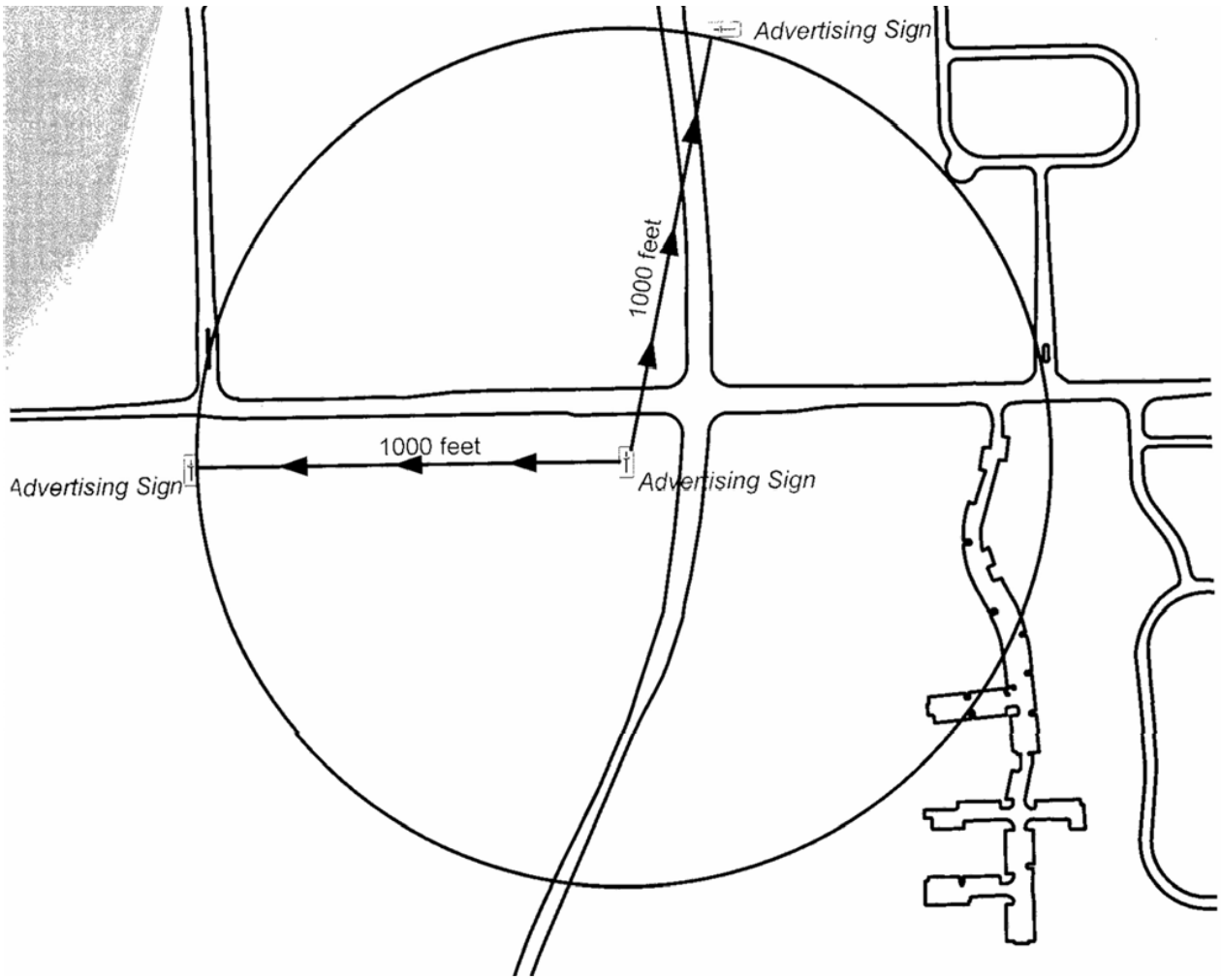
v. *Maximum sign height:* The maximum height of signs and sign structures shall not exceed 60 feet above grade level at the base of such sign structure.

vi. *Entrance or exit roadway limitation:* Signs shall not be permitted in protected areas adjacent to any freeway or expressway right-of-way upon any part of the width of which is constructed an entrance or exit roadway. No sign shall be permitted within 500 feet from the point of intersection between the traveled way of such entrance or exit roadway and the main traveled way of the freeway or expressway. Said 500 feet distance shall be measured to the nearest point of the intersection of the traveled way of the entrance or exit roadway and the main-traveled way of the freeway or expressway (Refer to Sign Diagram 26).

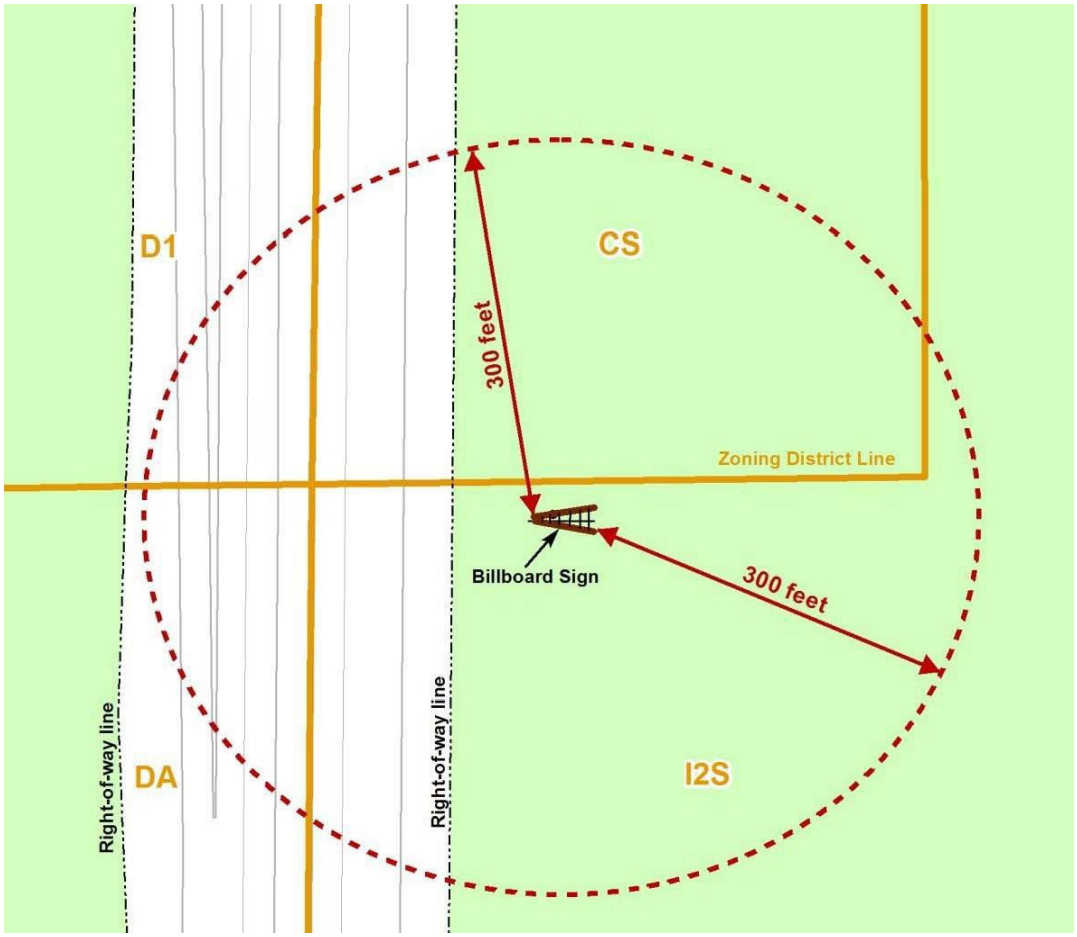
Referenced Sign Diagrams

Sign Diagram A	Sign Area
Sign Diagram B	Sign Area for Freestanding Signs
Sign Diagram C	Sign Area for Wall Sign
Sign Diagram D	Sign Area for Canopy Sign
Sign Diagram E	Two-Sided Signs
Sign Diagram F	Sign Heights
Sign Diagram G	Measuring Distance to Protected District
Sign Diagram H	Clear Sight Visibility Area
Sign Diagram 18	Linear Spacing Between Outdoor Advertising Signs
Sign Diagram 19	Radial Spacing Between Outdoor Advertising Signs
Sign Diagram 20	Outdoor Advertising Signs Adjacent to Protected Districts
Sign Diagram 21	Outdoor Advertising Signs Inside I-465
Sign Diagram 26	Signs on Interstate Freeways and Expressways—Measurement of Separation for Off-Premise Signs
Sign Diagram 27	Signs on Interstate Freeways and Expressways - Entrance Roadway Limitation
Sign Diagram 35	Advertising Sign Size Parameters & Extension

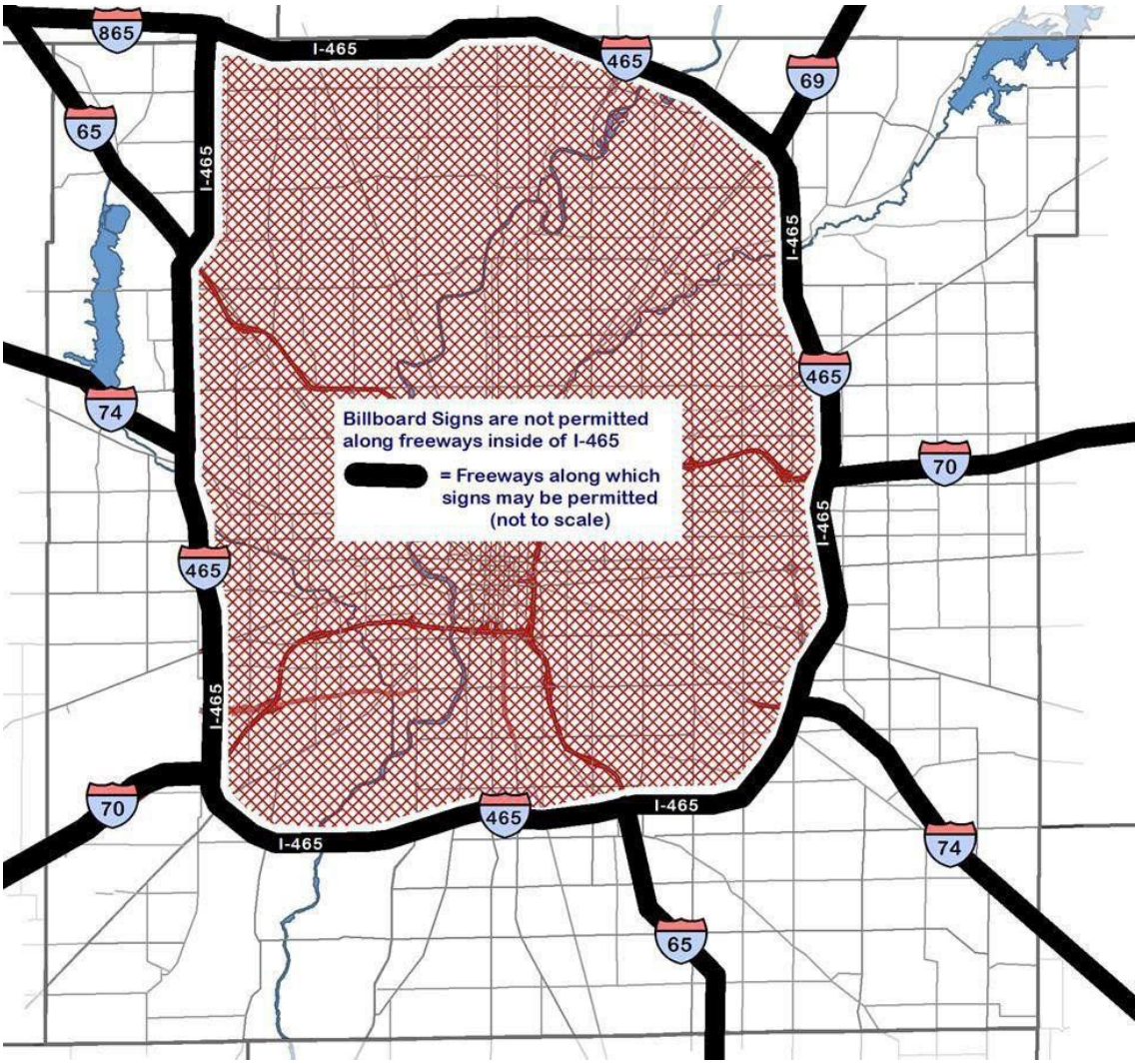
Sign Diagrams 18 and 19. Measurement of Distance between Advertising Signs



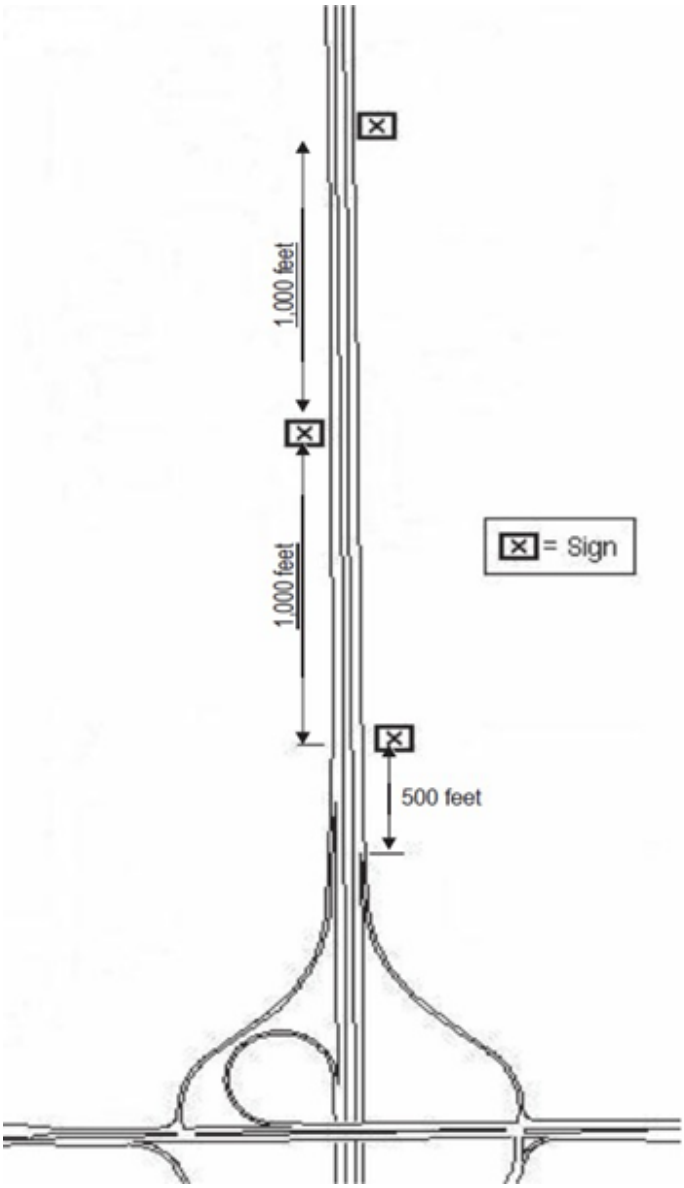
Sign Diagram 20. Measurement of Distance between Advertising Signs and Protected Districts



Sign Diagram 21. Outdoor Advertising Signs Inside I-465

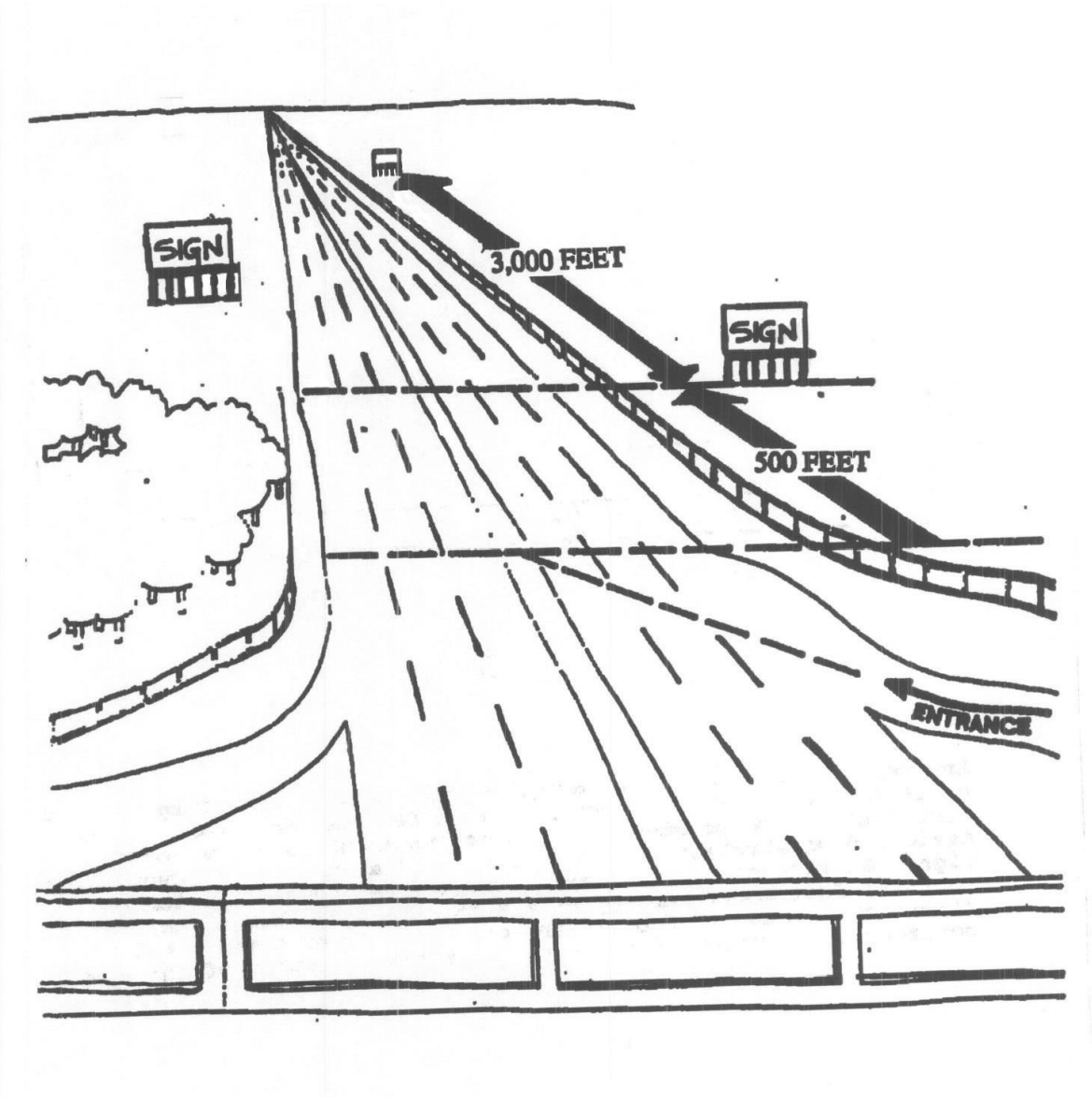


Sign Diagram 26. Signs on Interstate Freeways Expressways: Measurement of Separation for Off-Premise Signs



The specified distances shall be measured to the nearest point of the intersection of the traveled way of the exit roadway and the main-traveled way of the Interstate Freeway or Expressway.

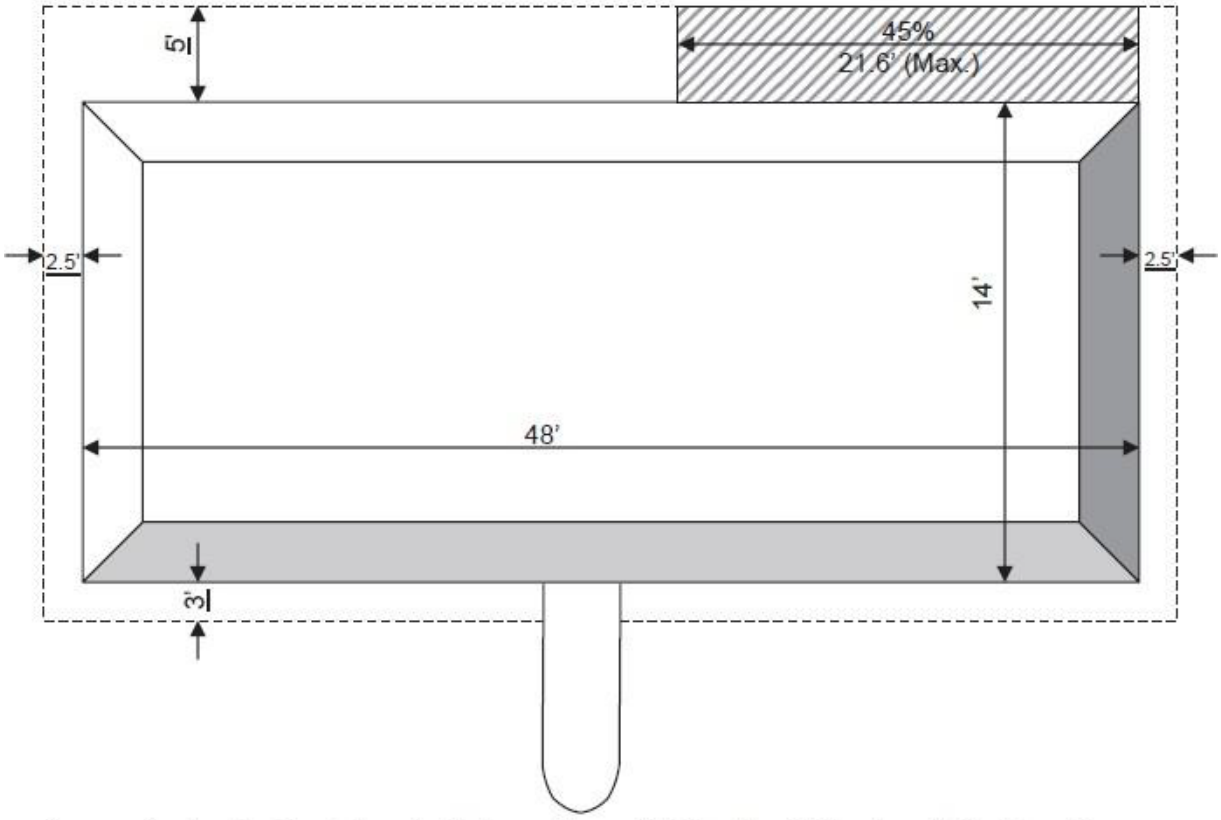
Sign Diagram 27. Signs on Interstate Freeways and Expressways: Entrance Roadway Limitation



Sign Diagram 35. Advertising Sign Parameters & Extension

Diagram 35

Advertising Sign or Off-Premises Sign Extension



Any vertical or horizontal embellishment to a 10.5 foot by 36 foot or 14 foot by 48 foot advertising sign designed as a part of and integrally incorporated into the announcement, declaration, device, demonstration or insignia used as a part of an advertising sign. An extension shall have a maximum vertical dimension of five (5) feet above the top of a sign, a maximum horizontal dimension of two and a half (2.5) feet to the sides of the sign and a maximum horizontal dimension of three (3) feet to the bottom of the sign.