

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, AUGUST 2, 1993**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:10 p.m. on Monday, August 2, 1993, with Councillor SerVaas presiding.

Councillor O'Dell led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

28 PRESENT: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams
1 ABSENT: Moriarty

A quorum of twenty-eight members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Beadling recognized George Lynch, Executive Assistant, Department of Transportation, and wished him a Happy Birthday.

OFFICIAL COMMUNICATIONS

Honorable Stephen Goldsmith, Mayor, presented his annual city budget to the Council with the following remarks:

Thank you. I'll try to present the highlights of the budget in a fairly brief way. Let me begin by thanking Jim Steele, who is over my left shoulder, who has spent a substantial amount of time trying to make sure that our budget is clear, concise and fundable.

I would like to make a few opening comments, if I could, before talking directly about the budget. First, I think it's worth reiterating the central theme under which this budget and the last was submitted, and that's that the City of Indianapolis simply cannot afford to raise property taxes.

Not only can we not afford to raise them for whatever political reasons may be out there, but economically we cannot afford to raise property taxes. Anything that we do to make Indianapolis successful has to rest on a base of low property taxes.

I think probably the most vivid way to bring this message home is to show you--although we don't agree with the message--what Anderson is doing on the outskirts of Indianapolis. There's a billboard in the Castleton area that says, "Buy a New Home in (I won't mention the name of the city since we're on Channel 16) and Save \$1000s in Taxes." We have economic pressure from surrounding counties trying to suggest that our citizens should take their wealth outside of the county. If in fact we raise property taxes, we, over time, reduce the amount of revenue available. Not increase, but reduce the amount of revenue available to city government. This dynamic, which is now probably the most important aspect of the budget, will flow through my comments tonight.

Today's budget that we submit for your consideration, and hopefully for your approval, has several aspects to it that we consider accomplishments: No new property taxes; a balanced, or nearly balanced budget; decreased numbers of employees through attrition; increased services, particularly in the area of public safety; and increased percentage of resources spent on public safety.

The tax rate for the City of Indianapolis, as the Council well knows, because you've been working on this for a number of years, will remain the same if approved by the Council for 1994 as it was in '93, as it was in '92, as it was in '91 and as it was in 1990. For the fifth year in a row there is no proposed increase in the tax rate for the City of Indianapolis.

Second, the appropriations, the amount of money that we ask your permission to spend next year, will be essentially the same or actually slightly down from the appropriations for this year.

If we look at the appropriations for the City of Indianapolis since 1987, for example, we can see that the amount of money available to government kept increasing in part because of new taxes and in part because of the new increases in assessed value to the time they essentially peaked in 1992. For the last three years, '92, '93 and '94, the appropriations have leveled off and the budget we are asking this year--\$473 million--is just about the same as the budget we submitted last year--\$472 million.

Third and more importantly perhaps, is that the budget gap has essentially been closed. Again, looking back several years, we can see that the budget gap rose from about \$7.7 million in 1987, up to \$20 million in 1992. Last year when I came before you with the 1993 budget we had a gap of \$2.8 million, which we promised to close by the end of the year. By the end of this year, that gap that was \$2.8 million will turn into a \$6 million surplus.

This year we are proposing a budget with a gap of only \$900,000 down from \$20 million two years ago, and we're confident that this will turn into a budget surplus as well. So this budget is a budget that is balanced and balanced fairly precisely.

Fourth, inside this budget is a further reduction in city employees. The budgeted full-time employees of city government will be down approximately 180 more next year over this year. The number of budgeted non-public-safety employees in the last two years will have been reduced from 2,590 budgeted positions to 2,089 budgeted positions, or a reduction of 501 in non-public-safety employment. The number of budgeted non-public-safety employees will be down 20% in 1994.

For those of you I know who are rightly concerned about these issues, I would like to reemphasize that attrition is exceeding outsourcing or privatization. So there are no lay-offs of employees that will be necessary over the numbers that come with the regular rate of attrition. Given essentially our flexible hiring freeze, we will be able to continue to move in a downward trend.

Let me make a couple other observations about the budget. Last year when I appeared before you, I conceded that the budget that I was presenting was focused on the wrong thing. We were focused on how much money we were spending, rather than providing you the tools to hold us accountable for our outcomes or our results. Managing government only on the amount of money it spends is a not very helpful process because doing something efficiently that we shouldn't be doing at all doesn't make any sense; and neither does doing something that is valuable inefficiently.

So this year, in addition to the usual statutory budget you are used to, we have presented a "popular" budget. This popular budget, we think, is an important breakthrough because it will allow you to hold us accountable.

First of all, the popular budget is accessible. It's not easy to understand, but it's easier to understand than the statutory budget. We have in this popular budget a list of all the activities performed by Indianapolis city

August 2, 1993

government and how much these activities cost. We've asked each division of each department to tell us how you and I should measure their performance.

The popular budget provides you with a list of all the outcomes that city government wants to achieve. Now because this is a new process, you may want to tinker with some of these. You may find mistakes in some, and you may think some of the ways of measuring those performances are incorrect. You may say that some are things that government shouldn't even be doing. But the purpose of this is to make this debate one that the public can understand and hold us accountable for.

As you go through the popular budget, you will be able to see how much money we are spending for housing, how much money we're spending for smooth streets, how much money we're spending to clean out the sewers, how many miles of sewers we're going to clean out for that amount of money, how many miles of smooth streets we're going to have for that amount of money, how many houses we're going to remodel and so on. We think the popular budget will provide a management tool that will allow you and the public to hold us accountable.

I should also say that we believe the popular budget provides a recipe for pay-for-performance. The tendency of city government to either freeze everybody's salaries or increase everybody's salaries by the same amount, we think, misses the point. As employees perform in an exceptional way, they should be rewarded for it. The City is trying to implement pay-for-performance, with the Council's approval, consistent with the performance objectives that are set out in the budget. You should hold me responsible, I should hold my employees responsible and the citizens should hold all of us responsible for the targets that we say we are going to meet with the money we spend. And so this budget, for the first time, is not only an input budget that just explains how much money we plan to spend, it's an outcome budget that will allow you to hold us responsible and measure our performance.

Now just a couple of comments about priorities. The popular budget contains the amount of money we are spending on infrastructure and the amount of money we are spending on operations. In the past, you have received some requests to appropriate dollars for infrastructure or approve bonds, and you have received a proposed budget for operating. In this popular budget, we have put all the money together to provide the total picture of how much money we are spending on a given function, regardless of whether the money consists of capital dollars or operating dollars.

The fundamental priority of government has to be public safety. If our streets are not safe for families, if they are not safe for our children to go to school, if they are not safe for shoppers, if they are not safe for neighborhoods, then we don't have a government at all. And in this budget the percentage of employees who are involved in public safety for the first time will exceed 50% of the total workforce of the City of Indianapolis. The percentage of budgeted city employees who are public safety employees will have moved from 45% in 1992 to 52% next year. In fact, 70% of the City's share of the Center Township property tax rate will be devoted to public safety, and as you know, 98% of the COIT revenues are devoted to public safety.

The only department of government that is getting bigger and not getting smaller is public safety. This commitment is one that the public needs to hear and understand. The police department has opened up 28 resource centers since the beginning of community policing. The budget contains funding for a new district headquarters on the southside, an expanded district headquarters on the northside, two new fire stations and the renovation of several older fire stations. Those are investments the City needs to make to anchor the safety of our neighborhoods.

A second priority is to build better neighborhoods by investing dollars in affordable housing, roads, streets and sewers. The budget for 1994 contains \$151 million for the Building Better Neighborhoods capital improvement plan to maintain a sound infrastructure. Some of the investments: improve 34 lane miles of streets, rehabilitate six bridges and replace four others, resurface 117 miles of streets and do a substantial amount of flood work and evaluation of important flood issues with respect to storm sewers and culverts as well.

So inside the budget and inside the popular budget we can see the commitment to public safety and the commitment to building better neighborhoods. The highest priorities of this administration are public safety, Building Better Neighborhoods and job creation, and you will see those reflected in the numbers in the popular budget.

In retrospect, 1992 was a good year. It was, despite the recession, the best year in history for the City's job creation and job retention programs. The Council approved a Building Better Neighborhoods bond issue, which will allow us to do a substantial amount of work in repairing the infrastructure, especially in the older parts of the City that badly needed it. We held the line on taxes. We provided some reorganization in the Departments of Transportation and Public Works. We had a government that was more open to opening up city hall to citizens' complaints.

But as the Council knows, the challenges ahead are substantial. We still have to fund the bond issue for United. We have police and fire pension issues of enormous dimensions. We have solid waste issues to consider. We have federal water and air mandates that are very expensive to face, and we need to approach those in ways that hold the line on property taxes.

As I conclude, let me put my budget in perspective. If you look at the Center Township property tax rate, 70% of it is the tax rates of the municipal corporations, the trustee and the school system. The remaining 30% is all the City can affect. Twenty-one percent of that is for public safety and only 9% of the Center Township property tax rate of the City of Indianapolis goes for anything other than public safety.

This same sort of ratio applies in the other townships as well. As the City-County Council votes to hold the line on property taxes for the organizations over which it has authority, I think we need to speak out loudly and say we would like others to follow the example of this body. We cannot raise property taxes and continue to have a community that is vibrant and creates jobs. I would appeal to the City-County Council as you hold me accountable for how we spend our money to help us set an example for others.

I would like to thank the Council, the Republicans and Democrats, for giving us an opportunity to be flexible enough on the management side that we have dollars available to reinvest in infrastructure, to reinvest in our communities that have been abandoned or neglected, and to reinvest in creating jobs. And I hope that as you go through this budget you'll hold us accountable project by project and activity by activity, and we will report to you throughout the year and in the budget hearings about how we intend to move forward. Thank you very much.

Honorable John von Arx, Auditor, had the following remarks concerning the county budget:

Mr. President, members of the City-County Council, and citizens of Marion County, tonight I submit to you the 1994 proposed budget for Marion County. Over the past two years, the County, like nearly all other taxing units and local state and federal governments, has seen a leveling off of revenues with an ever increasing demand for services. In fact, in some cases in our county, we have experienced an actual decrease in revenues over this time period. And, it is becoming harder and harder to hold the line on the cost of government and its services. The county's budget is approached differently than that of the City of Indianapolis due to the fact that no single elected official stands before this body and tells you that they control the way all agencies administer their appropriations. Our county agencies are made up of constitutionally and individually elected offices and agencies. However, as the County Auditor, I can stand here and tell you that Marion County is very fortunate to have dedicated officials and civil servants committed to providing the citizens of this county with the best level of services given the resources available. Each individual office holder is willing to detail their budget in your committees over the next few weeks. And, although the City certainly presents you with their top priorities for the coming year, we in the county are presenting you our 52 top priorities. Those priorities are 52 county agencies providing services ranging from justice and law enforcement, to tax administration, to cooperative extension services. This budget for 1994 is able to fund each of these priorities.

This budget proposal delivers to the people of Marion County a constant level of services without an increase in property or income tax rates. As a result of our collective belt-tightening efforts through these tough economic times, this budget process requires county agencies to seek out their own efficiencies and cost-effective methods in delivery of their services. As County Auditor, I can tell you that the agencies of Marion County have responded. Before you tonight is a funded budget. That is, a budget where the revenues exceed the level of recommended appropriations. Before you tonight is a budget that does not subtract from our critical fund balances. Before you tonight is a budget that meets the service needs of our constituents. And, I believe, before you tonight is a budget that conservatively but adequately provides resources to each agency.

As you know, the budget is a document that covers an 18 month period beginning July 1, 1993 to December 31, 1994. The 1993 budget required some major initiatives that resulted in a difficult year for administrators, who had to make substantial sacrifices to maintain the financial health of this county. You'll recall that the '93 budget had a 2 percent reduction in spending from the prior year; that it no longer relied on unspent monies from the prior year; that budgeted revenues exceeded expenditures; and that we continued to keep property taxes well below the maximum level allowed by law. As we all know, Hoosiers have come to expect the qualities of hard work, diligence, and frugality. It is these virtues that have brought this county through difficult financial times while others throughout the country were less successful in meeting the challenge. However, we are not yet out of the woods, in that we are still experiencing some revenue short falls below our '93 expectations. This, combined with additional appropriations that have already occurred in '93 and the anticipation of additional appropriations later this year in the area of public defense, requires that we work even harder to preserve our County General Fund balances in 1994.

As you know, our fund balance is necessary because it is our "rainy day fund". Without an adequate fund balance we would be unable to respond to emergencies that require additional funding. Without an adequate fund balance, rating agencies in New York would downgrade our credit, having significant financial impact on both the City and the County.

The proposal that we have distributed here tonight maintains our fund balance at slightly over 4 percent of revenues. This is by no means ideal, and we should not be interpreting this as an amount with which we can relax. But as you know, we have been fighting for the last two years to keep from depleting our fund balance and, I am happy to report that with this budget, we are able to preserve that balance.

August 2, 1993

As a result, the county's 1994 General Fund budget is a funded budget with revenues of \$131.6 million and expenditures of \$130.1 million which leaves budgeted revenue in excess of expenditures of approximately \$1.5 million dollars.

Earlier this year, guidelines were established which focused upon accommodating expenditures for essential services within the available resources. County agencies prepared their budgets within the following guidelines:

1. Personal services restricted to:
 - A. No increase in 1994 agency budget over 1993 amounts.
 - B. No increases for elected officials.
2. No increase in the combined categories of personal services, supplies, contractual services and capital outlay combined, excluding building rent and ISA Data Center charges.

The county has taken on additional responsibility formerly budgeted under the supervision of the City administration. In addition, the county is facing additional budget pressures from the judicial and public safety sectors of government. This has resulted in some significant exceptions to the guidelines. The major exceptions are:

1. The county is now budgeting the operations of the Metropolitan Emergency Communications Agency (MECA). Their operating budget for 1994 will be nearly \$2.5 million.
2. Sheriff Merit Deputy salary increases in the amount of \$750,000 have been included in the guideline budget, as per the requirement of the F.O.P. contract.
3. The Court Administrator Agency is a combination of four agencies and provides for an administrator and staff for the Superior courts. In addition to the staff costs, the agency budget contains \$210,000 in rental payments to cover court security costs.
4. The Election Board is again being budgeted at full operating capacity as there will again be elections in 1994. This is an increase of nearly \$1.7 million over the 1993 budget.

As always, the request for dollars by government agencies significantly exceeds the dollars available to fund all projects, and 1994 is no exception. Although the county has made some strides in funding various initiatives and priorities mentioned above, there will be additional requests that will be very difficult to achieve. There is no doubt that many of the services left unprovided will cause certain levels of stress and strain on a number of county agencies. This budget will require tough choices, plain and simple, but not unlike any other choices facing all levels of government throughout the country.

One of the most difficult decisions this body will have to wrestle with this budget cycle is Public Defenders. The budget guidelines set the recommended level of funding for Public Defenders equal to that in this year's budget; that is, there was no increase recommended.

Your Public Defender Board has submitted a total budget exceeding the guidelines by \$1.2 million. If you were to include the unfunded liability in the Supplemental Public Defender Fund, which is nearly \$400,000 in fees that should be charged to the criminal defendants, the total needed to meet the Public Defender Board's request is nearly \$1.6 million additional dollars. A significant reason why the board is requesting this additional funding is because of the cost of death penalty cases. The average cost of trying a death penalty case is around \$100,000. There have been four death penalty cases so far this year, four more are already scheduled and two additional cases are pending.

The requirements of the judiciary are increasing at a faster rate than any other area of government. As they see it, the work they are providing is a mandate of the Federal and State Constitutions, regardless of the availability of resources. Make no mistake about it, the total request by the public defender board will take scarce resources away from other priorities. The decision you have to make is whether the level of funding for public defenders is sufficient. If not, the question then becomes whether to take appropriations away from another area or program, raise the necessary resources through a viable revenue source (like the supplemental public defender fee), or take it out of our fund balance.

As we look into 1994 and beyond, the most critical challenge lies in the ability to deal with the federal and state unfunded mandates. This results in legal requirements in which county government must fund directives handed down by other levels of government, or by the courts, without any recourse except to pay for these services through locally funded revenues. In many cases these unfunded mandates come as a result of higher levels of government cutting back services. Also in many cases these payments are for services that are not necessarily functions of local government. Whether we're dealing with a state mandated salary issue for certain county employees, the requirements of paying for students tuition transfers, or even the '94 funding request from Voter Registration (which becomes essential to pay for the new motor voter bill), this practice of the unfunded mandate on the backs of local government is causing us great distress. According to the National Association of Counties, local governments across the country are crying foul, and saying that property tax payers demand

that federal, state and judicial levels of government not just order this lunch, but that they be forced to pay for it as well.

You've also heard me speak to you frequently regarding the State welfare expense to this county, and its drain on our financial resources. This is certainly another form of an unfunded mandate. In fact, as of this date, the 1994 welfare budget has not yet been submitted, and it is unknown what impact the Governor's recently announced budget cuts will have on local government.

In closing, I believe that this proposed budget presents the Council with the opportunity to address our financial challenges head on and in a fiscally prudent manner, while at the same time, fund much needed services that meet the needs of the community and protect the citizens of Marion County.

I thank you for your attention, and submit this budget for your review.

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF JOURNALS

President SerVaas called for additions or corrections to the Journal of July 12, 1993. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS AND COUNCIL RESOLUTIONS

PROPOSAL NO. 417, 1993. This proposal, sponsored by Councillor Beadling, recognizes Joe Sparks of the Indianapolis Indians. Councillor Beadling read the resolution and stated that this resolution will be presented to Mr. Sparks at Bush Stadium on August 11, 1993. Councillor Beadling moved, seconded by Councillor West, for adoption. Proposal No. 417, 1993 was adopted by unanimous voice vote.

Proposal No. 417, 1993 was retitled SPECIAL RESOLUTION NO. 47, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 47, 1993

A SPECIAL RESOLUTION recognizing Joe Sparks of the Indianapolis Indians.

WHEREAS, baseball's American Association was organized in 1902, a year before the Wright Brothers first flight at Kitty Hawk; and

WHEREAS, during the subsequent decades, no American Association team had ever won four consecutive league championships--until the Indianapolis Indians, then affiliated with the Montreal Expos, swept the league championships in 1986-1987-1988-1989; and

WHEREAS, during the first three of those triumphant years, Joe Sparks managed the Indians team; and

WHEREAS, Joe Sparks won the Casey Stengel Award as "Manager of the Year" three times during that series, he was named the Sporting News "Manager of the Year" for all of Minor League Baseball in 1988, and that same year he guided the Tribe to the Championship in the first-ever Triple-A Classic, defeating Rochester of the International League; and

WHEREAS, on August 11, 1993, a new name, JOE SPARKS, was placed on the "Wall of Fame" at Indianapolis' Bush Stadium; now, therefore:

August 2, 1993

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes Indianapolis Indians Manager Joe Sparks who did with his team what no other American Association manager had ever accomplished before.

SECTION 2. His skill and achievements reflect the highest credit upon himself, the team and this city.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 418, 1993. This proposal, sponsored by Councillor Hinkle, recognizes Indy-West Wrestling Club and their Japanese visitors. Councillor Hinkle read the resolution and presented a framed document to Alan Goddard, who expressed appreciation for the recognition. Council pins were presented to the Japanese wrestling team by Councillors Hinkle and Giffin. Councillor Hinkle moved, seconded by Councillor Giffin, for adoption. Proposal No. 418, 1993 was adopted by unanimous voice vote.

Proposal No. 418, 1993 was retitled SPECIAL RESOLUTION NO. 48, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 48, 1993

A SPECIAL RESOLUTION recognizing Indy-West Wrestling Club and their Japanese visitors.

WHEREAS, Indy-West Wrestling Club was formed in 1980 by Wayne Township coaches Joe Virgin, Bill Kappel and Alan Goddard to nurture amateur wrestling on the west side of Indianapolis; and

WHEREAS, today Indy-West is recognized as one of the finest freestyle clubs in the state, and is a member of the Indiana State Wrestling Association, the Amateur Athletic Union and Indiana USA Wrestling--which is a member of the United States Olympic Committee; and

WHEREAS, this summer, Indy-West is helping host a cultural exchange wrestling team from Maebashi City in Gunma Prefecture in Japan; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes and congratulates Indy-West Wrestling Club for their many years of dedicated work in building strong bodies and minds through the ancient sport of wrestling.

SECTION 2. The Council welcomes the visiting wrestling team from Japan: Takayuki Uchiyama, Takuya Hashimoto, Tetuya Taguma, Kazuo Aida, Atuya Ishikura, Hiroyuki Shimizu, Satoshi Abe, Naoki Tunoda, Masato Hosokawa, Isao Yoshida, Wada Shunsuka, Satoru Kondo, Makoto Ui, Masatoshi Kamimura, Hidehito Uzuki, Masahito Shimoyama, Oosawa Naritoshi, Yamato Suzuki, Kazunori Uchiyama, Yasunori Nagashima; and adults Ichro Takahashi, Takayoshi Niwa, Sanae Hosokawa, Kazuhiko Kurosawa and Keisuke Hosoya.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 419, 1993. This proposal, sponsored by Councillor Boyd, recognizes the "Blackmon Family Reunion '93." Councillor Boyd said that this resolution will be presented to the Blackmon Family on August 14, 1993. Councillor Boyd moved, seconded by Councillor West, for adoption. Proposal No. 419, 1993 was adopted by unanimous voice vote.

Proposal No. 419, 1993 was retitled SPECIAL RESOLUTION NO. 49, 1993 and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 49, 1993

A SPECIAL RESOLUTION recognizing the "Blackmon Family Reunion '93".

WHEREAS, summertime family reunions are wholesome, educational, emotional and inspirational gatherings of members of a family lineage; and

WHEREAS, hot weather, old pictures, cousins, aunts, hugs, cameras, food, scrapbooks and memories are all a part of family reunions; and

WHEREAS, the Blackmon family has held its national family gathering each year since 1978, and this year's reunion will be in Indianapolis, Indiana, on August 13-14-15, 1993; and

WHEREAS, the reunion kicks off with a grand fish fry, then on to a family memorial service, a dinner-dance and a Sunday afternoon family picnic at Broad Ripple Park; and

WHEREAS, five hundred people from all across America are expected to attend the "Blackmon Family Reunion '93"; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council encourages citizens to join in spirit with the Blackmon family on August 14 in recognition of their special family day.

SECTION 2. May the Blackmon family, and others, perpetuate and enhance the tradition of family reunions where the young and old can pass down family history and lore, where far-flung cousins and new spouses can get to know each other, and where the strong bond of heredity can renew the spirit of each participant.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 381, 1993. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 381, 1993 on July 13, 1993. The proposal approves the Mayor's appointment of Joseph E. Loftus as Deputy Mayor and Director of the Department of Administration for a term ending December 31, 1993. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Curry moved, seconded by Councillor Beadling, for adoption. Proposal No. 381, 1993 was adopted on the following roll call vote; viz:

27 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Jimison, Jones, McClamroch, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

1 NOT VOTING: Hinkle

1 NOT PRESENT: Moriarty

Proposal No. 381, 1993 was retitled COUNCIL RESOLUTION NO. 60, 1993 and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 60, 1993

A COUNCIL RESOLUTION approving the Mayor's appointment of Joseph E. Loftus as Deputy Mayor and Director of the Department of Administration for a term ending December 31, 1993.

August 2, 1993

WHEREAS, pursuant to IC 36-3-3-8 and Sections 2-142 and 2-143 of the "Code of Indianapolis and Marion County, Indiana", a mayoral appointment of a Deputy Mayor and of the Director of the Department of Administration is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Joseph E. Loftus to serve as a Deputy Mayor and Director of the Department of Administration at his pleasure for a term ending December 31, 1993; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Joseph E. Loftus is approved and confirmed by the City-County Council as a Deputy Mayor, and ex officio Director of the Department of Administration, at the pleasure of the Mayor for a term ending December 31, 1993.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA.

Ladies and Gentlemen:

You are hereby notified that REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, August 2, 1993, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Beurt SerVaas
Beurt SerVaas, President
City-County Council

July 13, 1993

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA.

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, July 22, 1993, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 227, 375, 379 and 380, 1993, to be held on Monday, August 2, 1993, at 7:00 p.m., in the City-County Building.

Respectfully,
s/Beverly S. Rippey
Beverly S. Rippey, City Clerk

July 23, 1993

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA.

Ladies and Gentlemen:

Journal of the City-County Council

Pursuant to the laws of the State of Indiana, I caused to be published in The Indianapolis NEWS and The Indianapolis COMMERCIAL on Thursday, July 29, 1993, a copy of LEGAL NOTICE on General Ordinance Nos. 77 and 78, 1993.

Respectfully,
s/Beverly S. Rippy
Beverly S. Rippy, City Clerk

TO THE HONORABLE PRESIDENT AND MEMBERS OF THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have this day approved with my signature and delivered to the Clerk of the City-County Council, Beverly S. Rippy, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 52, 1993, amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Three Million One Hundred Seventy-three Thousand Nine Hundred Thirteen Dollars (\$3,173,913) in the Community Services Fund for purposes of the Department of Metropolitan Development, Community Development Administration and reducing the unappropriated and unencumbered balance in the Community Services Fund.

FISCAL ORDINANCE NO. 53, 1993, amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Sixty-five Thousand Six Hundred Thirty-five Dollars (\$65,635) in the County General Fund for purposes of the Court Administrator and reducing the unappropriated and unencumbered balance in the County General Fund.

FISCAL ORDINANCE NO. 54, 1993, amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Seventy-two Thousand Nine Hundred Ninety Dollars (\$72,990) in the State and Federal Grants Fund for purposes of Community Corrections and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

FISCAL ORDINANCE NO. 55, 1993, amending the 1993 annual budget of the Metropolitan Emergency Communications Agency (MECA) for the City of Indianapolis, Indiana (City-County Fiscal Ordinance No. 59, 1992) appropriating an additional One Million Seven Hundred Seventy-three Thousand Dollars (1,773,000) in the Metropolitan Emergency Communications Agency Fund (Enhanced 9-1-1) for purposes of the Office of the Controller and reducing the unappropriated and unencumbered balance in the Metropolitan Emergency Communications Agency Fund (Enhanced 9-1-1).

SPECIAL RESOLUTION NO. 44, 1993, remembering Sheriff James L. Wells.

SPECIAL RESOLUTION NO. 45, 1993, approving and authorizing certain actions and proceedings with respect to proposed economic development bonds.

SPECIAL RESOLUTION NO. 46, 1993, approving the amounts, locations and programmatic operation of certain projects to be funded from Community Development Grant Funds for \$50,000.

SPECIAL ORDINANCE NO. 8, 1993, authorizing the issuance of City of Indianapolis, Indiana Economic Development Revenue Refunding Bonds, Series 1993 (AlliedSignal Inc. Project) in an aggregate principal amount not to exceed \$3,500,000.

GENERAL ORDINANCE NO. 76, 1992, repealing Sec. 281-325 (formerly Sec. 2-410.5) of the Revised Code concerning Supplemental Juror fees.

GENERAL ORDINANCE NO. 79, 1993, amending the Code by designating crosswalks, establishing safety zones, mark traffic lanes; Section 29-152, Left turns prohibited at enumerated locations; Section 29-267, Parking prohibited at all times on certain streets; and Section 29-271, Stopping, standing and parking prohibited at designated locations.

GENERAL ORDINANCE NO. 77, 1993, creating a Clerk's Record Perpetuation Fund.

GENERAL ORDINANCE NO. 78, 1993, creating an Enhanced Access Board and establishing a dedicated Enhanced Access Fund.

GENERAL ORDINANCE NO. 80, 1993, amending the Code authorizing intersection controls at Allison Pointe Boulevard, Allison Point Terrace, Allison Pointe Terrace, and 82nd Street. (District 3)

August 2, 1993

GENERAL ORDINANCE NO. 81, 1993, amending the Code authorizing intersection controls at Park Avenue and 84th Street. (District 21)

GENERAL ORDINANCE NO. 82, 1993, amending the Code authorizing intersection controls at Fair Drive, Steven Lane, and 72nd Street. (District 2)

GENERAL ORDINANCE NO. 83, 1993, amending the Code authorizing intersection controls at Washington Boulevard and 84th Street. (District 2)

GENERAL ORDINANCE NO. 84, 1993, amending the Code authorizing intersection controls at Bertha Street, Cloverleaf Court, and Hardin Boulevard. (District 18)

GENERAL ORDINANCE NO. 85, 1993, amending the Code authorizing intersection controls at Mitthoefer Road and Prospect Street. (District 13)

GENERAL ORDINANCE NO. 86, 1993, amending the Code prohibiting parking at all times on certain streets. (District 13)

GENERAL ORDINANCE NO. 87, 1993, amending the Code prohibiting parking at all times on certain streets. (Districts 15, 21)

GENERAL ORDINANCE NO. 88, 1993, amending the Code prohibiting parking at designated locations on certain days and hours. (District 22)

GENERAL ORDINANCE NO. 89, 1993, amending the Code prohibiting parking at designated locations on certain days and hours. (District 22)

GENERAL ORDINANCE NO. 90, 1993, amending the Code deleting bus stop and trolley stop zones. (Districts 16, 22)

GENERAL ORDINANCE NO. 91, 1993, amending the Code authorizing weight restrictions on certain streets. (District 18)

GENERAL ORDINANCE NO. 92, 1993, amending the Code authorizing weight restrictions on certain streets. (District 20)

GENERAL ORDINANCE NO. 93, 1993, amending the Code authorizing passenger and material loading zones. (District 22)

GENERAL ORDINANCE NO. 75, 1993, amending the Code by establishing an Office of the Court Administrator. (District 5)

GENERAL ORDINANCE NO. 94, 1993, amending the Code authorizing intersection controls on Old Stone Drive and Promontory Road. (District 5)

GENERAL ORDINANCE NO. 95, 1993, amending the Code authorizing 90-degree parking on Chateau Court. (District 12)

GENERAL ORDINANCE NO. 96, 1993, amending the Code authorizing intersection controls on Arlington Avenue and Thompson Road. (District 23)

Respectfully,
s/Stephen Goldsmith
Stephen Goldsmith

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 391, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE transferring and appropriating for the Department of Administration, Equal Opportunity Division, \$10,000 to purchase new computers and printers"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 392, 1993. Introduced by Councillor Rhodes. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Revised Code by changing the name of the Central Equipment Management Division to Indianapolis Fleet Services Division"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 393, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$60,000 for the Sheriff to pay overtime to officers working Project 55"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 394, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$311,046 in the County Corrections Fund for the Auditor, Sheriff, Community Corrections, and the Marion County Justice Agency to provide for the continuation of various programs"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 395, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$100,000 for the Marion County Justice Agency to purchase surveillance, sweeping, listening, and miscellaneous equipment for the narcotics/intelligence divisions"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 396, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$10,350 for the Marion County Justice Agency, acting as subgrantee for the Indiana Criminal Justice Institute, to pay personnel costs for the Julian Center for its Sojourner Children's Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 397, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE appropriating \$199,877 for Community Corrections to establish the Craine House Family Living Program funded by state and federal grants"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 398, 1993. Introduced by Councillor Moriarty. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by establishing that vehicles used in an act of prostitution are public nuisances"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 399, 1993. Introduced by Councillor Moriarty. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the code by establishing that vehicles used in an act of prostitution which are public nuisances may be abated by sale at a public auction"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 400, 1993. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Revised Code

concerning the rules of the City-County Council"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 401, 1993. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing intersection controls for the Graystone subdivision, Section I (District 23)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 402, 1993. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a stop sign at National Avenue and Rural Street (District 24)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 403, 1993. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop at Temple Avenue and Werges Avenue (District 24)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 404, 1993. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a traffic signal at Madison Avenue and Preddy Drive (District 24)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 405, 1993. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a stop sign on McFarland Lane at the intersection of McFarland Lane and McFarland Boulevard (District 24)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 406, 1993. Introduced by Councillor Golc. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing stop signs at various locations in the vicinity of Morris Street and Alton Avenue (District 17)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 407, 1993. Introduced by Councillor Mullin. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a stop sign on Martin Street at the intersection of Martin Street and Weaver Avenue (District 20)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 408, 1993. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing a multi-way stop at the intersection of Aintree Court/Aintree Drive/Steeplechase Drive (District 3)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 409, 1993. Introduced by Councillors Beadling, Ruhmkorff. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE updating the Code for various intersections in the vicinity of Post Road and 25th Street (Districts 5, 12)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 410, 1993. Introduced by Councillors Jones, Moriarty, Williams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by deleting rush hour parking restrictions on Rural Street from Washington Street to Massachusetts Avenue (Districts 10, 15, 22)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 411, 1993. Introduced by Councillors Brents, Williams. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by changing the parking restrictions for various locations in the downtown area (Districts 16, 22)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 412, 1993. Introduced by Councillors Brents, Golc, Shambaugh. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing parking restrictions for various locations on West 16th Street (Districts 8, 16, 17)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 413, 1993. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing parking restrictions on Drover Street from Oliver Street to Henry Street (District 25)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 414, 1993. Introduced by Councillors Coughenour, Mullin. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by decreasing the speed limit on Madison Avenue from Stop 10 to County Line Road South from 45 mph to 40 mph (Districts 20, 24)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 415, 1993. Introduced by Councillors Borst, Golc. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by (1) increasing the speed limit on Harding Street from Kentucky Avenue to Oliver Street from 35 mph to 40 mph, and (2) authorizing a traffic signal at Harding Street and Howard Street (Districts 17, 25)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 416, 1993. Introduced by Councillor Golc. The Clerk read the proposal entitled: "A Proposal for a GENERAL ORDINANCE amending the Code by authorizing weight limit restrictions on Bertha Street east of Lynhurst Drive (District 17)"; and the President referred it to the Transportation Committee.

PROPOSAL NO. 420, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE for the annual budget for the Police Special Service District for 1994"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 421, 1993. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE for the annual budget for the Fire Special Service District for 1994"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 422, 1993. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT FISCAL ORDINANCE for the annual budget for the Solid Waste Collection Special Service District for 1994"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 423, 1993. Introduced by Councillor Ruhmkorff. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE for the annual budget for the Marion County Department of Public Welfare for 1994;" and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 424, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE for the annual budget for the Metropolitan Emergency Communications Agency for 1994"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 425, 1993. Introduced by Councillor West. The Clerk read the proposal entitled: "A Proposal for a FISCAL ORDINANCE for the annual budget for Indianapolis and Marion County for 1994"; and the President referred it to various committees.

PROPOSAL NO. 436, 1993. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a SPECIAL ORDINANCE electing to fund Metropolitan Emergency Communications Agency in 1994 with County Option Income Tax revenues"; and the President referred it to the Rules and Public Policy Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 426, 1993. Introduced by Councillor Borst. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on July 26, 1993". The Council did not schedule Proposal No. 426, 1993 for hearing pursuant to IC 36-7-46-608. Proposal No. 426, 1993 was retitled REZONING ORDINANCE NO. 91, 1993 and is identified as follows:

REZONING ORDINANCE NO. 91, 1993. 93-Z-17 (DP-1) PERRY TOWNSHIP.
COUNCILMANIC DISTRICT # 25.
7820 BLUFF ROAD (approximate address), INDIANAPOLIS.
ROBERT and VIRGINIA YEAGER, by Ray Good, request the rezoning of 375 acres, being in the D-A and D-3 District, to the DP classification to provide for mixed commercial and residential uses.

PROPOSAL NO. 427, 1993. Introduced by Councillor Borst. The Clerk read the proposal entitled: "REZONING ORDINANCE certified by the Metropolitan Development Commission on July 26, 1993". The Council did not schedule Proposal No. 427, 1993 for hearing pursuant to IC 36-7-46-608. Proposal No. 427, 1993 was retitled REZONING ORDINANCE NO. 92, 1993 and is identified as follows:

REZONING ORDINANCE NO. 92, 1993. 93-Z-55 WASHINGTON TOWNSHIP.
COUNCILMANIC DISTRICT # 03.
9510 BRANDT ROAD (approximate address), INDIANAPOLIS.
BANK ONE INDIANAPOLIS, by Michael J. Kias, requests the rezoning of 7.88 acres, being in the D-A District, to the C-5 classification to provide for commercial development.

PROPOSAL NOS. 428-435, 1993. Introduced by Councillor Borst. The Clerk read the proposals entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on July 26, 1993". The Council did not schedule Proposal Nos. 428-435, 1993 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 428-435, 1993 were retitled REZONING ORDINANCE NOS. 93-100, 1993 and are identified as follows:

REZONING ORDINANCE NO. 93, 1993. 92-Z-138 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 22.

1125 BROOKSIDE AVENUE (approximate address), INDIANAPOLIS.
B & E REALTY, INC., by Joseph D. Calderon, requests the rezoning of 16.7 acres, being in the I-4-U, PK-1, C-2, & D-8 Districts, to the C-S classification to provide for manufacturing, receiving, storage, distribution and offices within an existing building.

REZONING ORDINANCE NO. 94, 1993. 93-Z-71 WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT # 17.

2853-2855 SOUTH HOLT ROAD (approximate address), INDIANAPOLIS.
ELDON D. PALMER, by Michael J. Kias, requests the rezoning of 3.338 acres, being in the I-3-U District, to the C-7 classification to provide for commercial development.

REZONING ORDINANCE NO. 95, 1993. 93-Z-72 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 22.

232-234 NORTH COLLEGE AVENUE, INDIANAPOLIS,
GEORGE R. WRIGHT requests the rezoning of 0.21 acre, being in the I-3-U/RC District, to the CBD-2/RC classification to provide for commercial development.

REZONING ORDINANCE NO. 96, 1993. 93-Z-80 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 16.

307 SOUTH MISSOURI STREET (approximate address), INDIANAPOLIS.
CAPITAL IMPROVEMENT BOARD OF MANAGERS OF MARION COUNTY, INDIANA, by Mary E. Solada, requests the rezoning of 0.47 acre, being in the I-3-U\RC District, to the CBD-2\RC classification to provide for an open-air parking area.

REZONING ORDINANCE NO. 97, 1993. 93-Z-81 FRANKLIN TOWNSHIP.
COUNCILMANIC DISTRICT # 23.

7950 FRYE ROAD (approximate address), INDIANAPOLIS.
FRYE ROAD DEVELOPMENT CORPORATION, by Thomas Michael Quinn, requests the rezoning of 72.7 acres, being in the D-A District, to the D-2 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 98, 1993. 93-Z-82 CENTER TOWNSHIP.
COUNCILMANIC DISTRICT # 16.

531-537 INDIANA AVENUE (approximate address), INDIANAPOLIS.
CITY OF INDIANAPOLIS, DEPT OF METROPOLITAN DEVELOPMENT, requests the rezoning of 0.75 acre, being in the I-3-U/RC District, to the CBD-2/RC classification to provide for the construction of a new office building.

REZONING ORDINANCE NO. 99, 1993. 93-Z-83 WAYNE TOWNSHIP.
COUNCILMANIC DISTRICT # 17.

4850 WEST MARTHA STREET (approximate address), INDIANAPOLIS.
THE DISABLED AMERICAN VETERANS, DEPARTMENT OF INDIANA, by Robert Ullrich, requests the rezoning of 3.018 acres, being in the SU-1 District, to the SU-7 classification to provide for the administrative office and headquarters for the Disabled American Veterans.

REZONING ORDINANCE NO. 100, 1993. 93-Z-85 WASHINGTON TOWNSHIP.
COUNCILMANIC DISTRICT # 09.

4802 NORTH MICHIGAN ROAD (approximate address), INDIANAPOLIS.
SECOND REFORMED PRESBYTERIAN CHURCH requests the rezoning of 4.94 acres, being in the D-2 District, to the SU-1 classification to provide for an existing church.

SPECIAL ORDERS - PUBLIC HEARING

PROPOSAL NO. 108, 1993. This proposal appropriates \$27,677 for the Superior Court, Criminal Division, Room Five, to cover overtime expenses and the salary of an additional clerk. Councillor Dowden asked for consent to postpone Proposal No. 108, 1993 until August 23, 1993. Consent was given.

PROPOSAL NO. 196, 1993. This proposal appropriates \$21,851 for the Superior Court, Juvenile Division/Detention Center, to pay the salary of a truancy probation officer. Councillor Dowden asked for consent to postpone Proposal No. 196, 1993 until August 23, 1993.

PROPOSAL NO. 227, 1993. Councillor Rhodes reported that the Administration and Finance Committee heard Proposal No. 227, 1993 on July 27, 1993. The proposal appropriates \$165,824 for the Cable Communications Agency to cover the following expenses: (1) salaries through the end of fiscal year 1993, (2) cable franchise renewal procedures, and (3) the upgrade, maintenance and repair of equipment. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Rhodes said that the amount in Personal Services has to be reduced to be consistent with City guidelines for 1993; therefore, he moved that Character 01 be reduced from \$34,315 to \$18,911 making the total appropriation for the Cable Communications Agency to be \$150,420. This motion passed by unanimous voice vote.

The President called for public testimony at 8:14 p.m. There being no one present to testify, Councillor Rhodes moved, seconded by Councillor Coughenour, for adoption. Proposal No. 227, 1993, as amended, was adopted on the following roll call vote; viz:

25 YEAS: Beadling, Black, Boyd, Coughenour, Curry, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams

0 NAYS:

3 NOT VOTING: Borst, Brents, Dowden

1 NOT PRESENT: Moriarty

Proposal No. 227, 1993, as amended, was retitled FISCAL ORDINANCE NO. 57, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 57, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional One Hundred Fifty Thousand Four Hundred Twenty Dollars (\$150,420) in the City General Fund for purposes of the Cable Communications Agency and reducing the unappropriated and unencumbered balance in the City General Fund.

**BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (ddd) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Cable Communications Agency to cover the following expenses: (1) salaries through the end of fiscal year 1993, (2) cable franchise renewal procedures, and (3) the upgrade, maintenance and repair of equipment.

SECTION 2. The sum of One Hundred Fifty Thousand Four Hundred Twenty Dollars (\$150,420) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>CABLE COMMUNICATIONS AGENCY</u>	<u>CITY GENERAL FUND</u>
1. Personal Services	\$ 18,911
3. Other Services and Charges	67,357
4. Capital Outlay	<u>64,152</u>
TOTAL INCREASE	\$150,420

SECTION 4. The said additional appropriation is funded by the following reduction:

	<u>CITY GENERAL FUND</u>
Unappropriated and Unencumbered City General Fund	<u>\$150,420</u>
TOTAL REDUCTION	\$150,420

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 375, 1993. This proposal appropriates \$66,900 for the Office of the Controller for a grant to Marion County Commission on Youth, Inc. and reducing the appropriation from the Youth and Family Services Fund. Councillor Ruhmkorff asked for consent to postpone Proposal No. 375, 1993. Consent was given.

PROPOSAL NO. 379, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 379, 1993 on July 14, 1993. The proposal appropriates \$445,140 for the Marion County Justice Agency to continue the Metro Drug Task Force for the 1993-94 fiscal year. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 8:19 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 379, 1993, as amended, was adopted on the following roll call vote; viz:

- 25 YEAS: *Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Mullin, O'Dell, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, West, Williams*
- 0 NAYS:
- 3 NOT VOTING: *Beadling, Rhodes, Smith*
- 1 NOT PRESENT: *Moriarty*

Proposal No. 379, 1993, as amended, was retitled FISCAL ORDINANCE NO. 58, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 58, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) appropriating an additional Four Hundred Forty-five Thousand One Hundred Forty Dollars (\$445,140) in the State and Federal Grants Fund for purposes of the Marion County Justice Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (dd) of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Marion County Justice Agency to fund salaries for law enforcement officers participating in the multi-jurisdictional pursuit of illegal drug activities. They are: (1) Sheriff's Department \$49,995, (2) Prosecutor's Office \$138,261, and (3) the County Auditor's Office \$38,301.

SECTION 2. The sum of Four Hundred Forty-five Thousand One Hundred Forty Dollars (\$445,140) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriations are hereby approved:

<u>MARION COUNTY JUSTICE AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	218,583
<u>COUNTY SHERIFF</u>	
1. Personal Services	49,995
<u>PROSECUTING ATTORNEY</u>	
1. Personal Services	138,261
<u>COUNTY AUDITOR</u>	
1. Personal Services (fringes)	<u>38,301</u>
 TOTAL INCREASE	 \$445,140

SECTION 4. The said additional appropriations are funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>\$445,140</u>
TOTAL REDUCTION	<u>\$445,140</u>

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 380, 1993. The proposal transfers and appropriates \$687,907 for the Marion County Public Defender Agency to transfer certain employees from the Presiding Judge of the Municipal Court budget to the Marion County Public Defender Agency budget, to provide for the staffing of the office of Chief Public Defender, to provide for expense of death penalty cases and certain other expenditures in excess of the amounts budgeted. Councillor Dowden asked for consent to postpone Proposal No. 380, 1993 until August 23, 1993. Consent was given.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 320, 1993. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 320, 1993 on July 19, 1993. The proposal consolidates the Commercial Special Exception Ordinance, the Adult Entertainment Business Ordinance and the Commercial Zoning Ordinance into one document. This ordinance is the product of three years of intensive work by neighborhood and business groups and it was adopted unanimously by the Metropolitan Development Commission on May 19, 1993 without remonstrance.

The President passed the gavel to Councillor West.

The President said that two years ago he suggested to the administration that the size of the parking spaces not be reduced because of the many vans, pick-up trucks and larger vehicles that are now on the road. Section 2.10 (D)(2) in Proposal No. 320, 1993 reduces the size of the parking spaces. It reads as follows:

D. MINIMUM PARKING LOT AND PARKING SPACE DIMENSIONS

2. ~~A Each required~~ off-street parking space shall have, regardless of angle of parking, a usable parking space dimension measuring not less than ~~nine (9) eight and one-half (8 1/2)~~ feet in width (measured perpendicularly from the sides of the parking space) and not less than eighteen (18) feet in length; provided, however, that the total usable parking space area shall be, ~~in no instance, less than one hundred eighty (180) square feet in total area~~ at least one hundred fifty three (153) square feet.

The President said that he spoke with the administration and that it has no problem with keeping the present width for parking. He moved that Proposal No. 320, 1993, Section 2.10, subsection D, paragraph 2, be amended to restore the language as it currently reads. It would read as follows:

D. MINIMUM PARKING LOT AND PARKING SPACE DIMENSIONS

2. A required off-street parking space shall have, regardless of angle of parking, a usable parking space measuring not less than nine (9) feet in width (measured perpendicularly from the sides of the parking space) and eighteen (18) feet in length; provided, however, that the total parking space area shall be, in no instance, less than one hundred eighty (180) square feet in total area.

Councillor Curry seconded the motion.

Councillor Borst asked Ed Mitro, Senior Planner, Department of Metropolitan Development, if this amendment would have an effect on any other part of the ordinance and what was the rationale for making it one half foot less in width. Mr. Mitro replied that if this provision is changed none of the other portions of the ordinance would be affected. He said that the present parking requirements date from 1969. The national trend has been to reduce the overall square footage of parking spaces because of the downsizing of the current cars. He said that if the Council restores the dimension to 9x18 the square footage requirement should read 162 square feet, not 180 square feet.

Councillor Beadling asked for clarification of the President's amendment: (1) are the dimensions 9x18 or 9x20, and (2) is the square footage 162 or 180. The President replied that there is no change in the length, just the width. It is to retain the present size of the parking spaces, not reduce it.

Robert Elrod, General Counsel, said that he believes that the original calculation was incorrect. The dimensions in the original were 9x18, but it called for an area of 180 square footage.

Councillor McClamroch said that in his opinion the dimensions should equal the square footage requirement.

Councillor Rhodes said that he believes there are three possibilities of dimensions and square footage: 9x20/180, 9x18/162, or 8½x18/153. He moved to amend the President's

amendment by making the dimensions 9x18 and the square footage 162. Councillor Gilmer seconded.

Councillors Borst and Hinkle said that they would vote against the amendment because so many groups discussed this issue and also because the dimensions and square footage are minimum standards.

Councillor Rhodes' motion failed by the following roll call vote; viz:

14 YEAS: Beadling, Black, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, McClamroch, Mullin, Rhodes, SerVaas, West

14 NAYS: Borst, Boyd, Golc, Gray, Hinkle, Jimison, Jones, O'Dell, Ruhmkorff, Schneider, Shambaugh, Short, Smith, Williams

1 NOT PRESENT: Moriarty

The President's motion passed by the following roll call vote; viz:

14 YEAS: Beadling, Black, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, McClamroch, Mullin, Rhodes, SerVaas, West

13 NAYS: Borst, Boyd, Golc, Gray, Hinkle, Jimison, Jones, O'Dell, Ruhmkorff, Schneider, Shambaugh, Short, Williams

1 NOT VOTING: Smith

1 NOT PRESENT: Moriarty

Councillor West returned the gavel to the President.

Proposal No. 320, 1993, as amended, was adopted by the following roll call vote; viz:

26 YEAS: Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Mullin, O'Dell, Rhodes, Ruhmkorff, Shambaugh, Short, Smith, West, Williams

0 NAYS:

2 NOT VOTING: Schneider, SerVaas

1 NOT PRESENT: Moriarty

Proposal No. 320, 1993, as amended, was retitled GENERAL ORDINANCE NO. 97, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 97, 1993
Proposal No. 320, 1993
METROPOLITAN DEVELOPMENT COMMISSION
Docket No. 92-AO-4

A GENERAL ORDINANCE to amend Marion County Council Ordinance No. 8-1957 as amended, the Zoning Ordinance for Marion County which ordinance includes the Commercial Districts Zoning Ordinance, as amended, and fixing a time when the same shall take effect.

WHEREAS, IC 36-7-4 establishes the Metropolitan Development Commission of Marion County, Indiana, as the single planning and zoning authority for Marion County, Indiana, and empowers the Metropolitan Development Commission to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; and,

WHEREAS, The Commercial Districts Zoning Ordinance for Marion County, Indiana, 69-AO-1, has been amended but has not been revised substantially in twenty years; and,

WHEREAS, in the time period since the original adoption of the Commercial Districts Zoning Ordinance, commercial development technology has changed, with many innovations not being allowed in the Commercial Districts Zoning Ordinance; and,

WHEREAS, in the time period since the original adoption of the Commercial Districts Zoning Ordinance for Marion County, Indiana, development patterns and consumer preferences within the County have changed, with these changes also not being reflected in the Commercial Districts Zoning Ordinance; and,

WHEREAS, in the same time period, neighborhood organizations and citizens have grown increasingly concerned over the type and quality of commercial environment and development occurring in and near their areas; and,

WHEREAS, the Metropolitan Development Commission and the City- County Council desire to address the needs of the commercial development industry, neighborhood organizations and citizens in preparing an ordinance which meets the long-term needs of the City/County as a whole; and,

WHEREAS, in preparing such an ordinance, the Metropolitan Development Commission and the City-County Council desire to include all commercial activities and therefore the ordinance consolidates all classifications, applicable permitted uses and standards pertaining to the Commercial Special Exceptions Ordinance and The Adult Entertainment Business Zoning Ordinance into the revised Commercial Zoning Ordinance; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Commercial Districts Zoning Ordinance of Marion County, Indiana, adopted as an amendment under Marion County Council Ordinance No. 8, 1957, as adopted and amended under Metropolitan Development Commission Docket Numbers 69-AO-1, 75-AO-3, 76-AO-3, 79-AO-4 and 80-AO-1, as amended, pursuant to IC-36-7-4, be further amended by deleting the stricken-through language and inserting the underlined language as follows:

CHAPTER I

COMMERCIAL ZONING DISTRICTS

Sec. 1.00. Establishment of Commercial Zoning Districts.

The following primary Commercial Zoning Districts for Marion County, Indiana, are hereby established, and land within said county zoned to said district classifications shall be designated on the applicable zoning maps by the following zoning district symbols, respectively (which maps are a part of said Ordinance No. 8-1957, as amended, and are hereby incorporated by reference and made a part of this ordinance):

<u>TITLE</u>	<u>SYMBOL</u>
Office-Buffer District	C-1
High Intensity Office-Apartment District	C-2
Neighborhood Commercial District	C-3
Corridor Commercial District	C-3C
Community-Regional Commercial District	C-4
General Commercial District	C-5
Thoroughfare Service District	C-6
High Intensity Commercial District	C-7

Commercial-Industrial District C-ID
 Special Commercial District C-S

CHAPTER II
 COMMERCIAL DISTRICT REGULATIONS

Sec. 2.00. General Commercial zoning District regulations.

The following regulations and performance standards shall apply to all land within the Commercial Zoning Districts.

A. ~~General Regulations~~ Applicability of regulations. ~~1-Conformance~~ After the effective date of this ordinance:

a 1. 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 ordinance.

2. A lot may be divided into two (2) or more lots, provided that all resulting lots and all buildings thereon shall comply with all of the applicable provisions of the Commercial Districts Zoning Ordinance of Marion County. 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 3. 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 ordinance.

a. Restoration of legally established nonconforming uses, structures, buildings. Provided, however, ~~legally established nonconforming uses and structures or buildings not located in any Flood Control District may be reconstructed~~ restored to their original dimensions and conditions if damaged or partially destroyed by fire or other naturally occurring disaster, when such provided the damage or destruction does not exceed two-thirds (2/3) of the ~~value~~ gross floor area of the building or structures or facilities affected.

~~2.~~ b. Established setbacks ~~new building exception.~~ In any block in which an existing front yard depth and setback is established (by existing legally established buildings structures within the same Commercial or Industrial District) for more than twenty-five percent (25%) of the linear frontage of the block (or a distance of two hundred (200) linear feet in either direction, whichever is the lesser), the minimum required ~~minimum~~ front yard depth and setback for any new building or structure, except surface parking lots, shall be the average of such established yards if such dimension is less than the minimum required front setback established by this ordinance. Provided, however, that in no case shall a building or structure:

- encroach upon any proposed right-of-way, as determined by The Official Thoroughfare Plan of Marion County, Indiana adopted March 6, 1993, unless subject to the provisions of Section 2.13, A.;
- encroach upon any existing right-of-way if no proposed right-of-way exists or if the existing right-of-way is greater than the proposed right-of-way; or,
- encroach into a clear sight triangular area, as required in Section 2.13, C. ~~such minimum required setback be less than ten (10) feet~~

c. Expansion along an existing legally established nonconforming front setback line. The minimum required front setback in any Commercial District for any existing building, having a legally established front setback line which is less than the required front setback of the District, shall be modified to permit expansion of such building along the structure's legally established front setback, provided that:

- (1) only a one time expansion along the legally established nonconforming setback line shall be permitted; and,

- (2) the linear front footage of the expansion does not exceed fifty percent (50%) of the linear front footage of the existing building, and all other requirements of this ordinance are maintained for the expansion.

Provided, however, that in no case shall a building or structure:

- encroach upon any proposed right-of-way, as determined by The Official Thoroughfare Plan of Marion County, Indiana, adopted March 6, 1993, unless subject to the provisions of Section 2.13, A.;
- encroach upon any existing right-of-way if no proposed right-of-way exists or if the existing right-of-way is greater than the proposed right-of-way; or,
- encroach into a clear sight triangular area, as required in Section 2.13, C.

d. Expansion along an existing legally established nonconforming side setback line. The minimum required side setback in any Commercial District for any existing building, having a legally established side setback line which is less than the required side setback of the District, shall be modified to permit expansion of such building along its legally established nonconforming side setback line between the established front setback line and the established rear setback line provided that:

- (1) only a one time expansion along the legally established setback line shall be permitted; and,
- (2) the linear footage of such expansion does not exceed fifty percent (50%) of the linear footage of the building along that side setback line, and all other requirements of this ordinance are maintained for the expansion; and,
- (3) this exception shall not apply to required side transitional yards.

e. Discontinuation of nonconformity. The lawful nonconforming use or occupancy of any lot, in a Commercial District, existing at the time of the effective date of this Ordinance, may be continued as a nonconforming use, but if such nonconforming use is discontinued for one (1) year, any future use or occupancy of said land shall be in conformity with the use provisions of this ordinance.

3 4. Integrated center. Land uses permitted in each of the a Commercial Districts established by this ordinance may be grouped together in to create an integrated centers in those that districts. Integrated centers are defined in Section 2.16. Such groupings may be comprised of either:

- a. a number of individual, nonrelated and separately operated uses in one building sharing common site facilities; or
- b. one or more buildings containing nonrelated and separately operated uses occupying a common site, which utilize one of a combination of common site facilities, such as driveway entrances, driving entrances, driving lanes, parking areas, maintenance and similar common services; or
- c. one or more buildings containing nonrelated and separately operated uses occupying individual sites, which are inter-related by the utilization of one or a combination of common facilities such as driveway entrances, public or private street network, parking areas, maintenance and other services.

5. Building or structural height exception. The following exceptions to the maximum vertical height of buildings and structures shall be permitted:

- a. Parapet walls not exceeding two (2) feet in height from the roof line.
- b. Roof structures for the housing of elevators, stairways, air conditioning apparatus, ventilating fans, sky lights, or similar equipment to operate and maintain the building or structure.
- c. Chimneys, flag poles, radio and television antennas, satellite dishes, and other similar structures, not exceeding twenty-five (25) feet in height from the roof line.

6. Lot frontage exception. Any lot recorded or any platted lot recorded prior to the adoption of 92-AO-4, having less than the minimum frontage required by the applicable Commercial District regulations of this Ordinance, shall be deemed an exception to such minimum frontage requirement, and a commercial establishment may be constructed thereon provided all other requirements of this ordinance, unless specifically excepted in Section 2.00, shall be maintained.
7. 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, Article XXIII, Chapter 17 of the Code of Indianapolis and Marion County, Indiana and shall not be subject to the provisions of this Ordinance.

B. Performance standards. All uses established or placed into operation after ~~April 8, 1969 the effective date of this ordinance~~ shall comply with the following performance standards. No use in existence on the effective date of this ordinance shall be so altered or modified as to conflict with these standards.

1. *Vibration.* No use shall cause earth vibration or concussions detectable beyond the lot lines without the aid of instruments.
2. *Smoke, dust and particulate matter.* Smoke, dust, particulate matter and any other airborne material shall be subject to the standards and regulations of ~~Chapter Four of the Municipal Code of the General Ordinance No. 109, 1967, Air Pollution~~ City of Indianapolis, which ordinance is on file in the office of the Division of ~~Planning and Zoning~~ Neighborhood and Development Services, Department of Metropolitan Development of Marion County, Indiana, and is 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, 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 odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
5. *Sound.* No use shall produce sound in such a manner as to endanger the public health, safety or welfare, or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.
6. *Heat and glare.* No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
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 Stream Pollution Control Board of the State of Indiana 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.

Sec. 2.01. C-1 Office-Buffer Commercial District.

~~Statement of Purpose of C-1 District.~~ The C-1 District is designed to provide specific areas where office ~~functions~~ uses, compatible office-type ~~businesses~~ uses, such as medical and dental facilities, education services, and certain public and semi-public uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt this District's type of use in its function as a buffer. Since these office, office-type and public and semi-public structures are typically much less commercial in appearance and architecturally more harmonious with residential structures, this District can serve as a buffer between ~~residential areas~~ Protected Districts and the more intense commercial uses or industrial areas/districts. This District, with its offices and other buffer-type ~~functions~~ uses, also is designed for use along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.

A. Permitted C-1 district uses. ~~The following uses shall be permitted in the C-1 District. All Permitted uses in the C-1 District shall conform to the~~ General Commercial District ~~Regulations and~~ Performance

~~Standards of Section 2.00 and the C-1 District Development Standards of Section 2.01, B and to any additional and/or more restrictive requirements specified in this section.~~

- ~~1. Any office use or complex, including: Professional, business and governmental offices, banks, savings and loan.~~
- ~~2. Public and semi public uses such as libraries, museums, community centers, galleries, civic clubs.~~
- ~~3. Educational institution, including professional, business or clerical school, kindergarten, day nursery.~~
- ~~4. Nursing and convalescent homes.~~
- ~~5. Medical or dental clinics and laboratories, mortuaries.~~

The following uses shall be permitted in the C-1 District:

1. Auditorium, assembly hall.
2. Community, multiservice, neighborhood or senior citizens' center.
3. Day care center (adult, child or handicapped).
4. Health services (excluding Hospitals or Plasma Centers), including the following:

<u>Blood donor stations</u>	<u>Offices and Clinics of:</u>
<u>Convalescent or nursing homes</u>	<u>Chiropractors</u>
<u>Immediate care facilities</u>	<u>Dentists</u>
<u>Intermediate care facilities</u>	<u>Optometrists</u>
<u>Medical or dental laboratories</u>	<u>Osteopathic physicians</u>
<u>Nursing care (skilled) Facilities</u>	<u>Outpatient clinics</u>
	<u>Physicians (MD)</u>
	<u>Podiatrists</u>
5. Membership organization or club, any type. The following organizations, however, shall be limited to offices only:

<u>Athletic club</u>	<u>Fraternity or sorority</u>
<u>Automobile owners' association or club</u>	<u>Homeowner's association</u>
<u>Condominium association</u>	<u>(except property management)</u>
<u>(except property management)</u>	<u>Manufacturer's institute</u>
<u>Contractor's association</u>	<u>Tenant association</u>
<u>Farm bureau or grange</u>	<u>(except property management)</u>
6. Mortuary, funeral home.
7. Office use, any type including:

<u>Business or personal service</u>	<u>Governmental</u>
<u>Financial (bank, savings and loan,</u>	<u>Professional</u>
<u>credit union, etc.)</u>	<u>Social services (office only)</u>
8. Office or studio of the following:

<u>Radio station</u>	<u>Television station</u>
----------------------	---------------------------
9. Public and semi-public uses, including:

<u>Art gallery (excluding sales)</u>	<u>Library</u>
<u>Civic clubs</u>	<u>Museum</u>
	<u>Planetarium</u>

10. Schools/educational services, shall include only the following:

- | | |
|---------------------------------|--------------------------------|
| <u>Business and secretarial</u> | <u>Language</u> |
| <u>Clerical</u> | <u>Music</u> |
| <u>Correspondence</u> | <u>Nursery</u> |
| <u>Data processing</u> | <u>Vocational or technical</u> |
| <u>Junior college</u> | |

- 6 11. Accessory uses and structures, subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and in the same building with the primary use and accessory retail and service commercial uses as permitted below and subject to the provisions of Section 2.01, B, 1, g., provided no exterior signage announcing such services or advertising to the public shall be permitted. Such permitted supportive services shall include pharmacy accessory to building medical offices, cafeteria, tobacco/candy/newspaper counter and similar uses designed and operated principally for service to building occupants, provided the total area occupied by such accessory uses shall not exceed ten (10) percent of the gross leasable area of the building.

- | | |
|---|--|
| <u>Cafeteria (serving office employees and guests only)</u> | <u>Office supplies</u> |
| <u>Drug store/pharmacy</u> | <u>Optical goods</u> |
| <u>Florist (including florist telegraph service)</u> | <u>Photocopying and duplicating services</u> |
| <u>News dealers and newsstands</u> | <u>Restaurant (serving office employees and guests only)</u> |

- 7 12. Temporary structures, including temporary signs, fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction -to be included in the Improvement Location Permit for the primary use and to be removed concurrently with completion of construction of the primary use. shall be subject to the requirements of Section 2.13, E.

B. C-1 District Development Standards.

1. Use.

- a. All uses and operations (except off-street parking, off-street loading and delivery, and drive-in/through customer service windows) shall be conducted within completely within enclosed buildings. On-site vehicular circulation and traffic patterns for all drive-in/through facilities shall be subject to the requirements of Section 2.12, approval of the Metropolitan Development Commission or the Administrator of the Division of Planning and Zoning of the Department of Metropolitan Development if so authorized by said Commission, prior to the issuance of an Improvement Location Permit.
- b. No outdoor storage shall be permitted, except trash containers. Trash containers exceeding six (6) cubic feet shall:
- (1) be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any Protected District, nor shall it be viewed from any street frontage; and,
 - (2) be located behind the established front building line; and,
 - (3) not be located within a required yard or required transitional yard.
- c. No vending machines shall be permitted on the exterior of any building or structure on the premises. Vending machines may be located within a building.
- b d. No merchandise shall be produced, stored or handled on the premises for purposes of delivery or for sale at retail, wholesale or discount to the public or other businesses unless minor and incidental to the primary office function of the permitted primary use or as reasonably needed for the supportive services or permitted accessory retail and service commercial uses.
- e e. No exterior display show windows or other exterior display displaying, promoting or advertising products, merchandise or services retailed, offered, promoted or advertised by the use occupying the premises, shall be permitted.

- f. Automated Teller Machines (ATM's) are permitted accessory uses in this District provided they are not free standing. ATM's shall meet the requirements of Section 2.12 if they are drive-through in nature.
- g. Accessory uses or structures, if utilized, shall:
- (1) have a total gross floor area for accessory retail or service commercial uses which does not exceed ten percent (10%) of the total gross floor area of the primary building in which the use is located; and,
 - (2) have accessory retail or service commercial uses for the primary purpose of serving the occupants or employees of the primary use structures; and,
 - (3) have a total gross square footage for all accessory structures which does not exceed ten percent (10%) of the total gross square footage of all primary structures on the lot.
2. Required minimum street frontage. Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to Section 2.00, A, 6, Lot frontage exception), and shall gain access from said street frontage.
- 2 3. Required minimum front yards, minimum front setback. a. A front yard, having at least (25) feet width of frontage on a public street and having a minimum depth in accordance with the following. The setback requirements of Section 2.13, A, shall be provided along the all street right- of-way lines, unless subject to the Established setback provisions of sSection 2.00, A, 23, b. or c.

Excluding canopies, eaves, cornices and/or any other laterally supported extensions, any of which may extend into the required yard a maximum of four (4) feet, no part of any structure shall be built closer to the centerline of the following streets (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than:

1. <u>Expressway:</u>	<u>Eighty-five (85) feet</u>
2. <u>Primary Thoroughfare or Parkway</u>	<u>Seventy (70) feet</u>
3. <u>Secondary Thoroughfare</u>	<u>Seventy (70) feet</u>
4. <u>Collector Street</u>	<u>Sixty (60) feet</u>
5. <u>Local Street & Cul-de-Sac</u>	<u>Fifty-five (55) feet</u>

Provided, however, in no event shall the required minimum front setback be located closer to the proposed right of way of any Expressway, Primary Thoroughfare or Secondary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than ten (10) feet.

- b. No part of any structure shall be built closer to the right of way line of a Federal Interstate route than ten (10) feet, except: Front roads immediately paralleling Federal Interstate routes (with a coinciding right of way boundary) shall be considered a collector street, requiring a front setback of twenty five (25) feet from the right of way of such front road unless such front road is designated otherwise on the Official Thoroughfare Plan of Marion County, Indiana, or on the Subdivision Control Ordinance of Marion County, Indiana
- (3) Required corner side yard, double frontage lot minimum setback. In any case where the side or rear lot line abuts a street right of way line, there shall be provided a side or rear yard in which the setback of any structure shall comply with the Minimum front setback requirements of section 2.01, B, 2, unless subject to the Established setback provisions of section 2.00, A, 2.
4. Required minimum side yards, minimum side setbacks.

A side yard setback and landscaped side yard of not less than ten (10) eight (8) feet in depth, measured from and paralleling the lot line, shall be provided along each side lot line, (unless subject to the additional transitional yard setback requirements of sSection 2.01, B, 6 or 8. ,for building or structural heights in excess of thirty five (35) feet, or transitional yards requirements of section 2.01, B, 7). If any portion of a side yard is used for a driveway or off-street parking area, there shall be provided and maintained along the entire length of such lot line, a three (3) foot landscaped strip, extending the full length thereof; provided, however, that where dedicated alley separates a side yard from the adjacent property, the entire required side yard may be used for off-street parking and/or driveway.

5. Required minimum rear yards, minimum rear setback. A rear yard and setback and landscaped rear yard of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided along the rear lot line (unless subject to the additional transitional yard setback requirements of Section 2.01, B, 6 or 8, for building or structural heights in excess of thirty-five (35) feet or transitional yards requirements of section 2.01, B, 7). Said rear yard, whether abutting an adjacent property or separated therefrom by a dedicated alley, may be entirely used for off-street parking and/or driveway.
- 7 6. Required transitional yards, minimum setbacks. a. Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a Residential Protected District are subject to the requirements of Section 2.01, B, 7 or 8 in addition to the following requirements:
- 4 a. Where a front yard abuts a street on the opposite side of which is a residential Protected District, ~~the~~ a minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street, shall be provided the same as the standard front yard and setback requirement of section 2.01, B, 2, unless subject to the regulations of Section 2.00, A, 3, b or c, or Section 2.13, A. In the case where a proposed right-of-way line does not exist or the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement. ~~provided, however, the front yard use of such minimum required transitional front yard shall not include off-street parking if said abutting street is a Collector, Local or Marginal Access Street, Cul-de-Sac or Parkway. If the abutting street is an Expressway, Primary or Secondary Thoroughfare, the front yard may include off-street parking provided a fifteen (15) foot wide strip of said required front yard, paralleling and measured from the front lot line, and extending the full length thereof (except for walks, access cuts and driveways) shall be maintained a landscaped portion of the yard in conformance with section 2.01, B, 7, b, (1).~~
- 2 b. Where a side or rear lot line abuts ~~either a side or rear~~ a lot line in an adjacent residential Protected District, a required side or rear transitional yard and setback of not less than fifteen (15) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

- (1) ~~Provided, however, w~~Where a dedicated alley separates such side or rear lot line from the residential Protected District, said required side or rear transitional yard and setback shall be not less than ten (10) feet.
- (2) Where the ground area required for required transitional yards exceeds twenty percent (20%) of the lot area, the width of the side or rear transitional yards may be reduced by one-half (1/2), but to not less individually than six (6) foot planting areas, provided a six (6) foot opaque wooden fence or solid wall is erected.
- (3) ~~Transitional Yards Exception~~ The transitional yard requirements of ~~s~~Section 2.01, B, 7 6 shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although ~~residentially~~ zoned as a Protected District.
- b. ~~Screening and landscaping of transitional yards - Yards Fronting Upon or Abutting a Residential District~~
- (1) ~~Front transitional yards (fronting upon a residential District) shall be landscaped in an open pattern, in grass and shrubbery, trees and/or hedge to provide a partial screening of the commercial use. An ornamental, decorative fence or masonry wall, not mote than two and one-half (2 1/2) feet in height if solid, or six (6) feet if open, may be used in conjunction with the landscaping. Provided however, along any portion of said transitional front yard in which an off-street an off-street parking area is located there shall be provided and maintained along the front line of the parking area a buffer screen of either:~~

~~Architectural Screen - a wall or fence of ornamental block, brick, solid wood fencing, or combination thereof. Said wall or fence shall be at least 42 inches in height to restrict any view therethrough, or~~

~~Plant Material Screen – a compact hedge of evergreen or deciduous shrubs, at least 36 inches in height at the time of planting.~~

~~Ground area between such wall, fence or hedge and the front lot line shall be planted and maintained in grass, other suitable ground cover, shrubbery and/or trees. All shrubs and trees shall be planted or transplanted with a ball of earth and shall meet the standards of the American Association of Nurserymen (a copy of which is on file in the office of the Division of Planning and Zoning, Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made a part thereof).~~

- ~~(2) Side and rear transitional yards (abutting residential Districts) shall be landscaped in grass and shrubbery, trees, and/or hedge to form an effective screening of the commercial use. An ornamental decorative fence or masonry wall, may be used in conjunction with the landscaping. Provided however, driveways, off-street parking and loading areas shall not be permitted in the side and rear transitional yards. If any side or rear portion of a lot other than the transitional yards is to be used for a driveway, off-street parking area and/or loading area, there shall be provided and maintained along the length of the drive and/or parking or loading area at the lot line or up to a distance of ten (10) feet from the lot line, and to the front setback line, a landscape screen, wall or fence of opaque landscape materials, ornamental block, brick, solid wood fencing or combination thereof. Said screen, wall or fence shall be constructed to a height of six (6) feet and shall be designed and constructed to restrict any view therethrough. The yard shall be landscaped and maintained for its length in grass with shrubbery and/or trees planted and maintained at intervals of ten (10) feet on center and to a minimum height of thirty six (36) inches for shrubbery and six (6) feet for trees at time of planting, or comparable treatment.~~
- ~~(3) To provide maximum flexibility in the landscape design of said screen and ground area, a variety of plant material may be used, provided however, that a plan indicating the species, variety, size, spacing and location of all plants shall be filed with the Division of Planning and Zoning of the Department of Metropolitan Development and approved by the Metropolitan Development Commission or the Administrator of the Division of Planning and Zoning if so authorized by said Commission, prior to the issuance of an Improvement Location Permit.~~

6 7. Use of required yards and required transitional yards. All required yards and required transitional yards shall be landscaped ~~in~~ with grass, and shrubbery, trees, and/or hedge, or in combination with other suitable ground cover materials, subject to the requirements of Section 2.13, G, and shall remain as open space free from structures except where expressly permitted by this Ordinance:

a. ~~Required front yards may include:~~

- ~~(1) may include Ppedestrian walks, access cuts driveways, flag poles, fences, screening walls and similar appurtenant structures; uses and,~~
- ~~(2) shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A.~~

~~(2) Off-street parking provided, however, a six (6) foot wide strip of the required front yard, paralleling and measured from the front lot line, and extending the full length thereof (except for walks, access cuts and driveways), shall be maintained as a landscaped portion of the front yard as required above, unless subject to the transitional yard requirements of section 2.01, B, 7.~~

b. ~~Except as prohibited by section 2.01, B, 7~~ Required side and rear yards may include:

- ~~(1) may include Ppedestrian walks, access cuts, driveways interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and, uses.~~
- ~~(2) Off-street may include interior access drives and parking areas, unless subject to the transitional yard requirements of Section 2.01, B, 6 or 8, provided subject to the requirements of section 2.01, B, 4, or 2.01, B, 7, as applicable and section 2.09 a six (6) foot wide landscaped strip of the required yard, adjacent to the lot line while paralleling and extending the full length of such lot line, except when interrupted by interior access driveway(s), shall be maintained.~~

- c. Required front, side or rear transitional yards:
- (1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
 - (2) shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A.
8. Maximum height of buildings and structures. ~~The maximum height of buildings and structures shall be fifty (50) feet,~~ subject to the exceptions noted in Section 2.00, A, 5. Provided, however:
- a. along any required front, side or rear in the case of transitional yards as specified in Section 2.01, B, 76, the minimum required front, side and rear setbacks for that portion of the building exceeding thirty-five (35) feet shall be increased by one (1) foot for each additional one (1) foot, or part thereof, of building or structural height above thirty-five (35) feet. (see Section 2.16, Diagram I).
 - b. the height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
9. Signs. ~~Signs and advertising devices and sign structures shall comply with the Sign Regulations of Ordinance 71-AO-4, SIGN REGULATIONS~~ Marion County, Indiana, 71-AO-4, as amended.
10. Off-street parking. Off-street parking facilities shall be provided in accordance with the off-street parking regulations of ~~Section 2.09~~ Section 2.10.
11. Off-street loading. Off-street loading facilities shall be provided in accordance with the off-street loading regulations of ~~Section 2.10~~ Section 2.11.
12. Drive-through off-street stacking space regulations. Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of Section 2.12.
13. Additional development requirements. Site and landscape plans, street requirements, temporary use structures or buildings, or screening, landscaping and grounds maintenance, shall be in accordance with Section 2.13.

Sec. 2.02. C-2 High Intensity Office-Apartment Commercial District.

Statement of Purpose of C-2 district. ~~The C-2 District is designed to permit, in certain areas within the inner city, along a few suitable arterial streets and in association with regional commercial complexes in the suburbs, the development of high-rise offices uses and/or apartments intermixed, grouped in varying combinations or provided in the same building. The structural similarity and the possible functional interrelationship of living and working space can create an unusual compatibility of land use, especially in locations where access is particularly good. This type of District may represent a subordinate development to and near the Central Business District, the dominant function of an "uptown" location within the inner city or a major feature of a suburban, regional commercial focal point or planned community.~~

A. Permitted C-2 district Uses. ~~The following uses shall be permitted in the C-2 District. All Permitted uses in the C-2 District shall conform to the General Regulations and Performance Standards of Section 2.00, and the C-2 District Development Standards of Section 2.02, B, and to any additional and/or more restrictive requirements specified in this section.~~

The following uses shall be permitted in the C-2 District:

1. Any use permitted in the C-1 district.
2. Attached or detached multifamily dwellings, subject to, and conforming to, all standards, requirements, and regulations and definitions of Section 2.00 (General Regulations), Section 2.25 (Definitions), and Section 2.12 2.09, (D-8 Dwelling District Eight Regulations) of the Dwelling Districts Zoning Ordinance of Marion County, Indiana, 89-AO-2, as amended, except for those pertaining to building height, yards and setbacks, in which case the regulations pertaining to those items found in Section 2.02 of the Commercial Districts Zoning Ordinance shall apply. For inner city ~~renew for multifamily dwellings) section 2.10 (D-9 Dwelling District Nine Regulations for suburban~~

~~high-rise apartments) or section 2.11 (D-10 Dwelling District Ten Regulations for central and inner-city high-density multi-family) of Ordinance No. 66-AO-2, Dwelling Districts Zoning Ordinance of Marion County, Indiana, as amended.~~

3. Accessory uses and structures, subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and in the same building with the primary use. Accessory convenience retail stores and services in office structures, multifamily residential structures or other C-2 District permitted use structures, and accessory retail and service commercial uses, as permitted below and subject to the requirements of sSection 2.02, B, 1, g.

<u>Art gallery (sales/rental of art)</u>	<u>News dealers and newsstands</u>
<u>Bakery</u>	<u>Office supplies</u>
<u>Barber shop (excluding schools/colleges)</u>	<u>Optical goods (excluding optometrists)</u>
<u>Beauty shop (excluding schools/colleges)</u>	<u>Photocopying and duplicating services</u>
<u>Book store (new or used, excluding adult bookstore)</u>	<u>Photographic studio, portrait</u>
<u>Cafeteria (for office employees or guests only)</u>	<u>Photographic supplies</u>
<u>Candle shop</u>	<u>Pressing service, apparel</u>
<u>Candy, nut or confectionery store</u>	<u>Restaurant (for office employees or guests only)</u>
<u>Card shop</u>	<u>Shoeshine parlor</u>
<u>Drug store, pharmacy or florist (including florist telegraph service)</u>	<u>Stationery store</u>
<u>Gift, novelty or souvenir shop</u>	<u>Tobacco store or stand</u>

4. ~~Temporary structures, including temporary signs, fences, walls, buildings, barricades and similar temporary structures, incidental and necessary to the development of land during construction, to be included in the Improvement Location Permit for the primary use and to be removed concurrently with completion of construction of the primary use shall be subject to the requirements of Section 2.13, E.~~

B. ~~C-2 district~~ Development Standards.

1. Use.

- a. All uses and operations (except off-street ~~loading and parking~~, off-street ~~parking~~ loading and drive-through customer service windows) shall be conducted ~~within~~ completely within enclosed buildings. On-site vehicular circulation and traffic patterns for all drive-through facilities shall be subject to the requirements of Section 2.12.
- b. No outdoor storage shall be permitted except trash containers. Trash containers exceeding six (6) cubic feet shall:
- (1) be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any Protected District, nor shall it be viewed from any street frontage; and,
 - (2) be located behind the established front building line; and
 - (3) not be located within a required yard or required transitional yard.
- c. No vending machines shall be permitted on the exterior of any building or structure on the premises. Vending machines may be located within a building.
- b d. No merchandise shall be produced, stored or handled on the premises for purposes of delivery or for sale at retail, wholesale or discount to the public or other businesses unless minor and incidental to the primary office function of the permitted primary use or as reasonably needed for the supportive services or permitted accessory retail and service commercial uses. Except, however, accessory use convenience retail sales and service establishments shall be permitted in office structures, multifamily residential structures or other C-2 District permitted use structures, provided such establishments:

e. ~~No show exterior display windows or other exterior display advertising promoting, advertising or displaying products, merchandise or services retailed, offered, promoted or advertised by the use occupying the premises, shall be permitted.~~

f. Automated Teller Machines (ATM's) are permitted accessory uses in this district provided they are not free standing. ATM's shall meet the requirements of Section 2.12 if they are drive-through in nature.

g. Accessory uses or structures, if utilized, shall:

(1) have a total gross floor area for accessory retail or service commercial uses, which does not exceed ten percent (10%) of the total gross floor area of the primary building in which the use is located; and,

(4) (2) have accessory retail or service commercial uses ~~are~~ for the primary purpose of serving the occupants and/ or employees of the primary use structure; ~~r~~ and,

~~3. are in no way designed or facilities provided to specifically encourage or attract automotive customers.~~

(3) have a total gross square footage for all accessory structures which does not exceed ten percent (10%) of the total gross square footage of all primary structures on the lot; and,

(2) (4) have ~~no~~ not erect or maintain exterior signs announcing accessory uses or structures, ~~or display windows advertising or identifying the business, and~~

2. Required minimum street frontage. Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to Section 2.00, A, 6, Lot Frontage Exception), and shall gain access from said street frontage.

2 3. Required minimum front yards, minimum front setback. A front yard, having at least twenty-five (25) feet width of frontage on a public street and having a minimum depth in accordance with the following. The setback requirements of Section 2.13, A, shall be provided along the all street right-of-way lines, unless subject to the established setback provisions of Section 2.00, A, ~~2 3,~~ b or c.

Except as allowed under paragraph 6 below, no part of any structure (excluding canopies, eaves, cornices and/or any other laterally supported extensions, any of which may extend into the required yard a maximum of four (4) feet) shall be built closer to the centerline of the following streets (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than:

- 1. Expressway: _____ Eighty-five (85) feet
- 2. Primary Thoroughfare or Parkway _____ Seventy (70) feet
- 3. Secondary Thoroughfare: _____ Seventy (70) feet
- 4. Collector Street: _____ Sixty (60) feet
- 5. Local Street & Cul-de-Sac: _____ Fifty-five (55) feet

Provided, however, in no event shall the required minimum front setback be located closer to the proposed right-of-way of any Expressway, Primary Thoroughfare or Secondary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than ten (10) feet.

b. ~~No part of any structure shall be built closer to the right of way line of a Federal Interstate Highway route than ten (10) feet, except:~~

~~Front roads immediately paralleling Federal Interstate routes (with a coinciding right-of-way boundary) shall be considered collector streets, requiring a front setback of twenty-five (25) feet from the right-of-way of such front road unless such front road is designated otherwise on the Official Thoroughfare Plan of Marion County, Indiana, or on the recorded plat thereof as required by the Subdivision Control Ordinance of Marion County, Indiana.~~

(3) ~~Required corner side yard, double frontage lot minimum setback~~

~~In any case where the side or rear lot lines abut a street right-of-way line, there shall be provided a side or rear yard in which the setback of any structure shall comply with the minimum front setback~~

requirements of section 2.02, B, 2, unless subject to the established setback provisions of section 2.00, A, 2.

4. ~~Required minimum side yards, minimum side setback.~~ A side yard and setback and landscaped side yard of not less than ~~ten (10) eight (8)~~ feet in depth, measured from and paralleling the lot line, shall be provided along each side lot line (unless subject to the additional transitional yard setback requirements of Section 2.02, B, 6 or 8, for building or structural heights in excess of thirty-five (35) feet, or transitional yard requirements of section 2.02, B, 7). If any portion of a side yard is used for a driveway or off-street parking area, there shall be provided and maintained along the entire length of such lot line, a three (3) foot landscaped strip, extending the full length thereof; provided, however, that where a dedicated alley separates a side yard from the adjacent property, the entire required side yard may be used for off-street parking and/or driveway.
5. ~~Required minimum rear yard, minimum rear setback.~~ A rear yard setback and setback landscaped rear yard of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided along the rear lot line (unless subject to the additional transitional yard setback requirements of Section 2.02, B, 6 or 8, transitional yards requirements of section 2.02, B, 7). Said rear yard, whether abutting an adjacent property or separated therefrom by a dedicated alley, may be entirely used for off-street parking and/or driveway, unless subject to transitional yard requirements.
- 7 6. ~~Required transitional yards, minimum setbacks.~~ a. Minimum Front, Side and Rear Transitional Yards and Setbacks--Yards fronting upon or abutting a Residential Protected District are subject to the requirements of Section 2.02, B, 7 or 8 in addition to the following requirements:

1. a. Where a front yard abuts a street on the opposite side of which is a residential Protected District, ~~the a~~ minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street, shall be provided unless subject to the regulations of Section 2.00, A, 3, b, or c, or Section 2.13, A. In the case where a proposed right-of-way line does not exist, or the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement. ~~the same as the standard front yard and setback requirement of section 2.02, B, 2.~~ Provided, however, the front yard use of such minimum required transitional front yard shall not include off-street parking if said abutting street is a Collector, Local or Marginal Access Street, Cul-de-Sac or Parkway. If the abutting street is an Expressway, Primary or Secondary Thoroughfare, the front yard may include off-street parking provided a twenty (20) foot wide strip of said required front yard paralleling and measured from the front lot line and extending the full length thereof (except for walks, access cuts and driveways), shall be maintained as a landscaped portion of the front yard in conformance with section 2.02, B, 7.
- (2) b. Where a side or rear lot line abuts either a side or rear lot line in an adjacent residential Protected District, a required side or rear transitional yard and setback of not less than fifteen (15) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

- (1) ~~Provided however, w~~Where a dedicated alley separates such side or rear lot line from the residential Protected District, said required side or rear transitional yard and setback shall be not less than ten (10) feet.
- (2) Where the ground area required for required transitional yards exceeds twenty percent (20%) of the lot area, the width of the side or rear transitional yards may be reduced by one-half (1/2), but to not less individually than six (6) foot planting areas, provided a six (6) foot opaque wooden fence or solid wall is erected.
- (3) ~~Transitional Yards Exception~~ The transitional yard requirements of Section 2.02, B, 7 shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful non-conforming use, exists upon such adjoining property or abutting frontage property, although residentially zoned as a Protected District.

- b. ~~Screening and landscaping of transitional yards - Yards Fronting Upon Or Abutting A Residential District~~

1. ~~Front transitional yards (fronting upon a residential District) shall be landscaped in an open pattern, in grass and shrubbery, trees and/or hedge to provide a partial screening of the commercial use. An ornamental, decorative fence or masonry wall, not more than two and one half (2 1/2) feet in height if solid, or six (6) feet if open, may be used in conjunction with the landscaping. Provided however, along any portion of said transitional front yard in which an off-street parking area is located, there shall be provided and maintained along the front line of the parking area a buffer screen of either:~~

~~Architectural Screen—a wall or fence of ornamental block, brick, solid wood fencing or combination thereof. Said wall or fence shall be at least 42 inches in height and shall be so constructed to such minimum height to restrict any view therethrough, or~~

~~Plant Material Screen—a compact hedge of evergreen or deciduous shrubs, at least 36 inches in height at the time of planting.~~

~~Ground area between such wall, fence or hedge and the front lot line shall be planted and maintained in grass, other suitable ground cover, shrubbery and/or trees. All shrubs and trees shall be planted or transplanted with a ball of earth and shall meet the standards of the American Association of Nurserymen, (a copy of which is on file in the office of the Division of Planning and Zoning of the Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof).~~

2. ~~Side and rear transitional yards (abutting residential Districts) shall be landscaped in grass and shrubbery, trees and/or hedge to form an effective screening of the commercial use. An ornamental, decorative fence or masonry wall may be used in conjunction with the landscaping. Provided, however, driveways, off-street parking and loading areas shall not be permitted in the side and rear transitional yards. If any side or rear portion of a lot other than the transitional yards is to be used for a driveway, off-street parking area and/or loading area, there shall be provided and maintained along the length of the drive and/or parking or loading area at the lot line or up to a distance of ten (10) feet from the lot line, and to the front setback line, a landscape screen, wall or fence of opaque landscape materials, ornamental block, brick, solid wood fencing or combination thereof. Said screen, wall or fence shall be constructed to a height of six (6) feet and shall be designed and constructed to restrict any view therethrough. The yard shall be landscaped and maintained for its length in grass with shrubbery and/or trees planted and maintained at intervals of ten (10) feet on center and to a minimum height of thirty six (36) inches for shrubbery and six (6) feet for trees at time of planting, or comparable treatment.~~

3. ~~To provide maximum flexibility in the landscape design of said screen and ground area, a variety of plant material may be used, provided however, that a plan indicating the species, variety, size, spacing and location of all plants shall be filed with the Division of Planning and Zoning of the Department of Metropolitan Development and approved by the Metropolitan Development Commission or the Administrator of the Division of Planning and Zoning if so authorized by said Commission, prior to the issuance of an Improvement Location Permit.~~

6 7. Use of required yards and required transitional yards. All required yards shall be landscaped, ~~in~~ with grass and shrubbery, trees and/or hedge, or in combination with other suitable ground cover materials, subject to the requirements of Section 2.13, G, and shall remain as open space free from structures except where expressly permitted by this Ordinance:

a. Required front yards; ~~may include:~~

- (1) may include ~~P~~pedestrian walks, access cuts, driveways, flag poles, fences, screening walls and similar appurtenant uses, structures; and,
- (2) shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A.

2. ~~Off-street parking provided, however, a six (6) foot wide strip of the required front yard, paralleling and measured from the front lot line, and extending the full length thereof (except for walks, access cuts and driveways), shall be maintained as a landscaped portion~~

of the front yard as required above, unless subject to the transitional yard requirements of section 2.02, B, 7.

- b. ~~Except as prohibited by section 2.02, B, 7, r~~Required side and rear yards ~~may include:~~
- (1) ~~may include P~~pedestrian walks, ~~access cuts, driveways, interior access driveways, flag poles, fences, screening walls, and similar appurtenant structures uses; and,~~
 - (2) ~~Off street may include interior access drives and parking areas, unless subject to the transitional yard requirements of Section 2.02, B, 6, or B, 8, provided subject to the requirements of section 2.02, B, 4, or 2.02, B, 7, as applicable and section 2.11, a six (6) foot wide landscaped strip of the required yard, adjacent to the lot line while paralleling and extending the full length of such lot line, except when interrupted by interior access driveway(s), shall be maintained.~~
- c. Required front, side and rear transitional yards:
- (1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and appurtenant structures; and,
 - (2) shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A.
8. Maximum height of building and structures. There shall be no height limitation ~~of for~~ buildings and structures provided that:
- a. Minimum required front, side and rear yard setbacks shall be increased by one (1) foot for each three (3) additional feet, or part thereof, of building or structural height above thirty-five (35) feet to a maximum front, side or rear building setback requirement of thirty (30) twenty (20) feet; and,
 - b. ~~Transitional m~~Minimum required setback along any required front, side or rear transitional yard as specified in section 2.02, B, 6 setbacks shall be increased by one (1) foot for each one (1) foot three (3) feet, or part thereof, of building or structural height above thirty-five (35) feet to a maximum front, side or rear building setback requirement of fifty (50) twenty-five (25) feet (see Section 2.16, Diagram I.).
 - c. The height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
9. Signs. ~~Signs and advertising devices and sign structures shall comply with the sSign r~~Signs ~~Regulations of Ordinance 71-AO-4, Sign Regulations~~ shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
10. Off-street parking. Off-street parking facilities shall be provided in accordance with the off-street parking regulations of ~~sSection 2.09~~ Section 2.10.
11. Off-street loading. Off-street loading facilities shall be provided in accordance with the off-street loading regulations of ~~sSection 2.10~~ Section 2.11.
12. Drive-through off-street stacking space regulations. Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of Section 2.12.
13. Additional development requirements. Site and landscaping plans, street requirements, temporary use structures or buildings, or screening, landscaping and grounds maintenance, shall be in accordance with Section 2.13:

Sec. 2.03. C-3 Neighborhood Commercial District.

Statement of Purpose of C-3 district. The C-3 District is designed to permit the development of a complete range of retail sales and personal, professional and business services required to meet the maximum demand 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. 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 ~~department stores or theaters.~~ It does not allow those businesses that require the outdoor display, sale or storage of merchandise, require outdoor services and operations, or permit outdoor service and consumption of food and beverages. 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.

A. Permitted C-3 district uses. ~~The following uses shall be permitted in the C-3 District.~~ Permitted All uses in the C-3 District shall conform to the General Commercial District Regulations and Performance Standards of Section 2.00, and the C-3 District Development Standards of Section 2.03, B, ~~and to any additional and/or restrictive requirements specified in this section.~~

~~(1) Any use permitted in the c-1 district (Except Convalescent Home, Nursing Home, Day Nursery and Kindergarten).~~

~~(2) Neighborhood shopping center or complex (But not including department store or discount department store). A neighborhood shopping center or complex provides neighborhood related retail convenience goods and services. No single center or complex shall exceed 90,000 square feet of gross floor area.~~

~~(3) Retail convenience goods and/or service establishment, including:~~

~~a. Drug store, hardware store, grocery, retail bakery sales, or other food store, lunch counter, tavern, delicatessen or restaurant, including any restaurant or other food or alcoholic beverage service establishment in which food or alcoholic beverages are served or dispensed for consumption indoors or for carry-out. Provided, however, taverns, and such carry-out establishments, where food or alcoholic beverages may be carried out or may be likely to be consumed on the premises shall:~~

- ~~1. Provide adequate outdoor convenience trash containers.~~
- ~~2. Not provide outdoor tables and/or seats.~~
- ~~3. Where the rear lot line abuts a residential District, meet the transitional yard requirements of section 2.03, B, 7.~~
- ~~4. Not be located within one hundred (100) feet of a residential District on the same side of the street, unless such establishment is separated from said residential District by an intervening street.~~

~~b. Gasoline service station, limited to not more than three service bays, indoors only. Provided, however, that the service station function, services, operation and sales shall not include the following:~~

- ~~1. The sale, rental, display or storage of new or used motor vehicles, trailers, tractors, machinery or other similar equipment; or merchandise not related to the minor servicing of motor vehicles or for the immediate convenience of customers.~~
- ~~2. Commercial parking of motor vehicles.~~
- ~~3. Exterior display or storage of oil, antifreeze, batteries, tires, and other merchandise or products, other than oil dispensing cabinets located on pump islands.~~
- ~~4. 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, mechanical car washing.~~
- ~~5. Dismantling or wrecking of motor or other vehicles, or the storage of inoperable, damaged or wrecked vehicles.~~
- ~~6. A driveway so located and constructed that it permits traffic movement completely around or behind the service station structure (except where necessary to provide adequate access to the off-street parking area, building, storage tanks, trash containers, etc., or to adjacent commercial property, or in the case of a station designed to provide service on all sides).~~

~~(4) Personal service establishment, including but not limited to:~~

~~Barber shop, beauty shop, dry cleaning and laundry pick-up stations, laundromats and self-service dry cleaning, shoe repair, tailor or seamstress, radio and television service, photography studio, mail order store.~~

Journal of the City-County Council

~~(5) Post office, provided no storage of delivery vehicles is maintained on the premises.~~

~~(6) Professional service establishment, including:~~

~~Optical service; interior decorator.~~

~~(7) Shopping or durable goods establishment, including: Wearing apparel and accessories stores, shoe stores, dry goods, fabric shop, stationer, gift shop, florist, photographic supplies, hobby shop, pet shop, including grooming shop and obedience school; music, records, musical instrument stores; sporting goods, bicycle stores; paint and wallpaper, floor coverings, antiques; variety stores (but not including department store or discount department store).~~

~~(8) Other uses similar and comparable in character to the above permitted uses.~~

The following uses shall be permitted in the C-3 District:

1. Any use permitted in the C-1 district (except convalescent or nursing home, day care center).
2. Automobile oil change or lubrication shops, subject to the provisions of Section 2.03, B, 1, f.
3. Check cashing or validation service
4. Coupon or trading stamp redemption service
5. Drinking place (no dancing or entertainment), subject to the provisions of Section 2.03, B, 1, e, including:

<u>Bar</u>	<u>Tavern</u>
------------	---------------
6. Eating place, any type of restaurant, subject to the provisions of Section 2.03, B, 1, e.
7. Emergency shelter
8. Gasoline service station (except truck stop), subject to the provisions of Section 2.03, B, 1, f.
9. Outdoor advertising signs, subject to the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
10. Parcel packing/mailing service (excluding industrial)
11. Personal service establishment, including the following:

<u>Barber shop</u>	<u>Mail order store</u>
<u>Beauty shop</u>	<u>Photofinishing ("one-hour" photo service)</u>
<u>Dry Cleaning or Laundry</u>	<u>Photography studio</u>
<u>Pick-up stations</u>	<u>Power laundry</u>
<u>Garment pressing laundromats</u>	<u>Radio or television service</u>
<u>Interior decorator</u>	<u>Tailor, seamstress or dressmaker</u>
<u>Key duplicating shop</u>	<u>Tanning salon</u>
<u>Locksmith</u>	<u>Tattoo parlor</u>
12. Post office
13. Rental or leasing of:

<u>Clothing</u>	<u>Furniture</u>
<u>Computers</u>	<u>Office machines</u>
<u>Costumes</u>	
14. Repair of:

<u>Bicycles</u>	<u>Musical instruments</u>
-----------------	----------------------------

Cameras
Clocks, watches or jewelry
Computers
Dental instruments
Drafting instruments

Optical goods
Radios or televisions
Shoes
Typewriters

15. Retail-type use, including the following:

Antique store
Appliance store (household or minor)
Clothing, apparel or accessory store
any type, including uniforms
Bait and tackle shop
Bicycle store
Book store (new or used, excluding
adult bookstores)
Camera and photographic supply store
Card store
Computer or computer software store
Department store, any type
Drapery/curtain store
Drug store, pharmacy
Dry goods store
Fabric store
Food store, any type, including:
Bakery
Candy, nut or confectionery stores
Convenience market*
Deli
Grocery store
Produce, Fruit, Fish or meat markets
Floor covering store, including:
carpet, linoleum, tile
Florist (including telegraph service)
Frame shop
Furniture Store, any type
Gift shop
Hardware store
Hobby, toy or game shop, including:
Arts and crafts shop

Hospital and sick room sales/rental
and equipment
Jewelry store
Liquor store (package)**
Luggage and leather goods
Music Store, new or used, including:
Musical instrument store
Record, tape, compact disk store
Sheet music store
Office supply store
Optical goods store
Paint or wallpaper store
Pawn shop
Pet grooming
Pet obedience school
Pet shop
Pool and billiard table store
Radio, television or consumer
electronics store
Religious goods store
Second hand store (excluding
automotive or building materials)
Shoe store, any type
Sporting goods store
Stationer
Telephone store
Tobacco store
Trading stamp center
Trophy shop
Typewriter shop
Variety store

* Subject to the provisions of Section 2.03, B, 1, f.

** Subject to the provisions of Section 2.03, B, 1, e.

16. Schools, including:

Art
Barber college/school
Beauty or cosmetology college/school

Dance
Karate or martial arts
Photography

17. Singing society.

18. Social club, membership.

19. Temporary seasonal retail sales use, subject to the provisions of Section 2.13, F.

20. Other uses similar and comparable in character to the above permitted uses.

9 21. Accessory uses and structures, subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and located in the same building with the primary use, shall be subject to the requirements of Section 2.03, B, 1, g. provided no exterior signage announcing such services shall be permitted.

40 22. Temporary structures, including ~~temporary signs, fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction, to be included in the Improvement Location Permit for the primary use and to be removed concurrently with completion of construction of the primary use~~ shall be subject to the requirements of Section 2.13, E.

B. C-3 ~~district~~ Development Standards.

1. *Use.*

a. ~~No single establishment shall exceed thirty thousand (30,000) square feet in total gross floor area. Provided, however, No single use, whether free standing or contained within an uses which are integrated center within a single structure (such as multi-merchandising operations) shall may contain up to exceed sixty thousand (60,000) 45,000 square feet of gross floor area.~~

No shopping center or integrated center shall exceed one hundred twenty-five thousand (125,000) square feet of total gross floor area.

b. All uses and operations (except off-street ~~loading parking, and off-street parking loading and drive-through customer service windows~~) shall be conducted ~~within~~ completely within enclosed buildings, except where otherwise specifically permitted. On-site vehicular circulation and traffic patterns for all drive-through facilities shall be subject to the requirements of Section 2.12. Provided, however, gasoline service stations may dispense gasoline, oil, antifreeze and other similar products and perform other minor services outdoors for customers, subject to the limitations of section 2.03, A, 3b.

c. No outdoor storage shall be permitted, except:

(1) ~~other than trash containers, provided that trash containers exceeding six (6) cubic feet shall be located~~

i. be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any Protected District, nor shall it be viewed from any street frontage; and, behind or beside the primary structure.

ii. be located behind the established front building line; and,

iii. not be located within a required yard or required transitional yard.

(2) Recycling containers. Recycling containers shall be subject to the requirements of Section 2.13, D, (Requirements for Recycling Containers).

d. ~~No vending machines shall be permitted on the exterior of any building on the premises. Vending machines shall be permitted provided the machine(s) shall:~~

(1) be located within a building; or,

(2) be located on the exterior of a building abutting its exterior wall; and,

(3) not be located within a required yard or required transitional yard.

e. Taverns, package liquor stores, fast food or drive-through restaurants, and such establishments, where food or alcoholic beverages may be carried out, shall:

(1) provide adequate outdoor convenience trash containers; and,

(2) not provide outdoor tables and/or seats; and,

(3) not be located within one hundred (100) feet, measured in any direction, of a Protected District. The measurement shall 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 except when such establishment is separated from said Protected District by an intervening street (see Section 2.16, Diagram J).

f. Gasoline service stations, lubricating and oil change services, convenience markets, service centers or functions, shall:

(1) not include the following:

- i. 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 said dispensing or installation);
- ii. the sale, rental, display or storage of vehicles, trailers, tractors, machinery or other similar equipment;
- iii. commercial parking of vehicles;
- iv. major servicing of 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,
- v. dismantling or wrecking of any vehicles, or the storage of inoperable, damaged or wrecked vehicles.

(2) The exterior display, sales or storage of antifreeze, batteries, tires, oil, and other merchandise or products is permitted, provided such display or storage is:

- i. accessory to the primary use; and,
- ii. located immediately adjacent to the primary structure, but not within any required yard or required transitional yard; and,
- iii. not more than two hundred (200) square feet in total area; and,
- iv. maintained in an orderly manner; and,
- v. not illuminated.

(3) A maximum of three (3) accessory indoor service bays may be provided for minor automotive servicing and repair. "Service bay" is defined in Section 2.16.

g. Accessory uses or structures shall:

have a total gross floor area which does not exceed twenty-five percent (25%) of the total gross floor area of the primary uses or structures; and,

2. Required minimum street frontage. Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to Section 2.00, A, 6, Lot Frontage Exception), and shall gain access from said street frontage.

2 3. Required minimum front yards, minimum front setback. A front yard, having at least twenty-five (25) feet width of frontage on a public street and having a minimum depth in accordance with the following The setback requirements of Section 2.13, A, shall be provided along the all street right-of-way lines, unless subject to the Established Setback provisions of sSection 2.00, A, 23, b or c.

Excluding canopies, eaves, cornices and/or any other laterally supported extensions, any of which may extend into the required yard a maximum of four (4) feet, no part of any structure shall be built closer to the centerline of the following streets (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than:

- 1. Expressway: Eighty-five (85) feet
- 2. Primary Thoroughfare or Parkway: Seventy (70) feet
- 3. Secondary Thoroughfare: Seventy (70) feet

Journal of the City-County Council

4. ~~Collector Street: _____ Sixty (60) feet~~
5. ~~Local Street & Cul-de-Sac: _____ Fifty-five (55) feet~~

~~Provided, however, in no event shall the required minimum front setback be located closer to the proposed right-of-way of any Expressway, Primary Thoroughfare or Secondary thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than ten (10) feet.~~

- ~~b. No part of any structure shall be built closer to the right of way line of a Federal Interstate Highway route than ten (10) feet, except:
Front roads with a coinciding right-of-way boundary immediately paralleling Federal Interstate routes (with a coinciding right-of-way boundary) shall be considered a collector street, requiring a front setback of twenty-five (25) feet from the right-of-way of such front road unless such front road is designated otherwise on the Official Thoroughfare Plan of Marion County, Indiana, or on the recorded plat thereof as required by the Subdivision Control Ordinance of Marion County, Indiana.~~
- ~~(3) Required corner side yard, double frontage lot minimum setback. In any case where the side or rear lot line abuts a street right-of-way line, there shall be provided a side or rear yard in which the setback of any structure shall comply with the requirements of section 2.03, B, 2, unless subject to the established setback provisions of section 2.00, A, 2.~~
4. ~~Required minimum side yards, minimum side setback. No side yard or side setback is shall be required unless subject to the requirements for transitional yards of Section 2.03, B, 76 or 8.~~
5. ~~Required minimum rear yard, minimum rear setback. No rear yard or rear setback is shall be required unless subject to the requirements for transitional yards of Section 2.03, B, 76 or 8.~~
- 7 6. ~~Required transitional yards, minimum setbacks. a- Minimum Front, Side and Rear Transitional Yards and Setbacks-- Yards fronting upon or abutting a Residential Protected District are subject to the requirements of Section 2.03, B, 7 or 8 in addition to the following requirements:~~
- (4) a. ~~Where a front yard abuts a street on the opposite side of which is a residential Protected District, a the minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street, shall be provided unless subject to the regulations of Section, 2.00, A, 3, b or c, or Section 2.13, A. In the case where a proposed right-of-way line does not exist, or the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.~~
- ~~the same as the standard front yard and setback requirement of section 2.03, B, 2. Provided, however, the front yard use of such minimum required transitional front yard shall not include off-street parking if said abutting street is a Collector, Local or Marginal Access Cul-de-Sac or Parkway. If the abutting street is an Expressway, Primary or Secondary Thoroughfare, the front yard may include off-street parking provided a twenty (20) foot wide strip of said required front yard paralleling and measured from the front lot line, and extending the full length thereof (except for walks, access cuts and driveways) shall be maintained as a landscaped portion of the yard in conformance with section 2.03, B, 7.~~
- (2) b. ~~Where a side or rear lot line abuts either a side or rear lot line in an adjacent residential Protected District, a required side or rear transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.~~
- Exceptions:
- (1) ~~Provided, however, wWhere a dedicated alley separates such side or rear lot line from the residential Protected District, said required side or rear transitional yard and setback shall be not less than ten (10) feet.~~
- (2) ~~Where the ground area required for required transitional yards exceeds twenty percent (20%) of the lot area, the width of the side or rear transitional yards may be reduced by one-half (1/2), but to not less individually than six (6) foot planting areas, provided a six (6) foot opaque wooden fence or solid wall is erected.~~

- (3) ~~Transitional Yards Exception~~— The transitional yard requirements of ~~Section 2.03, B, 7~~ 6 shall not apply in those instances where a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although ~~residentially zoned as a Protected District.~~

b. ~~Screening and landscaping of transitional yards~~ Yards Fronting Upon or Abutting a Residential District

1. ~~Front transitional yards (fronting upon a residential District) shall be landscaped in an open pattern in grass and shrubbery, trees and/or hedge to provide a partial screening of the commercial use. An ornamental, decorative fence or masonry wall, not more than two and one half (2 1/2) feet in height if solid, or six (6) feet if open, may be used in conjunction with the landscaping. Provided however, along any portion of said transitional front yard in which an off street parking area is located, there shall be provided and maintained along the front line of the parking area a buffer screen of either:~~

(a) ~~Architectural Screen~~— a wall or fence of ornamental block, brick, solid wood fencing, or combination thereof. Said wall or fence shall be at least 42 inches in height and shall be so constructed to such minimum height to restrict any view therethrough, or

(b) ~~Plant Material Screen~~— a compact hedge of evergreen or deciduous shrubs, at least 36 inches in height at the time of planting.

~~Ground area between such wall, fence or hedge and the front lot line shall be planted and maintained in grass, other suitable ground cover, shrubbery and/or trees. All shrubs and trees shall be planted or transplanted with a ball of earth and shall meet the standards of the American Association of Nurserymen, (a copy of which is on file in the office of the Division of Planning and Zoning, Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made part hereof).~~

2. ~~Side and rear transitional yards (abutting a residential District) shall be landscaped in grass and shrubbery, trees and/or hedge to form an effective screening of the commercial use. An ornamental, decorative fence or masonry wall may be used in conjunction with the landscaping. Driveways, off street parking and loading areas shall not be permitted in the side and rear transitional yards. If any side or rear portion of a lot other than the transitional yards is to be used for a driveway, off street parking area and/or loading area, there shall be provided and maintained along the length of the drive and/or parking or loading area at the lot line or up to a distance of fifteen (15) feet from the lot line, and to the front setback line, a landscape screen, wall and/or fence of opaque landscape materials, ornamental block, brick, solid wood fencing or combination thereof. Said screen, wall or fence shall be constructed to a height of six (6) feet and shall be designed and constructed to restrict any view therethrough. The yard shall be landscaped for its length in grass with shrubbery and/or trees planted and maintained at intervals of ten (10) feet on center and to a minimum height of thirty six (36) inches for shrubbery and six (6) feet for trees at time of planting, or comparable treatment.~~

3. ~~To provide maximum flexibility in the landscape design of said screen and ground area, a variety of plant material may be used, provided, however, that a plan indicating the species, variety, size, spacing and location of all plants shall be filed with the Division of Planning and Zoning of the Department of Metropolitan Development and approved by the Metropolitan Development Commission or the Administrator of the Division of Planning and Zoning if so authorized by said Commission, prior to the issuance of an Improvement Location Permit.~~

6 7. Use of required yards and required transitional yards. All required yards and required transitional yards shall be landscaped, in with grass, and shrubbery, trees, and/or hedge, or in combination with other suitable ground cover materials except, subject to the requirements of Section 2.13, G, and shall remain as open space free from structures except where expressly permitted by this Ordinance including the following regulations:

a. Required front yards; may include:

(1) may include Ppedestrian walks, access cuts, driveways, flag poles, fences, screening walls, and similar appurtenant structures uses; and,

(2) shall not include parking areas and interior access drives, unless subject to the provisions of Section 2.13, A.

b. Required front, side and rear transitional yards:

(1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls, and similar appurtenant structures; and,

(2) shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A.

~~(2) Off street parking, gasoline service station pumps and "gasoline service station canopies" (defined as vertically supported unenclosed roof-like structures built to provide cover for gasoline service station pumps) constructed entirely within the owner's real estate and with no portion thereof constructed closer than fifty (50) feet to the center line of the nearest abutting street, thoroughfare, or expressway.~~

~~Provided, however, a six (6) foot wide strip of the required front yard, paralleling and measured from the front line, and extending the full length thereof (except for walks, access cuts and driveways), shall be maintained as a landscaped portion of the front yard as required above, unless subject to the transitional yard requirements of section 2.03, B, 7.~~

~~Provided, however, in no event shall the gasoline service station canopy be located closer to the proposed right of way of any Expressway, Primary Thoroughfare or Secondary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than ten (10) feet, and if subject to the transitional yard requirements of section 2.03, B, 7, closer to the proposed right of way than twenty (20) feet, regardless of the street classification. Except, however, for gasoline service station uses established before April 1, 1980, in no event shall its gasoline service station canopy be located closer to the existing right of way of any Expressway, Primary Thoroughfare or Secondary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than six (6) feet, and if subject to the transitional yard requirements of section 2.03, B, 7, closer to the existing right of way than twenty (20) feet, regardless of the street classification.~~

~~Provided, however, prior to the issuance of an Improvement Location Permit for any gasoline service station canopy located within ten (10) feet of the proposed right of way of any Expressway, Primary Thoroughfare or Secondary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana), or if subject to the transitional yard requirements of section 2.03, B, 7, located within twenty (20) feet of the proposed right of way, the owner of said real estate shall execute and deliver to the Metropolitan Development Commission, on the form prescribed by it, a written commitment to be recorded agreeing to remove said canopy at his expense upon acquisition of additional right of way by a governmental authority which would cause an existing gasoline service station canopy to be in non-conformance to these standards and waiving any and all claims to damages or compensation by reason of the existence or removal thereof.~~

~~Provided, however, after the effective date of this ordinance, legally established gasoline service station canopies, not in conformance with the requirements of section 2.03, B, 2, a, shall be amortized over a ninety (90) day period to begin when a gasoline service station ceases operation (to be defined as when gasoline storage tanks are filled or removed per State Fire Marshal orders). Said gasoline service station canopies shall lose their legally established status after said ninety (90) day period and shall be removed. Conformity within section 2.03, B, 2, a, shall be construed to mean conformity with such section without allowance for the exceptions contained in this paragraph (paragraph 6).~~

b. ~~Except as prohibited by section 2.03 B, 7, b, required side and rear yards may include:~~

~~1. Pedestrian walks, access cuts, driveways, flag poles and similar appurtenant uses.~~

~~2. Off street parking, subject to the requirements of section 2.03, B, 4, 2.03, B, 7, as applicable and section 2.09.~~

8. ~~Maximum height of buildings and structures. Maximum height of buildings and structures (Thirty-five (35) feet, subject to the exceptions noted in Section 2.00, A, 5.~~

Provided, however:

- a. along any required front, side or rear transitional yard, as specified in Section 2.03, B, 6, the minimum required setback for that portion of the building exceeding eighteen (18) feet shall be increased by one (1) foot for each additional one (1) foot, or part thereof, of building or structural height above eighteen (18) feet (see Section 2.16, Diagram I).
- b. the height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
9. ~~Signs. Signs and advertising devices and sign structures shall comply with the sign regulations of Ordinance 71-AO-4, Sign Regulations of Marion County, Indiana 71-AO-4 as amended.~~
10. ~~Off-street parking. Off-street parking facilities shall be provided in accordance with the off-street parking regulations of sSection 2.1009.~~
11. ~~Off-street loading. Off-street loading facilities shall be provided in accordance with the off-street loading regulations of sSection 2.110.~~
12. Drive-through off-street stacking space regulations. Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of Section 2.12.
13. Additional development requirements. Site and landscape plans, street requirements, recycling containers, temporary use structures and buildings, temporary seasonal retail sales uses, or screening, landscaping and grounds maintenance, shall be in accordance with Section 2.13.

Sec. 2.035. C-3C Corridor Commercial District.

~~Statement of purpose of C-3C District. This District is designed for a function similar to that of the C-1 District. However, it provides for a more intensive use of frontage along selected portions of extremely high volume primary thoroughfares where a low density residential area is in a pattern of transition through obsolescence. The orderly development of this more intensive use shall be permitted only after recognition of such need by policy resolution of the Metropolitan Development Commission. Offices and neighborhood commercial uses are permitted with sufficient development standards to protect abutting residential districts. As a buffer district, fences or walls are required for screening and separation of these uses from residential development. In addition, floor areas are restricted, heights of buildings are lowered and similar amenities are required for optimum compatibility of this District with the adjacent residential areas. The C-3C (Commercial Corridor) District, like the C-3 (Neighborhood Commercial) District, is designed for those professional offices and commercial businesses which typically do not draw customers from beyond their respective neighborhood boundaries. Examples of such types of uses include sales of retail convenience or durable goods, shopping establishments, and personal and professional service establishments. It is planned, therefore, for use in older urban commercial areas which are located adjacent to established residential neighborhoods on select segments of primary and secondary thoroughfares. Characterized by small-scale commercial buildings abutting the pedestrian walkway and vehicular traffic, these areas often suffer from limited availability of off-street parking. In addition, certain redevelopment areas and infill projects can be suitably located in a C-3C District. To encourage the optimal utilization of these types of commercial areas, residential units are permitted in commercial buildings. This feature and the location of this district within walking distance to residential districts dictate that selected types of offices and other commercial uses which do not generate substantial vehicular traffic locate in the C-3C District. In order to perform its buffering function, floor areas are restricted, screening with fences, walls or landscaping are required and other similar amenities are necessary for optimum compatibility of this District with the adjacent residential development.~~

A. ~~Permitted C-3C district uses. The following uses shall be permitted in the C-3C District. All Permitted uses in the C-3C District shall conform to the gGeneral Commercial District rRegulations and pPerformance sStandards of sSection 2.00, and the C-3C District dDevelopment sStandards of sSection 2.035, B, and to any additional or more restrictive requirements specified in this section.~~

- (1) ~~Any use permitted in the c-1 district (except Convalescent Home, Nursing Home, Day Nursery and Kindergarten).~~

~~(2) Retail convenience goods and/or service establishment, including:~~

~~Drug store, hardware store, grocery, retail bakery, delicatessen, restaurant (indoor service only).~~

~~(3) Personal service establishment, including:~~

~~Barber shop, beauty shop, dry cleaning and laundry pick-up station, self-service dry cleaning and laundromat, shoe repair, tailor, seamstress, radio and television service, photographic studio.~~

~~(4) Shopping goods establishment, including:~~

~~Antique, bicycle store, dry goods, fabric shop, florist, gift shop, hobby shop, music store (including records, instruments), pet shop, paint and wallpaper store, shoe store, sporting goods store, stationer, wearing apparel and accessories stores.~~

The following uses shall be permitted in the C-3 District:

1. Any use permitted in the C-1 district (except convalescent or nursing home, day care center).
2. Dwelling unit(s), as defined in Section 2.16.
3. Eating place, any type of restaurant, subject to the provisions of Section 2.035, B, 1.
4. Membership organization or club, any type.
5. Outdoor advertising signs, subject to the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

6. Personal service establishment, including the following:

<u>Barber shop</u>	<u>Garment pressing</u>
<u>Beauty shop</u>	<u>Laundromats, coin-operated</u>
<u>Check cashing or validation service</u>	<u>laundries and drycleaning</u>
<u>Clothing rental, including costume or tuxedo</u>	<u>Locksmith</u>
<u>Computer store</u>	<u>Pet grooming</u>
<u>Furniture rental/leasing</u>	<u>Photography studio</u>
<u>Hat cleaning and blocking shop</u>	<u>Tailor, seamstress or dressmaker</u>
	<u>Tanning salon</u>

7. Repair of:

<u>Bicycles</u>	<u>Drafting instruments</u>
<u>Cameras</u>	<u>Musical instruments</u>
<u>Clocks, watches or jewelry</u>	<u>Optical goods</u>
<u>Computers</u>	<u>Radios or televisions</u>
<u>Dental instruments</u>	<u>Shoes</u>
	<u>Typewriters</u>

8. Retail-type use, including the following:

<u>Antique store</u>	<u>Frame shop</u>
<u>Appliance store (household or minor)</u>	<u>Furniture store, any type</u>
<u>Clothing, apparel or accessory store,</u> <u>any type, including uniforms</u>	<u>Gift shop</u>
<u>Bait and tackle shop</u>	<u>Hardware store</u>
<u>Bicycle store</u>	<u>Hobby, toy or game shop, including:</u> <u>Arts and crafts shop</u>
<u>Book store (new or used, excluding</u> <u>adult bookstore)</u>	<u>Jewelry store</u>
<u>Camera and photographic supply store</u>	<u>Luggage and leather goods</u>
<u>Card store</u>	<u>Music store, including:</u> <u>Record, tape, compact disk store</u>
<u>Computer or computer software store</u>	<u>Musical instrument store</u>
<u>Drapery/curtain store</u>	<u>Sheet music store</u>

<u>Dry goods store</u>	<u>Office supply store</u>
<u>Fabric store</u>	<u>Optical goods store</u>
<u>Floor covering store, including:</u>	<u>Paint or wallpaper store</u>
<u> Carpet, linoleum, tile</u>	<u>Religious goods store</u>
<u>Florist (including telegraph service)</u>	<u>Shoe store</u>
<u>Food Store, any type, including:</u>	<u>Sporting goods store</u>
<u> Bakery</u>	<u>Stationer</u>
<u> Candy, nut or confectionery stores</u>	<u>Telephone store</u>
<u> Deli</u>	<u>Tobacco store</u>
<u> Grocery store</u>	<u>Trophy shop</u>
<u> Produce, fruit, fish or meat markets</u>	<u>Typewriter shop</u>
	<u>Variety store</u>
	<u>Video tape rental or sales</u>

- 5 9. Other uses similar and comparable in character to the above permitted uses.
- 6 10. Accessory uses and structures, subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and located in the same building with the primary use, shall be subject to the requirements of Section 2.035, B, 1, h.
- 7 11. Temporary structures, including ~~temporary signs, fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction, to be included in the Improvement Location Permit for the primary use and to be removed concurrently with completion of construction of the primary use~~ shall be subject to the requirements of Section 2.13, E.

B. C-3C ~~District~~ Development Standards.

1. Use.

- a. No single commercial establishment use shall exceed eight thousand (8,000) square feet in total gross floor area.
- b. All uses and operations (except off-street parking, loading and off-street loading parking) shall be conducted ~~within~~ completely within enclosed buildings.
- c. No outdoor storage shall be permitted, except:

(1) Trash containers. Trash containers exceeding six (6) cubic feet shall:

- i. be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any Protected District, nor shall it be viewed from any street frontage; and,
- ii. be located behind the established front building line; and,
- iii. not be located within a required yard or a required transitional yard.

(2) Recycling containers. Recycling containers shall be subject to the requirements of Section 2.13, D, (Requirements for Recycling Containers).

- d. No vending machines shall be permitted on the exterior of any building or structure on the premises. Vending machines may be located within a building.
- e. No ~~show windows or other exterior~~ outdoor display, promoting products, merchandise or services retailed or offered by the use occupying the premises shall be permitted.

Pole signs shall not be permitted. Ground signs and wall signs on the street facade only shall be permitted, subject to the regulations of Ordinance 71-AO-4, Sign Regulations of Marion County, Indiana.

- d f. No retail establishment of a "drive in" character shall be permitted. No commercial establishment shall be permitted to use a drive-through service unit.

- g. Automated Teller Machines (ATM's) are permitted accessory uses in this District provided that the machine(s) shall serve pedestrian traffic only.
 - h. Accessory uses or structures shall have a total gross floor area which does not exceed twenty-five percent (25%) of the total gross floor area of the primary uses or structures.
2. Required minimum street frontage. Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to Section 2.00, A, 6, Lot Frontage Exception), and shall gain access from said street frontage.
- 2 3. Required minimum front yards, minimum front setback. A front yard, having at least twenty-five (25) feet width of frontage on a public street and having a minimum depth in accordance with the following The setback requirements of Section 2.13, A, shall be provided along the all street right-of-way lines, unless subject to the Established Setback provisions of Section 2.00, A, 2 3_b or c.

~~Excluding canopies, eaves, cornices and/or any other laterally supported extensions, any of which may extend into the required yard a maximum of four (4) feet, no part of any structure shall be built closer to the centerline of the following streets (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than:~~

- ~~(1) Expressway: _____ Eighty-five (85) feet~~
- ~~(2) Primary Thoroughfare or parkway _____ Seventy (70) feet~~
- ~~(3) Secondary thoroughfare: _____ Seventy (70) feet~~
- ~~(4) Collector Street _____ Sixty (60) feet~~
- ~~(5) Local Street and cul-de-sac: _____ Fifty-five (55) feet~~

~~Provided, however, in no event shall the required minimum front setback be located closer to the proposed right of way of any Expressway, Primary Thoroughfare or Secondary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than ten (10) feet.~~

- ~~b. No part of any structure shall be built closer to the right of way line of a Federal Interstate Highway route than ten (10) feet, except:~~

~~Front roads immediately paralleling Federal Interstate routes (with a coinciding right of way boundary) shall be considered collector streets, requiring a front setback of twenty-five (25) feet from the right of way of such front road unless such front road is designated otherwise on the Official Thoroughfare Plan of Marion County, Indiana, or on the recorded plat thereof as required by the Subdivision Control Ordinance of Marion County, Indiana.~~

- ~~3. Corner side yard, double frontage lot minimum setback. In any case where the side or rear lot line abuts a street right of way line, there shall be provided a side or rear yard in which the setback of any structure shall comply with the minimum front setback requirements of sec 2.035 B-2 unless subject to the established setback provisions of section 2.00 A-2.~~

- 4. Required minimum side yards, minimum side setback. A side yard and setback of not less than eight (8) feet in depth, shall be provided along each side lot line (unless subject to transitional yards requirements of section 2.035, B, 7. No side yard or side setback shall be required unless subject to the requirements for transitional yards of Section 2.035, B, 6 or 8.

If any portion of a side yard is used for a driveway or off street parking area, there shall be provided and maintained along the entire length of such lot line, a three (3) foot landscaped strip, extending the full length thereof; provided, however, that were a dedicated alley separates a side yard from the adjacent property, the entire required side yard may be used for off street parking and/or driveway.

- 5. Required minimum rear yard, minimum rear setback. A rear yard and setback of not less than ten (10) feet in depth, shall be provided along the rear lot line (unless subject to transitional yard requirements of section 2.035, B, 7. Said rear yard, whether abutting an adjacent property or separated therefrom

~~by a dedicated alley may be entirely used for off-street parking and/or driveway, unless subject to transitional yard requirements. No Rear yard or rear setback shall be required unless subject to the requirements for transitional yards of Section 2.035, B, 6 or 8.~~

7 6. Required transitional yards, minimum setbacks. a. ~~Minimum front, side and rear transitional yards and setbacks--~~Yards fronting upon or abutting a ~~Residential Protected District~~ are subject to the requirements of Section 2.035, B, 7 or 8 in addition to the following requirements:

(1) a. ~~Where a front yard abuts a street on the opposite side of which is a residential Protected District, a the minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street, shall be provided, unless subject to the regulations of Section 2.00, A, 3, b, or c, or Section 2.13, A. In the case where a proposed right-of-way line does not exist or the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement, shall be the same as the standard front yard and setback requirement of section 2.035, b, 2. Provided however, the front yard use of such minimum required transitional front yard shall not include off-street parking if said abutting street is a Collector, Local or Marginal Access Street, Cul-de-Sac or Parkway. If the abutting street is an Expressway, Primary or Secondary Thoroughfare, the front yard may include off-street parking provided a twenty (20) foot wide strip of said required front yard, paralleling and measured from the front property lot and extending the full length thereof (except for walks access cuts and driveways), shall be maintained as a landscaped portion of the front yard in conformance with section 2.035, B, 7.~~

(2) b. ~~Where a side or rear lot line abuts either a side or rear lot line in an adjacent residential Protected District, a required side or rear transitional yard and setback of not less than fifteen (15) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.~~

Exceptions:

(1) ~~Provided however, w~~Where a dedicated alley separates such side or rear lot line from the ~~residential Protected District~~, said required side or rear transitional yard and setback shall be not less than ten (10) feet.

(2) Where the ground area required for required transitional yards exceeds twenty percent (20%) of the lot area, the width of the side or rear transitional yards may be reduced by one-half (1/2), but to not less individually than six (6) foot planting areas, provided a six (6) foot opaque wooden fence or solid wall is erected.

(3) ~~Transitional Yards Exception--~~ The transitional yard requirements of ~~s~~Section 2.035, B, 7 ~~6~~ shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although ~~residentially~~ zoned as a Protected District.

~~b. Screening and landscaping of transitional yards Yards Fronting Upon Or Abutting A Residential District~~

~~1. Front transitional yards (fronting upon a residential District) shall be landscaped in an open pattern, in grass and shrubbery, trees and/or hedge to provide a partial screening of the commercial use. An ornamental, decorative fence or masonry wall, not more than two and one-half (2 1/2) feet in height if solid, or six (6) feet if open, may be used in conjunction with the landscaping.~~

~~Provided however, along any portion of said transitional front yard in which an off-street parking area is located, there shall be provided and maintained along the front line of the parking area a buffer screen of either:~~

~~Architectural Screen-- a wall or fence of ornamental block, brick, solid wood fencing, or combination thereof. Said wall or fence shall be at least forty-two (42) inches in height and shall be so constructed to such minimum height to restrict any view therethrough, or~~

~~Plant Material Screen-- a compact hedge of evergreen or deciduous shrubs, at least 36 inches in height at the time of planting.~~

Ground area between such wall, fence or hedge and the front lot line shall be planted and maintained in grass, other suitable ground cover, shrubbery and/or trees. All shrubs and trees shall be planted balled and covered with burlap and shall meet the standards of the American Association of Nurserymen, (a copy of which is on file in the office of the Division of Planning and Zoning, Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof).

2. ~~Side and rear transitional yards (abutting residential Districts) shall be landscaped in grass and shrubbery, trees and/or hedge to form an effective screening of the commercial use. An ornamental, decorative fence or masonry wall may be used in conjunction with the landscaping.~~

~~Provided however, driveways, off street parking and loading areas shall not be permitted in the side and rear transitional yards. If any side or rear portion of a lot other than the transitional yards is to be used for a driveway, off street parking area and/or loading area, there shall be provided and maintained along the length of the drive and/or parking or loading area at a distance of fifteen (15) feet from the lot line, and to the front setback line, a wall or fence of ornamental block, brick, solid wood fencing or combination thereof. Said wall or fence shall be constructed to a height of six (6) feet and shall be constructed to restrict any view therethrough. The fifteen (15) foot yard shall be landscaped for its length in grass with shrubbery and/or trees planted and maintained at intervals of ten (10) feet on center and to a minimum height of thirty six (36) inches for shrubbery and six (6) feet for trees at time of planting, or comparable treatment.~~

3. ~~To provide maximum flexibility in the landscape design of said screen and ground area, a variety of plant material may be used, provided, however, that a plan indicating the species, variety, size, spacing and location of all plants shall be filed with the Division of Planning and Zoning of the Department of Metropolitan Development and approved by the Metropolitan Development Commission or the Administrator of the Division of Planning and Zoning if so authorized by said Commission, prior to the issuance of an Improvement Location Permit.~~

6. 7. Use of required yards and required transitional yards. All required yards and required transitional yards shall be landscaped, ~~in~~ with grass, and shrubbery, trees and/or hedge, or in combination with other suitable ground cover materials, subject to the requirements of Section 2.13, and shall remain as open space free from structures except where expressly permitted by this Ordinance including the following regulations:

a. ~~Required front yards; may include:~~

- (1) may include ~~P~~pedestrian walks, ~~access cuts,~~ driveways, flag poles, fences, screening walls, and similar appurtenant structures uses; and,
- (2) shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A.

2. ~~Off street parking provided, however, a six (6) foot wide strip of the required front yard, paralleling and measured from the front lot line, and extending the full length thereof (except for walks, access cuts and driveways), shall be maintained as a landscaped portion of the front yard as required above, unless subject to the transitional yard requirements of section 2.035, B, 7~~

b. ~~Except as prohibited by section 2.035, B, 7, required side and rear yards may include:~~

1. ~~Pedestrian walks, access cuts, driveways, flag poles, and similar appurtenant uses;~~
2. ~~Off street parking, subject to the requirements of section 2.035, B, 4, or 2.035, B, 7, as applicable and section 2.11.~~

b. Required front, side or rear transitional yards:

- (1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
 - (2) shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A.
8. Maximum height of buildings and structures. Maximum height of buildings and structures shall be Thirty-five (35) feet, subject to the exceptions noted in Section 2.00, A, 5.
- Provided, however: the height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
9. Signs. Signs and advertising devices and sign structures shall comply with the Sign Regulations of Ordinance 71-AO-4, Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
10. Off-street parking. Off-street parking facilities shall be provided in accordance with the off-street parking regulations of Section 2.1009.
11. Off-street loading. Off-street loading facilities shall be provided in accordance with the off-street loading regulations of Section 2.110.
12. Drive-through off-street stacking space regulations. Drive-through facilities shall be prohibited.
13. Additional development requirements. Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, or screening, landscaping and grounds maintenance, shall be in accordance with Section 2.13.

Sec. 2.04. C-4 Community-Regional Commercial District.

Statement of purpose of C-4 district. 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 of neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as department stores, bowling alleys and theaters. 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.

A. Permitted C-4 district Uses. The following uses shall be permitted in the C-4 District. All Permitted uses in the C-4 District shall conform to the General Commercial District Regulations and Performance Standards of Section 2.00, and the C-4 District Development Standards of Section 2.04, B, and to any additional and/or more restrictive requirements specified in this section.

~~(1) Any use permitted in the c-1 or c-3 district (except Convalescent Home, Nursing Home, Day Nursery, and Kindergarten).~~

~~(2) Community or regional shopping center or complex:~~

~~Community shopping center or complex (90,000 - 275,000 square feet of gross floor area) providing, in addition to the convenience goods and services of the neighborhood shopping center or complex, a wider range of retail shopping facilities and personal services, and typically including a major tenant, such as a junior department store.~~

~~Regional shopping center or complex (over 275,000 square feet of gross floor area) providing a full range of retail shopping facilities and services, including durable goods and professional services, and typically including one or more full-line department stores.~~

~~(3) Retail convenience good and/or service establishments, including:~~

~~a. Drive-in restaurant, custard stand, root beer stand or any place or premises used for the sale, dispensing or serving of food or beverages outdoors, or where customers may serve themselves or carry out and consume the food, refreshments or beverages on the premises. Provided, however, such establishments shall~~

- ~~1. Provide adequate outdoor convenience trash containers.~~
 - ~~2. Construct and maintain a decorative fence or wall of not less than 42 inches in height along the rear lot line and side lot lines to the required front setback line. Where the rear lot line abuts a residential DISTRICT, the transitional yard requirements of section 2.03, B, 7 shall apply.~~
 - ~~3. Not be located within one hundred (100) feet of a residential District on the same side of the street, unless such establishment is separated from said residential District by an intervening street.~~
- ~~b. Gasoline service station, tire and auto service center, limited to indoor service bays only. Provided, however, that the service station and center functions, services, operation and sales shall not include the following:~~
- ~~1. Outdoor operations other than the dispensing of gasoline, oil, antifreeze and other similar products and the performing of minor services for customers.~~
 - ~~2. The sale, rental, display or storage of new or used motor vehicles, trailers, tractors, machinery or other similar equipment; or merchandise not related to the minor servicing of motor vehicles or for the immediate convenience of customers.~~
 - ~~3. Commercial parking of motor vehicles.~~
 - ~~4. Major exterior displays of merchandise.~~
 - ~~5. Motor or body repair such as, but not limited to, body or fender work, motor overhaul, major transmission repair, auto glass work, tire recapping.~~
 - ~~6. Dismantling or wrecking of motor or other vehicles, or the storage of inoperable, damaged or wrecked vehicles.~~
 - ~~7. A driveway so located and constructed that it permits traffic movement completely around or behind the service station or service center structure (except where necessary to provide adequate access to the off-street parking area, building, storage tanks, trash containers, etc., or to adjacent commercial property, or in the case of a station or service center structure designed to provide service on all sides).~~
- ~~(4) Blue printing, photocopying, job printing.~~
- ~~(5) Shopping or durable goods establishment, including:~~
- ~~Department store, discount store, major appliances, furniture and floor covering stores.~~
- ~~(6) Indoor commercial amusement, recreation and entertainment, including:~~
- ~~theater, bowling alley, billiard parlor, gymnasium, tennis facilities, roller or ice skating rink, night club, private club or lodge.~~
- ~~(7) Automobile sales, new or used, service and repair, auto parts sales provided that the total activity is conducted within enclosed buildings.~~
- ~~(8) Car wash completely indoors, self-service car wash, automatic or semi-automatic car wash. Provided however, self-service, automatic or semi-automatic car wash establishments shall:~~
- ~~a. Provide not less than five (5) auto waiting spaces at the entrance and three (3) outdoor drying and finishing spaces at the exit to each wash bay of a self-service car wash establishment.~~
 - ~~b. Provide not less than twenty (20) auto waiting or storage spaces at the entrance and six (6) outdoor drying and finishing spaces at the exit of each wash bay of an automatic or semi-automatic car wash establishment.~~

- ~~c. Not conduct any drying, cleaning, polishing, dispensing of gasoline or other comparable operation within the required minimum front yard.~~
- ~~d. Meet the transitional yard requirements of section 2.04, B, B, 7.~~
- ~~e. Not be located within two hundred (200) feet of a residential District fronting on the same side of the street.~~
- ~~(9) Commercial parking lots and structures.~~
- ~~(10) Temporary seasonal uses such as christmas tree sales, nursery plants, fruit stand completely under shelter; provided, however, such uses and accessory off-street parking space therefore shall not reduce or encroach upon the minimum required off-street parking area of any commercial use. Provided further that the location of such use(s) on the lot shall be subject to approval by the Administrator of the Division of Planning and Zoning.~~
- ~~(11) Post office, including storage of delivery vehicles, provided such storage area is screened by a solid decorative fence or wall not less than six (6) feet in height.~~
- ~~(12) Veterinarian.~~
- ~~(13) Schools teaching photography, dance, music, art, language, trades, including barber and beauty schools.~~
- ~~(14) Mass transit terminals.~~
- ~~(15) Other uses similar and comparable in character to the above permitted uses.~~

The following uses shall be permitted in the C-4 District:

1. Any use permitted in the C-1 or C-3 districts (except convalescent or nursing home, day care center).
2. Adult entertainment business (as defined in Section 2.16 and subject to the provisions of Section 2.15).
3. Auction rooms.
4. Automobile (car) wash, subject to the provisions of Section 2.04, B, 1, f.
5. Automotive-related uses, including:

<u>Air conditioning equipment,</u>	<u>Repair shop (except truck or bus)</u>
<u>(sale or installation)</u>	<u>Rust proofing (except truck or bus)</u>
<u>Brake system repair or service</u>	<u>Speed shop</u>
<u>Detailing/trim shop</u>	<u>Tire:</u>
<u>Supply store (tire, battery,</u>	<u>Alignment</u>
<u>parts or accessories, new or used)</u>	<u>Dealers</u>
<u>Exhaust system (muffler) repair shop</u>	<u>Retreading or repair shop</u>
6. Bed and breakfast inn.
7. Blueprinting.
8. Business and personal services, including:

<u>Medical equipment rental or leasing</u>	<u>Recording studio</u>
<u>Music distribution system</u>	<u>Security system services</u>
<u>(except coin operated)</u>	<u>Typesetting</u>
	<u>Upholsterers</u>
	<u>Veterinarian</u>
9. Commercial parking lot or structure.
10. Drinking places, (tavern, bar, cabaret, night club), subject to the provisions of Section 2.04, B, 1, d.

11. Engraving service for identification.
12. Fire station.
13. Fraternal lodge (non-residential).
14. Hotel, motel or tourist court, including hotels operated by organizations for members only.
15. Indoor commercial or recreational amusement establishments, including:

<u>Amusement arcade *</u>	<u>Miniature golf</u>
<u>Ballroom</u>	<u>Shooting gallery/range</u>
<u>Bathhouse</u>	<u>Skating rink, ice or roller</u>
<u>Bingo establishment</u>	<u>(including instruction)</u>
<u>Bowling alley</u>	<u>Slot car racetracks</u>
<u>Firing (gun) range</u>	<u>Tennis court/club, membership</u>
<u>Gymnasium</u>	<u>Trampoline center</u>
<u>Instruction in:</u>	
<u>Baseball</u>	
<u>Basketball</u>	
<u>Gymnastics</u>	

* Special exception required (See Section 2.14 - Special Exception Provisions)

16. Job printing.

17. Massage parlor. *

* Special exception required (See also Section 2.15 - Adult Entertainment Business, if applicable)

18. Parking lot (as primary use).

19. Plasma (blood) center.

20. Post office.

21. Repair services, including:

<u>Air conditioning service or</u>	<u>Laboratory instrument repair</u>
<u>repair, window units only</u>	<u>Lawn mower repair shop</u>
<u>Antique repair or restoration,</u>	<u>Leather goods repair shop</u>
<u>Furniture reupholstery or refinishing</u>	<u>Luggage repair shop</u>
	<u>Sewing machine repair shop</u>
	<u>Surgical instrument repair</u>

22. Retail-type uses, including:

<u>Air conditioner sales,</u>	<u>Lawn and garden supply store</u>
<u>(window type only)</u>	<u>Lumber and other building materials,</u>
<u>Appliance store, (major household)</u>	<u>(including home improvement center)</u>
<u>Firearms/gun sales</u>	<u>Orthopedic and artificial limb store</u>
<u>Fireworks sales</u>	<u>Playground equipment</u>
<u>Flea market (indoor)</u>	<u>Plumbing sales and service,</u>
<u>Garden shop/nursery, retail</u>	<u>(excluding contractor)</u>
<u>Gymnasium equipment sales</u>	<u>Swimming pool sales</u>
<u>Hot tub sales</u>	

23. Rooming and boarding houses.

24. Temporary seasonal retail sales uses, Subject to the provisions of Section 2.13, F.

25. Theatre, including:

- Dinner theatre
- Legitimate
- Motion picture (except drive-in)

26. Other uses similar and comparable in character to the above permitted uses.

16 27. Accessory uses and structures, subordinate, appropriate and incidental to the above permitted uses, including supportive services directly related to and located in the same building with the primary use, provided no exterior signage announcing such services shall be permitted shall be subject to the requirements of Section 2.04, B, 1, g.

17 28. Temporary structures, including temporary signs, fences, walls, buildings, barricades and similar temporary structures incidental and accessory to the development of land during construction, to be included in the Improvement Location Permit for the primary use and to be removed concurrently with completion of construction of the primary use shall be subject to the requirements of Section 2.13, E.

B. C-4 District Development Standards.

1. Use.

a. All uses and operations shall be conducted completely within enclosed buildings except:

- (1) Off-street parking and off-street loading; and,
- (2) Those uses expressly permitting outdoor activities as specified in s Section 2.04, A, drive-through customer service windows, subject to the requirements of Section 2.12, Drive-through Stacking Space Regulations; and,
- (3) Minor displays of merchandise may be placed outdoors provided such displays are: outdoor display or sale of merchandise is permitted, provided such display shall:
 - (a) i. be Accessory to the primary use; and,
 - ii. have a total square footage not exceeding one percent (1%) of the total gross square footage of the establishment. However, each establishment, regardless of size, shall be permitted a minimum of two hundred (200) square feet for outdoor display; and,
 - (b) iii. be Located immediately adjacent to the primary structure, but not within any required minimum front yard or required transitional yard; and,
 - iv. not utilize any required off-street parking space or area; and,
- (c) Not more than two hundred (200) square feet in total area.
 - v. be screened in accordance with Section 2.13, G (Landscaping, Screening, and Grounds Maintenance); and,
- (d) vi. be Maintained in an orderly manner.

e b. No outdoor storage shall be permitted other than, except:

- (1) Trash containers, provided that Trash container(s) exceeding six (6) cubic feet shall be located:
 - i. be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any Protected District, nor shall it be viewed from any street frontage; and, behind or beside the primary structure
 - ii. be located behind the established front building line; and,

- iii. not be located within a required yard or required transitional yard.
- (2) Recycling Containers. Recycling containers shall be subject to the requirements of Section 2.13, D, (Requirements for Recycling Containers).
- b c. No vending machines shall be permitted provided the machine(s) shall be permitted on the exterior of any building on the premises except where:
 - (1) be located within a building; or, contained in a shelter or stall attached to the side of the building and so located as not to interfere materially with the use of adjacent properties
 - (2) be located on the exterior of a building abutting its exterior wall; and,
 - (3) not be located within a required yard or required transitional yard; and,
 - (4) not be used in the calculation of the square footage of minor displays of merchandise placed outdoors as noted in Section 2.04, B, 1, a, (3).
- d. Taverns, package liquor stores, fast food or drive-through restaurants, night club establishments, and such establishments where food or alcoholic beverages may be carried out or may likely be consumed on the premises shall:
 - (1) provide adequate outdoor convenience trash containers; and,
 - (2) erect and maintain a decorative fence or wall along the perimeter of any outdoor seating area; and,
 - (3) not be located within one hundred (100) feet, measured in any direction, of a Protected District. The measurement shall 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 except when such establishment is separated from said Protected District by an intervening street (see Section 2.16, Diagram J).
- e. Gasoline service stations, convenience markets, service centers or functions, services, operation and sales shall not include the following:
 - (1) any outdoor operations (other than the dispensing or installation of gasoline, oil, antifreeze and other similar products and the performance of minor services for customers as related to said dispensing or installation);
 - (2) the sale, rental, display or storage of vehicles, trailers, tractors, machinery or other similar equipment;
 - (3) commercial parking of vehicles;
 - (4) 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; or,
 - (5) dismantling or wrecking of any vehicle, or the storage of inoperable, damaged or wrecked vehicles, other than those awaiting immediate repair.

The exterior display, sales or storage of antifreeze, batteries, tires, oil, and other merchandise or products is permitted, provided, however, that the provisions of Section 2.04, B, 1, a, (3) are maintained.
- f. Car wash establishments shall:
 - (1) be subject to the drive-through off-street stacking space regulations of Section 2.12; and,
 - (2) not conduct any drying, cleaning, polishing, dispensing of gasoline, or other comparable operation within any required yard or required transitional yard; and,

- (3) not be located within one hundred (100) feet, measured in any direction, of a Protected District. The measurement shall 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 except when such establishment is separated from said Protected District by an intervening street (see Section 2.16, Diagram J); and,
 - (4) have exit drives that are a minimum of one hundred (100) feet in length, measured from the vehicle exit of the car wash establishment to the pavement edge of the street.
 - (5) The surface and drainage treatment at the exit drive shall be designed so that no water accumulates on the surface or onto the public right-of-way as a result of the car wash operations.
- g. Accessory uses or structures shall have a total gross floor area which does not exceed twenty-five percent (25%) of the total gross floor area of the primary structures or uses.
2. Required minimum street frontage. Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to Section 2.00, A, 6, Lot Frontage Exception), and shall gain access from said street frontage.
- 2 3. Required minimum front yards, minimum front setback. Same as C-3 District regulations of section 2.03, B, 2. The setback requirements of Section 2.13, A, shall be provided along all street right-of-way lines, unless subject to the Established Setback provisions of Section 2.00, A, 3, b or c.
- 3 Required corner side yard, double frontage lot minimum setback. Same as C-3 DISTRICT regulations of section 2.03, B, 3.
4. Required minimum side yards, minimum side setback. Same as C-3 District regulations of section 2.03, B, 4. No side yard or side setback shall be required unless subject to the requirements for transitional yards of Section 2.04, B, 6 or 8.
5. Required minimum rear yard, minimum rear setback. Same as C-3 District regulations of section 2.03, B, 5. No rear yard or rear setback shall be required unless subject to the requirements for transitional yards of Section 2.04, B, 6 or 8.
- 7 6. Required transitional yards, minimum setbacks. Same as C-3 District regulations of section 2.03, B, 7. Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a Protected District are subject to the requirements of Section 2.04, B, 7 or 8 in addition to the following requirements:
- a. Where a front yard abuts a street on the opposite side of which is a Protected District, a minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street, shall be provided unless subject to the regulations of Section 2.00, A, 3, b, or c, or Section 2.13, A. In the case where a proposed right-of-way does not exist or the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.
 - b. Where a side or rear lot line abuts a lot line in an adjacent Protected District, a required side or rear transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

- (1) Where a dedicated alley separates such side or rear lot line from the Protected District, said required side or rear transitional yard and setback shall be not less than ten (10) feet.
- (2) Where the ground area required for required transitional yards exceeds twenty percent (20%) of the lot area, the width of the side or rear transitional yards may be reduced by one-half (1/2), but to not less individually than six (6) foot planting areas, provided a six (6) foot opaque wooden fence or solid wall is erected.
- (3) The transitional yard requirements of Section 2.04, B, 6 shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful

nonconforming use, exists upon such adjoining property or abutting frontage property, although zoned as a Protected District.

6 7. Use of required yards and required transitional yards. Same as C-3 District regulations of section 2.03, B, 6. All required yards and required transitional yards shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials, subject to the requirements of Section 2.13, G, and shall remain as open space free from structures except where expressly permitted by this Ordinance including the following regulations:

a. Required front yards:

(1) may include pedestrian walks, driveways, flag poles, fences, screening walls and similar appurtenant structures; and

(2) shall not include parking areas and interior access drives, unless subject to the provisions of Section 2.13, A.

b. Required front, side and rear transitional yards:

(1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and,

(2) shall not include parking areas, interior access drives or outdoor display or storage areas, unless subject to the provisions of Section 2.13, A.

8. Maximum height of buildings and structures. Maximum height of buildings and structures shall be Sixty-five (65) feet, subject to the exceptions noted in Section 2.00, A, 5.

Provided, however:

a. along any required front, side or rear transitional yard, as specified in Section 2.04, B, 6, the minimum required setback for that portion of the building exceeding eighteen (18) feet shall be increased by one (1) foot for each additional one (1) foot, or part thereof, of building or structural height above eighteen (18) feet (see Section 2.16, Diagram I).

b. the height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

Provided however, that within two hundred (200) feet of any residential District, the maximum height shall be thirty five (35) feet.

9. Signs. Signs and advertising devices and sign structures shall comply with the Sign Regulations of Ordinance 71-AO-4, Sign Regulations of Marion County, Indiana, 71-AO-4, as amended. Additional regulations specific to adult entertainment businesses are found in Section 2.15.

10. Off-street parking. Off-street parking facilities shall be provided in accordance with the off-street parking regulations of Section 2.1009.

11. Off-street loading. Off-street loading facilities shall be provided in accordance with the off-street loading regulations of Section 2.110.

12. Drive-through off-street stacking space. Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of Section 2.12.

13. Additional development requirements. Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, temporary seasonal retail sales uses, or screening, landscaping and grounds maintenance, shall be in accordance with Section 2.13.

14. Special regulations - adult entertainment business. In addition to the requirements of this Section, adult entertainment businesses shall be in accordance with Section 2.15, Special Regulations - Adult Entertainment Business.

Sec. 2.05. C-5 General Commercial District.

~~Statement of purpose of C-5 district.~~ The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by outdoor display, ~~storage and/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 lighted, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, they should be grouped on heavy commercial thoroughfares and should ~~never be avoid~~ located adjacent to residential DISTRICTS Protected Districts.

A. Permitted C-5 ~~district~~ Uses. ~~The following uses shall be permitted in the C-5 District. All Permitted uses in the C-5 District shall conform to the gGeneral Commercial District rRegulations and pPerformance sStandards of sSection 2.00, and the C-5 District dDevelopment sStandards of sSection 2.05, B, and to any additional and/or more restrictive requirements specified in this section.~~

- ~~(1) Any use permitted in the c-1, c-3 or c-4 districts (except Convalescent Home, Nursing Home, Day Nursery and Kindergarten).~~
- ~~(2) Auto rental.~~
- ~~(3) Auto and/or truck (1/2 ton or less) sales and repair, new or used, provided:~~
 - ~~(a) Any major repair and service is conducted within enclosed buildings.~~
 - ~~(b) Auto or truck storage is incidental to the primary function.~~
 - ~~(c) Outdoor storage shall be screened by a solid decorative fence or wall not less than six (6) feet in height and to a distance from the front lot line not less than the front building line of the primary structure.~~
 - ~~(d) Outdoor display of vehicles shall be located not less than twenty (20) feet from the front line. Provided, a twenty (20) foot wide strip of the required front yard, paralleling and measured from the front line, and extending the full length thereof (except for walks, access cuts and driveways) shall be landscaped in grass, and shrubbery, trees and/or hedge.~~
 - ~~(e) Any lighting used to illuminate an outdoor display area or an out door area where any service or activity is conducted shall comply with the requirements of section 2.09, C, 8, e.~~
- ~~(4) Auto repair garage, provided any major repair and service is conducted within enclosed buildings and does not include:~~
 - ~~(a) The dismantling or wrecking of motor or other vehicles, either indoors, or outdoors, or~~
 - ~~(b) The storage of inoperable or damaged vehicles (except temporarily while awaiting repair).~~
- ~~(5) Auto parts sales.~~
- ~~(6) Commissary, catering service and other similar retail food preparation.~~
- ~~(7) Food locker plant.~~
- ~~(8) Garden and lawn materials, supplies and equipment sales, including outdoor display; lawn mower and equipment service and repair, conducted within enclosed buildings.~~
- ~~(9) Miniature golf, archery, trampoline center, golf driving range, drive in theater and similar recreation facilities.~~
- ~~(10) Motorcycle or bicycle sales, service and/or repair, conducted within enclosed buildings. Outdoor display shall be permitted provided such use is not located within one hundred (100) feet of a residential DISTRICT.~~
- ~~(11) Tool rental.~~

(12) ~~Gasoline service station, tire and auto service center provided:~~

- ~~a. Any display, sale or rental of motor vehicles or trailers conducted in association with a service station shall be located in a specific area, not located in or in any way conflicting or interfering with pedestrian walks, off-street parking area, driveways, required landscaped yards, or public rights-of-way.~~
- ~~b. There shall be no commercial parking of motor vehicles.~~
- ~~c. There shall be no exterior displays which restrict traffic visibility in any way or which impede the movement of any vehicles on the service 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 landscaped yards. All exterior displays shall be maintained in an orderly manner.~~
- ~~d. Any major servicing or motor or body repair work shall be conducted within an enclosed structure, and shall not include:
 - ~~1. The dismantling or wrecking of motor or other vehicles, or~~
 - ~~2. The storage of inoperable or damaged vehicles (except temporarily while awaiting repair).~~
 - ~~3. No driveway shall be so located and constructed that it permits traffic movement completely around or behind the service station or service center structure (except where necessary to provide adequate access to the off-street parking area, building, storage tanks, trash containers, etc., or to adjacent commercial property, or in the case of a station or service center structure designed to provide service on all sides).~~~~

(13) ~~Hotels, apartment hotels, motor hotels, motels.~~

The following uses shall be permitted in the C-5 District:

- 1. Any use permitted in the C-1, C-3, or C-4 districts (except convalescent or nursing home, day care center).
- 2. Automotive-related uses, including:

<u>Automobile:</u> <u>Dealers</u> <u>Leasing, passenger</u> <u>Rental, passenger</u> <u>Body repair/paint shop</u> <u>Glass replacement shop,</u> <u>Motorcycle:</u> <u>Dealers</u> <u>Rental</u> <u>Repair shop</u> <u>Paint shop</u>	<u>Recovery service</u> <u>Repossession service</u> <u>Tractor:</u> <u>Dealers</u> <u>Repair or service</u> <u>Transmission repair shop</u> <u>Truck or bus:</u> <u>Dealers, one-half ton load capacity</u> <u>or less, (including servicing)</u>
--	---
- 3. Business and personal services, including:

<u>Bottle exchanges</u> <u>Equipment Rental or Leasing:</u> <u>Light</u> <u>Tool</u>	<u>Repossession service,</u> <u>other than automotive</u>
---	--
- 4. Caterer.
- 5. Commercial or recreational amusement establishments, including:

<u>Boat or canoe rental</u> <u>Fishing lake operation,</u> <u>commercial or private</u>	<u>Golf uses, including:</u> <u>Cart rental</u> <u>Driving range</u>
---	--

Gocart raceways, (including rental)

Miniature
Pitch-n-putt
Railroads, scenic
Sports, professional or semi-professional

6. Commissary restaurant.
7. Newspaper publishing and printing.
8. Repair services, including:
 - Antennas, household (installation and service)
 - Gas appliance
9. Retail-type uses, including:
 - Flea market (outdoor)
 - Gravestones or monuments, finished
10. Theatre, drive-in
11. Other uses similar and comparable in character to the above permitted uses.
12. Accessory uses and structures, subordinate, appropriate and incidental to the above permitted uses, including supportive services directly related to and located in the same building with the primary use, shall be subject to the requirements of Section 2.05, B, 1, 3g, ~~provided no exterior signage announcing such services shall be permitted.~~
13. Temporary structures, including ~~temporary signs,~~ fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction, ~~to be included in the Improvement Location Permit for the primary use and to be removed concurrently with completion of construction of the primary use~~ shall be subject to the requirements of Section 2.13, E.

B. C-5 ~~district~~ Development Standards.

1. Use.

a. ~~Display and storage:~~ ~~(6)~~ No outside storage shall be permitted, ~~other than~~ except:

- (1) the temporary and accessory storage of vehicles awaiting repair, provided such storage be located behind the established front building line.
- (2) ~~Trash containers,~~ provided that ~~Trash containers~~ exceeding six (6) cubic feet shall be located:
 - i. be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height, behind or beside the primary structure. The open side of the stall, if applicable, shall not face any Protected District, nor shall it be viewed from any street frontage; and,
 - ii. be located behind the established front building line; and,
 - iii. not be located within a required yard or required transitional yard.
- (3) Recycling containers. Recycling containers shall be subject to the requirements of Section 2.13, D, (Requirements for Recycling Containers).

~~(4)~~ b. The outdoor display of goods or materials for sale, lease or rental may be conducted, provided that display areas shall:

- (1) ~~not include the storage of materials or equipment as a primary use, or wholesaling, warehousing or distribution operations, but shall include the outdoor display of merchandise for sale, lease or rental.~~ (2) ~~Outdoor displays shall not be located in any~~

- required yards, required transitional yards, ~~or~~ off-street parking areas or off-street loading areas;
- (3) (2) ~~Display areas shall~~ be of concrete, asphaltic pavement, brick, flagstone or comparable material ~~and shall be~~ maintained in good condition;
- (4) (3) ~~Outdoor displays shall~~ be maintained in an orderly manner;
- (5) (4) ~~Vehicular display areas shall~~ be provided with bumper or wheel guards along the perimeter of any vehicular display area along any minimum required yard line or public right-of-way; and,
- (5) not be located in any way which conflicts or interferes with walks, parking areas, loading areas, driveways, interior access driveways, interior access drives, or landscaped required yards.
- (7) c. Vending machines shall be permitted provided the machine(s) shall: on the exterior of any building on the premises shall be contained in a shelter, stall, or other area so located as not to interfere materially with the use of adjacent properties.
- (1) be located within a building; or,
- (2) be located on the exterior of a building abutting its exterior wall; and,
- (3) not be located within a required yard or required transitional yard.
- d. Taverns, package liquor stores, fast food or drive-through restaurants, night club establishments, and such establishments where food or alcoholic beverages may be carried out or may likely be consumed on the premises shall:
- (1) provide adequate outdoor convenience trash containers; and,
- (2) erect and maintain a decorative fence or wall along the perimeter of any outdoor seating area; and,
- (3) not be located within one hundred (100) feet, measured in any direction, of a Protected District. The measurement shall 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 except when such establishment is separated from said Protected District by an intervening street (see Section 2.16, Diagram J).
- e. Gasoline service stations, convenience markets, service centers or functions, shall be subject to the following regulations:
- (1) Gasoline service stations, convenience markets, service centers or functions, service operation and sales shall not include the following:
- i. any outdoor operations (other than the dispensing or installation of gasoline, oil, antifreeze and other similar products and the performance of minor services for customers as related to said dispensing or installation); and,
- ii. commercial parking of motor vehicles.
- (2) The exterior display, sale or storage of antifreeze, batteries, tires, oil, and other merchandise or products is permitted, provided, however, that the provisions of Section 2.05, B, 1, b are maintained.
- (3) Any display, sale or rental of motor vehicles or trailers conducted in association with a service station shall be located in a specific area, not located in or in any way conflicting or interfering with pedestrian walks, off-street parking areas, driveways, required yards, required transitional yards, or public rights-of-way.

- (4) There shall be no exterior displays which restrict traffic visibility in any way or which impede the movement of any vehicles on the service 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 landscaped yards. All exterior displays shall be maintained in an orderly manner.
- (5) Any major servicing or motor or body repair work shall be conducted within an enclosed structure, and shall not include:
 - i. The dismantling or wrecking of any motor or other vehicles, or
 - ii. The storage of inoperable, damaged or wrecked vehicles, other than those awaiting immediate repair
- f. Car wash establishments shall:
 - (1) be subject to the requirements of Section 2.12, Drive-through Off-street Stacking Space Regulations; and,
 - (2) not conduct any drying, cleaning, polishing, dispensing of gasoline or other comparable operation within any required yard or required transitional yard; and,
 - (3) not be located within one hundred (100) feet, measured in any direction, of a Protected District. The measurement shall 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 except when such establishment is separated from said Protected District by an intervening street (see Section 2.16, Diagram J); and,
 - (4) have exit drives that are a minimum of one hundred (100) feet in length, measured from the vehicle exit of the car wash establishment to the pavement edge of the street.
 - (5) The surface and drainage treatment at the exit drive shall be designed so that no water accumulates on the surface or onto the public right-of-way as a result of the car wash operations.
- g. Accessory uses or structures shall have a total gross floor area which does not exceed twenty-five percent (25%) of the total gross floor area of the primary structures or uses.
- ~~b~~ h. ~~Lighting of display and service areas:~~ Any lighting used to illuminate an outdoor display area, outdoor storage area or an outdoor area where any service or activity is conducted shall comply with the requirements of ~~Section 2.109, 8, e, H.~~ Further, it shall be prohibited to:
 - (1) ~~L~~light an area by the use of stringers of unshielded incandescent lamps in which the entire lamp envelope is designed to function as a light emitter ~~;~~ and
 - (2) ~~M~~make use of attention attracting lighting from any apparatus of any type similar to that used by emergency vehicles.
2. Required minimum street frontage. Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to Section 2.00, A, 6, Lot Frontage Exception), and shall gain access from said street frontage.
- ~~2~~ 3. Required minimum front yards, minimum front setback. ~~Same as C-3 District regulations of section 2.03, B, 2.~~ The setback requirements of Section 2.13, A, shall be provided along all street right-of-way lines, unless subject to the Established Setback provisions of Section 2.00, A, 3, b or c.
- (3) ~~Required corner side yard, double frontage lot minimum setback~~ ~~Same as C-3 DISTRICT regulations of section 2.03, B, 3.~~
4. Required minimum side yards, minimum side setbacks. ~~Same as C-3 District regulations of section 2.03, B, 4.~~ No side yard or side setback shall be required unless subject to the requirements for transitional yards of Section 2.05, B, 6 or 8.

5. Required minimum rear yard, minimum rear setback. Same as C-3 District regulations of section 2.03, B, 5. No rear yard or rear setback shall be required unless subject to the requirements for transitional yards of Section 2.05, B, 6 or 8.

- 7 6. Required transitional yards, minimum setbacks. Same as C-3 District regulations of section 2.03, B, 7. Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a Protected District are subject to the requirements of Section 2.05, B, 7 or 8 in addition to the following requirements:
 - a. Where a front yard abuts a street on the opposite side of which is a Protected District, a minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street, shall be provided unless subject to the regulations of Section 2.00, A, 3, b, or c, or Section 2.13, A. In the case where a proposed right-of-way line does not exist or where the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.
 - b. Where a side or rear lot line abuts a lot line in an adjacent Protected District, a required side or rear transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

 - (1) Where a dedicated alley separates such side or rear lot line from the Protected District, said required side or rear transitional yard and setback shall be not less than ten (10) feet.
 - (2) Where the ground area required for required transitional yards exceeds twenty percent (20%) of the lot area, the width of the side or rear transitional yards may be reduced by one-half (1/2), but to not less individually than six (6) foot planting areas, provided a six (6) foot opaque wooden fence or solid wall is erected.
 - (3) The transitional yard requirements of Section 2.05, B, 6 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 7. Use of required yards and required transitional yards. Same as C-3 District regulations of section 2.03, B, 6. All required yards and required transitional yards shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials, subject to the requirements of Section 2.13, G, and shall remain as open space free from structures except where expressly permitted by this Ordinance.
 - a. Required front yards:
 - (1) may include pedestrian walks, driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
 - (2) shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A.
 - b. Required front, side and rear transitional yards:
 - (1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
 - (2) shall not include parking areas, interior access drives or outdoor display or storage areas, unless subject to the provisions of Section 2.13, A.

8. Maximum height of buildings and structures. Same as C-3 District regulations of section 2.03, B, 8. Sixty-five (65) feet, subject to the exceptions noted in Section 2.00, A, 5.

Provided, however:

- a. along any required front, side or rear transitional yard, as specified in Section 2.05, B, 6, the minimum required setback for that portion of the building exceeding eighteen (18) feet shall be increased by one (1) foot for each additional one (1) foot, or part thereof, of building or structural height above eighteen (18) feet (see Section 2.16, Diagram I).
 - b. the height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
9. Signs. Signs and advertising devices and sign structures shall comply with the Sign Regulations of Ordinance 71-AO-4, Sign Regulations of Marion County, Indiana, 71-AO-4, as amended. Additional regulations specific to adult entertainment businesses are found in Section 2.15.
 10. Off-street parking. Off-street parking facilities shall be provided in accordance with the off-street parking regulations of Section 2.109.
 11. Off-street loading. Off-street loading facilities shall be provided in accordance with the off-street loading regulations of Section 2.110.
 12. Drive-through off-street stacking space regulations. Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of Section 2.12.
 13. Additional development requirements. Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, temporary seasonal retail sales uses, or screening, landscaping and grounds maintenance, shall be in accordance with Section 2.13.
 14. Special regulations - adult entertainment business. In addition to the requirements of this Section, adult entertainment businesses shall be in accordance with Section 2.15. Special Regulations - Adult Entertainment Business.

Sec. 2.06. C-6 Thoroughfare Service Commercial District.

Statement of purpose of C-6 district. The C-6 District is designed to permit development of limited service uses relating to freeway, expressway or other thoroughfare interchanges and other controlled access locations along major arterial thoroughfares. This District is ~~provided at appropriate for~~ provided at appropriate for locations where more concentrated ~~forms types~~ forms types of commercial uses would be incompatible ~~conflict~~ conflict with the other uses in the vicinity. In this District, food, lodging and certain automotive services can be made conveniently available to the thoroughfare user without creating the traffic congestion and hazards commonly associated with interchanges or intersections where large commercial districts have developed. The limited land area availability of locations and limited land use uses permitted in this District provide for maximum compatibility with adjacent Districts.

A. Permitted C-6 district Uses. The following uses shall be permitted in the C-6 District. All Permitted uses in the C-6 District shall conform to the General Commercial District Regulations and Performance Standards of Section 2.00, and the C-6 District Development Standards of Section 2.06, B.

The following uses shall be permitted in the C-6 District:

- ~~(1) Gasoline service station, subject to the same regulations that are required in the C-4 District.~~
- ~~(2) Motel, hotel, motor hotel.~~
- ~~(3) Restaurant, including drive in and carry out restaurants.~~
1. Adult entertainment business (as defined in Section 2.16 and subject to the provisions of Section 2.15).
2. Automobile leasing or renting, passenger.
3. Automobile (car) wash, subject to the provisions of Section 2.06, B, 1, d.
4. Bed and breakfast inn.
5. Convenience market, subject to the provisions of Section 2.06, B, 1, c.
6. Dinner theatre.

7. Drinking places, (tavern, bar, cabaret, night club), subject to the provisions of Section 2.06, B, 1, b.
 8. Eating places (any type of restaurant), subject to the provisions of Section 2.06, B, 1, b.
 9. Gasoline service stations (except truck stops), subject to the provisions of Section 2.06, B, 1, c.
 10. Hotel, motel, tourist court, including such uses operated by organizations for members only.
 11. Outdoor advertising signs, subject to the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
 12. Parking, automobile (as primary use).
 13. Rooming and boarding house.
 - 4 14. Accessory uses and structures, subordinate, appropriate and incidental to the above permitted uses, including supportive services directly related to and located in the same building with the primary use, shall be subject to the requirements of Section 2.06, B, 1, f., provided no exterior signage announcing such services shall be permitted.
 - 5 15. Temporary structures, including ~~temporary signs~~, fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction, to be included in the Improvement Location Permit for the primary use and to be removed concurrently with the completion of construction of the primary use shall be subject to the requirements of Section 2.13, E.
- B. C-6 District Development Standards.
1. *Use.*
 - a. All uses and operations shall be conducted within completely enclosed buildings, except:
 - (1) off-street parking and off-street loading; and,
 - (2) drive-through customer service windows, subject to the regulations of Section 2.12; and,
 - (3) minor displays of merchandise may be placed outdoors provided such displays are:
 - i. accessory to the primary use; and,
 - ii. located immediately adjacent to the primary structure, but not within a required yard; and,
 - iii. not more than two hundred (200) square feet in total area; and,
 - iv. maintained in an orderly manner; and,
 - v. not illuminated; and,
 - (4) No outdoor storage shall be permitted other than trash containers; shall be permitted, provided that trash container(s) exceeding six (6) cubic feet shall be located:
 - i. be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height, behind or beside the primary structure. The open side of the stall, if applicable, shall not face any Protected District, nor shall it be viewed from any street frontage; and,
 - ii. be located behind the established front building line; and,
 - iii. not be located within a required yard or required transitional yard; and,

- (5) recycling containers shall be permitted, subject to the requirements of Section 2.13, D. (Requirements for Recycling Containers); and,
- (6) vending machines shall be permitted, provided the machine(s) shall:
 - i. be located within a building; or,
 - ii. be located on the exterior of a building abutting its exterior wall; and,
 - iii. not be located within a required yard or required transitional yard; and,
 - iv. not be used in the calculation of the square footage of minor displays of merchandise placed outdoors as noted in Section 2.06, B, 1, a, (3), iii.
- b. Fast food or drive-through restaurants, night club establishments and such establishments where food or alcoholic beverages may be carried out or may likely be consumed on the premises shall:
 - (1) provide adequate outdoor convenience trash containers; and,
 - (2) erect and maintain a decorative fence or wall along the perimeter of any outdoor seating area; and,
 - (3) not be located within one hundred (100) feet, measured in any direction, of a Protected District. The measurement shall 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 except when such establishment is separated from said Protected District by an intervening street (see Section 2.16, Diagram J).
- c. Gasoline service station, convenience market, service center or functions, services, operation and sales shall not include the following:
 - (1) any outdoor operations (other than the dispensing or installation of gasoline, oil, antifreeze and other similar products and the performance of minor services for customers as related to said dispensing or installation); and,
 - (2) the sale, rental, display or storage of vehicles, trailers, tractors, machinery or other similar equipment; and,
 - (3) commercial parking of vehicles; and,
 - (4) major servicing of 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; and,
 - (5) dismantling or wrecking of any vehicle, or the storage of inoperable, damaged or wrecked vehicles, other than those awaiting immediate repair.

The exterior display, sales or storage of antifreeze, batteries, tires, oil, and other merchandise or products is permitted, provided, however, that the provisions of Section 2.06, B, 1, a, (3) are maintained.
- d. Car wash establishments shall:
 - (1) be subject to the drive-through off-street stacking space regulations of Section 2.12; and,
 - (2) not conduct any drying, cleaning, polishing, dispensing of gasoline, or other comparable operation within any required yard or required transitional yard; and,
 - (3) not be located within one hundred (100) feet, measured in any direction, of any Protected District. The measurement shall 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 except when such establishment is separated from said Protected District by an intervening street (see Section 2.16, Diagram J); and,

- (4) have exit drives that are a minimum of one hundred (100) feet in length, measured from the vehicle exit of the car wash establishment to the pavement edge of the street.
- (5) The surface and drainage treatment at the exit drive shall be designed so that no water accumulates on the surface or onto the public right-of-way as a result of the car wash operations.
- b e. Any lighting used to illuminate an outdoor area where any service or activity is conducted shall comply with the requirements of ~~Section 2.109, H.~~ Further, it shall be prohibited to:
 - (1) 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
 - (2) Make use of attention attracting lighting from any apparatus of any type similar to that used by emergency vehicles.
- f. Accessory uses or structures shall have a total gross floor area which does not exceed ten percent (10%) of the total gross floor area of the primary structures or uses; and
- 2. Required minimum street frontage. Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right- of-way (unless subject to Section 2.00, A, 6, Lot Frontage Exception), and shall gain access from said street frontage.
- 2 3. Required minimum front yards, minimum front setback. ~~Same as C-3 District regulations of section 2.03, B, 2.~~ The setback requirements of Section 2.13, A, shall be provided along all street right-of-way lines, unless subject to the Established Setback provisions of Section 2.00, A, 3, b or c.
- 3. ~~Corner side yard, double frontage lot minimum setback. Same as C-3 DISTRICT regulations of section 2.03, B, 3.~~
- 4. Required minimum side yards, minimum side setback. ~~Same as C-3 District regulations of section 2.03, B, 4.~~ No side yard or side setback shall be required unless subject to the requirements for transitional yards of Section 2.06, B, 6 or 8.
- 5. Required minimum rear yard, minimum rear setback. ~~Same as C-3 District regulations of section 2.03, B, 5.~~ No rear yard or rear setback shall be required unless subject to the requirements for transitional yards of Section 2.06, B, 6 or 8.
- 7 6. Required transitional yards, minimum setbacks. ~~Same as C-3 District regulations of section 2.03, B, 7.~~ Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a Protected District are subject to the requirements of Section 2.06, B, 7 or 8 in addition to the following requirements:
 - a. Where a front yard abuts a street on the opposite side of which is a Protected District, a minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street shall be provided unless subject to the regulations of Section 2.00, A, 3, b, or c, or Section 2.13, A. In the case where a proposed right- of-way line does not exist or where the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.
 - b. Where a side or rear lot line abuts a lot line in an adjacent Protected District, a required side or rear transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

- (1) Where a dedicated alley separates such side or rear lot line from the Protected District, said required side or rear transitional yard and setback shall be not less than ten (10) feet.
- (2) Where the ground area required for required transitional yards exceeds twenty percent (20%) of the lot area, the width of the side or rear transitional yards may be reduced by

one-half (1/2), but to not less individually than six (6) foot planting areas, provided a six (6) foot opaque wooden fence or solid wall is erected.

(3) The transitional yard requirements of Section 2.06, B, 6 shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although zoned as a Protected District.

6 7. Use of required yards and required transitional yards. Same as C-3 District regulations of section 2.03, B, 6 All required yards and required transitional yards shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials, subject to the requirements of Section 2.13, G, and shall remain as open space free from structures except where expressly permitted by this Ordinance.

a. Required front yards:

(1) may include pedestrian walks, driveways, flag poles, fences, screening walls and similar appurtenant structures; and,

(2) shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A.

b. Required front, side and rear transitional yards:

(1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and,

(2) shall not include parking areas, interior access drives or outdoor display or storage areas, unless subject to the provisions of Section 2.13, A.

8. Maximum height of buildings and structures. Maximum height of buildings and structures shall be Sixty-five (65) feet, subject to the exceptions noted in Section 2.00, A, 5.

Provided, however:

a. along any required front, side or rear transitional yard, as specified in Section 2.06, B, 6, the minimum required setback for that portion of the building exceeding eighteen (18) feet shall be increased by one (1) foot for each additional one (1) foot, or part thereof, of building or structural height above eighteen (18) feet, (see Section 2.16, Diagram I).

b. the height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

Provided however, that within two hundred (200) feet of any residential District, the maximum height shall be thirty-five (35) feet.

9. Signs and advertising devices and sign structures shall comply with the Sign Regulations of Ordinance 71-AO-4, Sign Regulations of Marion County, Indiana, 71-AO-4, as amended. Additional regulations specific to adult entertainment businesses are found in Section 2.15.

10. Off-street parking. Off-street parking facilities shall be provided in accordance with the off-street parking regulations of Section 2.109.

11. Off-street loading. Off-street loading facilities shall be provided in accordance with the off-street loading regulations of Section 2.110.

12. Drive-through off-street stacking space regulations. Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of Section 2.12.

13. Additional development requirements. Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, temporary seasonal retail sales uses, or screening, landscaping and grounds maintenance, shall be in accordance with Section 2.13.

14. Special regulations - adult entertainment business. In addition to the requirements of this Section, adult entertainment business shall be in accordance with Section 2.15, Special Regulations - Adult Entertainment Business.

Sec. 2.07. C-7 High Intensity Commercial District.

~~Statement of purpose of the C-7 district.~~ The C-7 District is designed to provide specific areas for retail commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage and/or display of sizeable merchandise, and the outdoor parking and storage of trucks, materials and/or equipment essential to the operation of these uses. Because of the character and intensity of these uses, ~~this district will~~ should be suitably appropriately located on major commercial arterial thoroughfares but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food merchandising, and the like, etc. Due to the intensity of uses, location of this District adjacent to Protected Districts should be avoided.

A. Permitted C-7 uses. ~~The following uses shall be permitted in the C-7 District.~~ All Permitted uses in the C-7 District shall conform to the ~~g~~General ~~r~~Regulations and ~~p~~Performance ~~s~~Standards of ~~s~~Section 2.00 and the C-7 District ~~d~~Development ~~s~~Standards of ~~s~~Section 2.07, B.

- ~~(1) Any use permitted in the C-1, C-3, C-4, C-5 OR C-6 Districts (except Convalescent Home, Nursing Home, Day Nursery, and Kindergarten).~~
- ~~(2) Boat sales and service.~~
- ~~(3) Cemetery monuments and tombstones, including engraving.~~
- ~~(4) Custom glass fabrication and installation.~~
- ~~(5) Heavy and light equipment and auto trailer rental.~~
- ~~(6) Mobile home sales and service.~~
- ~~(7) Travel trailer, recreational vehicle sales and rental.~~
- ~~(8) Truck cleaning, service, repair and rental.~~
- ~~(9) Truck (over 1/2 ton), tractor (over the road), trailer and farm equipment sales and services.~~
- ~~(10) Retail lumber yard, including millwork.~~
- ~~(11) Home remodeling supplies and materials.~~
- ~~(12) Model display home, garage, outbuilding or other similar display structure.~~

The following uses shall be permitted in the C-7 District:

- 1. Any use permitted in the C-1, C-3, C-4, C-5 or C-6 districts (except coalescent or nursing home, day care center).
- 2. Automotive-related uses, including:

Automobile:

- Boat dealers
- Farm equipment
- Recreational vehicle
(including mobile home,
motor home and popup camper)
- Dealers
 - Rental
 - Repair Shop

Rust proofing:

- Truck, bus or other automotive
- Trailer, truck or bus rental
- Truck or bus:
 - Dealers, (of any load capacity)
 - Rental/leasing
 - Stops
 - Storage
 - Washes, automobile, bus or truck

3. Business and personal services, including:

- | | |
|---|--|
| <u>Autioneering services</u> | <u>Liquidators of merchandise</u> |
| <u>Blueprinting</u> | <u>Locker rental</u> |
| <u>Detective or armored car service</u> | <u>Meter readers (remote)</u> |
| <u>Equipment rental:</u> | <u>Mini-warehouses</u> |
| <u>Heavy or construction</u> | <u>Rug cleaning or repair service</u> |
| <u>Job Printing</u> | <u>Swimming pool cleaning or maintenance</u> |
| <u>Laundry, cleaning and garment</u> | <u>Water softener service</u> |
| <u>services, including:</u> | |
| <u>Carpet or upholstery</u> | |
| <u>Dry-cleaning plant,</u> | |
| <u>Industrial launderers</u> | |
| <u>Linen supply</u> | |

4. Commercial or recreational amusement establishments, including:

Slot Car Racetracks

5. Repair services, any type.

6. Retail-type uses, including:

- | | |
|--|--|
| <u>Farm equipment sales or service</u> | <u>Mobile home dealer</u> |
| <u>Firearm/gun sales</u> | <u>Model home, garage, outbuilding sales</u> |
| <u>Fireworks sales</u> | <u>(including barns, sheds)</u> |
| <u>Glass fabrication/installation</u> | <u>Swimming pool installation</u> |
| <u>Ice dealers</u> | |

7. Temporary seasonal retail sales uses, subject to the provisions of Section 2.13, F.

13 8. Other uses similar and comparable in character to the above permitted uses.

14 9. Accessory uses and structures, subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and located in the same building with the primary use, shall be subject to the requirements of Section 2.07, B, I, G.

15 10. Temporary structures, including ~~temporary signs,~~ fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction, ~~to be included in the Improvement Location Permit for the primary use and to be removed concurrently with completion of construction of the primary use~~ shall be subject to the requirements of Section 2.13, E.

B. C-7 ~~district~~ Development Standards.

1. Use.

- a. Merchandise and products for sale; storage of materials, products, machinery and equipment; and operations incidental to the primary use may be located outdoors.

Provided, however, all outdoor storage and operations within five hundred (500) feet of a Protected District boundary shall be effectively screened by a solid fence or wall. The height of said fence or wall shall be at least six (6) feet and shall not exceed ten (10) feet. Said fence shall be surrounded by shrubbery or hedges as required by Section 2.13, G. The storage of materials or products within the enclosure shall not exceed the height of the fence.

- b. The outdoor display of boats, cemetery monuments, ~~and~~ tombstones, mobile homes, ~~and~~ recreational vehicles, trucks, and merchandise or products with similar and comparable ~~in~~ characteristics, offered for sale shall be permitted, provided:

(1) Any major repair and service ~~is~~ shall be conducted within enclosed buildings; ~~and,~~

(2) Outdoor display of products for sale shall be located not less than twenty (20) feet from the ~~front lot~~ proposed right-of-way line and shall not be located in any required yards.

parking areas or loading areas; provided also that this a twenty (20) foot wide strip of the required front yard, paralleling and measured from the ~~front lot~~ right-of-way line, and extending the full length thereof (except for walks, ~~access cuts~~ and driveways) shall be landscaped in grass, ~~and~~ shrubbery, trees and ~~or~~ a solid hedge, or in combination with other suitable ground cover materials, in accordance with Section 2.13, G; and,

- (3) bumper or wheel guards shall be provided along the perimeter of any vehicular display area; and,
 - (4) display areas shall be of concrete, asphaltic pavement, brick, flagstone or comparable material and shall be maintained in good condition; and,
 - (5) outdoor displays shall be maintained in an orderly manner.
- (3) c. Any lighting used to illuminate an outdoor display area or any outdoor area where any service or activity is conducted shall comply with the requirements of ~~s~~Section 2.109, H, e.
4. Further, it shall be prohibited to:
- (a) 1. 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
 - (b) 2. Make use of attention attracting lighting from any apparatus of any type similar to that used by emergency vehicles.
- d. Trash containers shall be permitted provided containers exceeding six (6) cubic feet shall:
- (1) be completely screened on at least three (3) sides within a solid walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any Protected District, nor shall it be viewed from any street frontage; and,
 - (2) be located behind the established front building line; and,
 - (3) not be located within a required yard or required transitional yard.
- e. Recycling containers shall be permitted, subject to the requirements of Section 2.13, D (Requirements for Recycling Containers).
- f. Vending machines shall be permitted provided the machine(s) shall:
- (1) be located within a building; or,
 - (2) be located on the exterior of a building abutting its exterior wall; and,
 - (3) not be located within a required yard or required transitional yard.
- g. Gasoline service stations, convenience markets, service centers or facility functions, service operation and sales shall be subject to the following regulations:
- (1) Gasoline service stations, convenience markets, service centers or functions, service operation and sales shall not include the following:
 - any outdoor operations (other than the dispensing or installation of gasoline, oil, antifreeze and other similar products and the performance of minor services for customers as related to said dispensing or installation).
 - (2) The exterior display, sale or storage of antifreeze, batteries, tires, oil, and other merchandise or products is permitted, provided, however, that the provisions of Section 2.07, B, 1, a., and b. are maintained.
 - (3) Any display, sale or rental of motor vehicles or trailers conducted in association with a service station shall be located in a specific area, not located in or in any way conflicting

or interfering with pedestrian walks, off-street parking areas, driveways, required yards, required transitional yards, or public rights-of-way.

(4) There shall be no exterior displays which restrict traffic visibility in any way or which impede the movement of any vehicles on the service 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 landscaped yards. All exterior displays shall be maintained in an orderly manner.

(5) Any major servicing or motor or body repair work shall be conducted within an enclosed structure.

h. Car wash establishments shall:

(1) Be subject to the requirements of Section 2.12, Drive-through Off-street Stacking Space Regulations; and,

(2) not conduct any drying, cleaning, polishing, dispensing of gasoline or other comparable operation within any required yard or required transitional yard; and,

(3) not be located within one hundred (100) feet, measured in any direction, of a Protected District. The measurement shall 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 except when such establishment is separated from said Protected District by an intervening street (see Section 2.16, Diagram J); and,

(4) have exit drives that are a minimum of one hundred (100) feet in length, measured from the vehicle exit of the car wash establishment to the pavement edge of the street.

(5) The surface and drainage treatment at the exit drive shall be designed so that no water accumulates on the surface or onto the public right-of-way as a result of the car wash operations.

i. Accessory uses or structures shall:

(1) have a total gross floor area which does not exceed fifty percent (50%) of the total gross floor area of the primary uses or structures; and,

(2) not erect or maintain exterior signs announcing the accessory uses or structure.

2. Required minimum street frontage. Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to Section 2.00, A, 6, Lot Frontage Exception), and shall gain access from said street frontage.

2 3. Required minimum front yards, minimum front setback. Same as C-3 District Regulations of section 2.03, B 2. The setback requirements of Section 2.13, A, shall be provided along all street right-of-way lines, unless subject to the Established Setback provisions of Section 2.00, A, 3, b or c.

(3) ~~Required corner side yard, double frontage lot minimum. Same as C-3 District regulations of section 2.03, B, 3.~~

4. Required minimum side yards, minimum side setbacks. A side yard and setback and landscaped side yard of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided along each side lot line unless subject to the additional transitional yard requirements of Section 2.07, B, 6 or 8.

5. Required minimum rear yard, minimum rear setback. A rear yard and setback and landscaped rear yard of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided along the rear lot line unless subject to the additional transitional yard requirements of Section 2.07, B, 6 or 8.

7 6. Required transitional yards, minimum setbacks. a. ~~Minimum front, side and rear transitional yards and setbacks~~ Minimum front, side and rear transitional yards and setbacks. Yards fronting Dupon

or ~~Abutting A~~ a Residential Protected District are subject to the requirements of Section 2.07 B, 7 or 8 in addition to the following requirements:

- (1) a. Where a front yard abuts a street on the opposite side of which is a residential Protected District, ~~the~~ a minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street, shall be provided unless subject to the regulations of Section 2.00, A, 3, b, or c, or Section 2.13, A. In the case where a proposed right-of-way line does not exist or where the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.

~~shall be the same as the standard front yard and setback requirement of section 2.07, B, 2. Provided however, the front yard use of such minimum required transitional front yard shall not include off-street parking if said abutting street is a Collector, Local or Marginal Access, Cul-de-Sac or Parkway. If the abutting street is an Expressway, Primary or Secondary Thoroughfare, the front yard may include parking provided a twenty (20) foot wide strip of said required front yard paralleling and measured from the line, and extending the full length thereof (except for walks, access cuts and driveways) shall be maintained as a landscaped portion of the yard in conformance with section 2.07, B, 7~~

- (2) b. Where a side or rear lot line abuts ~~either a side or rear~~ lot line in an adjacent residential Protected District, a required side or rear transitional yard and setback of not less than forty (40) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

- (1) ~~Provided however, w~~Where a dedicated alley separates such side or rear lot line from the residential Protected District, said required side or rear transitional yard and setback shall be not less than twenty (20) ten (10) feet.
- (2) Where the ground area required for required transitional yards exceeds twenty percent (20%) of the lot area, the width of the side or rear transitional yards may be reduced by one-half (1/2), but to not less individually than six (6) foot planting areas, provided a six (6) foot opaque wooden fence or solid wall is erected.
- (3) ~~Transitional Yards Exception~~— The transitional yard requirements of ~~s~~Section 2.07, B, 7 6 shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although ~~residentially zoned as a Protected District.~~

~~b. Screening and landscaping of transitional yards - Yards Fronting Upon or Abutting A Residential District~~

- ~~1. Front transitional yards (fronting upon a residential District) shall be landscaped in an open pattern in grass and shrubbery, trees and/or hedge to provide a partial screening of the commercial use. An ornamental, decorative fence or masonry wall, not more than two and one-half (2-1/2) feet in height if solid, or six (6) feet if open, may be used in conjunction with the landscaping.~~

~~Provided however, along any portion of said transitional front yard in which an off-street parking area is located, there shall be provided and maintained along the front line of the parking area, a buffer screen of either:~~

~~Architectural Screen— a wall or fence of ornamental block, brick, solid wood fencing or combination thereof. Said wall or fence shall be at least 42 inches in height and shall be so constructed to such minimum height to restrict any view therethrough, or~~

~~Plant Material Screen— a compact hedge of evergreen or deciduous shrubs, at least 36 inches in height at the time of planting.~~

~~Ground area between such wall, fence or hedge and the front lot line shall be planted and maintained in grass, other suitable ground cover, shrubbery and/or trees. All shrubs and~~

trees shall be planted or transplanted with a ball of earth and shall meet the standards of the American Association of Nurserymen, (a copy of which is on file in the office of the Division of Planning and Zoning of the Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made part hereof).

2. ~~Side and rear transitional yards (abutting a residential District) shall be landscaped in grass and shrubbery, trees and/or hedge to form an effective screening of the commercial use. An ornamental, decorative fence or masonry wall may be used in conjunction with the landscaping.~~

~~Provided however, driveways, off street parking and loading areas shall not be permitted in the side or rear transitional yards. If any side or rear portion of a lot other than the transitional yards is to be used for a driveway, off street parking area and/or loading area, there shall be provided and maintained along the length of the drive and/or parking or loading area at the lot line or up to a distance of forty (40) feet from the lot line, and to the front setback line, a landscape screen, wall or fence of opaque landscape materials, ornamental block, brick, solid wood fencing or combination thereof. Said screen, wall or fence shall be designed and constructed to a height of not less than six (6) feet nor more than ten (10) feet and shall be constructed to restrict any view therethrough. The yard shall be landscaped for its length in grass with shrubbery and/or trees planted and maintained at intervals of ten (10) feet on center and to a minimum height of thirty six (36) inches for shrubbery and six (6) feet for trees at time of planting, or comparable treatment.~~

~~No materials or equipment shall be stored to a height greater than said screen, wall or fence.~~

3. ~~To provide maximum flexibility in the landscape design of said screen and ground area, a variety of plant material may be used, provided, however, that a plan indicating the species, variety, size, spacing and location of all plants shall be filed with the Division of Planning and Zoning of the Department of Metropolitan Development and approved by the Metropolitan Development Commission or the Administrator of the Division of Planning and Zoning if so authorized by said Commission, prior to the issuance of an Improvement Location Permit.~~

- 6 7. Use of required yards and required transitional yards. All required yards and required transitional yards shall be landscaped with in grass, and shrubbery, trees and/or hedge, or in combination with other suitable ground cover materials, subject to the requirements of Section 2.13, G and shall remain as open space free from structures except where expressly permitted by this Ordinance.

a. Required front yards ~~may include:~~

- (1) may include ~~P~~pedestrian walks, driveways, flag poles, fences, screening walls and similar appurtenant structures ~~uses;~~ and,
- (2) may include ~~A~~ccess cuts and driveways, provided they are not located within forty (40) feet of a side lot line abutting a residential Protected District; and,
- (3) Off street shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A., provided however, a six (6) foot wide strip of the required front yard, paralleling and measured from the front lot line, and extending the full length thereof (except for walks access cuts and driveways), shall be maintained as a landscaped portion of the front yard as required above.

b. ~~Except as prohibited by section 2.07, B, 7, r~~Required side and rear yards: ~~may include:~~

- (1) may include pedestrian walks, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
- (2) shall not include parking area and interior access drives.
- (1) ~~Pedestrian walks, flag poles and similar appurtenant uses.~~

~~(2) Access cuts and driveways provided they are not located within forty (40) feet of a lot line and abutting a residential DISTRICT.~~

~~(3) Off street parking, provided it is not located within forty (40) feet of a lot line abutting a residential DISTRICT.~~

c. Required front, side or rear transitional yards:

(1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and,

(2) shall not include parking areas, interior access drives, or outdoor display or storage areas, unless subject to the provisions of Section 2.13, A.

8. Maximum height of building and structures. Maximum height of buildings and structures shall be Thirty-five (35) feet, subject to the exceptions noted in Section 2.00, A, 5.

Provided, however:

a. along any required front, side or rear transitional yard, as specified in Section 2.07, B, 6, the minimum required setback for that portion of the building exceeding eighteen (18) feet shall be increased by one (1) foot for each additional one (1) foot, or part thereof, of building or structural height above eighteen (18) feet. (see Section 2.16, Diagram I).

b. the height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

9. Signs. Signs and advertising devices and sign structures shall comply with the Sign Regulations of Ordinance 71-AO-4, Sign Regulations of Marion County, Indiana, 71-AO-4, as amended. Additional regulations specific to adult entertainment businesses are found in Section 2.15.

10. Off-street parking. Off-street parking facilities shall be provided in accordance with the off-street parking regulations of Section 2.109.

11. Off-street loading. Off-street loading facilities shall be provided in accordance with the off-street loading regulations of Section 2.110.

12. Drive-through off-street stacking space regulations. Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of Section 2.12.

13. Additional development requirements. Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, temporary seasonal retail sales uses, or screening, landscaping and grounds maintenance, shall be in accordance with Section 2.13.

14. Special regulations - adult entertainment business. In addition to the requirements of this Section, adult entertainment businesses shall be in accordance with Section 2.15, Special Regulations - Adult Entertainment Business.

Sec. 2.7508. C-ID Commercial-Industrial District.

Statement of purpose of the C-ID district. The C-ID District is designed to accommodate the commercial/industrial type of land uses which by the nature of operation and/or appearance are more compatible with industrial than retail commercial activities. These uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts and, in some cases, substantial open air storage of large service vehicles, raw materials or finished products. Because of the character and intensity of these uses, this District should be appropriately located in close association with high intensity commercial uses or industrial uses and should never be located adjacent to Protected Districts.

A. Permitted C-ID district uses. The following uses shall be permitted in the C-ID District. All Permitted uses in the C-ID District shall conform to the General Regulations and Performance Standards of Section 2.00 and the C-ID District Development Standards of Section 2.08, 75 B.

- ~~(1) Construction company.~~
- ~~(2) Contractors, such as:
painting; decorating; electrical; plumbing; building; roofing; sheet metal; septic system; storm doors;
windows; awnings; sign contractors.~~
- ~~(3) Crating and packaging service.~~
- ~~(4) Home remodeling company.~~
- ~~(5) Industrial laundry and dry cleaning plant.~~
- ~~(6) Testing laboratory.~~
- ~~(7) Upholsterer, furniture repair.~~
- ~~(8) Wholesaler, warehouse, distributor, storage and transfer establishment.~~

The following uses shall be permitted in the C-ID District:

- 1. Auctioneering service.
- 2. Automobile storage.
- 3. Automobile (car) wash, subject to the provisions of section 2.08, B, 1.
- 4. Boat dealer.
- 5. Building materials.
- 6. Bus or truck:
 - Maintenance garage
 - Rustproofing
 - Washes
- 7. Convenience market, subject to the provisions if Section 2.08, B,1.
- 8. Crating and packaging service.
- 9. Contractors, including:

<u>Air conditioner</u>	<u>Painting</u>
<u>Awning</u>	<u>Pest control</u>
<u>Building/construction</u>	<u>Plastering/drywall (installation)</u>
<u>Carpentry work</u>	<u>Plumbing</u>
<u>Concrete</u>	<u>Pool (installation)</u>
<u>Decorating</u>	<u>Roofing</u>
<u>Electrical</u>	<u>Septic system</u>
<u>Excavation</u>	<u>Sheet metal</u>
<u>Extermination/disinfection</u>	<u>Siding</u>
<u>Fence</u>	<u>Sign</u>
<u>Flooring</u>	<u>Storm door</u>
<u>Heating</u>	<u>Water softener service</u>
<u>Home remodeling</u>	<u>Window</u>
<u>Landscaping (wholesale or retail)</u>	<u>Demolition</u>
<u>Masonry/stonework/tile setting</u>	
- 10. Distributor.

11. Equipment rental or sales:
 - Heavy/construction
 - Light
 - Tool
 12. Farm equipment, new or used; sales or service.
 13. Fireworks display service.
 14. Fuel dealers (other than gasoline service station or convenience market).
 15. Gasoline service station, subject to the provisions of Section 2.08, B, 1.
 16. Industrial laundry or dry cleaning plant.
 17. Linen supply.
 18. Mini-warehouse.
 19. Photofinishing laboratory.
 20. Recreational vehicle dealer (sales or rental, including mobile home and pop camper).
 21. Repair service (any type).
 22. Storage and transfer establishment.
 23. Taxidermy.
 24. Temporary seasonal retail sales, subject to the provisions of Section 2.13, F.
 25. Upholstery.
 26. Warehouse.
 27. Wholesaler.
 - 9 28. Other uses similar and comparable in character to the above permitted uses.
 - 10 29. Accessory uses and structures, subordinate, appropriate and incidental to the above permitted primary uses including supportive services directly related to and located in the same building with the primary use, ~~provided no exterior signage announcing such services shall be permitted,~~ shall be subject to the requirements of Section 2.08, B, 1, g.
 - 11 30. Temporary structures, including ~~temporary signs,~~ fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction, ~~to be included in the Improvement Location Permit for the primary use and to be removed concurrently with completion of construction of the primary use,~~ shall be subject to the requirements of Section 2.13, E.
- B. C-ID ~~district~~ Development Standards.
1. Use.
 - a. Merchandise and products for sale; storage of materials, products, machinery and equipment; and operations incidental to the primary use may be located outdoors.

Provided, however, outdoor storage and operations shall be effectively screened from public view by a solid fence or wall not less than six (6) feet in height constructed on or behind the front building setback line.

Further provided, however, all storage of materials or products within five hundred (500) feet of a Protected District boundary shall be effectively screened by a solid fence or wall. The height of said fence or wall shall be at least six (6) feet and shall not exceed ten (10) feet. Said fence shall be surrounded by shrubbery, trees or hedge subject to the requirements of Section 2.13, G. The storage of materials or products within the enclosure shall not exceed the height of the fence.

In addition, in no case shall the total area of outside operations and storage exceed fifty percent (50%) of the total gross floor area of enclosed structures and buildings.

- b. Any major repair and service is shall be conducted within enclosed buildings.
- c. Any lighting used to illuminate any outdoor area where any service or activity is conducted shall comply with the requirements of Section 2.109, H8, e. Further, (3) It shall be prohibited to:
 - (1) Llight 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; or
 - (2) Mmake use of attention attracting lighting from any apparatus of any type similar to that used by emergency vehicles.
- d. Trash containers shall be permitted provided containers exceeding six (6) cubic feet shall:
 - (1) be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any Protected District, nor shall it be viewed from any street frontage; and,
 - (2) be located behind the established front building line; and,
 - (3) not be located within a required yard or required transitional yard.
- e. Recycling containers shall be permitted, subject to the requirements of Section 2.13, D, (Requirements for Recycling Containers).
- f. Vending machines shall be permitted provided the machine(s) shall:
 - (1) be located within a building; or,
 - (2) be located on the exterior of a building abutting its exterior wall; and,
 - (3) not be located within a required yard or required transitional yard.
- g. Gasoline service stations, convenience markets, service centers or facility functions, service operation and sales shall be subject to the following regulations:
 - (1) Gasoline service stations, convenience markets, service centers or function, service operation and sales shall not include the following:
 - any outdoor operations (other than the dispensing or installation of gasoline, oil, antifreeze and other similar products and the performance of minor services for customers as related to said dispensing or installation).
 - (2) The exterior display, sale or storage of antifreeze, batteries, tires, oil, and other merchandise or products is permitted, provided, however, that the provisions of Section 2.08, B, 1, a., and b. are maintained.
 - (3) Any display, sale or rental of motor vehicles or trailers conducted in association with a service station shall be located in a specific area, not located in or in any way conflicting or interfering with pedestrian walks, off-street parking areas, driveways, required yards, required transitional yards, or public rights-of-way.
 - (4) There shall be no exterior displays which restrict traffic visibility in any way or which impede the movement of any vehicles on the service 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.

- (5) Any major servicing or motor or body repair work shall be conducted within an enclosed structure.

h. Car wash establishment shall:

- (1) be subject to the requirements of Section 2.12, Drive-through Off-street Stacking Space Regulations; and,
- (2) not conduct any drying, cleaning, polishing, dispensing of gasoline or other comparable operation within any required yard or required transitional yard; and,
- (3) not be located within one hundred (100) feet, measured in any direction, of a Protected District. The measurement shall 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 except when such establishment is separated from said Protected District by an intervening street (see Section 2.16, Diagram J); and,
- (4) have exit drives that are a minimum of one hundred (100) feet in length, measured from the vehicle exit of the car wash establishment to the pavement edge of the street.
- (5) The surface and drainage treatment at the exit drive shall be designed so that no water accumulates on the surface or onto the public right-of-way as a result of the car wash operations.

i. Accessory uses or structures shall:

- (1) have a total gross floor area which does not exceed fifty percent (50%) of the total gross floor area of the primary uses or structures; and
- (2) not erect or maintain exterior signs announcing the accessory uses or structures.

2. Required minimum street frontage. Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to Section 2.00, A, 6, Lot Frontage Exception), and shall gain access from said street frontage.

2 3. Required minimum front yards, minimum front setback. Same as C-3 District regulations of section 2.03, B, 2. The setback requirements of Section 2.13, A, shall be provided along all street right-of-way lines, unless subject to the Established Setback provisions of Section 2.00, A, 3, b or c.

~~3. Corner side yard double frontage lot minimum. Same as C-3 DISTRICT regulations of section 2.03, B, 3.~~

4. Required minimum side yards, minimum side setback. A side yard and setback and landscaped side yard of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided along each side lot line unless subject to the additional transitional yard requirements of Section 2.08, B, 6 or 8.

5. Required minimum rear yard, minimum rear setback. A rear yard and setback and landscaped rear yard of not less than (10) feet in depth, measured from and paralleling the lot line, shall be provided along the rear lot line unless subject to the additional transitional yard requirements of Section 2.08, B, 6 or 8.

7 6. Required transitional yards, minimum setbacks. a. Minimum front, side and rear transitional yards and setbacks. Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a Residential Protected District are subject to the requirements of Section 2.08, B, 7 or 8 in addition to the following requirements:

- (1) a. ~~Where a front yard abuts a street on the opposite side of which is a residential Protected District, a the minimum required front transitional yard and setback of not less than twenty (20) feet, measured from and paralleling the proposed right-of-way line of the street, shall be provided unless subject to the regulations of Section 2.00, A, 3, b, or c, or Section 2.13, A. In the case where a proposed right-of-way does not exist or where the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement, shall be the same as the standard front yard and setback requirements of section 2.08, B, 2. The front yard use of such minimum required transitional front yard shall not include off-street parking if said abutting street is a Collector, Local or Marginal Access, Cul-de-Sac or Parkway. If the abutting street is an Expressway, Primary or Secondary Thoroughfare, the front yard may include off-street parking provided a twenty (20) foot wide strip of said required front yard, paralleling and measured from the front lot line and extending the full length thereof (except for walks, access cuts and driveways), shall be maintained as a landscaped portion of the yard in conformance with section 2.08, B, 7.~~
- (2) b. ~~Where a side or rear lot line abuts either a side or rear lot line in an adjacent residential Protected District, a required side or rear transitional yard and setback of not less than forty (40) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.~~

Exceptions:

- (1) ~~Provided, however, w~~Where a dedicated alley separates such side or rear lot line from the residential Protected District, said required side or rear transitional yard and setback shall be not less than twenty (20) ten (10) feet.
- (2) Where the ground area required for required transitional yards exceeds twenty percent (20%) of the lot area, the width of the side or rear transitional yards may be reduced by one-half (1/2), but to not less individually than six foot planting areas, provided a six (6) foot opaque wooden fence or solid wall is erected.
- (3) ~~Transitional Yards Exception~~ - The transitional yard requirements of ~~s~~Section 2.0758, B, 7 ~~6~~ shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although ~~residentially zoned as a Protected District.~~
- b. ~~Screening and landscaping of transitional yards - yards fronting upon or abutting a residential district~~

~~1. Front transitional yards (fronting upon a residential District) shall be landscaped in an open pattern in grass and shrubbery, trees and/or hedge to provide a partial screening of the commercial use. An ornamental decorative fence or masonry wall, not more than two and one half (2 1/2) feet in height if solid, or six (6) feet if open, may be used in conjunction with the landscaping.~~

~~Provided, however, along any portion of said transitional front yard in which an off-street parking area is located, there shall be provided and maintained along the front line of the parking area, a buffer screen of either:~~

~~Architectural Screen - a wall or fence of ornamental block, brick, solid wood fencing or combination thereof. Said wall or fence shall be at least 42 inches in height and shall be so constructed to such minimum height to restrict any view therethrough, or~~

~~Plant Material Screen - a compact hedge of evergreen or deciduous shrubs, at least 36 inches in height at the time of planting.~~

~~Ground area between such wall, fence or hedge and the front lot line shall be planted and maintained in grass, other suitable ground cover, shrubbery and/or trees. All shrubs and trees shall be planted or transplanted with a ball of earth and shall meet the standards of the American Association of Nurserymen, (a copy of which is on file in the office of the Division of Planning and Zoning of the Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof).~~

2. ~~Side and rear transitional yards (abutting a residential District) shall be landscaped in grass and shrubbery, trees and/or hedge to form an effective screening of the commercial use. An ornamental, decorative fence or masonry wall may be used in conjunction with the landscaping.~~

~~Provided, however, driveways, off-street parking and loading areas shall not be permitted in the side and rear transitional yards. If any side or rear portion of a lot other than the transitional yards is to be used for a driveway, off-street parking area and/or loading area, there shall be provided and maintained along the length of the drive and/or parking or loading area at the lot line or up to a distance of forty (40) feet from the lot line, and to the front setback line, a landscaped screen, wall or fence of opaque landscape materials, ornamental block, brick, solid wood fencing or combination thereof. Said screen, wall or fence shall be designed and constructed to a height of not less than six (6) feet nor more than ten (10) feet and shall be constructed to restrict any view therethrough. The yard shall be landscaped for its length in grass with shrubbery and/or trees planted and maintained at intervals of ten (10) feet on center and to a minimum height of thirty six (36) inches for shrubbery and six (6) feet for trees at time of planting, or comparable treatment.~~

~~No materials or equipment shall be stored to a height greater than said screen, wall or fence.~~

3. ~~To provide maximum flexibility in the landscape design of said screen and ground area, a variety of plant material may be used, provided, however, that a plan indicating the species, variety, size, spacing and location of all plants shall be filed with the Division of Planning and Zoning of the Department of Metropolitan Development and approved by the Metropolitan Development Commission or the Administrator of the Division of Planning and Zoning if so authorized by said Commission, prior to the issuance of an Improvement Location Permit.~~

- 6 7. Use of required yards and required transitional yards. All required yards and required transitional yards shall be landscaped with in grass and shrubbery, trees and/or hedge, or in combination with other suitable ground cover materials, subject to the requirements of Section 2.13, G and shall remain as open space free from structures except where expressly permitted by this Ordinance.

a. Required front yards may include:

- (1) may include ~~P~~pedestrian walks, driveways, flag poles, fences, screening walls and similar appurtenant ~~structures uses; and,~~
- (2) ~~Access cuts and~~ may include driveways, provided they are not located within forty (40) feet of a side lot line abutting a residential Protected District; and,
- (3) ~~Off-street shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A., provided, however, a six (6) foot wide strip of the required front yard, paralleling and measured from the front lot line, and extending the full length thereof (except for walks, access cuts and driveways), shall be maintained as a landscaped portion of the front yard as required above.~~

b. ~~Except as prohibited by section 2.08, B., 7, r~~Required side and rear yards may include

- (1) may include ~~P~~pedestrian walks, interior access driveways, flag poles, fences, screening walls and similar appurtenant ~~uses, structures; and,~~
- (2) shall not include parking areas and interior access drives.
- (2) ~~Access cuts and driveways, provided they are not located within forty (40) feet of a lot line abutting a residential DISTRICT.~~
- (3) ~~Off-street parking, provided it is not located within forty (40) feet of a lot line abutting a residential DISTRICT.~~

c. Required front, side or rear transitional yards:

- (1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
 - (2) shall not include parking areas, interior access drives, or outdoor display or storage areas, unless subject to the provisions of Section 2.13, A.
8. Maximum height of buildings and structures. Maximum height of buildings and structures shall be Thirty-five (35) feet, subject to the exceptions noted in Section 2.00, A, 5.

Provided, however:

- a. along any required front, side or rear transitional yard, as specified in Section 2.08, B, 6, the minimum required setback for that portion of the building exceeding eighteen (18) feet shall be increased by one (1) foot for each additional one (1) foot, or part thereof, of building or structural height above eighteen (18) feet (see Section 2.16, Diagram I).
 - b. the height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
9. Signs. Signs and advertising devices and sign structures shall comply with the Sign Regulations of Ordinance 71-AO-4, Sign Regulations of Marion County, Indiana, 71-AO-4, as amended. Additional regulations specific to adult entertainment businesses are found in Section 2.15.
10. Off-street parking. Off-street parking facilities shall be provided in accordance with the off-street parking regulations of Section 2.109.
11. Off-street loading. Off-street loading facilities shall be provided in accordance with the off-street loading regulations of Section 2.110.
12. Drive-through off-street stacking space regulations. Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of Section 2.12.
13. Additional development requirements. Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, temporary seasonal retail sales uses, or screening, landscaping and grounds maintenance, shall be in accordance with Section 2.13.
14. Special regulations - adult entertainment business. In addition to the requirements of this Section, adult entertainment businesses shall be in accordance with Section 2.15, Special Regulations - Adult Entertainment Business.

Sec. 2.09. C-S Special Commercial District Regulations.

Statement of purpose of the C-S District. The Special Commercial District (C-S) is established for the following purposes:

1. To encourage:
 - a. a more creative approach in land planning.
 - b. superior site and structural design and development.
 - c. 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.

The C-S ~~Special~~ 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 due to excellence of in planning, design or function, and can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness, attractiveness and compatibility. Thus, the District provides flexibility and procedural economy, by permitting the broadest range of land use choices within a single District, with while maintaining adequate land use controls. Under the C-S classification, particular regard can be given property with unique features or significance such as unusual topography or landscape amenities, historical, architectural or social significance, or other special land characteristics. 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.

~~The C-S District is intended to encourage greater creativity in land planning, superior site and structural design and development; to encourage an efficient, aesthetic and desirable use of open space; to provide for a use of land with high functional and aesthetic values; to assure compatibility of land uses, both within the C-S District and with adjacent areas. It is intended to provide maximum flexibility in zoning and districting and controls to meet the changing, diverse developmental needs of the metropolitan area.~~

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 wild life.

A. Permitted C-S District Uses. ~~The following shall be permitted C-S District uses. Provided, however, all land use 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 classification.~~

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 the Division of Planning and Zoning,~~ 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. ~~regulations of section 2.00 and 2.08, a~~ All development land use within the C-S Districts shall be subject to any further standards, restrictions or requirements specified in such rezoning petition or ordinance, ~~and to all requirements of section 2, B, 3 of Ordinance 71-AO-1, the Improvement Location Permit Ordinance of Marion County, Indiana, relative to plans (including exhibits, site plans, renderings, plans for buildings, signs or other structures, fencing, landscaping, off-street parking and loading areas, utilities, drainage, sewage or other developmental or land use plans) and covenants and commitments~~ filed, made or presented in support of such rezoning petition.

1. By example, the following uses may be appropriate in the C-S District.

- a. Planned public and semi-public structures and uses, parks and open space;
- b. Commercial office-multifamily residential complex (providing the residential component shall be subordinate to the primary commercial use or uses);
- c. Regional, community or neighborhood shopping center-office-multifamily residential complex, hotels, motels or other multi-use planned complex, (providing the residential component shall be subordinate to the primary commercial use or uses), or other appropriate uses and accessory facilities therefor;
- d. Office-commercial-industrial research and development park or complex or other commercial-industrial use combinations (providing the industrial use is subordinate to the primary commercial use or uses), and accessory facilities therefor.
- e. Any other appropriate planned land use, complex or combination of land uses as designated and specified in the petition or ordinance zoning land to the C-S District.

2. Accessory uses and structures, subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and located in the same building with the primary use, shall be subject to the requirements of Section 2.09, B, 1.
3. Temporary structures, including fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction shall be subject to the requirements of Section 2.13, E.
- ~~1. Public and semipublic structures and uses, parks and open space, including but not limited to museums, assembly halls, auditoriums, theaters, amphitheaters, exhibition halls or exhibition spaces, libraries, civic center, university or college campus or other educational institution, governmental office complexes, malls, green ways or other appropriate uses and accessory facilities therefor.~~
- ~~2. Commercial office apartment complex, or other planned complex, which may include business, professional and consumer service offices, retail sales and service uses, including but not limited to restaurant (subject to all regulations of section 2.03 applicable to restaurants), gasoline service station (subject to all regulations of section 2.03 applicable to gasoline service stations), or other appropriate uses and accessory facilities therefor.~~
- ~~3. Regional, community or neighborhood shopping center office apartment complex, apartment hotels, hotels, motor hotels or other multi-use planned complex, which may include business, professional and consumer service offices, retail sales and service uses, including but not limited to restaurant (subject to all regulations of section 2.03 applicable to restaurants), gasoline service station (subject to all regulations of section 2.03 applicable to gasoline service stations), or other appropriate uses and accessory facilities therefor.~~
- ~~4. Office commercial industrial research and development park or complex or other commercial industrial use combination (subject to all standards, requirements and regulations of section 2.05) I-1-U Restricted Industrial Urban District Regulations) of Ordinance 63-AO-4, the INDUSTRIAL ZONING ORDINANCE of Marion County, Indiana, as amended), and accessory facilities therefor.~~
- ~~5. Residential recreational commercial planned complex, including multifamily dwellings, townhouses, condominium, cluster housing or other planned residential development in combination with open space, recreational commercial development including golf course, country club, riding stable, tennis or swimming club, marina, lake development or other recreational, public or semi-public, commercial or noncommercial uses, and accessory facilities therefor.~~
- ~~6. Any other appropriate planned land use, complex or combination of land uses as designated and specified in the amending petition or ordinance zoning land to the C-S Special Commercial District.~~

B. C-S District Development Standards.

1. Use.

a. 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 ~~or Master~~ Plan of Marion County, Indiana; and,
- (2) 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 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 ~~or~~ ~~Master~~ Plan of Marion County, Indiana.
- b. On-site vehicular circulation and traffic patterns for all drive-through facilities shall be subject to the requirements of Section 2.12.
- c. Trash containers. Trash containers exceeding six (6) cubic feet shall:
 - (1) be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any Protected District, nor shall it be viewed from any street frontage; and,
 - (2) be located behind the established front building line; and,
 - (3) not be located within a required yard or required transitional yard.
- d. Recycling containers. Recycling containers shall be subject to the requirements of Section 2.13, D, (Requirements for Recycling Containers).
- e. Vending machines shall be permitted provided the machine(s) shall:
 - (1) be located within a building; or,
 - (2) be located on the exterior of a building abutting its exterior wall; and,
 - (3) not be located within a required yard or required transitional yard.
- f. Taverns, package liquor stores, fast food or drive-through restaurants, and such establishments, where food or alcoholic beverages may be carried out, shall:
 - (1) provide adequate outdoor convenience trash containers; and,
 - (2) not provide outdoor tables or seats; and,
 - (3) not be located within one hundred (100) feet, measured in any direction, or a Protected District. The measurement shall 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 except when such establishment is separated from said Protected District by an intervening street (see Section 2.16, Diagram J).
- g. Gasoline service stations, lubricating and oil change services, convenience markets, service centers or functions, shall:
 - (1) not include the following:
 - i. 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 said dispensing or installation);
 - ii. the sale, rental, display or storage of vehicles, trailers, tractors, machinery or other similar equipment;
 - iii. commercial parking of vehicles;
 - iv. 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,
 - v. dismantling or wrecking of any vehicles, or the storage of inoperable, damaged or wrecked vehicles.

- (2) The exterior display, sales or storage of antifreeze, batteries, tires, oil, and other merchandise or products is permitted, provided such display or storage is:
 - i. accessory to the primary use; and,
 - ii. located immediately adjacent to the primary structure, but not within any required yard or required transitional yard; and,
 - iii. not more than two hundred (200) square feet in total area; and,
 - iv. maintained in an orderly manner; and,
 - v. not illuminated.
- (3) A maximum of three (3) accessory indoor service bays may be provided for minor automotive servicing and repair. "Service Bay" is defined in Section 2.16.

h. Car wash establishments shall:

- (1) be subject to the drive-through off-street stacking space regulations of Section 2.12; and,
- (2) not conduct any drying, cleaning, polishing, dispensing of gasoline, or other comparable operation within any required yard or required transitional yard; and,
- (3) not be located within one hundred (100) feet, measured in any direction, of a Protected District. The measurement shall 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 except when such establishment is separated from said Protected District by an intervening street (see Section 2.16, Diagram J.
- (4) have exit drives that are a minimum of one hundred (100) feet in length, measured from the vehicle exit of the car wash establishment to the pavement edge of the street.
- (5) The surface and drainage treatment at the exit drive shall be designed so that no water accumulates on the surface or onto the public right-of-way as a result of the car wash operations.

~~2. Required front yard, minimum setback. Same as the C-2 District regulations of section 2.02, B, 2.~~

~~3. Required corner side yard, double frontage lot minimum setback. Same as the C-2 District regulations of section 2.02, B, 3.~~

2. Required minimum street frontage. Each lot shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to Section 2.00, A, 6, Lot Frontage Exception), and shall gain access from said street frontage.

3. Required minimum front yards, minimum front setback. The setback requirements of Section 2.13, A, shall be provided along all street right-of-way lines, unless subject to the provisions of Section 2.00, A, 3, b or c.

4. Required minimum side yards, minimum side setback. Same as C-2 District regulations of section 2.02, B, 5. A side setback and landscaped side yard of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided unless subject to the additional transitional yard requirements of Section 2.09, B, 6 or 8.

5. Required minimum rear yard, minimum rear setback. Same as C-2 District regulations of section 2.02, B, 5. A rear setback and landscaped rear yard of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided unless subject to the additional transitional yard requirements of Section 2.09, B, 6 or 8.

~~(6) Use of required yards. Same as C-2 District regulations of section 2.02, B, 6.~~

6. Required transitional yards, minimum setback. Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a Protected District are subject to the requirements of Section 2.09, B, 7 or 8 in addition to the following requirements:

- a. Where a front yard abuts a street on the opposite side of which is a Protected District, a minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street, shall be provided unless subject to the regulations of Section 2.00, A, 3, b, or c, or Section 2.13, A. In the case where a proposed right-of-way line does not exist, or the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.
- b. Where a side or rear lot line abuts a lot line in an adjacent Protected District, a required side or rear transitional yard and setback of not less than fifteen (15) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

- (1) Where a dedicated alley separates such side or rear lot line from the Protected District, said required side or rear transitional yard and setback shall be not less than ten (10) feet.
- (2) Where the ground area required for required transitional yards exceeds twenty percent (20%) of the lot area, the width of the side or rear transitional yards may be reduced by one-half (1/2), but to not less individually than six (6) foot planting areas, provided a six (6) foot opaque wooden fence or solid wall is erected.
- (3) The transitional yard requirements of Section 2.09, B, 6 shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although residentially zoned.

7. ~~Transitional yards Same as C-2 District regulations of section 2.02, B 7.~~

7. Use of required yards and required transitional yards. All required yards shall be landscaped with grass and shrubbery, trees or hedge, or in combination with other suitable ground cover materials, subject to the requirements of Section 2.13, G, and shall remain as open space free from structures except where expressly permitted by this ordinance:

a. Required front yards:

- (1) may include pedestrian walks, drive-ways, flag poles, fences, screening wall and similar appurtenant structures; and,
- (2) shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A.

b. Required side and rear yards:

- (1) may include pedestrian walks, interior access driveways, flag poles, fences, screening walls, and similar appurtenant structures; and,
- (2) may include interior access drives and parking areas, unless subject to the transitional yard requirements of Section 2.09, B, 6 or B, 8, provided a six (6) foot wide landscaped strip of the required yard, adjacent to the lot line while paralleling and extending the full length of such lot line, except when interrupted by interior access driveways(s), shall be maintained.

c. Required front, side and rear transitional yards:

- (1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and appurtenant structures; and,
- (2) shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A.

8. Maximum height of buildings and structures. ~~There shall be No height limitation for buildings and structures provided that:~~
 - a. Minimum required front, side and rear yard setbacks shall be increased by one (1) foot for each three (3) additional feet, or part thereof, of building or structural height above thirty-five (35) feet to a maximum front, side or rear building setback requirement of thirty (30) feet; and,
 - b. Minimum required setback along any required front, side or rear transitional yard as specified in section 2.02, B, 6 shall be increased by one (1) foot for each one (1) foot, or part thereof, of building or structural height above thirty-five (35) feet to a maximum front, side, or rear building setback requirement of fifty (50) feet (see Section 2.16, Diagram I).
 - c. The height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
9. Signs. ~~Signs and advertising devices and sign structures shall comply with the sSign rRegulations of Ordinance 71-AO-4, Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.~~
10. Off-street parking. ~~Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 2.09~~10.
11. Off-street loading. ~~Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 2.10~~1.
12. Drive-through off-street stacking space regulations. ~~Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of Section 2.12.~~
13. Additional development requirements. ~~Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, temporary seasonal retail sales uses, or screening, landscaping and grounds maintenance, shall be in accordance with Section 2.13.~~

Sec. 2.10~~9~~. Off-street parking regulations.

~~All~~ Off-street parking facilities areas for motor vehicles accessory to the uses in the Commercial Districts shall be provided in accordance with the following regulations.

~~Regulations for commercial parking facilities (i.e. offering parking spaces for fees) are contained in General Ordinance Number 256, 1970 of the City of Indianapolis and Marion County.~~

However, commercial parking facilities, including attendant parking, shall be subject to the provisions of Article XXV, Chapter 17 of the Code of Indianapolis and Marion County, Indiana (Volume II), and shall not be subject to the development standards of this ordinance other than the minimum setback requirements of the applicable District.

1 A. Application of regulations.

- a. 1. Buildings, structures, uses ~~established~~ hereafter ~~established~~ - exception for permits previously issued; For all buildings and structures erected and all uses of land established after the effective date of this ordinance, accessory parking facilities shall be provided in accordance with the regulations of this Section.

However, where Improvement Location and Building Permits have been issued prior to the effective date of this ordinance, and provided that construction has begun within six (6) months of such effective date and diligently prosecuted to completion, (but such time period not to exceed two (2) years after the issuance of said ~~b~~Building ~~p~~Permit), parking facilities in the amounts required for issuance of said permits may be provided in lieu of any different amounts required by the off-street parking regulations of this ordinance.

- b. 2. Buildings, structures, uses existing or hereafter established - increased intensity of use; When the intensity of use of any legally established building, structure or premises (existing on the effective date of this ordinance or hereafter established) ~~shall be~~ is increased resulting in a net increase (~~through addition~~ of gross floor area or any other unit of measurement specified herein for determining required

~~parking facilities) areas, parking spaces and any other facilities~~ as required herein shall be provided for such increase in intensity of use.

However, no building or structure lawfully erected, or use lawfully established, prior to the effective date of this ordinance shall be required to provide such additional parking ~~spaces or facilities areas~~, unless and until the aggregate increase in any units of measurement specified herein for determining required parking spaces causes an increase in the required number of parking spaces that ~~shall equals not less than~~ fifteen percent (15%) or more of the number of parking spaces existing on the effective date of this ordinance, in which event parking ~~spaces and facilities areas~~ as required herein shall be provided for the total increase.

- e. 3. Change of use: Whenever the type of use of a building, structure or premises ~~shall is~~ hereafter be changed to a new type of use permitted by this ordinance, parking ~~spaces and facilities areas~~ shall be provided as required by the provisions of this ordinance for such new type of use, subject to the exception noted in Section 2.10, A, 2.
 - d. 4. Existing parking ~~facilities areas~~: Required ~~A~~ accessory off-street parking ~~facilities areas~~ in existence on the effective date of this ordinance shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirement for such use as would be required for said use as a new building or use of a building, structure or premises under the provisions of this ordinance.
 - e. 5. New or expanded parking ~~facilities areas~~: Nothing in this ordinance shall ~~be deemed to~~ prevent the establishment of, or expansion of the amount of, off-street parking facilities areas to serve any existing use of land or building, provided that all other regulations herein governing the location, design, landscaping, construction and operation of such facilities areas shall be adhered to.
- ~~2.~~ B. Location.
- 1. Accessory off-street parking areas shall be provided on the same lot as the building or use served, or as provided in Section 2.10, ~~3C~~ below, and shall not be located within the public right-of-way.
 - 2. Accessory parking areas shall be located in a Commercial District which permits the primary use or the I-3, I-4, and I-5 Industrial Suburban and Urban Districts.
 - 3. Any accessory parking area located in a different district than that of the primary use must comply with the development standards for the District in which the parking area is located.
- ~~3.~~ C. Common or combined off-street accessory parking areas. ~~A~~ ~~C~~ Common or combined accessory off-street parking areas may be provided to serve two or more primary buildings or uses, provided such common or combined accessory off-street parking areas shall:
- a. 1. ~~Such common or combined off-street parking area shall~~ be so planned, designed, constructed and maintained as to create a desirable, efficient and well planned off-street parking area with high functional and aesthetic value, attractiveness and compatibility with adjacent land uses, and consistent with the character of the Commercial District within which it is located.
 - b. 2. ~~Such common or combined off-street parking area shall~~ be located within five hundred (500) feet of the all primary uses served therein, measured from the nearest point of the parking area boundary to the primary use served.
 - d. 3. ~~The minimum total number of spaces contained in such combined off-street parking area shall~~ at all times have the minimum total number of spaces that is equal the sum of the minimum required parking spaces for all the use (if freestanding), or integrated center (see Table 2.10-A, # 28.). individual uses served therein No parking space for one use shall be included in the calculation of parking space requirements for any other use. Provided, however:

In order to encourage the development of such well-planned common or combined off-street parking facilities in accordance with the standards of this ordinance, said total number of required spaces may be reduced to the extent of 10% below such combined total if such reduction is indicated on the approved site and development plan demonstrating compliance with the above standards.

e 4. ~~file a~~ A site and development plan for ~~any each such~~ common or combined parking area(s) shall be filed with the Division of Planning and Zoning of the Department of Metropolitan Development Neighborhood and Development Services for ~~and approved~~ by the Metropolitan Development Commission or the Administrator of the Division of Planning and Zoning if so authorized by said Commission, prior to the development and use thereof and prior to the issuance of an Improvement Location Permit ~~for any use served thereby.~~

(1) Said site and development plan ~~(1)~~ shall indicate:

(a) a. adjacent streets, alleys and lots;

(b) b. ~~all individual primary~~ 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 Section 2.109, ~~9 K.~~, hereof;

(c) c. ~~vehicular entrances, exits and turn-off~~ access drives, driveways, interior access driveways and acceleration/ deceleration lanes;

(d) d. the parking area layout, including ~~vehicular driveways or aisles;~~ off street parking areas, parking spaces, total number of parking spaces and dimensions thereof;

(e) e. setbacks, distances to the primary uses served (see Section 2.10, C., 2 for distance measurement);

(f) f. all landscaping and screening, walls ~~and~~ fences; proposed lighting, if any; ~~and~~ type of paving proposed;

(g) g. location of signs; ~~identification sign or signs, including location, size and design thereof.~~

(h) h. ~~storm drainage facilities.~~ (i) location and type of parking space barriers ~~and/or~~ curbing, if any; ~~and.~~

i. all other requirements of the Improvement Location Permit Ordinance (68-AO-11, as amended).

(2) Said site and development plan shall demonstrate compliance with all applicable standards of this ordinance.

(3) Said site and development plan shall be amended and resubmitted for Administrator's approved to indicate any change or other modification of uses served as may be required by Section 2.10, A, 2 or 3, or number of parking spaces provided therefor, prior to obtaining a new Improvement Location Permit.

e. ~~Said~~ Common or combined off-street accessory parking area shall be developed, maintained and used only in accordance with said approved site and development plan and all other requirements of this ordinance.

4. D. Minimum parking lot and parking space dimensions.

a. 1. The interior access drives, interior access driveways, drives, driveways, entrances, exits, aisles, bays and traffic circulation for parking lots and parking garages shall be designed and constructed at not less than the recommended specifications contained in Architectural Graphic Standards, Sixth Eighth Ed. Edition, Ramsey/ and 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 Zoning, Department of Metropolitan Development of Marion County, Indiana, Neighborhood and Development Services and is hereby incorporated by reference and made a part hereof); except that minimum parking spaces (or stalls) dimensions shall be provided as set forth below.

b. 2. A required off-street parking space shall have, regardless of angle of parking, a usable parking space measuring not less than nine (9) feet in width (measured perpendicularly from the sides of the parking space) and eighteen (18) feet in length; provided, however, that the total parking space area shall be, in no instance, less than one hundred eighty (180) square feet in total area.

Exceptions:

- a. All required parking spaces for any use allowing shopping carts to be removed from the interior of the establishment (i.e., grocery store), shall have a usable parking space dimension measuring not less than ten (10) feet in width (measured perpendicularly from the sides of the parking space) and not less than eighteen (18) feet in length; provided, however, that the total usable parking space area shall be at least one hundred eighty (180) square feet. The required parking spaces for such uses shall be located within five hundred (500) feet of the front entrance of the establishment.
 - b. All parking spaces reserved for the use of physically handicapped persons shall have a usable parking space dimension measuring not less than thirteen (13) feet in width (measured perpendicular from the sides of the parking space) and not less than twenty (20) feet in length (see also Section 2.10, L., Required Parking Spaces for the Disabled).
- 5 E. Access to and from parking areas.
- a 1. Each ~~required~~ off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
 - b 2. All off-street parking ~~facilities~~ spaces or areas shall be designed with appropriate means of vehicular access to a street or alley in such a manner as to minimize interference with traffic movement and to provide safe and efficient means of vehicular access. ~~Off-street parking spaces and areas shall be so designed and located so that vehicles shall not back from or into a public street or adjoining property.~~
6. ~~Screening and landscaping.~~ Ground area between the required off-street parking area setback and any lot line abutting a residential District shall be screened and landscaped in accordance with the Commercial District's regulations for screening and landscaping transitional yards.
- 7 F. Use of parking areas.
- a 1. The parking area shall not be used for the storage, display, advertisement, sale, repair, dismantling or wrecking of any vehicles, equipment or materials. ~~b. The required parking area shall not be used for the storage of any commercial or inoperable vehicles.~~
 - e 2. Buildings or structures for guards, attendants or watchmen shall be permitted ~~for shelters for guards, attendants or watchmen;~~ however, any such structure shall not occupy a required off-street parking space(s) and shall comply with all setback requirements.
 - d 3. Loading ~~and unloading~~ spaces and maneuvering area, as required in Section 2.110, shall not constitute a required off-street parking space; nor shall any off-street parking area be used ~~for off-street~~ as a loading space or area purposes.
- 8 G. Surface of parking area.
- a 1. ~~Open and Enclosed Parking Spaces:~~ Off-street parking spaces may be open to the sky, covered, or enclosed in a building. In any instance where a building is constructed or used for parking, it shall be treated as any other major building or structure and subject to all use and development standards requirements of the applicable Commercial District in addition to the requirements contained herein thereof.
 - b 2. All ~~open~~ off-street parking areas, and the access to and from such areas, shall be hardsurfaced paved with concrete or improved with a compacted macadam base, and surfaced with an asphaltic pavement to adequately provide a durable and dust-free surface, ~~which shall be maintained in good condition and free of weeds, dirt, trash and debris, except that:~~ A gravel surface may be used for a period not exceeding one (1) year after the commencement of the use for which the parking area is provided, ~~parking area is opened for use~~ where ground or weather conditions are not immediately suitable for permanent surfacing as specified above.
 - e 3. The surface shall be graded, constructed and drained in such a manner that there will be no ~~free~~ detrimental flow of water onto ~~either adjacent properties or public~~ sidewalks.
 - d 4. The parking area(s), where abutting a required landscaped yard or area, shall be ~~so lined or designated~~ designed and constructed where abutting a required landscaped yard in such a manner that

no part of the any parked vehicles shall extend beyond the boundary of the established parking area into any minimum required landscaped yard or area or into adjoining property.

H. Marking of parking spaces. All parking spaces shall be marked by durable painted lines at least four (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.

I. Lighting of parking area.

- e 1. When parking areas are illuminated, the lighting equipment shall provide good visibility with a minimum of direct glare.
- 2. In applying exterior ~~flood~~ lighting, equipment shall be of an appropriate ~~these types or distribution that are appropriate to lighting within the property line. The lighting equipment shall and~~ be so located, shielded and directed that the lighting distribution of light is confined to the area to be lighted.
- 3. Objectionable ~~spill~~ light onto adjacent properties ~~or~~ and streets shall be avoided to prevent direct glare or ~~of~~ disability glare.
- 4. Lighting levels for outdoor parking areas shall meet the following minimum average maintained horizontal footcandles (as specified in Architectural Graphics Standards, Eighth Edition, Ramsey/Sleeper John Wiley and Sons, Inc., New York, New York the Illuminating Engineering Society Lighting Handbook, 4th Revision, 1966, a copy of which is on file in the office of the Division of Neighborhood and Development Services Planning and Zoning of the Department of Metropolitan Development of Marion County, Indiana and is hereby incorporated by reference and made a part hereof):

J. Landscaping. All parking areas in excess of one hundred (100) spaces shall be landscaped in accordance with Section 2.13, G, 3, (Additional Landscaping Requirements - Interior of Parking Lots).

K. Amount of parking ~~area~~ spaces required

- a 1. Off-street parking spaces shall be provided and maintained for uses in the Commercial Districts in accordance with the ~~following~~ minimum requirements set forth in Table 2.10-A.
- 2. When a computation of required parking spaces results in a fraction of one-half (1/2) or greater, the number of required parking spaces shall be rounded up to the next whole number.

~~(1) Hotels, apartment hotels, motels and motor hotels~~

- ~~(a) One (1) parking space for each rental sleeping unit.~~
- ~~(b) Parking requirements for dwelling units in APARTMENT HOTELS shall be in accordance with section 2.10 (D-9 Dwelling District Nine Regulations) or section 2.11 (D-10 Dwelling District Ten Regulations), as appropriate, of Ordinance 66-AO-2, the Dwelling Districts Zoning Ordinance of Marion County, Indiana, as amended.~~
- ~~(c) If, in addition to dwelling units and/or sleeping units, there are other uses or accessory uses located within or operated in conjunction with the hotel, apartment hotel, motel or motor hotel, the following percentages of additional off-street parking spaces shall be provided for such other uses or accessory uses as would be required by this section if such uses were primary and separate from the hotel, apartment hotel, motel or motor hotel.~~

1. Retail Stores, Offices, Service Establishments	50%
2. Restaurants, Dining Rooms, Bars, Night Clubs	35%
3. Ball Rooms, Auditoriums Banquet Halls, Meeting Rooms	50%

- ~~(2) Sanitariums, nursing and convalescent homes, homes for the aged: One (1) parking space for each three (3) patient beds, plus one (1) parking space for each two employees and each two staff doctors on the premises during the largest work shift.~~

- ~~(3) Day nurseries, private kindergartens: One (1) parking space per employee plus one (1) parking space for each five hundred (500) square feet of gross floor area.~~
- ~~(4) Museums, community centers, civic clubs, philanthropic and eleemosynary institutions: One (1) parking space for each four hundred (400) square feet of gross floor area.~~
- ~~(5) Churches, auditoriums, assembly halls, recital halls: One (1) parking space for each four seats at calculated capacity.~~
- ~~(6) Library: One (1) parking space for each two hundred (200) square feet of floor area open to the public use.~~
- ~~(7) Fire station: One (1) parking space for each two employees on the premises during the largest work shift.~~
- ~~(8) Medical or dental clinics: One (1) parking space for each one hundred (100) square feet of gross floor area.~~
- ~~(9) Business, professional or governmental office, post office, bank: One (1) parking space for each two hundred (200) square feet of gross floor area.~~
- ~~(10) Business, vocational and trade schools: One (1) parking space for each one hundred (100) square feet of gross floor area in the building.~~
- ~~(11) Commercial recreational and amusement establishments involving the assembling of persons, except theaters and bowling alleys: One (1) parking space for each two hundred (200) square feet of gross floor area in the building.~~
- ~~(12) Theaters: One (1) parking space for each three (3) seats.~~
- ~~(13) Bowling alleys: Four (4) parking spaces for each alley.~~
- ~~(14) Restaurants, lunch counters, taverns, bars and night clubs, except drive-ins: One (1) parking space per each two (2) employees per shift plus one (1) parking space for each three (3) customer seats.~~
- ~~(15) Drive-in restaurant or refreshment stand, including any drive-in place or premises used for sale, dispensing, or serving of food, refreshments or beverages, and any establishments where customers may serve themselves, or carry out and consume food, refreshments or beverages on the same premises: Two (2) parking spaces for each one hundred (100) square feet of gross floor area.~~
~~Drive-in restaurant with ten per cent (10%) or less carry-out business: One (1) parking space per employee, plus one (1) parking space per three (3) seats, plus a number of spaces equivalent to ten per cent (10%) of the total calculation of spaces for customer seats to accommodate carry-out customers.~~
- ~~(16) Retail stores generating heavier auto traffic, including but not limited to, supermarkets and other food stores, ice cream parlors, bakeries, drug stores, beauty and barber shops, dime stores: One (1) parking space for each one hundred fifty (150) square feet of gross floor area for any:
 - ~~(a) individual use,~~
 - ~~(b) group of two or more uses in one structure, or~~
 - ~~(c) uses in a planned shopping center or comparable integrated group of uses or structures in which uses included do not exceed 50,000 square feet in total gross floor area;~~Provided, however, that in no case shall any use or uses in the same structure provide less than five (5) parking spaces.~~
- ~~(17) Retail stores generating lighter auto traffic, including but not limited to furniture, jewelry, gifts, hardware, appliance stores and the like; personal services shops; household or equipment repair shops; clothing and show repair shops; interior decorating shops; wearing apparel: One (1) parking space for each three hundred (300) square feet of gross floor area for any:~~

- ~~(a) individual use,~~
- ~~(b) group of two or more uses in one structure, or~~
- ~~(c) uses in a planned shopping center or comparably integrated group of uses or structures in which all uses included do not exceed 50,000 square feet in total gross floor area~~

~~Provided however, that in no case shall any use or uses in the same structure provide less than three (3) parking spaces.~~

~~(18) Speculative commercial structures constructed for potential uses specified in sections (9), (16) and (17) above: If any site and building(s) or center of less than 50,000 square feet of gross floor area is to be developed on a speculative basis for commercial uses, or for which no specific use or uses are contracted, off-street parking spaces shall be provided at a rate of one (1) parking space for each one hundred fifty (150) square feet of gross floor area of all buildings on the site.~~

~~(19) Planned shopping center or integrated grouping of establishments specified in sections (16) and (17) above:-~~

~~(a) If the total gross floor area of the center is between 50,000 and 275,000 square feet - One (1) parking space for each one hundred sixty (160) square feet of gross floor area.~~

~~(b) If the total gross floor area of the center is 275,000 square feet or greater - 5.5 spaces for each one thousand (1000) square feet of gross leasable area. (Gross leasable area shall include the total floor area of the center designed for tenant occupancy and exclusive use for retail sales, services, inventory and storage, including basements, mezzanines, upper floors, if any - and portions of mall or concourse space leased or utilized for retail purposes). Parking spaces for business offices not included in the above classifications, theater space and integrated center management shall be provided in addition to that for the gross leasable area. Provisions of 3. d of this section 2.09 shall not apply.~~

~~(20) Mortuary - One (1) parking space for each fifty (50) square feet of floor area in parlors and assembly rooms.~~

~~(21) Wholesaling, distributing, warehousing, storage, transfer firms; contractors, custom fabricators, upholsterers; industrial laundries; lumber yards, junk yards, coal yards: - One (1) parking space for each two persons on the premises, computed on the basis of the greatest number of persons at any one period or work shift. Any space in the establishment devoted to retailing shall require additional customer parking space in the amount specified elsewhere in this section for the type of retailing involved.~~

~~(22) Uses not specified: For any Commercial District use not specified above, the requirements for off-street parking for a specified use to which said use is most similar shall apply.~~

Table 2.10-A minimum number of off-street parking spaces required by use

<u>Use</u>	<u>Minimum Parking Requirement</u>
1. <u>Any amusement establishments (commercial, recreational) involving the assembling of persons (unless otherwise specified in this table):</u>	
a. <u>Indoor</u>	<u>One (1) parking space for each two hundred fifty (250) square feet of gross floor area.</u>
b. <u>Outdoor</u>	<u>One (1) parking space for each two hundred (200) square feet of gross floor area plus one (1) parking space for each four hundred (400) square feet of site area accessible to the public, exclusive of the parking area.</u>
2. <u>Auto, truck or motorcycle sales or repair:</u>	<u>One (1) parking space for each employee repair: employee per largest work shift, plus two (2) spaces per service bay, (a service bay shall not be considered</u>

- a parking space), plus one (1) space for each two hundred (200) square feet of interior sales and display area, plus one (1) space for each seven thousand (7,000) square feet of outdoor display area.
3. Banking: bank, savings and loan, credit union
 - a. Combined drive-through and walk-in One (1) parking space for each two hundred-fifty (250) square feet of gross floor area. (Also subject to the drive-through requirements of Section 2.12).
 - b. Drive-through facility only One (1) parking space for each employee per largest work shift, plus a minimum of three (3) additional parking spaces. (Also subject to the drive-through requirements of Section 2.12).
 - c. Walk-in facility only One (1) parking space for each two hundred (200) square feet of gross floor area.
 4. Bowling alleys:
 - a. Four (4) parking spaces for each alley/lane
 - b. If, in addition, there are other uses or accessory uses located within or operated in conjunction with the bowling alley, such as restaurants, night clubs, and the like, additional parking spaces, calculated based upon the parking requirements for that specific use, shall be provided (calculation shall be based upon the total sq feet of gross leasable floor area for uses located within or operated in conjunction with the bowling alley.
 5. Churches/synagogues, halls, recital halls: One (1) parking space for each four seats at maximum calculated capacity.
 6. Community centers, museums, civic clubs, philanthropic and eleemosynary institutions: One (1) parking space for each four hundred (400) square feet of gross floor area.
 7. Convenience market One (1) parking space for each two hundred eighty-five (285) square feet of gross floor area. Parking spaces at gasoline pumps may be included in the calculation of required parking.
 8. Day nurseries, day care centers, kindergartens, nursery schools One (1) parking space for each employee per largest work shift, plus one (1) parking space for each five hundred (500) square feet of gross floor area.
 9. Fire station: One (1) parking space for each two employees on the premises during the largest work shift, plus a minimum of three (3) additional parking spaces.
 10. Furniture/floor or wall covering store One (1) parking space for each four hundred (400) square feet of gross floor area.
 11. Gasoline service stations, tire and auto service center other auto service One (1) parking space for each employee per largest work shift, plus two (2) spaces per service bay, (a service bay shall not be considered a parking space), plus three (3) customer spaces, plus one (1) space for each three hundred (300) square feet of gross floor area devoted to retail sales.
 12. Gasoline service station/convenience market Same as (7) convenience market.

13. Grocery store/supermarket One (1) parking space for each one hundred-fifty (150) square feet of gross floor area.
14. Hardware/paint/home improvement store One (1) parking space for each two hundred (200) square feet of gross floor area plus one (1) parking space for each one thousand (1000) square feet of the facility devoted to outside operations or storage, exclusive of the parking area.
15. Health spa/sports club a. One (1) parking space for each two hundred (200) square feet of gross floor area

b. If, in addition, there are other uses or accessory uses located within or operated in conjunction with the health spa or sports club, such as dining areas, restaurants, night clubs, retail stores and the like, additional parking spaces, calculated based upon the parking requirements for that specific use, shall be provided (calculation shall be based upon the total square feet of gross leasable floor area for such uses located within or operated in conjunction with the health spa or sports club).
16. Hotels, motels: a. One (1) parking space for each rental sleeping unit.

b. If, in addition to sleeping units, there are other uses or accessory uses located within or operated in conjunction with the hotel or motel, such as ballrooms, meeting rooms, dining areas, retail stores, auditoriums, restaurants, night clubs, and the like, additional parking spaces, calculated based upon the parking requirements for that specific use, shall be provided (calculation shall be based upon the total square feet of gross leasable floor area for such uses located within or operated in conjunction with the hotel or motel).
17. Library: One (1) parking space for each four hundred (400) square feet of gross floor area.
18. Medical, dental, optometrists clinics/offices One (1) parking space for each two hundred (200) square feet of gross floor area.
19. Mini-warehouses Three (3) parking spaces for each office, plus one (1) parking space per each employee based on the largest work shift, plus one (1) parking space per resident/manager, plus one (1) parking space for each thirty (30) storage units. Required off- street parking spaces shall not be utilized as rental or leased spaces.
20. Miniature golf Four (4) parking spaces for each golf hole, plus one (1) parking space per each employee based on the largest work shift, plus one (1) space per each one hundred (100) square feet devoted to accessory retail or amusement establishments.
21. Mortuary, funeral service crematories One (1) parking space for each fifty (50) square feet of floor area in parlors and assembly rooms.
22. Nursing and convalescent homes, homes for the aged, sanitariums, rehabilitation centers One (1) parking space for each three (3) patient beds, plus one (1) parking space for each two (2) employees and each two (2) staff doctors on the premises during the largest work shift.

23. Office commercial use, general (to include, but not limited to) business, professional, office, post office, office park, research center. Three and one-half (3.5) parking spaces for each one thousand (1000) square feet of gross floor area.
24. Racquetball/tennis courts/club facilities: One (1) parking space per employee, plus four (4) parking spaces per game court, plus one (1) parking space for each two hundred (200) square feet of the remaining floor area in the building devoted to retail activities.
25. Restaurant:
- a. Family One (1) parking space per employee per largest work shift plus one (1) parking space for each four (4) customer seats.
- b. Fast food, with or without drive-through One (1) parking space per employee per largest work shift plus one (1) parking space for each three (3) customer seats. Provided, however, in no case shall any such use provide less than five (5) parking spaces (also subject to the drive-through requirements of Section 2.12).
- c. Fast food, drive-through only (no seating) One (1) parking space per employee per largest work shift plus a minimum of three (3) additional parking spaces (also subject to the drive-through requirements of Section 2.12).
26. Taverns and night clubs One (1) parking space per employee per largest work shift plus one (1) parking space for each seventy-five (75) square feet of gross floor area.
27. Retail or service commercial uses -individual freestanding uses, including but not limited to bakeries; drugstores; beauty and barber shops; package liquor stores; laundromats; photo studios; jewelry; gift, appliance and similar stores; personal service shops Three and one half (3.5) parking spaces for each one thousand (1000) square feet of gross leasable area shall be required for any individual, freestanding retail or service commercial use unless listed separately in this section, in which case the parking requirement noted for that specific use shall be utilized.
- Provided, however, that in no case shall any individual use provide less than five (5) parking spaces.
28. Retail or service commercial uses - integrated centers (as defined in Sec. 2.16)
- a. If the total gross leasable area of an integrated center is less than 400,000 square feet, four (4) parking spaces for each one thousand (1,000) square feet of gross leasable area shall be required.
- b. If the total gross leasable area of an integrated center is greater than 400,000 square feet, but less than 600,000 square feet, four and one half (4.5) parking spaces for each one thousand (1,000) square feet of gross leasable area shall be required.
- c. If the total gross leasable area of an integrated center is greater than 600,000 square feet, five (5) parking spaces for each one thousand (1,000) square feet of gross leasable area shall be required.
- Provided, however:
- (1) in no case shall any individual use provide less than five (5) parking spaces: and,

(2) the following individual uses: grocery store/supermarket; theatres - motion picture or legitimate; bowling alley; or night club, shall provide parking spaces as required for the individual use by this section and such calculation shall be separate from the calculation of the gross leasable area calculation of the integrated center.

- 29. Roller/ice skating rink One (1) parking space for each two hundred (200) square feet of gross floor area in the building.

- 30. Schools: business, technical, trade, and vocational: One (1) parking space for each one vocational: hundred (100) square feet of gross floor area in the building, or one (1) parking space per each twenty-five (25) square feet of classrooms, whichever provides the greater number of spaces.

- 31. Theaters: motion picture or legitimate One (1) parking space for each three (3) seats.

- 32. All uses permitted in the C-ID Commercial-Industrial District: One (1) parking space for each two employees per largest work shift, plus five (5) customer spaces. Any floor area in the establishment devoted to retail sales shall require additional customer parking spaces in the amount specified elsewhere in this section for the type of retail sales involved.

- 33. Uses not specified For any Commercial District use not specified above, specific requirements shall be determined by the Administrator and shall be 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.

L. Required parking spaces for the disabled. Every parking facility available to the public shall have parking spaces reserved for the use of physically handicapped persons, as defined in Section 2.16, according to the following schedule:

<u>Total Required Number of Parking Spaces in Facility</u>	<u>Minimum Number of Reserved Spaces</u>
<u>0 to 25</u>	<u>1</u>
<u>26 to 50</u>	<u>2</u>
<u>51 to 75</u>	<u>3</u>
<u>76 to 100</u>	<u>4</u>
<u>101 to 150</u>	<u>5</u>
<u>151 to 200</u>	<u>6</u>
<u>201 to 300</u>	<u>7</u>
<u>301 to 400</u>	<u>8</u>
<u>401 to 500</u>	<u>9</u>
<u>501 to 1000</u>	<u>Two percent (2%) of the total number of parking spaces.</u>
<u>1001 and over</u>	<u>Twenty (20), plus one (1) for each one hundred (100) spaces over one thousand (1000).</u>

Parking spaces reserved for the use of physically handicapped persons shall count towards the minimum number of off-street parking spaces required in Section 2.10, Table 2.10-A.

The dimensions of parking spaces reserved for the use of physically handicapped persons shall be those noted in Section 2.10, D, 2, b.

M. Parking reduction provision. The Administrator may authorize reductions, beyond those available in Section 2.10, C, up to ten percent (10%) of the maximum number of parking spaces required for (a) use(s) which require four hundred (400) or more parking spaces, if access is provided to public transportation.

Sec. 2.110. Off-street loading regulations.

All ~~Off-street~~ loading facilities accessory to uses in the Commercial Districts shall be provided and maintained in accordance with the following regulations.

4 A. Minimum loading area dimensions.

1. A required off-street loading space shall be at least twelve (12) feet in width by at least fifty-five (55) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fifteen (15) feet.

2. The interior access drives, interior access driveways, driveways, aisles, berths 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, Eighth 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 Neighborhood and Development Services and is hereby incorporated by reference and made a part hereof).

2 B. Access to and from ~~off-street~~ loading area

a 1. Each required off-street loading space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such loading space.

b 2. All off-street loading facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as to minimize interference with traffic movement and to provide safe and efficient means of vehicular access.

3 C. Location and setback.

a 1. All required ~~off-street~~ loading spaces shall be located on the same lot as the use served, and shall be ~~so~~ designed and located so that trucks shall not back from or into a public street or adjoining property.

b 2. No open loading ~~area or loading~~ space shall be located in a ~~minimum~~ required minimum front, side or rear yard or a required transitional yard.

~~e. No loading space shall be located in a minimum required side or rear yard.~~

4 D. Screening. All ~~motor~~ vehicle loading spaces on any lot abutting a ~~residential~~ Protected District or separated by an ~~alley~~ public right-of-way from a ~~residential~~ Protected District shall be enclosed within a building or screened and landscaped in addition to ~~accordance with~~ the Commercial District's regulations for screening and landscaping transitional yards. Such screening and landscaping shall be installed as required in Section 2.13, G.

5 E. Use of loading area. Space allotted to off-street loading spaces and maneuvering area shall not be used to satisfy the off-street parking space requirements.

6 F. Surface of loading area.

a 1. ~~Open and enclosed loading areas:~~ Off-street loading spaces may be open to the sky, covered or enclosed in a building. In any instance where a building is constructed or used for loading, it shall be treated as any other major structure and subject to all ~~requirements thereof~~ use and development standards of the applicable Commercial Districts in addition to these requirements contained herein.

b 2. All ~~open off-street~~ loading areas shall be hardsurfaced paved with concrete, or improved with a compacted macadam base, and surfaced with an asphaltic pavement to adequately provide a durable and dust free surface. A gravel surface may be used for a temporary period not exceeding one (1) year after commencement of the use for which the loading areas is provided, where ground and weather

~~conditions are not immediately suitable for permanent surfacing as specified above, which shall be maintained in good condition and free of weeds, dirt, trash and debris except that:~~

~~A gravel surface may be used for a period not exceeding one (1) year after the loading area is opened for use where ground conditions are not immediately suitable for permanent surfacing as specified above.~~

e 3. The surface shall be graded, constructed and drained in such a manner that there will be no detrimental flow of water onto ~~adjacent properties or public sidewalks.~~

d G. Lighting of loading area. When lighting facilities are used to illuminate a loading area, the lighting equipment shall be located, shielded and directed so that the lighting distribution is confined to the area to be lighted. Objectionable light onto adjacent properties and streets shall be avoided to prevent direct glare or disability glare.

H. Amount of loading area required. Off-street loading space shall be provided and maintained in accordance with the following minimum requirements:

a 1. For each retail store, planned shopping center or commercial establishment, having an aggregate gross floor area of:

- | | | |
|-----|--|---|
| | a. <u>Under 10,000 square feet:</u> | <u>No loading space</u> |
| (1) | b. Over 10,000 square feet but not over 25,000 square feet: | One (1) <u>loading space</u> |
| (2) | c. Over 25,000 square feet but not over 60,000 square feet: | Two (2) <u>loading spaces</u> |
| (3) | d. Over 60,000 square feet but not over but not over 120,000 square feet: | Three (3) <u>loading spaces</u> |
| (4) | e. Over 120,000 square feet but not over but not over 200,000 square feet: | <u>Four (4) loading spaces</u> |
| (5) | f. Over 200,000 square feet but not over 290,000 square feet: | Five (5) <u>loading spaces</u> |
| (6) | g. For each additional 90,000 square feet exceeding 290,000 square feet or fraction thereof: | One (1) additional <u>loading space</u> |

b 2. For each auditorium, hotel, apartment, ~~hotel~~, office building or similar use, having an aggregate gross floor area of:

- | | | |
|-----|---|---|
| (1) | a. Under 10,000 square feet: | a <u>No loading space</u> |
| (2) | b. Over 10,000 square feet but not over 40,000 square feet: | One (1) <u>loading space</u> |
| (3) | c. For each additional 60,000 square feet exceeding 40,000 square feet or fraction thereof: | One (1) additional <u>loading space</u> |

e 3. For any ~~wholesale, warehouse, distributor, storage or transfer establishment, heavy commercial use such as contractor, custom fabrication, crating and packaging, tire recapping, testing laboratories, lumber or coal yard, or similar~~ C-ID District use, having aggregate gross floor area of:

- | | | |
|-----|---|-------------------------------|
| (1) | a. From 0 to <u>Under 40,000 square feet:</u> | One (1) <u>loading space</u> |
| (2) | b. Over 40,000 square feet but not over <u>2</u> 100,000 square feet: | Two (2) <u>loading spaces</u> |

- (3) c. Over 100,000 square feet but not over 200,000 square feet: Three (3) loading spaces
- (4) d. For each additional 200,000 square feet exceeding 200,000 square feet, or fraction thereof: One (1) additional loading space
- d 4. For any Commercial District use not specified above, the off-street loading requirements for ~~off-street loading~~ for a specified use to which said use is most similar shall apply.

Sec. 2.12. Drive-through off-street stacking space regulations.

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 which utilizes a drive-through service unit.

Any use having a drive-through service unit shall provide the required off-street stacking area on-site to minimize off-site traffic congestion while waiting for service.

Each drive-through service unit shall provide stacking spaces as follows:

1. Each stacking space shall be not less than eight and one-half (8 1/2) feet in width and seventeen and one-half (17½) feet in length, with additional space 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 or maneuvering area.
5. 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 (1) 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, which abuts a Protected District unless the side or rear setback of each component of a service unit is located more than one hundred (100) feet from the Protected District.
8. Drive-through service units may contain more than one component part. Service units may contain such components as menu board(s), 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 car washes, the final component of a service unit is the entrance to the car wash building itself.

B. Site plan submission. All required off-street stacking spaces and circulation pattern(s) 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 delineate:

1. all existing and proposed points of ingress and egress, circulation and maneuvering areas, off-street parking and loading areas; and,
2. separately tabulate the number of required off-street parking, loading, and stacking spaces in a conspicuous place on the plan for easy reference.

Prior to obtaining an Improvement Location Permit, the site plan shall be forwarded to the Department of Transportation for its review and comment.

C. Required stacking spaces.

August 2, 1993

1. Bank (including ATM's). Six (6) spaces before the final component of each service unit; one (1) space after each service unit.
2. Drive-in theatre. Before the ticket service window or area, stacking space shall be equal to twenty percent (20%) of the total off-street parking capacity of the theatre. The inbound reservoir area shall not connect or conflict in any way with exit driveways.
3. Car washes.
 - a. Self-service or hand wash. Three (3) spaces before the final component of each service unit; two (2) spaces at the exit of each unit.
 - b. Semi- or fully automatic. Twenty (20) spaces before the final component of each service unit; six (6) spaces at the exit of each unit. Spaces reserved for vacuuming or drying of automobiles may count in the exit stacking figure. parking spaces not required for off-street parking spaces may be utilized for the stacking space calculation.
4. Restaurants. Number of drive-through service units.
 - a. One (1). Six (6) spaces before the final component of the service unit; two (2) spaces at the exit of the unit.
 - b. Two (2). Eight (8) spaces before the final component of each service unit; two (2) spaces at the exit of each unit.

For each additional drive-through service unit. Four (4) spaces before the final component of each additional service unit and one (1) space at the exit of each unit.

5. All other facilities utilizing a drive-through service unit. Including, but not limited to laundry and dry cleaning stations, photo drop off/pick-up stations, automobile oil change or lubrication facilities: Three (3) spaces before the final component of the service unit; one (1) space at the exit of each service unit.

Sec. 2.13 Special regulations.

A. Minimum front setback lines and front yards. Front setbacks, having a minimum depth in accordance with the following setback standards, shall be provided along all public and private street right-of-way lines, and the minimum required building setback lines shall be as follows:

1. No part of any building shall be built closer to the proposed right-of-way lines of the following streets than:
 - a. Ten (10) feet from the proposed right-of-way or seventy (70) feet from the center line, whichever is greater--Expressway, Freeway, Primary Arterial Parkway, Secondary Arterial: (as designated on the Official Thoroughfare Plan for Marion County, Indiana), adopted March 6, 1993)
 - b. Ten (10) feet from the proposed right-of-way--Collector Street, Local Street, Marginal Access Street (including Marginal Access Streets with a coinciding right-of-way boundary immediately paralleling either a Federal Interstate Highway route or any thoroughfare), Cul-de-Sac or any private street.

Subject to the following:

- a. Any required front transitional yard shall have a minimum depth of twenty (20) feet, rather than ten (10) feet. However, there shall be no transitional yard requirement for Expressways, Freeways or Primary Arterials, which shall only be required to provide the required front yard setback of ten (10) feet.
- b. The required front yard and setback shall be located outside of and adjacent to the proposed right-of-way line of the street while paralleling and extending the full length of such right-of-way line, except when interrupted by driveway(s).

- c. The uses of required front yards and required front transitional yards shall be those permitted in the provisions of the Use of Required Yards and Required Transitional Yards sections of the applicable Commercial Zoning District.
- d. Canopies, eaves, cornices or other laterally-supported extensions may extend a maximum of four (4) feet into a required front yard.
- e. In the case where a proposed right-of-way line does not exist, as determined by the Official Thoroughfare Plan for Marion County, Indiana, (officially adopted March 6, 1991), or where the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.

2. No part of any structure, including parking areas, parking spaces, interior access drives, and interior access driveways, shall be built closer than twenty (20) feet to the right-of-way line of a Federal Interstate Highway route.

3. Structures, including parking areas, parking spaces, interior access drives and interior access driveways may be located within the front setback in an area designated as proposed right-of-way under the following provisions:

- a. Streets not designated as a priority in the Official Thoroughfare Plan for Marion County, adopted March 6, 1991.

A required landscape strip shall be provided, measured from the existing right-of-way, and shall have a minimum depth of ten (10) feet. The required landscape strip shall be located outside of and adjacent to the existing right-of-way line of the street while paralleling and extending the full length of such right-of-way, except when interrupted by driveway(s).

- b. Streets designated as a priority in the Official Thoroughfare Plan for Marion County, adopted March 6, 1991.

A required landscape strip shall be provided, measured from the existing right-of-way, and shall have a minimum depth of ten (10) feet. The required landscape strip shall be located outside of and adjacent to the existing right-of-way line of the street while paralleling and extending the full length of such right-of-way line, except when interrupted by driveway(s).

In addition, sufficient off-street parking shall be provided on the outside of the proposed right-of-way so that the applicable off-street parking requirements for the use(s) are met.

In addition, if the Department of Transportation would acquire the proposed right-of-way for thoroughfare development or expansion, the Department of Transportation shall have no obligation to pay for any structure located within the proposed right-of-way.

In the event of dedication of right-of-way as a result of rezoning or other methods for both non-priority and priority streets, such dedication shall not alleviate the right to use the right-of-way in the manner provided above, until such time as the Department of Transportation determines that the additional right-of-way is needed for widening.

B. Integrated shopping center or complex - plan requirements for improvement location permit issuance: Prior to Improvement Location Permit issuance for any building or structure within an integrated shopping center or complex, three copies of the site plans and landscape plans for the entire integrated center shall be on file with the Department of Metropolitan Development.

C. Street requirements:

- 1. Clear sight triangular area. The following provisions shall apply to all streets, whether public or private:

All landscape plantings, structural barriers, shrubs, trees, structures or other objects, temporary or permanent, shall permit completely unobstructed vision within a clear sight triangular area between the heights of two and one half (2 1/2) and nine (9) feet above the crown of the streets, drives, or

driveways. A clear sight triangular area shall be established as one of the following, (See Section 2.16, Diagram E):

- a. On a corner lot, the clear sight triangular area is formed by the street right-of-way lines, the pavement edge of the drives or driveways and the line connecting points twenty-five (25) feet from the intersection of such street right-of-way lines and pavement edge lines; or in the case of a round or cut property corner, from the intersection of the street right-of-way lines and pavement edge lines extended; or,
- b. On a lot adjacent to an at-grade railroad crossing, the clear sight triangular area is formed by the lot line coterminous with the railroad right-of-way, the street right-of-way line or pavement edge line, and the line connecting points twenty-five (25) feet from the intersection of such lines; or,
- c. On a lot which has a driveway, abuts an alley or which is next to a lot which has a driveway, the two clear sight triangular areas are formed by the street right-of-way line, both sides of either the alley right-of-way or of the surface edge of the driveway, and the line connecting points ten (10) feet from the intersection of the street right-of-way line and driveway or alley lines extended.

2. Requirements for Public Streets.

- a. All public streets shall be dedicated to the public, accepted for public maintenance by the Department of Transportation, and improved and constructed in accordance with the standards required by the Indianapolis Department of Transportation Standards for Street and Bridge Design and Construction, or as approved by the Director of the Department of Transportation.
- b. The right-of-way of any streets within an integrated center which is indicated on the Official Thoroughfare Plan for Marion County, Indiana, or which has been required by zoning, variance, or platting commitment, condition or covenant to be developed as public streets, is to be constructed to specific standards based upon their proposed functional classification and shall be dedicated to the public, or the right-of-way thereof shall be reserved for the future.

3. Requirements for Private Streets, Driveways, Interior Access Driveways and Interior Access Drives:

- a. All private streets, driveways, interior access driveways and interior access drives shall meet the minimum standards for construction, materials for use in construction, and design as specified by the "Standard Specifications", Indiana Department of Transportation (8-17-1-39), 1988 Edition, the Indiana Department of Transportation Supplemental Specifications, and the Indianapolis Department of Transportation (IDOT) Standards for Street and Bridge Design and Construction. In the event DOT specifications conflict with the Indiana Department of Transportation Standard Specifications, the most stringent specifications shall govern.

The "Standard Specifications" of the Indiana Department of Transportation (IDOT) are incorporated into this ordinance by reference. Two copies of the "Standard Specifications" are on file and available for public inspection in the office of the Division of Neighborhood and Development Services.

Provided, however, that the standard specifications incorporated into this ordinance shall be modified as follows:

Private interior streets, private interior access drives and private interior access driveways shall have a minimum width, including gutters, curbing, and off-street parallel parking spaces, if provided, of:

One-way, no parking - twelve (12) feet

One-way, parallel parking on one side of the street only - twenty (20) feet

Two-way, no parking - twenty (20) feet

Two-way, parallel parking on one side of the street only - twenty-seven (27) feet

Two-way, parallel parking on both sides of the street - thirty-six (36) feet

- b. Private streets, interior access drives and interior access driveways shall be privately maintained (not by governmental agencies) in good condition and free of chuckholes, standing water, weeds, dirt, trash and debris.

- c. Interior access drives and driveways shall be designed and maintained with sufficient width to provide for the passage of emergency vehicles at all times.
 - d. Private streets, interior access drives and interior access driveways within any Commercial Zoning District may be used to provide ingress and egress to any other Commercial Zoning District and to any other zoning district having a less intense use which would include all Protected Districts.
- D. Requirements for recycling operations and containers:
- 1. Requirements for recycling center operations. Materials permitted for collection at neighborhood recycling collection points and recycling stations as defined in Section 2.16, located within a C-3, C-3C or C-4 Commercial District shall include the following:
 - aluminum cans
 - tin and metal cans
 - plastics
 - glass containers
 - paper products
- In addition to the materials listed above, other household scrap and minor automobile parts made of aluminum, brass, copper, or steel may also be collected at these facilities in the C-3, C-3C and C-4 Commercial Districts. However, all materials collected for delivery to the recycling facilities in the C-3, C-3C and C-4 Commercial Districts shall be in amounts that allow delivery by vehicles which do not exceed a maximum load capacity of three-quarters of a ton. All deliveries that necessitate the use of vehicles in excess of this size shall be required to deliver the recyclable materials to a more intensive recycling facility. This restriction is intended to protect the community character of the C-3, C-3C and C-4 Commercial Districts and minimize traffic created by larger hauling vehicles.
- In the C-3, C-3C and C-4 Commercial Districts, those collection points and recycling stations that utilize a trailer as its primary structure shall be limited to one trailer per site. The facility shall be manned during all hours of operation and located during off hours. In addition to these requirements, the requirements for recycling containers (as specified in 2.13, D, 2) shall also apply to trailer facilities.
- In addition to those requirements outlined for recycling activities in the C-3, C-3C, and C-4 Districts, recycling activities permitted within the C-5, C-6, C-7 and C-ID Commercial Districts shall also be within a completely enclosed structure and may include the crushing or compacting of the recyclable materials in order to facilitate their handling and transport. This processing step is considered to be an incidental aspect of a recycling operation, rather than a characteristic of the use itself.
- 2. Requirements for recycling containers. Recycling containers as defined in Section 2.16 shall be subject to the following requirements:
 - a. The use or structure shall not be located within any required yard or required transitional yard or within any street right-of-way and shall meet the minimum setback requirements of the district.
 - b. When the structure is an accessory use located in the parking area of the primary use, the structure shall be located completely within a striped off-street parking space(s) on the site and shall not be within a drive or maneuvering area.
 - c. A minimum of three (3) off-street parking spaces shall be provided on site. These off-street parking spaces are in addition to the required parking provided for the primary use. A suitable maneuvering area for access and turning shall also be provided as specified in Architectural Graphic Standards, Eighth Edition, Ramsey/Sleeper John Wiley and Sons, Inc., New York, New York.
 - d. All recyclable material shall be stored within a recycling container and the surrounding lot area shall be maintained free of litter and debris on a daily basis.

- e. The recycling containers shall be clearly marked to identify the type of material which may be deposited; and the name and telephone number of the operator and the hours of operation, and shall display a notice stating that no material shall be left outside the recycling containers.
- f. The recycling container shall not reduce the amount of any required landscaping as provided by this ordinance for the primary or accessory use.
- g. The recycling containers shall be emptied or exchanged with a new container at or before the time the existing container becomes completely filled.
- h. The recycling container shall not be located within one hundred (100) feet, measured in any direction, of a Dwelling District. The measurement shall be taken from the exterior of the container to the zoning boundary of the Dwelling District except when such container is separated from said Dwelling District by an intervening street (see Section 2.16, Diagram J).
- i. Recycling containers are prohibited as accessory structures on lots of less than ten thousand (10,000) square feet in area. Recycling containers shall be permitted as accessory uses on lots of ten thousand (10,000) square feet in area or greater provided that the combined total square footage utilized for recycling containers on the lot does not exceed one half (1/2) of one (1) percent of the total gross square footage of the lot.
- j. An Improvement Location Permit shall be obtained prior to the placement of the recycling container on the commercial lot.

E. Requirements for temporary use structures or buildings: Temporary use structures shall be permitted in all Commercial Districts, under a temporary Improvement Location Permit issued by the Administrator subject to the temporary use requirements specified below:

- 1. Temporary use structures or buildings shall comply with all setback requirements for a primary building on the site.
- 2. Any floodlights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
- 3. A temporary Improvement Location Permit for a temporary use structure shall be valid for a maximum of eighteen (18) months. An extension of time, not to exceed one hundred- eighty (180) days, may be granted by the Administrator for good cause shown. Said request for extension must be filed with the Administrator prior to the termination date of the temporary Improvement Location Permit.
- 4. All structures, buildings, appurtenances, or debris associated with the temporary use structure shall be removed from the site immediately upon completion or cessation of the temporary use.

F. Requirements for temporary seasonal retail sales uses:

- 1. The use or structure must comply with all setback requirements for a primary building on the site.
- 2. A minimum of three (3) off-street parking spaces shall be provided on site for the temporary seasonal retail sales use.
The location of the temporary seasonal retail sales use and its required minimum reservation of off-street parking spaces shall not utilize any required off-street parking spaces for the primary/permanent use of the site.
- 3. The location of the temporary seasonal retail sales use, and any structure associated with such use, shall be completely within a striped, off-street parking space(s) for the primary/permanent use on the site and shall not be located within a drive or maneuvering area for that primary/permanent use.
- 4. Final site plans, showing the location of the temporary seasonal retail sales use within the site, shall be subject to Administrator's review and approval prior to the issuance of an Improvement Location Permit.

5. Signs for the temporary seasonal retail sales shall comply with the regulations regarding wall signs within integrated centers contained in the Sign Regulations of Marion County, Indiana (71-AO-4, as amended).

G. Landscaping, screening, and grounds maintenance. Subject to the allowed uses in required yards, landscaping, screening and grounds maintenance shall be provided and maintained, for all development in all Commercial Districts in accordance with the following regulations:

1. Landscaping and screening in required yards.

- a. All required yards shall be landscaped. The landscaping of these yards shall, at a minimum, consist of a combination of living vegetation, such as, trees and shrubs as specified in Section 2.13, G, 1, b, and c, and grasses or ground cover materials, planted or transplanted and maintained, or preserved as existing natural vegetation areas (e.g. woods or thickets). Loose stone, rock or gravel may be used as a landscaping accent, but shall not exceed twenty percent (20%) of the area of the required yard in which it is used.

- b. Landscaping and screening of the required front yard shall be provided and maintained according to the following minimum standards:

- (1) Landscaping in the required front yard shall consist of trees planted in accordance with one of the two following alternatives:

- i. If deciduous shade (overstory) trees are used:

There shall be one (1) tree planted at a maximum of every forty (40) feet on center of linear distance along all required front yards.

These required trees may be grouped together in the required front yard, however, in no case shall spacing between the trees exceed eighty (80) feet (Refer to Section 2.16, Diagram F); or,

- ii. If deciduous ornamental (understory) trees are used:

There shall be one (1) tree planted at a maximum of every twenty-five (25) feet on center of linear distance along the required front yard.

These required trees may be grouped together in the required front yard, however, in no case shall spacing between the trees exceed fifty (50) feet. (Refer to Section 2.16, Diagram F)

Deciduous shade trees and deciduous ornamental trees may be grouped together in the required yards, however, in no case shall spacing between a deciduous shade tree and a deciduous ornamental tree exceed fifty (50) feet.

- (2) Screening in the required front yard of the project may include:

- i. Wall or fence - an ornamental, decorative fence or masonry wall, not more than forty-two (42) inches in height if solid, or six (6) feet if the sight barrier is less than fifty percent (50%), may be used in conjunction with the required landscaping; or,

- ii. Berm - an earthen berm may be used in conjunction with the required landscaping. It shall be a maximum height of forty-two (42) inches, have a minimum crown width of two (2) feet, a side slope of no greater than three to one (3:1), and shall be planted and covered with live vegetation (a retaining wall may be used on one side of the berm in lieu of a side slope, if desired); or,

- iii. Plant Material Screen - a compact hedge of ever-green or densely twigged deciduous shrubs may be used in conjunction with the required landscaping.

Provided, however, for all parking areas between the building line, as extended, and the street, there shall be provided and maintained along the front line of the parking area, a screen of a minimum height of thirty- six (36) inches along a minimum of seventy-five percent (75%) of the linear distance of the parking area (excluding the linear width of driveways) with a solid wall, solid fence, berm, or plant material screen. In addition, no linear open space between the above noted screening techniques shall be greater than thirty (30) feet.

The ground area between such wall, fence, berm, or plant material screen and the front proposed right-of- way line shall be planted and maintained in grass or other suitable ground cover.

A minimum of half of the required trees shall also be planted between the proposed right-of-way and the wall, fence, berm, or plant material screen.

c. Landscaping and screening in the required side and rear yards shall be provided and maintained according to the following minimum standards:

(1) Landscaping in the required side and rear yards shall consist of trees planted in accordance with one of the two following alternatives:

i. If deciduous shade (overstory) trees are used:

There shall be one (1) tree planted at a maximum of every sixty (60) feet on center of linear distance along all required side and rear yards.

These required trees may be grouped together in the required side and rear yards, however, in no case shall spacing between the trees exceed eighty (80) feet (Refer to Section 2.16, Diagram F); or,

ii. If deciduous ornamental (understory) trees are used:

There shall be one (1) tree planted at a maximum of every forty (40) feet on center of linear distance along all required side and rear yards.

These required trees may be grouped together in the required side and rear yards, however, in no case shall spacing between the trees exceed fifty (50) feet. (Refer to Section 2.16, Diagram F)

Deciduous shade trees and deciduous ornamental trees may be grouped together in the required yards, however, in no case shall spacing between a deciduous shade tree and a deciduous ornamental tree exceed fifty (50) feet.

(2) Screening in the required side and rear yard of the project may include:

i. Wall or fence - an ornamental, decorative fence or masonry wall up to a maximum height of ten (10) feet may be used in conjunction with the required landscaping, or

ii. Berm - an earthen berm may be used in conjunction with the required landscaping. It shall have a maximum height of ten (10) feet, have a minimum crown width of two (2) feet, a side slope of no greater than three to one (3:1), and shall be planted and covered with live vegetation, or

iii. Plant Material Screen - a compact hedge of ever-green or densely twigged deciduous shrubs may be used in conjunction with the required landscaping.

d. All landscape plantings, architectural screens (fences, walls), shrubs, trees, structures or other objects shall permit completely unobstructed vision within a clear sight triangular area as noted in Section 2.13, C.

e. No architectural screen fronting upon or abutting a Protected District shall be electrified with the intent of providing for an electrical shock if touched.

- f. Barbed wire, razor wire and similar type wires shall not be permitted within the front yard setback, or in front of any existing building in the C-1, C-2, C-3, C-3C, C-4, C-5, or C-6 Commercial Districts.
 - g. The minimum size of all required landscape plant materials, at the time of planting, including substituting or replacement trees and shrubs, shall be as follows:
 - (1) Deciduous shade (overstory) trees - two and one-half (2 1/2) inch caliper at six (6) inches above the ground.
 - (2) Deciduous ornamental (understory) trees - one and one-half (1 1/2) inch caliper at six (6) inches above the ground.
 - (3) Multi-stemmed trees - eight (8) feet in height.
 - (4) Evergreen trees - five to six (5-6) feet in height.
 - (5) Deciduous or evergreen shrubs - twenty-four (24) inches in height. Shrubs are to be planted at a maximum of four (4) feet on center of linear distance along the required yard.

Except, however, shrubs used to screen parking in front of the building facade of an automotive dealership (new, used, or rental) shall be eighteen (18) inches in height.
 - h. All trees and shrubs shall be planted or transplanted in accordance with the standards contained in American Standard for Nursery Stock, copyrighted in 1986 by the American Association of Nurserymen and approved May 2, 1986 by the American National Standards Institute, Inc. (a copy of which is on file in the office of the Division of Neighborhood and Development Services and is hereby incorporated by reference and made a part hereof). All trees and shrubs shall be mulched and maintained to give a clean and weed-free appearance.
 - i. In computing the number of trees to be planted in a required yard or a required transitional yard, a fraction of one-half (1/2) or greater shall be rounded up to count as an additional tree.
 - j. Existing trees may fulfill the requirements for tree planting in required yards or required transitional yards so long as the standards specified for required yards (Section 2.13, G, 2, b or c) or required transitional yards (Section 2.13, G, 3, b or c) are met.
 - k. The removal from any minimum required yard or any minimum required transitional yard of any existing live deciduous tree over four (4) inch caliper measured at four and one-half (4 1/2) feet above ground or of any existing shrub or evergreen tree over six (6) feet in height shall be prohibited except to facilitate the placement of utilities or to provide for necessary easements or drainage improvements. Removal of said tree(s) shall require the replanting of replacement tree(s) so that the total number of trees replanted equals the total number of trees removed. Replacement trees shall be of the same species as those trees removed unless approved otherwise by the Administrator. Replanting of these replacement trees shall occur within six (6) months of removal, or the next planting season, whichever occurs first.
 - l. All existing trees which are to be preserved shall be maintained without injury and with sufficient area for the root system to sustain the tree. Protective care and physical restraint barriers at the drip line, such as temporary protective fencing, shall be provided to prevent alteration, compaction or increased depth of the soil in the root system area prior to and during groundwork and construction. Heavy equipment traffic and the storage of construction equipment or materials shall not occur within the drip line of the tree.
2. Landscaping and screening of required transitional yards. Landscaping and screening of yards fronting upon or abutting a Protected District shall be provided and maintained, for all development in all Commercial Districts in accordance with the following regulations in addition to Section 2.13, G, 1 d-k.
- a. All required transitional yards shall be landscaped. The landscaping of these yards shall, at a minimum, consist of a combination of living vegetation such as trees, shrubs or hedges, and grasses or ground cover as specified in Section 2.13, G, 2, b and c, planted or transplanted and

maintained, or preserved as existing natural vegetation areas (e.g. woods or thickets). Loose stone, rock or gravel may be used as a landscaping accent, but shall not exceed twenty percent (20%) of the area of the required yard in which it is used.

b. Landscaping and screening of required front transitional yards shall be provided and maintained according to the following minimum standards:

- (1) Landscaping in front transitional yards shall consist of trees planted in accordance with the standards specified for required front yards. See Section 2.13, G, 1, b, (1).
- (2) Screening in front transitional yards shall be provided in an open pattern to partially screen the commercial use.

Provided, however, for any parking areas between the building line, as extended, and the street, there shall be provided and maintained along the front line of the parking area, a buffer screen of a minimum of one of the following:

- i. Architectural Screen - a wall or fence of ornamental block, brick, solid wood fencing or combination thereof. Said wall or fence shall be a maximum of forty-two (42) inches and a minimum of thirty-six (36) inches in height and shall be so constructed to such minimum height to restrict any view therethrough; or,
- ii. Berm - an earthen berm shall be a maximum height of forty-two (42) inches and a minimum height of thirty-six (36) inches, a minimum crown width of two (2) feet, a side slope of no greater than three to one (3:1), and shall be planted and covered with live vegetation (a retaining wall may be used on one side of the berm in lieu of a side slope, if desired).

Exception: The earthen berm may be combined with shrubs to attain the minimum height of thirty-six (36) inches.

- iii. Plant Material Screen - a compact hedge of ever-green or densely twigged deciduous shrubs. Such shrubs shall attain a minimum height of thirty-six (36) inches at maturity; and,

The ground area between such wall, fence, berm, or hedge and the front right-of-way line shall be planted and maintained in grass or other suitable ground cover. A minimum of half of the required trees shall also be planted between the proposed right-of-way and the wall, fence, berm, or hedge.

c. Required side and rear transitional yards shall be landscaped and have an effective screening of the commercial use.

- (1) Landscaping and screening in required side and rear transitional yards using a solid wall or solid fence shall be provided and maintained according to the following minimum standards:

- i. Landscaping standards for required side or rear transitional yards using a solid wall or fence.

Trees shall be planted along all side and rear transitional yards according to the standards specified for tree planting in front required yards. See Section 2.13, G, 2, b, (1).

- ii. Screening standards for required side and rear transitional yards using a solid wall or fence:

- (a) The finished side of the fence shall face the Protected District. Said fence or wall shall be constructed to a height of not less than six (6) feet and no more than ten (10) feet.

- (b) A berm may be used in place of a solid wall or fence so long as the berm is a minimum of six (6) feet in height to a maximum of ten (10) feet, has a minimum

crown width of two (2) feet, a side slope no greater than three to one (3:1), and shall be planted and covered in live vegetation.

Exception: The earthen berm may be combined with shrubs to attain the minimum height of six (6) feet.

(2) Landscaping and screening in the required side and rear transitional yards, if a solid wall or solid fence is not used, shall be provided and maintained according to one of the following minimum standards:

i. A combination of trees and shrubs:

(a) Trees - trees shall be planted in accordance with the standards specified for required front yards (see Section 2.13 G, 2, b); and,

(b) Shrubs - shrubs shall be planted so that one-hundred percent (100%) of the linear distance of the required transitional yard is screened. Shrubs shall be planted at a maximum of four (4) feet on center of linear distance along the required transitional yard.

The shrubs shall have a minimum ultimate height of six (6) feet and shall be either evergreen or densely twigged deciduous shrubs: or,

ii. Low branching and densely twigged deciduous ornamental trees shall be planted to maintain a spacing of twelve and one-half (12 1/2) feet on center; or,

iii. Densely branched evergreen trees shall be planted to maintain a spacing of twelve and one-half (12 1/2) feet on center; or,

iv. A combination of i, ii, or iii to be maintained so that one-hundred percent (100%) of the linear distance shall be screened.

Exception: Existing trees and shrubs may be used to screen commercial uses. However, required transitional yards must be supplemented where sparsely vegetated to maintain a dense visual barrier to a height of six (6) feet.

(3) Landscaping and screening in the required side and rear transitional yards may be achieved by combining elements from (1) and (2) of this subsection, so long as the minimum standards set forth for that element utilized is satisfied.

3. Additional landscaping requirements - interior of parking lots. The purpose of interior landscaping is to help reduce glare and heat buildup; to promote interior islands for pedestrian safety and traffic separation; to visually break up large expanses of pavement; and to reduce surface runoff.

The interior of any parking lot shall be landscaped based on the following minimum standards:

<u>Total Number of Parking Spaces</u>	<u>Required Interior Landscape Area</u>
<u>Less than 100 spaces required</u>	<u>None required</u>
<u>100 or more spaces required</u>	<u>Minimum 15 square feet per parking space</u>

a. The minimum size of a required interior landscaping area shall be one hundred and eight (108) square feet. No planting area shall be less than six (6) feet in dimension, measured from the inside of the permanent barrier to inside of permanent barrier, except those portions created by turning radii or angles of parking spaces (Refer to Section 2.16, Diagram G)

b. Required interior landscaped areas shall be in-ground and not placed upon a pavement surface.

c. A permanent barrier, such as curbing or wheel stops, shall enclose each interior landscaped area so as to minimize damage from vehicles, pedestrians and improve parking lot maintenance.

- d. For each twenty (20) parking spaces or fraction thereof, one (1) tree shall be provided.

Trees located at the end of a parking bay shall be deciduous shade (overstory) or deciduous ornamental (understory).

Trees located in any other portion of the interior landscaped area may be deciduous shade (overstory), deciduous ornamental (understory) or evergreen.

The minimum size for trees shall be:

two and one-half (2 1/2) inch caliper at six (6) inches above the ground at time of planting (deciduous shade [overstory]).

one and one-half (1 1/2) inch caliper at six (6) inches above the ground at the time of planting (deciduous ornamental [understory]).

five to six (5-6) feet in height at the time of planting (evergreen trees).

- e. Each tree shall be a minimum of two and one half (2 1/2) feet away from the outside of any permanent barrier of a landscaped area or edge of the parking area.
- f. Hardy ground cover or grasses shall be planted to cover each interior landscaped area completely within three (3) years. All ground cover shall have a mature height of not more than two and one-half (2 1/2) feet.
- g. Space devoted to required interior landscaped areas shall be in addition to any required front, side or rear yard or required front, side or rear transitional yard.
- h. Fifty percent (50%) of the required interior landscaped areas shall be installed at the end of parking bays (Refer to Section 2.16, Diagram G). The balance of the required interior landscaped area may be installed anywhere on the lot outside of the required front, side or rear yard or required front, side or rear transitional yard.

Exceptions to Interior Parking Lot Landscaping

- (1) The requirements of this subsection shall not apply to parking garages or parking decks.
- (2) The requirements of this subsection shall not apply to the parking lots of commercial developments, legally established prior to the adoption of Ordinance 92-AO-4, unless there is additional square footage added to the development that is equal to or in excess of fifteen percent (15%) of the development, in which case the additional parking that would be required shall meet the requirements of this Section for the additional square footage, but the existing parking would not be subject to these landscaping requirements.

4. Landscape plan requirements. A landscape plan shall:

- a. be drawn on a copy of the site plan (or a simplified scale drawing thereof) and show exact locations and outline of all rights-of-way (both existing and proposed by the official Thoroughfare Plan for Marion County), structures, buildings, sidewalks and pedestrian ways, streets, trash enclosures, project access and interior access drives and driveways, individual and project storage, permanent lighting fixtures, signs, benches, screens, walls, fences, natural vegetation areas, open space, recreational areas, transitional yards, adjacent property zones, and all underground and overhead lines within areas to be landscaped (with depths or heights indicated at intervals where lines change direction or where terminals or connections are provided);
- b. show dimensioned detailed elevation or section drawings of walls and fences;
- c. show all existing elevations and proposed land contour lines having at least two (2) foot intervals;
- d. show location and nature of existing and proposed drainage systems and their flow;

- e. include a tree survey of required yards or required transitional yards indicating the exact location of existing trees over four (4) inch caliper at four and one-half (4 1/2) feet above the ground and all flowering trees, shrubs and evergreens over six (6) feet in height;
 - f. include the exact location of any existing tree two and one-half (2 1/2) inch caliper or greater at four and one-half (4 1/2) feet above the ground which will be counted as a required tree. Said trees, shrubs and evergreens shall be accurately labeled in the tree survey with species and caliper size indicated as either existing to remain or existing to be removed or transplanted.
 - g. show all proposed planting by labeling the species, size, and spacing (on center).
5. Grounds maintenance. The project owner or management shall:
- a. Maintain the landscaping by keeping lawns mowed, all plants maintained as disease-free, and planting beds groomed, except in naturally occurring vegetation areas, such as thickets; and,
 - b. Replace any required planting(s), which are removed or die after the date of planting. Such replacement shall occur during the next planting season.
6. Administrator approval of alternate plans. The Administrator, upon request by the applicant, shall have the power to modify any landscape requirements and approve alternatives for those requirements as long as the alternative plan is appropriate for the site and its surrounding and is compatible and consistent with the intent of the stated standards. Such modification shall be noted on the alternative landscape plan, stamped approved by the Administrator and become a part of the file and requirements for the Improvement Location Permit.

H. Appeal. In all sections of this ordinance 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 shall have the right to bring such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval.

- I. Application of Sec. 2.13. Sec. 2.13 shall be applicable to all Commercial Districts.

Sec. 2.14. Special exception provisions.

Statement of purpose. Because of the exceptional land use characteristics and locational impacts of certain commercial uses which, if inappropriately located within Commercial Zoning Districts, may have a deleterious effect upon other land uses and values within the County, it is recognized that the further classification, sub-classification or subdivision and regulation of such uses is essential in order to preserve property values, as well as to promote the public health, safety, comfort, morals, convenience and general welfare within Marion County.

A. Uses permitted by special exception. The following uses shall be permitted in the applicable commercial zoning districts only upon the grant of a Special Exception by the Board of Zoning Appeals:

- 1. Amusement arcade; or similar amusement, recreation or entertainment center or facility (except any such arcade, center or facility having four (4) or less amusement machines).
- 2. Massage parlor, service, or facility (except any therapeutic, medical or surgical services or facilities or regularly licensed hospital or dispensary, or the professional services of a physician, osteopath or chiropractor duly registered with and licensed by the state).

B. Special regulations for uses permitted by special exception. In whatever Commercial Zoning District within Marion County the uses designated in Section 2.14, A. are included as permitted uses, such uses shall be subject to the following special regulations. These special regulations shall be in addition to the applicable district's standards and requirements and, in case of any conflict, the more stringent regulations shall control:

- 1. No use of any land, structure, or premises, as designated in Section 2.14, A., shall be permitted except upon the grant of a Special Exception by the Board of Zoning Appeals to permit such a use.

2. No use of any land, structure or premises, as designated in Section 2.14, A., shall be permitted if any portion of the perimeter of the subject lot is located within five hundred (500) feet of the following zoning districts:
- a. Dwelling Districts,
 - b. Historic Preservation Districts,
 - c. Market Square District,
 - d. Park Districts,
 - e. University Quarter Districts,
 - f. SU-1 District (Church),
 - g. SU-2 District (School),
 - h. SU-37 District (Library),
 - i. SU-38 District (Community Center).

In addition to the zoning districts noted above, this regulation shall also apply to any portion 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.

If such use is a part of or included within an integrated center, the perimeter of the portion thereof or leased spaced occupied by such use shall be deemed the perimeter of the lot for purposes of the above distance computation and as required for Section 2.14, C, 2. b.

C. Grant of special exception. The Board of Zoning Appeals is hereby authorized to grant Special Exceptions to permit uses designated in Section 2.14, A, subject to the following requirements:

1. A petition for Special Exception to permit any use designated in Section 2.14, A. 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 or Special Exception petition forms, the petitioner shall file with the Special Exception petition:

- a. An area map, drawn to scale, indicating the existing zoning classification of all land within five hundred (500) feet of the perimeter of the subject lot and any elementary school, junior high school, or high school, as defined in IC 20-10.1-1, located within such distance.
- b. Proposed detailed Findings of Fact in support of the four (4) determinations by the Board (hereinafter specified in Section 2.14, C, 2 of this ordinance), required for the grant of a Special Exception.

The petition, or evidence presented to the Board at the public hearing, may include any additional pertinent exhibits, such as photographs depicting the subject site or other land uses and properties in the subject area; neighborhood or community economic, social, land use or environmental impact statements; or other relevant evidence.

2. Findings of Fact. A Special Exception shall be granted following public hearing of the petition and upon the Board's determination that:

- a. The proposed use will not be injurious to the public health, safety, comfort, morals, convenience or general welfare;
- b. The perimeter of any portion of the subject lot is not located within five hundred (500) feet of the following Districts:
 - (1) Dwelling Districts,
 - (2) Historic Preservation Districts,
 - (3) Market Square District,
 - (4) Park Districts,
 - (5) University Quarter Districts,
 - (6) SU-1 District (Church),
 - (7) SU-2 District (School),
 - (8) SU-37 District (Library),
 - (9) SU-38 District (Community Center).

In addition to the zoning districts noted above, this finding shall also apply to any portion 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 its zoning classification.

- c. The proposed use will not injure or adversely affect the adjacent area or property values therein; and,
 - d. The proposed use will be consistent with the character of the District, land use authorized therein and the Comprehensive Plan for Marion County.
3. The grant of a Special Exception shall be subject to the following requirements:
- a. The proposed use shall conform to all performance and development standards of the applicable zoning district.
 - b. The proposed use shall conform to all conditions attached to the grant of the Special Exception by the Board. All such conditions shall be imposed by the Board to ensure compliance with standards a, c, and d of Section 2.14, C, 2 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.

Sec. 2.15. Special regulations - adult entertainment business.

Statement of purpose. In the development and adoption of this ordinance, it is recognized that there are some adult business uses which due to their very nature have serious objectionable operational characteristics particularly when located in close proximity to residential neighborhoods, thereby having a deleterious impact upon property values and the quality of life in such surrounding areas. It has been acknowledged by communities across the nation that state and local governmental entities have a special concern in regulating the operation of such businesses under their jurisdiction to ensure that these adverse secondary effects will not contribute to the blighting or downgrading of adjacent neighborhoods nor endanger the well-being of the youth in their communities. The special regulation deemed necessary to control the undesirable externalities arising from these enterprises are set forth below. The primary purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods, to deter the spread of urban blight and to protect minors from the objectionable operational characteristics of these adult uses by restricting their close proximity to churches, parks, schools and residential areas.

A. Prohibitions. The establishment, enlargement, reconstruction, resumption or structural alteration of any adult entertainment business shall be prohibited if such business is within five hundred (500) feet of two other such businesses or within five hundred (500) feet of any existing church zoning district, school zoning district, park zoning district, historic preservation zoning district or dwelling zoning district within Marion County, Indiana.

Provided further, that 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, C-6 (Thoroughfare Service) zoning district, C-7 (High Intensity Commercial) zoning district or C-ID (Commercial-Industrial) zoning district.

Provided further, that 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.

B. 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, school, park, historic preservation, 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, school, park or dwelling zoning district. If any adult entertainment business is part of or included within an integrated center, only the portion of said center or leased space occupied by such adult entertainment business shall be included in determining the closest exterior structural wall of said establishment.

C. Exterior display.

1. 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.
2. "Number of Signs" Not more than one business wall sign shall be permitted for an adult entertainment business and said 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 which 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 shall be prohibited.
3. "Sign Surface Area" The sign surface area of a business wall sign for an adult entertainment business shall not exceed an amount equal to five percent (5%) of the front building facade of the first floor elevation (first ten (10) feet) of the premises occupied by the adult entertainment business, or one hundred (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 (1) square foot for each lineal foot of frontage of the lot, or thirty-six (36) square feet, whichever is the lesser.
4. "Lighting" signs and sign structure may be illuminated, provided, however, such illumination shall not be by way of exposed neon, exterior lighting (e.g., spot or flood lights), or any flashing or animated lights (either interior to the sign, on the exterior of the sign, or as a border to the sign).

D. Continuation of nonconforming use. The lawful use of land or building existing at the time of the adoption of this ordinance may continue although such use does not conform to the regulations specified herein, subject to the provisions set forth in Section A above.

Sec. 2.16. Construction of language and definitions.

A. Construction of language. The language of this ordinance shall be interpreted in accordance with the following regulations:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this ordinance and any illustration or diagram, the text shall control.
3. The word *shall* is 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 thereof.
6. The phrase *used for*, includes *arranged for, designed for, intended for, maintained for, or occupied for*.
7. Unless the context clearly indicates the contrary, where a regulation involves two 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. Definitions. The words in the text or illustrations of this ordinance 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.

1. Access. The way by which vehicles shall have ingress to and egress from a land parcel or property and the street fronting along said property or parcel.
2. Access drive. That area within the right-of-way between the pavement edge or curb and the right-of-way line providing ingress and egress to and from a land parcel or property. (See Diagram A).
3. 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.
4. Administrator. Administrator of the Division of Neighborhood and Development Services or his/her appointed representative.
5. Adult bookstore. An establishment having as a preponderance of its stock in trade or its dollar volume in trade, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
6. Adult cabaret. A nightclub, bar, theater, restaurant or similar establishment which frequently features 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 by exposure of specified anatomical areas or which regularly feature films, motion pictures, video cassettes, slides 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.
7. Adult drive-in theatre. An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, 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.
8. Adult entertainment business. An adult bookstore, adult motion picture theatre, adult mini motion picture theatre, adult motion picture arcade, adult cabaret, adult drive-in theater, adult live entertainment arcade or adult services establishment.
9. 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 of specified anatomical areas.
10. Adult mini motion picture theatre. An enclosed building with a capacity of more than five (5) but less than fifty (50) persons, used for presenting films, motion pictures, video cassettes, slides 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.
11. Adult motel. A hotel, motel or similar establishment offering public accommodations for any form of consideration which provides patrons, upon request, with closed-circuit television transmissions, films, motion pictures, video cassettes, slides 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.
12. 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 five (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.

13. Adult motion picture theater. An enclosed building with a capacity of fifty (50) or more persons used for presenting films, motion pictures, video cassettes, slides 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.
14. Adult service establishment. Any building, premises, structure or other facility, or any part thereof, under common ownership or control which provides a preponderance of services involving specified sexual activities or display of specified anatomical areas.
15. Alley. Any public right-of-way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public access to (a) lot(s) otherwise abutting upon a public street and not intended for traffic other than public services and circulation to and from said lot(s).
16. 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.
17. Amusement arcade. A type of indoor commercial amusement recreation establishment where more than four (4) amusement machines are available to the public.
18. 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.
19. Amusement/recreational establishment, commercial. See (Indoor/Outdoor) Commercial Amusement/Recreational Establishment.
20. Attached multi-family dwelling. See Dwelling, Attached Multifamily.
21. Automated teller machine (ATM). A mechanized apparatus which 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.
22. Awning. A roof-like cover, often of fabric, metal, plastic, fiberglass or glass, designed and intended for protection from the weather or as a decorative embellishment, and which is supported and projects from a wall or roof of a structure over a window, walk, door, or the like.
23. Basement. That portion of a building with an interior vertical height clearance of not less than seventy-eight (78) inches and having one-half or more of its interior vertical height clearance below grade level.
24. Bed and breakfast. The commercial leasing of no more than four (4) bedroom(s) for no more than eight (8) guest(s) within a private dwelling unit. Such leasing provides temporary accommodations, typically including a morning meal, to overnight guests for a fee.
25. Boarding house. A building, other than hotels, motels, bed and breakfasts or multifamily dwelling, containing accommodation facilities in common for up to ten (10) persons where lodging, typically with meals, reserved solely for the occupants thereof, is provided for a fee.
26. Buildable area. The area of a lot remaining after the minimum yard and open space requirements of the applicable zoning ordinance(s) have been met. (See Diagram B).
27. Building. Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having a permanent roof supported by columns or walls.

28. Building area. The total ground area, within the lot or project, covered by the primary structure plus garages, carports and other accessory buildings. The ground area of a structure, or portion thereof, not provided with surrounding exterior walls shall be the area immediately under the vertical projection of the roof or the floor above. (See Diagram B).
29. Canopy. A roof-like cover, often of fabric, metal, plastic, fiberglass, or glass on a support, which is supported in total or in part, from the ground providing shelter over, for example, a doorway, outside walk or parking area.
30. Collector street. See Street, Collector.
31. Commercial garage. See Garage, Commercial.
32. Commission. The Metropolitan Development Commission of Marion County, Indiana.
33. Commitment. An official agreement concerning and running with the land as recorded in the office of the Marion County Recorder.
34. Community center. A building used for recreational, social, educational and cultural activities of a neighborhood or community.
35. Comprehensive plan. The Comprehensive Plan for Marion County, Indiana, or segment thereof, adopted by the Metropolitan Development Commission of Marion County, Indiana pursuant to IC-36-7-4.
36. Condition. An official agreement between the municipality and the petitioner concerning the use or development of the land as imposed by the Board of Zoning Appeals.
37. Convenience Market. A retail establishment selling a limited number of food items, such as sandwiches, snacks, staple groceries, household items, lottery tickets and food items prepared on the premises, including reheating, which can be immediately consumed. Such establishments may also provide a facility where gasoline and other motor fuels are stored and subsequently dispensed by use of fixed, approved dispensing equipment by customers of the establishment on a self-service basis.
38. Corner lot. See Lot, Corner.
39. Covenant. A legal agreement concerning the use of land.
40. Crown of the street. The highest point, most often at the centerline, of a street cross-section of the street pavement between the existing curb lines.
41. Cul-de-sac. See Street, Cul-De-Sac.
42. Curb cut. The opening along the curb line, exclusive of handicap ramps, at which point vehicles may enter or leave the street. (See Diagram A).
43. Curb line. A line located on either edge of the pavement, but within the right-of-way line. (See Diagram A).
44. Customer service window. Opening on the exterior of a building through which customers receive goods or services in exchange for monetary compensation.
45. Dance studio. An establishment primarily engaged in operating and providing training, instruction, and demonstrations or recitals in various forms of dance to individuals or groups.
46. Day care center. Any institution or place operated for the purpose of providing:
 - a. care;
 - b. maintenance; or,
 - c. supervision and instruction;

to children who are less than six (6) years old and are separated from their parent(s), guardian, or custodian for more than four (4) hours but less than twenty-four (24) hours a day for ten (10) or more consecutive workdays, where tuition, fees or other forms of compensation is charged, and which is licensed by, and approved to operate as a day care center in accordance with, the requirements of the State of Indiana. This definition shall not include a "day care home" of children.

47. Day care home. Defined in Indiana Code 12-3-2-3, as follows:

A residential structure where an individual provides child care:

- a. for compensation;
- b. for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays and holidays; and,
- c. to more than five (5) children at a time who:
 - (1) are less than eleven (11) years of age; and
 - (2) are not attended by:
 - i. a parent;
 - ii. a stepparent;
 - iii. a guardian;
 - iv. a custodian; or
 - v. a relative who is at least eighteen (18) years of age.

48. Day nursery. Same as Day Care Center.

49. Display, outdoor. An outdoor area where merchandise is displayed for sale, and which is freely accessible to the public, except that automobile retail sales areas shall be considered outdoor display areas whether freely accessible or not. Outdoor display may be the principal use of a lot or may be accessory to a commercial use (as allowed by the zoning district) when the sales transactions occur within a structure.

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

51. Drive-in. A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to serve patrons while in or on the motor vehicle, rather than within a building.

52. Drive-through. A feature of an establishment which encourages or permits customers to receive services or obtain goods while remaining in or on a motor vehicle.

53. Drive-through customer service window. See Customer Service Window.

54. Drive-through restaurant. See Restaurant, Drive-Through.

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

56. Dry cleaning plant. A facility in which the cleaning of garments, fabrics, draperies, etc., is performed with a liquid other than water. The plant is generally not visited by individual customers, but rather by individual dry cleaning drop-off establishments.

57. Dwelling, attached multifamily. A building or buildings for residential purposes with three or more dwelling units, having common or party wall or 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 a common or individual stairwell(s) exterior to any dwelling unit(s).

58. Dwelling unit. One or more rooms connected together in a residential building or residential portion of a building, which 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 which includes lawful cooking, eating, sleeping space and sanitary facilities reserved solely for the occupants thereof.

59. Educational services. An establishment providing academic or technical instruction or primarily engaged in offering educational courses and services, including libraries, student exchange programs and curriculum development.
60. 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.
61. Erect. Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, or any other way of bringing into being or establishing.
62. Establishing an adult entertainment business. Shall mean and include any of the following:
- a. the opening or commencement of any such business as a new business;
 - b. the conversion of an existing business whether or not an adult entertainment business, to any of the adult entertainment business defined herein;
 - c. the relocation of any such business.
63. Excavation. The breaking of ground, except common household gardening, ground care and agricultural activity.
64. Family. One or more human beings related by blood, marriage, adoption, or guardianship together with incidental domestic servants and temporary, non-compensating guests; or, not more than four (4) human beings not so related, occupying a dwelling unit and living as a single housekeeping unit.
65. Fast food restaurant. See Restaurant, Fast Food.
66. Floor area, gross. The number of the square feet of horizontal floor area of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two abutting buildings.
67. Front lot line. See Lot Line, Front.
68. Front yard. See Yard, Front.
69. Frontage (street frontage). The line of contact of a property with the street right-of-way along a lot line.
70. Garage, commercial. Any building designed and intended for the storage or repair of motor vehicles for compensation.
71. Gasoline service station. Any building, land area or other premises or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; which may include as an accessory use minor automotive repairs; the sale and installation of lubricants, tires, batteries; car washes; and similar accessory uses. Such establishments shall provide a facility where gasoline and other motor fuels are stored and subsequently dispensed by use of fixed, approved dispensing equipment by customers or employees.
72. Grade, established street. The crown elevation of a street pavement level abutting a property (as fixed by the Department of Transportation).
73. Grade level (adjacent ground elevation). The lowest point of elevation of the finished surface of the ground, paving or sidewalk and similar surface improvements within the area between the exterior walls of a primary building or structure and the property line, or when the property line is more than ten (10) feet from said walls, between said walls and a line ten (10) feet away from and paralleling said walls.

74. Grocery store. A commercial establishment, commonly known as a supermarket, food or grocery store, 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.
75. Gross floor area. See Floor Area, Gross.
76. Gross floor area, total. The sum of the gross horizontal areas of all floors below the roof and within the exterior faces of the exterior walls of principal and accessory buildings or the center lines of walls separating two abutting buildings.
77. Gross leasable area. The total floor area which is designed for the tenant's occupancy and exclusive use.
78. Ground cover. Low-growing plants less than eighteen (18) inches in height with a spreading growth habit, such as, grasses, vines, flowers, and the like.
79. Ground floor. That story which 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 shall be considered the ground floor.
80. Handicap ramp. See Pedestrian Ramp.
81. Hardsurfaced. Quality of an outer area being solidly constructed of pavement, brick, paving stone, or a combination thereof.
82. 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.
83. Health care facility. A facility or institution, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition.
84. Health services. Medical, surgical or other similar services provided to individuals, including services provided by physicians, dentists, and other health practitioners, medical and dental laboratories, out-patient care facilities or blood banks.
85. Hedge. A row or rows of closely planted shrubs, bushes, etc. creating a vegetative barrier.
86. Height, building. The vertical distance above a reference line 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. The reference line shall be selected by either of the following, whichever yields a greater building height:
- a. the elevation of the highest adjoining sidewalk or ground surface within a ten (10) foot horizontal distance from and paralleling the exterior wall of the building or structure when said sidewalk or ground surface is not more than ten (10) feet above lowest grade;
 - b. an elevation ten (10) feet higher than the lowest grade when said sidewalk or ground surface is more than ten (10) feet above the lowest grade.
87. 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.
88. Hotel. Any building or group of buildings containing five (5) or more rooms without direct access to the outside, 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 which caters to the travelling public.
89. Indoor commercial amusement/recreation establishment. A facility wholly enclosed in a building that offers entertainment or games of skill to the general public for a fee. This includes but is not limited to such facilities as bowling alleys, billiard parlors, or arcades.

90. Inoperable vehicle. A motor vehicle from which there has been removed the engine, transmission or differential or that is otherwise partially dismantled or mechanically inoperable, or any motor vehicle which cannot be driven 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.
91. Integrated center. An area of development (commercial, industrial or any combination of commercial, industrial and residential uses) of one or more lots, comprised of:
- a. two or more individual, nonrelated and separately operated uses in one building sharing common site facilities; or,
 - b. one or more buildings containing nonrelated and separately operated uses occupying a common site, which utilize one or a combination of common site facilities, such as driveway entrances, parking areas, driving lanes, signs, maintenance and similar common services; or,
 - c. one or more buildings containing non-related and separately operated uses occupying individual sites, which are interrelated by the utilization of one or a combination of common facilities, such as driveway entrances, public or private street network, parking areas, maintenance and other services.
92. Interior access drive. A minor, private street providing access within the boundaries of a project beginning at the required setback line. (See Diagram A).
93. Interior access driveway. Access for vehicular movement to egress/ingress between interior access drives connecting two (2) or more projects or land parcels. (See Diagram A).
94. Job printer. A facility for the commercial reproduction, cutting, printing, or binding of written materials, drawings, or labels on a bulk basis using lithography, offset printing, blueprinting and similar methods.
95. Landscaping. Any combination of living plants, such as trees, shrubs, ground cover, thickets with grasses planted, preserved, transplanted, and maintained to develop, articulate and enhance the aesthetic quality of the area as well as provide erosion and drainage control and wind protection.
96. Landscaping interior. Landscaping areas consisting of a combination of trees, shrubs and ground cover located in the interior of vehicular use areas so as to provide visual and climatic relief from broad expanses of pavement and to channelize and define areas for pedestrian and vehicular circulation.
97. 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, or granted a variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment, or variance to conform to the present requirements of the zoning district.
98. Legally established nonconforming use. Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment, or granted a variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment, or variance to conform to the present requirements of the zoning district.
99. Liquor store, package. A facility principally for the retail sale of alcoholic beverages for off-premise consumption.
100. Loading area. An off-street area maintained and intended for the maneuvering and temporary parking of vehicles while transferring goods or materials to and from a facility.
101. Loading space. An off-street space or berth used for the temporary parking of a commercial vehicle while transferring goods or materials to and from a facility.
102. Local street. See Street, Local.
103. Lot. A tract of land designated by its owner(s) to be used or developed as a unit under single ownership or control. A lot may or may not coincide with a lot of record and may consist of:

- a. a single lot of record;
- b. a portion of a lot of record; or
- c. 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.

For purposes of this definition, ownership includes:

- a. the person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the records of the township assessor;
 - b. a contract vendee;
 - c. a long-term lessee (but only if the lease has been recorded in the Office of the County Recorder and has at least twenty-five (25) years remaining before its expiration at the time of applying for a permit) (See Diagram C).
104. 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, alley, or easement for surface access (ingress or egress) into the subject lot or adjoining lots.
105. Lot, corner. A lot abutting upon two or more streets at their intersections, or upon two parts of the same street forming an interior angle of less than 135 degrees. (See Diagram C).
106. Lot, through. A lot abutting two parallel streets, or abutting two streets which do not intersect at the boundaries of the lot. (See Diagram C).
107. Lot line. The legal boundary of a lot as recorded in the office of the Marion County Recorder.
108. Lot line, front. The lot line(s) coinciding with the street rights-of-way; in the case of a corner lot, both lot lines coinciding with the street rights-of-way shall be considered front lot lines; or, in the case of a through lot, the lot line which most closely parallels the primary entrance of the primary structure shall be considered the front lot line, or so declared by the Administrator. (See Diagram B).
109. Lot line, rear. A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line ten (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 which intersects with a front lot line shall not be considered a rear lot line.
110. Lot line, side. Any lot line not designated as a front or rear lot line.
111. Lot of record. A lot which 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.
112. Main floor area. 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.
113. Marginal access street. See Street, Marginal Access.
114. Mini-warehouses. 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 six hundred (600) square feet in area.
115. 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 Alteration).
116. Motel. Any building or group of buildings containing five (5) or more rooms with at least twenty-five percent (25%) of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building(s), designed or intended to be occupied for sleeping purposes by guests for a fee, where general kitchen and dining room facilities may be provided within the building or an accessory building, and which caters to the travelling public.

117. 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 shall not be considered as mulch.
118. Neighborhood recycling collection point. A site where individuals bring household recyclable materials to either drop off without compensation, or, to redeem the materials for monetary compensation. Beyond any limited sorting, no other processing of the materials takes place at the site. All material is stored completely within the structure while awaiting periodic shipment to the processing facilities. While these collection points may be developed as freestanding sites, they typically are accessory uses sharing the site of a larger primary use. Possible structures for this type of operation include such recycling containers as "igloos", reverse vending machines, trailers, or similar structures.
119. Night club. 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 or may not engage in the preparation and retail sale of alcoholic beverages for consumption on the premises.
120. Nonconforming Adult Entertainment Business. Shall mean any building, structure or land lawfully occupied by an adult entertainment business or lawfully situated at the time of passage of ordinance 85-AO-4, or amendments thereto, which does not conform after the passage of that ordinance or amendments thereto with the regulations of this ordinance.
121. Nursery, Day. See Day Care Center.
122. 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.
123. Oncenter. Distance at grade from the center of one plant to the center of the next plant.
124. Outdoor Commercial Amusement/Recreation Establishment. An open area offering entertainment or games of skill to the general public for a fee. This includes but is not limited to such facilities as golf courses, swimming pools, and baseball/softball fields.
125. Outdoor Display. See Display, Outdoor.
126. Outdoor Storage. See Storage, Outdoor.
127. Parking Area. An area of paving other than an open exhibition or display area, not inclusive of interior access drives, driveways, interior access driveways and access drives intended for the temporary storage of automotive vehicles including parking spaces and the area of access for the egress/ingress of automotive vehicles to and from the actual parking space. (See Diagram A).
128. Parking bay. The parking module consisting of one or two rows of parking spaces and the aisle from which motor vehicles enter and leave the spaces. (See Diagram A).
129. Parking space. An off-street portion of the parking area, which shall be used only for the temporary placement of an operable vehicle. (See Diagram A).
130. Pavement. A layer of concrete, asphalt or coated macadam used on street, parking area, sidewalk, or airport surfacing.
131. Pedestrian ramp. An inclined access opening along the curbline at which point pedestrians, unassisted or assisted by a wheelchair, walker or the like, may enter or leave the street; or, an incline providing pedestrians, unassisted or assisted by a wheelchair, walker or the like, access from the ground to an elevated surface.
132. Permitted use. Any use by right authorized in a particular zoning district or districts and subject to the restrictions applicable to that zoning district.
133. Personal service. Services provided involving the care of a person or his/her apparel.

134. Personal service establishment. A commercial establishment primarily engaged in providing services generally to individuals involving the care of a person or his/her apparel, such as laundries, photographic portrait studios, barber and beauty shops, shoe repair, tailor, travel bureaus or similar facilities.
135. Physically handicapped. An individual who has a physical impairment including impaired sensory, manual or speaking abilities, which results in a functional limitation in access to and use of a building or facility.
136. 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.
137. Primary building. The building in which the permitted primary use of the lot is conducted.
138. Printer, Job. See Job Printer.
139. Proposed right-of-way. See Right-of-way, proposed.
140. Protected district. Specific classes of zoning districts which, because of their low intensity or the sensitive land uses permitted by them, require additional buffering and separation when abutted by certain more intense classifications of land use. A protected district shall include any Dwelling District, Hospital District, Parks District, University Quarter District, SU-1 (Church) District or SU-2 (School) District.
141. Rear yard. See Yard, rear.
142. Reconstruction (pertaining to adult entertainment only). The rebuilding or restoration of any nonconforming adult entertainment business which 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.
143. Recreation facility. A place, area or structure designed and equipped for the conduct of sport, leisure time activities and other customary and usual recreational activities.
144. Recycling container. Receptacle designed and intended for the collection of cleaned, sorted, solid household waste products, including, but not limited to, glass, plastic, metal and paper.
145. Recycling station. A recycling operation involving further processing (relative to a neighborhood recycling collection point) of materials to improve the efficiency of subsequent hauling. Such a facility typically features sorting, the use of a crushing apparatus, and the storage of the material until it is shipped out. These businesses usually occupy existing free-standing sites, such as former gasoline stations, or occupy parts of an integrated center parking lot.
146. Religious use. A land use devoted primarily to divine worship together with reasonably related accessory uses, which are subordinate to and commonly associated with the primary use, which may include but are not limited to, educational, instructional, social or residential uses.
147. Restaurant, drive-in or drive through. Any restaurant 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 parked or stopped on the premises.
148. Restaurant, family. An establishment where food and drink is prepared, served and consumed primarily within the principal building to the general public. 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: 1) square feet; or, 2) sales.
149. Restaurant, fast food. An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, on-premise or off-premises.

150. Resumption (pertaining to adult entertainment only). Shall mean the reuse or reoccupation of a non-conforming adult entertainment business which has been discontinued for a period of six or more consecutive months.
151. Retail trade. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. The establishment typically buys goods for resale to the public.
152. Required yard. See Yard, Required.
153. Right-of-way. Specific and particularly described strip of land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially recorded by the office of the Marion County Recorder.
154. Right-of-way, proposed. Specific and particularly described land, property, or interest therein devoted to and subject to the lawful public use, typically as a thoroughfare of passage for pedestrians, vehicles, or utilities, as officially described in the Marion County Thoroughfare Plan as adopted and amended by the Metropolitan Development Commission.
155. Right-of-way, public. Specific and particularly described strip of land, property, or interest therein 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, as officially recorded by the office of the Marion County Recorder.
156. Right-of-way, private. Specific and particularly described strip of privately-held land, property, or interest there in 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.
157. Roof line. The uppermost edge of the water-carrying surface of a building or structure.
158. Satellite dish antenna. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone or horn. Such device shall be used to transmit or receive radio or electromagnetic waves between terrestrially or orbitally based devices.
159. 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.
160. Seasonal retail sales use, temporary. A temporary use established for a fixed period of time, for the retail sale of seasonal products, including, but not limited to, such items as food, Christmas trees, and live plants. This use may or may not involve the construction or alteration of any permanent building or structure.
161. Semi-public use. See Use, Semi-public.
162. Service bay. Individual area within an automotive repair or service facility where services, including but not limited to car washes, oil changes and repairs, are performed on a motor vehicle.
163. Services involving specified sexual activities or display of specified anatomical areas. Any combination of two or more of the following activities:
- a. the sale or display of book, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representation which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas;
 - b. the presentation of films, motion pictures, video cassettes, slides, or similar 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;

- c. the operation of coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices to show images to five (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;
 - d. 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;
 - e. the operation of a massage school, massage parlor, massage therapy clinic, bathhouse, escort service, body painting studio or nude modeling studio, as these terms are defined in Section 17-725 of the Code of the City of Indianapolis, and any amendments thereto.
164. Setback. The minimum horizontal distance established by ordinance between a proposed right-of-way line or a lot line and the setback line. (See Diagram B).
165. Setback line. A line that establishes the minimum distance a building, structure, or portion thereof, can be located from a lot line or proposed right-of-way line. (See Diagram B).
166. 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.
167. Shrub A woody plant of relatively low height (not exceeding ten to twelve [10-12] feet in height), branching from the base.
168. Side yard. See Yard, side.
169. Sidewalk. A hardsurfaced walk or raised path along and often paralleling the side of the street intended for pedestrian traffic.
170. 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.
171. 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 including as required by ordinance, but not limited to: topography, vegetation, drainage, floodplains, marshes, and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, buildings, structures, signs, lighting and screening devices, center lines of rights-of-way, and dimensions.
172. Specified anatomical areas. Any of the following:
- a. 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
 - b. human male genitals in a discernibly turgid state, even if completely and opaquely covered.
173. Specified sexual activities. Any of the following:
- a. human genitals in a state of sexual stimulation or arousal;
 - b. acts of human masturbation, sexual intercourse or sodomy;
 - c. fondling or other erotic touchings of human genitals, pubic regions, buttocks or female breasts;
 - d. flagellation or torture in the context of a sexual relationship;
 - e. masochism, erotic or sexually oriented torture, beating or the infliction of pain;
 - f. erotic touching, fondling or other such contact with an animal by a human being; or
 - g. human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in "a" through "f" above.
174. Stacking space, off-street. An area, separate from or in addition to, the required parking area, reserved for the temporary retention of vehicles which are queuing up or utilizing the services of a drive-through service unit.

175. Storage, outdoor. An outdoor area used for the long term deposit (more than twenty-four hours) of any goods, material, merchandise, vehicles or junk.
176. Storage area. An area designated, designed and intended for the purpose of reserving property for a future use and distinguished from areas used for the display of property intended to be sold or leased.
177. Storage room. An enclosed area integrated into and sharing common or party wall or walls within a primary building, while designed and intended for the purpose of reserving property for a future use.
178. Story. That part of a building, with an open height of not less than seven feet six inches (7'6"), 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 shall constitute a story only if it provides finished floor area.
179. Street, collector. A street primarily designed and intended to carry vehicular traffic movement at moderate speeds (e.g., 35 mph) between local streets and arterials while allowing direct access to abutting property(ies). (See Diagram D).
180. Street, cul-de-sac. A street having only one open end which is permanently terminated by a vehicle turn around. (See Diagram D).
181. Street, expressway. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.
182. Street, freeway. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.
183. Street, local. 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 with direct access to abutting property(ies). (See Diagram D).
184. Street, marginal access. 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(ies). (See Diagram D).
185. Street, parkway. A street serving through vehicular traffic and equal to or more than 5280 feet in length, the adjoining land on one or both sides of which is predominantly dedicated or used for park purposes, and shall conform to the Comprehensive Plan and the Thoroughfare Plan.
186. Street, primary arterial. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.
187. Street, private. A privately-held right-of-way, with the exception of alleys, essentially open to the sky and open 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 the like.
188. Street, public. 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 the like.
189. Street, secondary arterial. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.
190. Structural alteration. Shall mean any change which 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 thereto.

191. Structure. A combining 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.
192. Subdivision. The division of any parcel of land shown as a unit, as part of a unit or as contiguous units, on the last preceding transfer of ownership thereof, into two (2) or more parcels or lots, for the purpose, whether immediate or future, of transfer of ownership or building development.
193. Tavern. An establishment used primarily 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.
194. Temporary seasonal retail sales use. See Seasonal use, temporary.
195. 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.
196. Theatre, drive-in. An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in motor vehicles.
197. Theatre, motion picture. A building or part of a building which is devoted primarily to showing motion pictures to the public for a fee.
198. Theatre, legitimate. A building or structure or part thereof which is devoted primarily for the presentation of live dance, dramatic, musical or comedic performances.
199. Thoroughfare. A street primarily serving through vehicular traffic, including freeways, expressways, primary arterials, and secondary arterials.
200. Thoroughfare plan. The segment of the Comprehensive Plan for Marion County, Indiana, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to IC-36-7-4 that sets forth the location, alignment, dimensions, identification and classification of freeways, expressways, parkways, primary arterials, secondary arterials, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.
201. Through lot. See Lot, through.
202. Total gross floor area. See Gross floor area, total.
203. Transitional yard. See Yard, transitional.
204. Trash container. Receptacle intended for the disposal, collection or temporary storage of unsorted waste products or refuse.
205. Trash enclosure. An accessory structure enclosed on at least three sides that is designed to screen and protect waste receptacles from view and to prevent waste debris from dispersing outside the enclosure.
206. 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 dense tree stands that exceed six hundred (600) square feet in area and have seventy-five percent (75%) branch coverage of the ground surface, the location of the outer boundary of the tree stands' drip line with a listing of the predominant species and caliper may be substituted for a detailed inventory.
207. Use, semi-public. A service offered by a not-for-profit organization to the general public for either no charge or a nominal fee.
208. 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.

209. Vending machine. An automatic device which dispenses goods or services to the customer upon receipt of monetary compensation.
210. Walkway. A hardsurfaced walk or raised path for pedestrian traffic.
211. 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 thereto, which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line. (See Diagram B).
212. Yard, rear. An open space unobstructed to the sky extending fully across the lot situated between the rear lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line. (See Diagram B).
213. Yard, required. That portion of any yard abutting a lot line having a minimum depth as area required by the particular zoning district in which it is located.
214. 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 thereto which passes through the nearest point of any building or structure and terminates at the point of contact with any rear or front yards or any lot line, whichever occurs first. (See Diagram B).
215. Yard, transitional required. 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 two or more land uses of different intensity. (See Diagram B)

COMMERCIAL ZONING ORDINANCE
GRAPHIC ILLUSTRATIONS

ITEM	DIAGRAM
access drive	A
buildable area	B
building area	B
building height, additional setbacks	I
clear sight triangular area	E
curb cut	A
curb line	A
driveway	A
fence requirements	K, L, M
interior access drive	A
interior access driveway	A
landscaping, interior parking lot	H
landscaping (trees) in the required yard	F
landscaping in the interior of parking lot, landscaped islands	G
lot	C
lot, corner	C
lot, through	C
lot line, front	B
measurement (radial) from protected districts from specified uses	J
parking area	A
parking space	A
setback	B
setback line	B
street, arterial	D
street, collector	D
street, cul-de-sac	D
street, local	D
street, marginal access	D
yard, front	B
yard, rear	B

yard, side B
yard, transitional B

CHAPTER III. SEVERABILITY

Sec. 3.00. Severability, emergency clause, attestation.

If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

NOW BE IT FURTHER ORDAINED that an emergency exists for the passage of this ordinance and that the same shall be in full force and effect from and after its passage.

PROPOSAL NO. 353, 1993. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 353, 1993 on July 6 and July 14, 1993. The proposal amends the Code by revising the manner in which franchise fees are established for the towing of vehicles. He said that there are five towing franchise zones. One for each side of the City and one for the central business zone. The Board of Public Safety will set a uniform towing fee in each franchise zone. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 353, 1993 was adopted on the following roll call vote; viz:

25 YEAS: *Beadling, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Jimison, Jones, McClamroch, Mullin, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*

1 NAY: *Black*

2 NOT VOTING: *Hinkle, O'Dell*

1 NOT PRESENT: *Moriarty*

Proposal No. 353, 1993 was retitled GENERAL ORDINANCE NO. 98, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 98, 1993

A GENERAL ORDINANCE amending the Code of Indianapolis and Marion County by revising the manner in which Franchise fees are established for the towing of vehicles.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION I. Sec. 372 of Chapter 29 of the Code of Indianapolis and Marion County is hereby amended by deleting the words stricken-through and adding the words underlined as follows:

Sec. 29-372. Procedure for selecting wreckers.

(a) *Franchise zones.* The director shall invite bids from wreckers for providing franchised towing services on the geographic basis of zones or on some other basis of distribution of towing services within the police special service district established by the director for the efficient organization of the removal of vehicles. The director shall establish specifications which shall include but not be limited to the wrecker's towing vehicles, equipment, storage lot and insurance, and shall include same in all invitations to bid. Said specifications for bids shall be designed by the director and the chief of police and approved by the board of public safety. Bids shall be submitted according to said specifications and the requirements of the city purchasing agent. The board of public safety shall award each towing contract to the ~~lowest~~ responsible and responsive bidder who offers to pay the highest franchise fee above the minimum franchise fee set by the board of public safety or it may reject any and all bids received and call for new bids. A written contract shall be executed between the board of public safety and each successful bidder.

(b) Franchise fee. A Towing, storage and all other such fees that may be charged by a franchise wrecker as well as a minimum franchise fee to be paid by the wrecker shall be set by the board of public safety and included in the specifications for bids. The amount of the franchise fee shall be established by competitive bidding as provided in subsection (a). Funds realized from the collection of ~~such~~ franchise fees shall be deposited in the police general fund.

SECTION 2. This ordinance shall be in effect from and after its passage by the council and compliance with IC 36-3-4-14.

PROPOSAL NO. 374, 1993. Councillor Ruhmkorff reported that the Community Affairs Committee heard Proposal No. 374, 1993 on July 21, 1993. The proposal repeals Special Resolution No. 44, 1990, which established the Marion County Commission on Youth. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Ruhmkorff moved, seconded by Councillor McClamroch, for adoption. Proposal No. 374, 1993 was adopted on the following roll call vote; viz:

28 YEAS: *Beadling, Black, Borst, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*

0 NAYS:

1 NOT PRESENT: *Moriarty*

Proposal No. 374, 1993 was retitled SPECIAL RESOLUTION NO. 50, 1993 and reads as follows:

SPECIAL RESOLUTION NO. 50, 1993

A SPECIAL RESOLUTION repealing Special Resolution No. 44, 1990, which established the Marion County Commission on Youth.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. City-County Special Resolution No. 44, 1990, is hereby repealed; and the Marion County Commission on Youth is hereby dissolved.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 376, 1993. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 376, 1993 on July 19, 1993. The proposal approves the disbursement of \$1,200,797 of Community Development Block Grant Funds. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Smith, for adoption. Proposal No. 376, 1993 was adopted on the following roll call vote; viz:

25 YEAS: *Beadling, Black, Boyd, Brents, Coughenour, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Jimison, Jones, McClamroch, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, West, Williams*

0 NAYS:

3 NOT VOTING: *Borst, Hinkle, Smith*

1 NOT PRESENT: *Moriarty*

Proposal No. 376, 1993 was retitled SPECIAL RESOLUTION NO. 51, 1993 and reads as follows:

August 2, 1993

CITY-COUNTY SPECIAL RESOLUTION NO. 51, 1993

A SPECIAL RESOLUTION approving the amounts, locations and programmatic operation of certain projects to be funded from Community Development Grant Funds.

WHEREAS, on September 21, 1992, the City-County Council, the City of Indianapolis and of Marion County, Indiana ("Council") adopted City-County Fiscal Ordinance No. 57, 1992, 1993 Annual Budget and Tax levies for the Consolidated City of Indianapolis and for Marion County, Indiana ("Budget Ordinance"); and

WHEREAS, Section 4.01 of the Budget Ordinance, as approved by the Council, reads as follows:

SECTION 4.01. State, local and federal grants.

(a) Grant Applications Authorized. The Mayor of the Consolidated City of Indianapolis is hereby authorized to make such applications as may be required by federal or state laws or regulation in order to apply for, and receive, such state or federal grants or payments as are anticipated, allocated and approved for expenditure by inclusion in this ordinance.

(b) Community Development Grant Funds. Until this Council has approved the amounts, locations and programmatic operation of each project to be funded from Community Development Grant Funds, the amounts appropriated herein for such purposes shall not be encumbered or spent.

(c) Public Purpose Local Grants. The sums appropriated for public purposes grants as part of this ordinance shall not be spent until this Council by resolution approves the amount and identity of the recipient of each grant.

WHEREAS, the Department of Metropolitan Development of the City of Indianapolis, Indiana ("Department of Metropolitan Development") has submitted a program for housing revitalization and economic development, utilizing a portion of the Community Development Grant Funds, to the Council for its approval pursuant to Section 4.01 of the Budget Ordinance; and

WHEREAS, Council now finds that the amounts, locations and programmatic operations of each of the projects submitted by the Department of Metropolitan Development, should be approved; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That portion of the Community Development Committee's Recommendations for distribution of certain Community development Block Grant Funds, submitted to the Council by the Department of Metropolitan Development, a copy of which is attached hereto and incorporated herein by reference as Exhibit A, is hereby approved, and the amounts, locations and programmatic operation of each project set forth therein, is hereby approved.

SECTION 2. This approval shall constitute the approval required under Section 4.01 of the Budget Ordinance.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

EXHIBIT A
1993 COMMUNITY DEVELOPMENT BLOCK GRANT
COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATIONS

BOS Community Development Corporation	\$80,000
Project will provide moderate home rehabilitation for 25 owner occupied units. Investment leverages no other funds.	
Broadway Heights	\$72,000
Project will provide appliances for 48 units being constructed in the Citizens area. Investment leverages \$2,555,870.	
Bynum Enterprises	\$100,000
Project will purchase and rehabilitate small strip mall in Martindale-Brightwood area. Investment leverages \$600,000.	

Journal of the City-County Council

Central Indiana Council on Aging	\$50,000
Project will provide moderate home rehabilitation for 20 senior citizen owner occupied unites not served by a community development corporation (CDC). Investment leverages \$200,000.	
Eastside Community Investments, Inc. - St. Philip Neri	\$75,000
Project will provide 13 living units for senior citizens and training facilities for ECI's Day Care program. Investment leverages \$1,058,200.	
Eastside Community Investments, Inc. - Rehab	\$75,000
Project will provide moderate home rehabilitation for 26 owner occupied units. Investment leverages \$148,950.	
Eastside Community Investments, Inc./Pedcor	\$50,000
Project will construct 20 living units for low/moderate income families, and assist them with establishment of an asset for future home purchase. Investment leverages \$1,500,000.	
Habitat for Humanity	\$32,500
Project provides for water and sewer hookup for 6 units for home ownership. Investment leverages approximately \$300,000.	
Habitat for Humanity/West Indianapolis Community Development Corporation	\$38,600
Project provides water and sewer hookup for 9 units for home ownership. Investment leverages approximately \$450,000.	
Mapleton-Fall Creek Housing Development Corp. - Handyman Project	\$50,000
Project will provide minor repairs for owner occupied units and training for area residents. Investment leverages approximately \$34,196.	
Mapleton-Fall Creek Housing Development Corp. Owner Occupied Rehab	\$50,000
Project will provide rehab assistance to 10 owner occupied units in MFC's program area. Investment will leverage approximately \$80,000.	
Near North Development Corporation - Kenwood Place II	\$10,697
Project provides 24 housing units for senior citizens. Investment leverages \$750,432.	
Rehab Resource, Inc.	\$25,000
Project will provide operational assistance to warehouse serving low-moderate income persons. Investment leverages \$46,200.	
South East Neighborhood Development	\$160,000
South East Neighborhood Development was formed by the merger of Fountain Square Church and Community Project and Fountain Square/ Fletcher Place Investment Corporation. Project will rehabilitate 6 single family homes and sell them to low-moderate income families. Also, the project will provide moderate home rehabilitation for 18 owner occupied units. Investment leverages \$289,500.	
Stellar Homes, Inc.	\$100,000
Project will start up a modular housing manufacturing facility. Investment leverages \$1,000,000.	
United Northwest Area Development Corporation	\$100,000
Project will provide moderate home rehabilitation for 25 owner occupied units. Investment leverages no other funds.	
West Indianapolis Development Corporation	\$75,000
Project will provide moderate home rehabilitation for 7+ owner occupied units. Investment will be leveraged with other loans when possible.	
Williams, Howard, Wright, Inc.	\$57,000
Project will provide moderate home rehabilitation for owner occupied units in the Forest Manor area. Investment leverages no other funds.	
Total requested	\$1,200,797

PROPOSAL NO. 377, 1993. Councillor Borst reported that the Metropolitan Development Committee heard Proposal No. 377, 1993 on July 19, 1993. The proposal amends the Dwelling Districts Zoning Ordinance by clarifying the size limitation of commercial motor vehicles that may be parked, stored, maintained or kept on any property in a Dwelling District. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 377, 1993 was adopted on the following roll call vote; viz:

22 YEAS: Black, Borst, Boyd, Brents, Coughenour, Curry, Franklin, Giffin, Gilmer, Golc, Gray, Jimison, Jones, Mullin, Rhodes, Ruhmkorff, SerVaas, Shambaugh, Short, Smith, West, Williams

2 NAYS: McClamroch, Schneider

4 NOT VOTING: Beadling, Dowden, Hinkle, O'Dell

1 NOT PRESENT: Moriarty

Proposal No. 377, 1993 was retitled GENERAL ORDINANCE NO. 99, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 99, 1993
METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NUMBER 93-AO-4

A GENERAL ORDINANCE to amend the Code of Indianapolis and Marion County, Appendix D, as amended, the Zoning Ordinance for Marion County which ordinance includes the Dwelling Districts Zoning Ordinance, as amended, and fixing a time when the same shall take effect.

WHEREAS, IC 36-7-4, establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air convenience of access, and safety from fire, flood and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; and,

WHEREAS, neighborhood groups and included municipalities have expressed concern that the existing accessory use provisions of the ordinance allow for large commercial vehicles to be stored on residential property, resulting in the diminution of surrounding property values and weakening the coherence of residentially zoned areas; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Dwelling Districts Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Appendix D, (adopted under Metropolitan Development Commission docket Numbers 89-AO-2, 90-AO-3, 92-AO-1 and 92-AO-3), as amended, pursuant to IC-36-7-4, be amended as follows:

That Section 2.19, C, 3 be amended by deleting the stricken-through language and inserting the underlined language as follows:

3. No commercial motor vehicle or trailer shall be parked, stored, maintained or kept on any property in a Dwelling District unless:
 - a. ~~(except those~~ the vehicles ~~with~~ has a maximum load capacity of three-quarters (3/4) of a ton or less; and,
 - i. ~~which~~ serves as the sole vehicular transportation of a resident of the property upon which it is parked, stored, maintained or kept); or,

- ii. ~~unless it~~ such vehicle is within a garage or carport which complies with all the standards and regulations of this ordinance.

Commercial motor vehicles that are in the course of making normal and reasonable service calls are exempt from this provision.

SECTION 2. If any section of this ordinance shall be invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

SECTION 3. This ordinance shall be in full force and effect upon its adoption in compliance with IC 36-7-4.

PROPOSAL NO. 382, 1993. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 382, 1993 on July 28, 1993. The proposal transfers and appropriates \$241,473 for the Department of Transportation, Finance and Administration Division, to fund Maintenance Operation's salary budget. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor Gilmer moved, seconded by Councillor Hinkle, for adoption. Proposal No. 382, 1993, as amended, was adopted on the following roll call vote; viz:

26 YEAS: *Beadling, Black, Borst, Boyd, Brents, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Mullin, O'Dell, Rhodes, Schneider, SerVaas, Shambaugh, Short, Smith, West, Williams*
 0 NAYS:
 2 NOT VOTING: *Coughenour, Ruhmkorff*
 1 NOT PRESENT: *Moriarty*

Proposal No. 382, 1993, as amended, was retitled FISCAL ORDINANCE NO. 59, 1993 and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 59, 1993

A FISCAL ORDINANCE amending the City-County Annual Budget for 1993 (City-County Fiscal Ordinance No. 57, 1992) transferring and appropriating an additional Two Hundred Forty-one Thousand Four Hundred Seventy-three Dollars (\$241,473) in the Transportation General Fund for purposes of the Department of Transportation, Finance and Administration Division and reducing certain other appropriations for that Division.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section I.0I of the City-County Annual Budget for 1993, be and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Transportation, Finance and Administration Division to continue funding Maintenance Operation's salary budget.

SECTION 2. The sum of Two Hundred Forty-one Thousand Four Hundred Seventy-three Dollars (\$241,473) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

<u>DEPARTMENT OF TRANSPORTATION</u>	
<u>FINANCE AND ADMINISTRATION DIVISION</u>	<u>TRANSPORTATION GENERAL FUND</u>
I. Personal Services	<u>\$241,473</u>
TOTAL INCREASE	\$241,473

SECTION 4. The said increased appropriation is funded by the following reductions:

August 2, 1993

DEPARTMENT OF TRANSPORTATION
FINANCE AND ADMINISTRATION DIVISION
3. Other Services and Charges
TOTAL REDUCTION

TRANSPORTATION GENERAL FUND
\$241,473
\$241,473

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 383, 1993. Councillor Gilmer reported that the Transportation Committee heard Proposal No. 383, 1993 on July 28, 1993. The proposal amends the Code by authorizing one-way traffic on Vermont Place (District 22). By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Williams, for adoption. Proposal No. 383, 1993 was adopted on the following roll call vote; viz:

26 YEAS: Beadling, Black, Borst, Boyd, Brents, Curry, Dowden, Franklin, Giffin, Gilmer, Golc, Gray, Hinkle, Jimison, Jones, McClamroch, Mullin, O'Dell, Rhodes, Ruhmkorff, Schneider, SerVaas, Shambaugh, Short, Smith, West

0 NAYS:

2 NOT VOTING: Coughenour, Williams

1 NOT PRESENT: Moriarty

Proposal No. 383, 1993 was retitled GENERAL ORDINANCE NO. 100, 1993 and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 100, 1993

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana, Section 29-166, One-way streets and alleys designated.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Section 29-166, One-way streets and alleys designated, be, and the same is hereby amended by the addition of the following, to wit:

EASTBOUND

Vermont Place, from Cincinnati Street
to College Avenue

WESTBOUND

Vermont Place, from Park Avenue
to East Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

ANNOUNCEMENTS AND ADJOURNMENT

Councillor Curry stated that the Rules and Public Policy Committee will hold another hearing on Proposal No. 304, 1993 on August 9, 1993 for technical amendments only. There will be no further public testimony.

Councillor Rhodes reported that the Administration and Finance Committee on July 27, 1993 moved to postpone the hearing on the MaxTel franchise application until October 18, 1993 to allow the General Counsel and MaxTel's attorneys to explore alternatives for considering applications to provide private cable services. Councillor Rhodes said that the Committee

also resolved that (1) the request for renewal proceedings has commenced, (2) the initial hearing of the American and Comcast franchises is set for September 14, 1993, and (3) the General Counsel will prepare the rules for the renewal proceedings for consideration by the Committee on September 14, 1993.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:25 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 2nd day of August, 1993.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)