

ARTICLE I. IN GENERAL

Sec. 733-100. Establishment of official zoning map; establishment of industrial zoning districts.

(a) *Establishment of the official zoning map.*

- (1) The county is divided into zoning districts, as shown on the official zoning map, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of all zoning ordinances for Marion County, Indiana.
- (2) The official zoning map shall be maintained in electronic form, and depicted in various formats and scales as appropriate to the need. The Director of the Department of Metropolitan Development shall be the custodian of the official zoning map.
- (3) When changes are made in zoning district boundaries, such changes shall be made on the official zoning map promptly after the amendment has been adopted in accordance with IC 36-7-4-600 Series.
- (4) No changes shall be made to the official zoning map except in conformity with the requirements and procedures set forth in the zoning ordinance and state law.

(b) *Establishment of primary industrial zoning districts.* The following primary industrial zoning districts for Marion County, Indiana, are hereby established, and land within said county zoned to said district classifications shall be designated on the official zoning map by the following zoning district symbols, respectively:

Industrial Zoning District

TABLE INSET:

District	Symbol
Restricted Industrial Suburban	I-1-S
Light Industrial Suburban	I-2-S
Medium Industrial Suburban	I-3-S
Heavy Industrial Suburban	I-4-S
Restricted Industrial Urban	I-1-U
Light Industrial Urban	I-2-U
Medium Industrial Urban	I-3-U

Heavy Industrial Urban

I-4-U

(G.O. 31, 2001, § 3)

ARTICLE II. INDUSTRIAL ZONING DISTRICT REGULATIONS

Sec. 733-200. General industrial regulations.

The following regulations shall apply to all land within the industrial zoning districts:

(a) *Applicability of regulations.* After the effective date of this chapter:

(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 chapter.

(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 the applicable provisions of this chapter. 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.

(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 chapter.

a. *Restoration of legally established nonconforming uses, structures, buildings.* Legally established nonconforming uses and structures or buildings not located in any flood control district may be restored to their original dimensions and conditions if damaged or partially destroyed by fire or other naturally occurring disaster provided the damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the building, structure, or facilities affected.

b. *Established setback exception.* In any block in which an existing front yard depth and setback are established (by legally established buildings within a commercial or industrial district) for more than twenty-five (25) percent of the linear frontage of the block (or a distance of four hundred (400) linear feet in either direction, whichever is the lesser), the minimum required 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 chapter. 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, unless subject to the provisions of section 733-211(a);

- Encroach upon any existing right-of-way; or

- Encroach into a clear sight triangular area, as required in section 733-211(c).

c. *Expansion along an existing legally established nonconforming front setback line.* The minimum required front setback in any industrial 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 (50) percent of the linear front footage of the existing building, and all other requirements of this chapter 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, unless subject to the provisions of section 733-211(a);

- Encroach upon any existing right-of-way; or

- Encroach into a clear sight triangular area, as required in section 733-211(c).

d. *Expansion along an existing legally established nonconforming side setback line.* The minimum required side setback in any industrial 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 minimum required front setback line and the minimum required 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 (50) percent of the linear footage of the building along that side setback line, and all other requirements of this chapter are maintained for the expansion; and
3. This exception shall not apply to required side transitional yards.

e. *Setback exception - canopies, eaves, cornices.* Canopies, eaves, cornices or other laterally supported extensions may extend a maximum of four (4) feet into any required front, side or rear yard or required front, side or rear transitional yard.

f. *Discontinuation of nonconformity.* The lawful nonconforming use or occupancy of any lot, in an industrial district, existing at the time of the effective date of this chapter, may be continued as a nonconforming use, but if such nonconforming use is discontinued for one (1) year, any future use or occupancy of such land shall be in conformity with the use provisions of this chapter.

g. *Legal establishment of nonconforming uses that were not legally initiated prior to April 8, 1969 (Amendment 96-AO-4; G.O. 173, 1996).*

1. A nonconforming use in a district of the industrial zoning ordinance (as adopted by the Metropolitan Development Commission under docket number 63-AO-4) shall be deemed to be legally established (relative to both use and development standards) if the use:

- i. Existed prior to April 8, 1969; and

- ii. Has continued to exist from April 8, 1969, to the present; and
- iii. Has not been abandoned; and
- iv. Of the entire building has not been vacant voluntarily for any period of three hundred sixty-five (365) consecutive days.

A certificate stating the use and development of a property are legally established under this section shall be available from the Administrator on the presentation of sufficient evidence. The rules of procedure of the Metropolitan Development Commission shall outline the procedure to be followed in order to obtain an official certificate.

2. Any construction, erection, conversion (including, but not limited to the addition of dwelling units), enlargement, extension, reconstruction or relocation occurring after April 8, 1969, must have been done in conformity with these regulations and have been done for uses permitted by this chapter. Any such future activity shall not be permitted except in conformity with these regulations and for uses permitted by this chapter.

3. Section 733-200(a)(3)g. shall:

- i. Have no effect upon the powers of the Consolidated City of Indianapolis, Marion County, or any unit or agency thereof, or the Health and Hospital Corporation of Marion County, Indiana, to enforce other public health and safety laws and ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance).

- ii. Not relieve any property of the legal obligation to comply with conditions or commitments which lawfully apply to the property made in connection with any variance, rezoning, platting, or other zoning decision.

- iii. Not apply to a property if written records of:

- Health and Hospital Corporation of Marion County;
- Fire department having jurisdiction over the property;
- Local law enforcement agency or agencies having jurisdiction over the property; or
- Indiana Department of Environmental Management or Department of Natural Resources;

for the twenty-four-month period prior to October 1, 1996, reflect that there has been a significant violation of laws pertaining to public health or safety, or ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance) for activities occurring on the property or the condition of the property.

4. Definition of "significant violation." For purposes of this provision, a violation is defined to be significant as:

- Any outstanding violation or three (3) or more separate citations from any of the health and safety agencies referred to in section 733-200(a)(3)g.3.iii. of this chapter; or
- Any citation or violation of sections 302, 304, 310, 311, 313, and 701 of Chapter 10 the Code of the Health and Hospital Corporation of Marion County, Indiana (housing and environmental standards ordinance); or
- One (1) or more convictions of a tenant, owner, or lessee for criminal activities occurring on the property.

(4) *Industrial park.* Land uses permitted in an industrial district established by this chapter may be grouped together to create an industrial park, subject to all requirements of the district and the special exception provisions of section 733-212. The term industrial park is defined in section 733-213.

(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) *Heliports/helistops.* Landing pads and stations for helicopters and vertical take-off aircraft shall be subject to the following special requirements:

- a. Minimum heliport size shall be two hundred (200) feet by four hundred (400) feet.
- b. No heliport shall be located within two hundred (200) feet of a protected district.
- c. A clear zone (which no structures shall penetrate) shall be provided. Such clear zone shall be described by a projected imaginary surface, the base of which encompasses the landing area, extends upward and outward at a slope equal to one (1) foot of vertical elevation to eight (8) feet of horizontal distance, and extends to a vertical projection of the heliport boundary.
- d. A clean landing surface shall be provided free of dust, loose gravel, and debris which may be blown about by the downwash of the helicopter's rotors.
- e. The landing area shall be well drained.
- f. If a roof top is used as a landing area, it shall be located on a building not more than four (4) stories or fifty (50) feet in height, whichever is the lesser, and the same obstruction clearance as required under paragraph c. above shall apply.
- g. The minimum setbacks required by this district shall apply to all structures and the landing area associated with such heliport.
- h. A fence or other suitable barrier, not less than three (3) feet in height, shall be erected at least seventy-five (75) feet from all landing

surfaces.

Sec. 733-201. I-1-S and I-1-U uses.

(a) *Permitted I-1-S and I-1-U uses.* The following uses shall be permitted in the I-1-S and I-1-U Districts. All permitted uses located in an I-1-S District shall conform to the I-1-S development standards (section 733-202(a)) and I-1-S performance standards (section 733-202(b)). All permitted uses in an I-1-U District shall conform to the I-1-U development standards (section 733-206(a)), and I-1-U performance standards (section 733-206(b)).

- (1) Agricultural uses, buildings and structures, including associated dwelling structures.
- (2) Data processing or analysis.
- (3) Day care center, subject to all state and local requirements for the location and operation of such facility.
- (4) Dental laboratory (excluding clinic or dental office for individual examinations/treatment).
- (5) Distribution operation (completely enclosed within a building).
- (6) Engineering or research laboratories.
- (7) Engraving (nonretail).
- (8) Heliports - landing pads and stations for helicopters (helistop); vertical take-off helipads for helicopter aircraft, as regulated in section 733-200(a)(6) (including facilities for maintenance of helicopters and accessory uses therefor).
- (9) Industrial schools or training facilities.
- (10) Manufacture, assembly or repair of:
 - a. Appliances, light portable household.
 - b. Clocks, watches.
 - c. Cloth products (from finished cloth - including any type of apparel, curtains, towels, bedding. This entry does not include carpet or rug manufacturing).
 - d. Jewelry.
 - e. Leather products (from finished leather).
 - f. Light component parts of products.
 - g. Optical, ophthalmic goods.
 - h. Phonograph, tape, compact disc, or other audio or video products or equipment.
 - i. Photographic equipment.
 - j. Premanufactured parts, subassemblies, or components.
 - k. Recording instruments.
- (11) Mini-warehouses - self-storage facility.
- (12) Offices, in conjunction with a permitted industrial use, attached or

detached, and including service facilities for employees or guests. Provided any service facilities shall be wholly within a building and shall have no exterior signs.

(13) Outdoor advertising signs, subject to Chapter 734 of this Code.

(14) Railroad or other mass transportation rights-of-way and trackage, including railroad passenger station, off-street turnaround, layover areas for transit vehicles, shelter stations and off-street parking facilities, provided such uses (except operating rights-of-way) do not extend within twenty (20) feet of a protected district boundary.

(15) Warehousing (completely enclosed within a building).

(16) Wholesaling, any type.

(17) Temporary structures incidental to the development of land or to the erection of structures, provided such temporary structures shall be removed at the termination of development or construction, subject to the additional requirements of section 733-211(d).

(18) Accessory utility structures or facilities.

(19) Accessory recreation facilities, indoor or outdoor, provided primarily for the convenience and use of employees of a specific industry or an industrial area as a whole.

(20) Wireless communication facility, as defined in, and subject to the additional regulations of, Chapter 735, Article IX of this Code.

(b) *Permitted I-2-S and I-2-U uses.* The following uses shall be permitted in the I-2-S and I-2-U Districts. All permitted uses located in an I-2-S District shall conform to the I-2-S development standards (section 733-203(a)) and I-2-S performance standards (section 733-203(b)). All permitted uses located in an I-2-U District shall conform to the I-2-U development standards (section 733-207(a)) and I-2-U performance standards (section 733-207(b)).

(1) Any use permitted in the I-1-S or I-1-U Districts.

(2) Antennas or support structures for: private or commercial mobile radio communications, broadcast radio or television; and associated equipment buildings, broadcasting studios, or radio or television business offices, subject to the additional provisions of: section 733-203(a)(1)d. (I-2-S); section 733-204(a)(1)d. (I-3-S); section 733-205(a)(1)b. (I-4-S); section 733-207(a)(1)d. (I-2-U); section 733-208(a)(1)d. (I-3-U); section 733-209(a)(1)b. (I-4-U).

(3) Bottling of alcoholic or nonalcoholic beverages.

(4) Construction companies, contractors, and home remodeling companies, including storage of materials and equipment with accessory offices but not retail commercial activities.

(5) Food products (secondary processing and packaging of food products initially processed off the premises).

(6) Manufacture, assembly or repair of:

- a. Bicycles, motorcycles, and parts.
- b. Biological products.
- c. Bottled gas; equipment/storage.
- d. Cabinets.

- e. Carpets and rugs.
- f. Computers, computer equipment, office equipment.
- g. Cosmetics, perfumes.
- h. Cutlery.
- i. Electrical components, motors, and subassemblies.
- j. Electric lighting and wiring equipment.
- k. Ice or dry ice.
- l. Laboratory apparatus and analytical optical measuring and controlling instruments.
- m. Mattresses.
- n. Medicines.
- o. Milk/dairy products (including processing).
- p. Musical instruments.
- q. Office machinery or equipment (electrical or mechanical).
- r. Paper box and paper products (from finished paper).
- s. Pharmaceutical products.
- t. Search, detection, navigation, guidance aeronautical and nautical systems, instruments, and equipment.
- u. Signs, electric, neon or other types.
- v. Sporting and athletic goods.
- w. Surgical, medical and dental instruments and supplies.
- x. Tools and implements, electrical or nonelectrical.
- y. Toys, dolls, or games.

(7) Printing, publishing (any type except those primarily engaged in providing photocopying services).

(8) Upholstering shops.

(9) I-2-S and I-2-U uses may also include (as accessory or incidental uses thereto) any of the I-3-S and I-3-U District uses specified in section 733-201(c) (I-3-S or I-3-U uses) provided that:

- a. Not more than twenty-five (25) percent of the gross floor area of the building(s) (excluding that used for offices or storage) is devoted to such I-3-S or I-3-U uses;
- b. Such I-3-S and I-3-U uses shall conform with all I-2-S or I-2-U development and performance standards; and
- c. Adequate operational techniques and safeguards shall be employed to insure performance control of noise, vibration, odor, glare, and heat to achieve operational characteristics consistent with light industry.

(c) *Permitted I-3-S and I-3-U uses.* The following uses shall be permitted in the I-3-S and I-3-U districts. All permitted uses located in an I-3-S District shall conform to the I-3-S development standards (section 733-204(a)) and I-3-S performance standards

(section 733-204(b)). All permitted uses located in an I-3-U District shall conform to the I-3-U development standards (section 733-208(a)) and I-3-U performance standards (section 733-208(b)).

- (1) Any use permitted in the I-2-S or I-2-U Districts.
- (2) Bakery, industrial (not for direct sale on the premises to household consumers).
- (3) Canning, bottling, processing, and packaging of food. (Does not include slaughtering of animals or fowl.)
- (4) Coffee roasting.
- (5) Electric transmission and distribution.
- (6) Electroplating operations.
- (7) Granaries, grain processing, milling.
- (8) Machine shop.
- (9) Manufacture, assembly or repair of:
 - a. Appliances, major household: electric or gas.
 - b. Boats.
 - c. Cans or containers.
 - d. Ceramic and clay products.
 - e. Colors, dyes, lacquers, paints, varnishes and other coating, excluding tar products.
 - f. Communication equipment.
 - g. Construction equipment and machinery.
 - h. Elevators.
 - i. Fabricated structural metal products.
 - j. Glass or glass products.
 - k. Furniture (office or household - including partitions, shelving and store fixtures).
 - l. Machinery and machinery components.
 - m. Malt products, brewing and distillation of liquor and spirits.
 - n. Marine equipment.
 - o. Motor vehicles.
 - p. Natural gas transmission and distribution.
 - q. Oleomargarine.
 - r. Paper.
 - s. Screw machine products, bolts, nuts, rivets and washers.
 - t. Starch.
 - u. Textiles/textile mill products.
 - v. Tobacco products.

- (10) Motor truck terminals less than ten (10) acres in total area and subject to the regulations of section 733-204(a)(1)e. (I-3-S) or section 733-208(a)(1)e. (I-3-U).
- (11) Power plant; electric, steam, thermal.
- (12) Propane gas storage.
- (13) Recycling facility (does not include automotive or construction material recycling).
- (14) Refrigeration and service industry machinery.
- (15) Rolling or extruding of metal.
- (16) Sand blasting.
- (17) Stamping and fabricating metal shops using press, brakes and rolls.
- (18) Storage of heavy equipment (as a primary use).
- (19) Tool and die shop.
- (20) Transmission reconditioning.
- (21) Vehicle storage (new or operable only).
- (22) Welding shops.
- (23) I-3-S and I-3-U uses may also include (as accessory or incidental uses thereto) any of the I-4-S and I-4-U District uses specified in section 733-201(d), provided that:
 - a. Not more than twenty-five (25) percent of the gross floor area of the building(s) (excluding that used for offices or storage) is devoted to such I-4-S or I-4-U uses;
 - b. Such I-4-S and I-4-U uses shall conform with all I-3-S or I-3-U development and performance standards; and
 - c. Adequate operational techniques and safeguards shall be employed to insure performance control of noise, vibration, odor, glare, and heat to achieve operational characteristics consistent with medium industry.

(d) *Permitted I-4-S and I-4-U uses.*

- (1) *Permitted I-4-S and I-4-U uses without a special exception.* The following uses shall be permitted in the I-4-S and I-4-U Districts. All permitted uses located in an I-4-S District shall conform to the I-4-S development standards (section 733-205(a)) and I-4-S performance standards (section 733-205(b)). All permitted uses located in an I-4-U District shall conform to the I-4-U development standards (section 733-209(a)) and I-4-U performance standards (section 733-209(b)).
 - a. Any use permitted in the I-3-S and I-3-U Districts.
 - b. Abrasive, asbestos, metallic and nonmetallic mineral products.
 - c. Batching plant.
 - d. Concrete mixing; production of concrete blocks and shapes, cinder blocks and other similar building materials manufacture.
 - e. Construction machinery and equipment (manufacture, storage or repair).

- f. Engines and turbines (manufacture, storage or repair).
- g. Farm machinery and equipment (manufacture, storage or repair).
- h. Lumber yards.
- i. Manufacture of:
 - 1. Boiler tanks.
 - 2. Detergents and soaps.
 - 3. Railroad equipment, including repair and servicing.
 - 4. Rubber, rubber products.
 - 5. Structural steel fabrication.
 - 6. Tires and inner tubes.
- j. Motor truck terminals, any acreage, subject to the regulations of section 733-205(a)(1)c. (I-4-S) or section 733-209(a)(1)c. (I-4-U).
- k. Oil or gas bulk storage.
- l. Prefabricated wood buildings or structural members (manufacture or storage).
- m. Processing of forest products such as, but not limited to, veneer mills, planing mills, saw mills, mill work, wood pallets and skids.
- n. Railroad equipment (manufacture, storage or repair).
- o. Tire recapping.
- p. Utility pole yards and pipe yards.

(2) *I-4-S and I-4-U uses permitted by special exception.* In addition, the following uses shall be permitted in the I-4-S and I-4-U Districts by special exception only, upon the grant of a special exception by the Metropolitan Board of Zoning Appeals as set forth in section 733-212. These uses shall conform to the I-4-S development standards (section 733-205(a)); I-4-S performance standards (section 733-205(b)); or I-4-U development standards (section 733-209(a)), and I-4-U performance standards (section 733-209(b)); as well as all requirements set forth in section 733-212 and all conditions attached to the grant of such special exception by the Metropolitan Board of Zoning Appeals. In case of conflict, the more restrictive standards or requirements shall prevail.

- a. Bulk storage of petroleum products.
- b. Coke ovens, blast furnaces, steel and iron production.
- c. Fat rendering.
- d. Foundries.
- e. Leather curing and tanning.
- f. Manufacture of:
 - 1. Batteries, storage or primary batteries, wet or dry.
 - 2. Cement, lime and gypsum.
 - 3. Chemicals and gases.
 - 4. Creosote, including treatment.

5. Explosives, matches, and fireworks.
 6. Fertilizer.
 7. Oil, including refining or processing.
 8. Plastic materials and synthetic resin.
 9. Smelting (primary) and refining of nonferrous metals.
 10. Tar, tar paper and tar products - manufacturing or processing.
- g. Open hearths and blast furnaces.
 - h. Production of emulsified asphalt and preparation of asphaltic concrete paving material.
 - i. Sand, gravel or aggregate washing, screening or processing (not including mining or dredging).
 - j. Scrap metal, junk or salvage storage or operation, open or enclosed, including automobile or truck wrecking or recycling, construction materials recycling, or similar uses.
 - k. Slaughtering or meat packing.
 - l. Stock yards for shipping, holding and the sale of animals.
 - m. Vehicle storage (wrecked or inoperable).
 - n. Vehicle wrecking and salvage operation, shredder.
 - o. Wrecker service.
 - p. Any similar use requiring outside storage.

Sec. 733-202. I-1-S Restricted Industrial Suburban District.

Statement of purpose: This district is designed for those industries which carry on their entire operation within a completely enclosed building in such a manner that no nuisance factor is created or emitted outside an enclosed building. No storage of raw materials, manufactured products, or any other materials is permitted in the nonscreened open space around the buildings. Loading and unloading berths are completely enclosed or shielded by a solid screening. This district has strict controls on the intensity of land use providing protection of each industry from the encroachment of other industries. It is usually located adjacent to protected districts and may serve as a buffer between heavier industrial districts and business or protected districts.

(a) *I-1-S development standards.*

(1) *Use.*

- a. Enclosed operations. All operations, servicing or processing (except storage and off-street loading) shall be conducted within completely enclosed buildings.
- b. Outside storage. All storage of materials or products shall be:
 1. Within completely enclosed buildings; or
 2. Effectively contained by a chain link, solid, lattice or similar type fence or wall, with ornamental, nonsolid, chain

link or similar type entrance and exit gates. (Canvas may be attached to gates for effective screening.) The height of such fence or wall shall be at least six (6) feet and shall not exceed ten (10) feet. Such fence or wall shall be surrounded by trees or an evergreen hedge of a height not less than the height of such fence or wall, to be planted following the provisions for landscaping and screening of required transitional yards of section 733-211(e)(2). The storage of materials or products within the enclosure may not exceed the height of the fence.

c. Outside storage area limitation.

1. Total area of outside storage shall not exceed twenty-five (25) percent of the total gross floor area of enclosed structures and buildings.

2. Trash containers. Within one hundred (100) feet, measured in any direction (see section 733-213, Diagram H), of a protected district, trash containers exceeding forty-eight (48) 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 required transitional yard unless located within a parking area which is permitted in a required yard.

Exception: This provision shall not apply if the trash container is visibly obstructed from a protected district by an intervening building or structure on the lot, even though the trash container is located within one hundred (100) feet of a protected district.

(2) *Required minimum.* Each lot or industrial park shall have at least seventy-five (75) feet of frontage on a street right-of-way and shall gain access from such street frontage.

(3) *Required minimum front yards, minimum front setback.* The setback requirements of section 733-211(a) shall be provided along all street right-of-way lines, unless subject to the established setback provisions of section 733-200(a)(3)b. or c.

(4) *Required minimum side yards, minimum side setback.* A side building setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided unless subject to additional transitional yard requirements of section 733-202(a)(6) or (8). Provided, however, if the side lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-202(a)(6).

(5) *Required minimum rear yard, minimum rear setback.* A rear building setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided unless subject to the additional transitional yard requirements of section 733-202(a)(6) or (8). Provided, however, if the rear lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-202(a)(6).

(6) *Required transitional yards, minimum setbacks.* Minimum front, side and rear transitional yards and setbacks. Yards fronting upon or abutting a protected district are subject to the requirements of section 733-202(a)(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 one hundred (100) feet, measured from and paralleling the proposed right-of-way line of the street, shall be provided unless subject to the regulations of section 733-200(a)(3)b., c. or d. 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.

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 fifty (50) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line. Provided, however, additional front, side or rear setback distances for transitional yards, as specified in section 733-202(a)(8), shall be required to permit building heights exceeding twenty-two (22) feet to a maximum height of forty (40) feet (see section 733-213, Diagram A).

Exceptions:

1. Front, side or rear setback distances for transitional yards may be modified by utilizing the landscape performance standards of section 733-211(e).
2. The transitional yard requirements of section 733-202(a)(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 zoned as a protected district.

(7) *Use of required yards and required transitional yards.* All required transitional yards shall be subject to the requirements of section 733-211(e) and shall remain as open space free from structures except where expressly permitted by this chapter.

a. Required front yards may include:

1. Pedestrian walks, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and
2. Off-street parking areas and associated maneuvering

areas not exceeding ten (10) percent of the total area of the required front yard and subject to the off-street parking regulations of section 733-210.

3. Driveways, provided they are not located within twenty (20) feet of a lot line abutting a protected district.

b. Required side and rear yards may include:

1. Pedestrian walks, interior access driveways, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and

2. Off-street parking and loading areas, subject to the off-street parking and loading regulations of section 733-210.

3. Driveways and interior access drives.

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 or loading areas, interior access drives, or outdoor display or storage areas.

(8) *Maximum height of buildings and structures.* Forty (40) feet, subject to the exception noted in section 733-200(a)(5). Provided, however, along any required front, side or rear transitional yard, the maximum vertical height shall be:

a. Twenty-two (22) feet; or

b. Forty (40) feet if for each foot of height in excess of twenty-two (22) feet, to an absolute maximum height of forty (40) feet, one (1) additional foot setback shall be provided beyond such adjacent required front, side or rear transitional yard setback line for each foot of building or structural height above twenty-two (22) feet (see section 733-213, Diagram A).

c. The height of signs and sign structures shall comply with Chapter 734 of this Code.

(9) *Signs.* Signs and sign structures shall comply with Chapter 734 of this Code.

(10) *Off-street parking.* Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 733-210.

(11) *Off-street loading.* Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 733-210.

(12) *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 733-211.

(b) *Performance standards.*

(1) *Noise, vibration, odor, glare, heat.* In no case shall production or operational noise, vibration, odor, glare, or intense heat be permitted to

escape beyond the lot lines.

(2) *Smoke, particulate matter, noxious materials.* The emission of smoke, particulate matter, or noxious or toxic gases shall conform to the standards and regulations of Chapter 511 of this Code. The standards and regulations noted in Chapter 511 of this Code for the emission of smoke, particulate matter, or noxious or toxic gases are hereby incorporated by reference and made a part hereof.

(3) *Fire and explosive hazards.* The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association. The standards prescribed by the National Fire Protection Association for the storage, utilization or manufacture of all products or material are hereby incorporated by reference and made a part hereof. Such storage, utilization or manufacturing shall not produce a hazard or endanger the public health, safety or welfare.

(4) *Discharge of waste matter and storm drainage.* No use shall accumulate or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; the Indiana Department of Environmental Management; or in such a manner as to endanger the public health, safety or welfare; or cause injury to property. Prior to improvement location permit issuance for any industrial use:

a. Plans and specifications for proposed sewage disposal facilities and industrial waste treatment and disposal facilities shall be submitted to and written approval obtained from:

1. Construction of public facilities - the Indiana Department of Environmental Management and the City of Indianapolis, Division of Compliance; or

2. Private sewage disposal systems - the Indiana State Board of Health and the Health and Hospital Corporation of Marion County, Indiana;

b. Written approval of proposed connection to a public sewer shall be obtained from the Division of Compliance; and

c. Plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the Division of Compliance.

(G.O. 2, 2002, § 15)

Sec. 733-203. I-2-S Light Industrial Suburban District.

Statement of purpose. This district is designed for those industries that typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) which extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts, and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer.

(a) *I-2-S development standards.*

(1) *Use.*

a. Enclosed operations. All operations, servicing or processing located within five hundred (500) feet of a protected district boundary (except storage and off-street loading) shall be conducted within completely enclosed buildings.

b. Outside storage. All storage of materials or products within five hundred (500) feet of protected district boundary shall be:

1. Within completely enclosed buildings, or

2. Effectively contained by a chain link, solid, lattice or similar type fence or wall, with ornamental, nonsolid, chain link or similar type entrance and exit gates. (Canvas may be attached to gates for effective screening.) The height of such fence or wall shall be at least six (6) feet and shall not exceed ten (10) feet. Such fence or wall shall be surrounded by trees or an evergreen hedge of a height not less than the height of such fence or wall, to be planted following the provisions for landscaping and screening of required transitional yards of section 733-211(e)(2). The storage of materials or products within the enclosure may not exceed the height of the fence.

c. Outside operations and storage area limitation.

1. In no case shall the total area of outside operations and storage exceed twenty-five (25) percent of the total gross floor area of enclosed structures and buildings.

2. Trash containers. Within one hundred (100) feet, measured in any direction (see section 733-213, Diagram H), of a protected district, trash containers exceeding forty-eight (48) 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 required transitional yard unless located within a parking area which is permitted in a required yard.

Exception: This provision shall not apply if the trash container is visibly obstructed from a protected district by an intervening building or structure on the lot, even though the trash container is located within one hundred (100) feet of a protected district.

d. Private or commercial mobile radio communications, radio or television antennas. Towers or antennas shall be subject to the following regulations:

1. There shall be no height limitation, except conformity with all requirements and limitations of Chapter 735, Article I of this Code.
 2. Any guy anchorages shall be set back at least thirty (30) feet from any lot line.
- (2) *Required minimum street frontage.* Each lot or industrial park shall have at least seventy-five (75) feet of frontage on a street right-of-way and shall gain access from such street frontage.
- (3) *Required minimum front yards, minimum front setback.* The setback requirements of section 733-211(a) shall be provided along all street right-of-way lines, unless subject to the established setback provisions of section 733-200(a)(3)b. or c.
- (4) *Required minimum side yards, minimum side setbacks.* A side building setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided, unless subject to the additional transitional yard requirements of section 733-203(a)(6) or (8). Provided, however, if the side lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-203(a)(6).
- (5) *Required minimum rear yard, minimum rear setback.* A rear building setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided unless subject to the additional transitional yard requirements of section 733-203(a)(6) or (8). Provided, however, if the rear lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-203(a)(6).
- (6) *Required transitional yards, minimum setbacks.* Minimum front, side and rear transitional yards and setbacks. Yards fronting upon or abutting a protected district are subject to the requirements of section 733-203(a) (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 one hundred (100) feet, measured from and paralleling the proposed right-of-way line of the street, shall be provided, unless subject to the regulations of section 733-200(a)(3)b., c. or d. In the case where a proposed right-of-way does not exist or where the existing right-of-way line 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 fifty (50) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line. Provided, however, additional front, side or rear setback distances for transitional yards, as specified in section 733-203(a)(8), shall be required to permit building heights exceeding twenty-two (22) feet to a maximum height of fifty (50) feet (see section 733-213, Diagram A).

Exceptions:

1. Front, side or rear setback distances for transitional yards may be modified by utilizing the landscape performance standards of section 733-211(e).

2. The transitional yards requirements of section 733-203(a)(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 of abutting frontage property, although zoned as a protected district.

(7) *Use of required yards and required transitional yards.* All required transitional yards shall be subject to the requirements of section 733-211 (e) and shall remain as open space free from structures except where expressly permitted by this chapter.

a. Required front yards may include:

1. Pedestrian walks, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and

2. Off-street parking areas and associated maneuvering areas not exceeding ten (10) percent of the total area of the required front yard and subject to the off-street parking regulations of section 733-210.

3. Driveways, provided they are not located within twenty (20) feet of a lot line abutting a protected district.

b. Required side and rear yards may include:

1. Pedestrian walks, interior access driveways, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and

2. Off-street parking and loading areas, subject to the off-street parking and loading regulations of section 733-210.

3. Driveways and interior access drives.

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 or loading areas, interior access drives, or outdoor display or storage areas.

(8) *Maximum height of buildings and structures.* Fifty (50) feet, subject to the exceptions noted in section 733-200(a)(5). Provided, however, along any required front, side or rear transitional yard, the maximum vertical height shall be:

a. Twenty-two (22) feet; or

b. Fifty (50) feet if for each foot of height in excess of twenty-two (22) feet, to an absolute maximum height of fifty (50) feet, one

(1) additional foot setback shall be provided beyond such adjacent required front, side or rear transitional yard setback line for each foot of building or structural height above twenty-two (22) feet (see section 733-213, Diagram A).

c. The height of signs and sign structures shall comply with Chapter 734 of this Code.

(9) *Signs.* Signs and sign structures shall comply with Chapter 734 of this Code.

(10) *Off-street parking.* Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 733-210.

(11) *Off-street loading.* Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 733-210.

(12) *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 733-211.

(b) *Performance standards.*

(1) *Smoke, particulate matter, noxious materials.* The emission of smoke, particulate matter, or noxious or toxic gases shall conform to the standards and regulations of Chapter 511 of this Code. The standards and regulations noted in Chapter 511 of this Code for the emission of smoke, particulate matter, or noxious or toxic gases are hereby incorporated by reference and made part hereof.

(2) *Vibration.* No use shall cause earth vibrations or concussions beyond the lot lines, endangering the public health, safety or welfare, or causing injury to property.

(3) *Odor.* No use shall emit across the lot lines odorous matter in such quantities as to endanger the public health, safety or welfare, or cause injury to property.

(4) *Noise.* No use shall emit sound beyond the lot lines in such a manner or intensity as to endanger the public health, safety or welfare, or cause injury to property.

(5) *Glare and heat.* No use shall produce heat or glare of such intensity beyond the lot lines as to endanger the public health, safety or welfare, or cause injury to property.

(6) *Fire and explosive hazards.* The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association. The standards prescribed by the National Fire Protection Association for the storage, utilization or manufacture of all products or material are hereby incorporated by reference and made a part hereof. Such storage, utilization or manufacturing shall not produce a hazard or endanger the public health, safety or welfare.

(7) *Discharge of waste matter and storm drainage.* No use shall accumulate or discharge beyond lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; the Indiana Department of Environmental

Management; or in such a manner as to endanger the public health, safety or welfare, or cause injury to property. Prior to improvement location permit issuance for any industrial use:

- a. Plans and specifications for proposed sewage disposal facilities and industrial waste treatment and disposal facilities shall be submitted to and written approval obtained from:
 1. Construction of public facilities - the Indiana Department of Environmental Management and the City of Indianapolis, Division of Compliance; or
 2. Private sewage disposal systems - the Indiana State Board of Health and the Health and Hospital Corporation of Marion County, Indiana;
- b. Written approval of proposed connection to a public sewer shall be obtained from the Division of Compliance; and
- c. Plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the Division of Compliance.

(G.O. 2, 2002, § 15)

Sec. 733-204. I-3-S Medium Industrial Suburban District.

Statement of purpose. This district is designed as an intermediate district for industries which are heavier in character than those permitted in the Light Industrial Suburban District but which are not of the heaviest industrial types. Because of the nature of these industries, that district is located away from protected districts and buffered by lighter industrial districts. Where this district abuts protected districts, setbacks are large and enclosure of activities and storage is required.

(a) *I-3-S development standards.*

(1) *Use.*

- a. *Enclosed operations.* All operations, servicing or processing located within five hundred (500) feet of a protected district boundary (except storage and off-street loading) shall be conducted within completely enclosed buildings.
- b. *Outside storage.* All storage of materials or products within five hundred (500) feet of a protected district boundary shall be:
 1. Within completely enclosed buildings; or
 2. Effectively contained by a chain link, solid, lattice or similar type fence or wall (with ornamental, nonsolid, chain link or similar type entrance and exit gates). (Canvas may be attached to gates for effective screening.) The height of such fence or wall shall be at least six (6) feet and shall not exceed ten (10) feet. Such fence or wall shall be surrounded by trees or an evergreen hedge of a height not less than the height of the fence or wall, to be planted following the provisions for landscaping and screening of required transitional yards of section 733-211(e)(2). The storage of materials or products within the enclosure may

not exceed the height of the fence.

c. *Outside operations and storage area limitation.*

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

2. Trash containers. Within one hundred (100) feet, measured in any direction (see section 733-213, Diagram H), of a protected district, trash containers exceeding forty-eight (48) 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 required transitional yard unless located within a parking area which is permitted in a required yard.

Exception: This provision shall not apply if the trash container is visibly obstructed from a protected district by an intervening building or structure on the lot, even though the trash container is located within one hundred (100) feet of a protected district.

d. *Private or commercial mobile radio communications, radio or television antennas.* Towers or antennas shall be subject to the following regulations:

1. There shall be no height limitation, except conformity with all requirements and limitations of Chapter 735, Article I of this Code.

2. Any guy anchorages shall be set back at least thirty (30) feet from any lot line.

e. *Motor truck terminals.* Motor truck terminals shall be subject to the following exception: The parking of trucks or trailers shall not be defined or construed as outside storage in computing permitted outside storage and operations within this district.

(2) *Required minimum street frontage.* Each lot or industrial park shall have at least seventy-five (75) feet of frontage on a street right-of-way and shall gain access from such street frontage.

(3) *Required minimum front yards, minimum front setback.* The setback requirements of section 733-211(a) shall be provided along all street right-of-way lines, unless subject to the established setback provisions of section 733-200(a)(3)b. or c.

(4) *Required minimum side yards, minimum side setbacks.* A side building setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided, unless subject to the

additional transitional yard requirements of section 733-204(a)(6) or (8). Provided, however, if the side lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-204(a)(6).

(5) *Required minimum rear yard, minimum rear setback.* A rear building setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided, unless subject to the additional transitional yard requirements of section 733-204(a)(6) or (8). Provided, however, if the rear lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-204(a)(6).

(6) *Required transitional yards, minimum setbacks.* Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a protected district are subject to the requirements of section 733-204(a)(7) and (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 one hundred fifty (150) feet, measured from and paralleling the proposed right-of-way line of the street, shall be provided, unless subject to the regulations of section 733-200(a)(3)b., c. or e. In the case where a proposed right-of-way does not exist or where the existing right-of-way line is greater, the existing right-of-way line shall be used for the setback measurements.

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 one hundred (100) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line. Provided, however, additional front, side or rear setback distances for transitional yards, as specified in section 733-204(a)(8), shall be required to permit building heights exceeding thirty-five (35) feet (see section 733-213, Diagram A).

Exceptions:

1. Front, side or rear setback distances for transitional yards may be modified by utilizing the landscape performance standards of section 733-211(e);

2. The transitional yard requirements of section 733-204(a)(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 zoned as a protected district.

(7) *Use of required yards and required transitional yards.* All required transitional yards shall be subject to the requirements of section 733-211(e) and shall remain as open space free from structures except where expressly permitted by this chapter.

a. Required front yards may include:

1. Pedestrian walks, entrance guard boxes, flag poles,

fences, screening walls and similar appurtenant structures;
and

2. Off-street parking areas not exceeding ten (10) percent of the total area of the required front yard and subject to the off-street parking regulations of section 733-210.

3. Driveways, provided they are not located within twenty (20) feet of a lot line abutting a district.

b. Required side and rear yards may include:

1. Pedestrian walks, interior access driveways, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and

2. Off-street parking and loading areas, subject to the off-street parking and loading regulations of section 733-210;

3. Driveways and interior access drives.

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 or loading areas, interior access drives, or outdoor display or storage areas.

(8) *Maximum height of buildings and structures.* Along any required front, side, or rear transitional yard, the maximum vertical height shall be:

a. Thirty-five (35) feet; or

b. For each foot of height in excess of thirty-five (35) feet, one (1) additional foot setback shall be provided beyond such adjacent required front, side or rear transitional yard setback line for each foot of building or structural height above thirty-five (35) feet (see section 733-213, Diagram A).

Subsections a. and b. above are subject to the exceptions noted in section 733-200(a)(5).

c. The height of signs and sign structures shall comply with Chapter 734 of this Code.

(9) *Signs.* Signs and sign structures shall comply with Chapter 734 of this Code.

(10) *Off-street parking.* Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 733-210.

(11) *Off-street loading.* Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 733-210.

(12) *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 733-211.

(b) *Performance standards.*

(1) *Smoke, particulate matter, noxious materials.* The emission of smoke, particulate matter, or noxious or toxic gases shall conform to the standards and regulations of Chapter 511 of this Code. The standards and regulations noted in Chapter 511 of this Code for the emission of smoke, particulate matter, or noxious or toxic gases are hereby incorporated by reference and made a part hereof.

(2) *Vibration.* No use shall cause earth vibrations or concussions beyond the lot lines, endangering the public health safety or welfare, or cause injury to property.

(3) *Odor.* No use shall emit across the lot lines odorous matter in such quantities as to endanger the public health, safety or welfare, or cause injury to property.

(4) *Noise.* No use shall emit sound beyond the lot lines in such a manner or intensity as to endanger the public health, safety or welfare, or cause injury to property.

(5) *Glare and heat.* No use shall produce heat or glare of such intensity beyond the lot lines as to endanger public health, safety or welfare, or cause injury to property.

(6) *Fire and explosive hazards.* The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association. The standards prescribed by the National Fire Protection Association for the storage, utilization or manufacture of all products or materials are hereby incorporated by reference and made a part hereof. Such storage, utilization or manufacturing shall not produce a hazard or endanger the public health, safety or welfare.

(7) *Discharge of waste matter.* No use shall accumulate or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; the Indiana Department of Environmental Management; or in such a manner as to endanger the public health, safety or welfare, or cause injury to property.

Prior to improvement location permit issuance for any industrial use:

a. Plans and specifications for proposed sewage disposal facilities and industrial waste treatment and disposal facilities, shall be submitted to and written approval obtained from:

1. Construction of public facilities - the Indiana Department of Environmental Management and the City of Indianapolis, Division of Compliance; or

2. Private sewage disposal systems - the Indiana State Board of health and the Health and Hospital Corporation of Marion County, Indiana;

b. Written approval of proposed connection to a public sewer shall be obtained from the Division of Compliance; and

c. Plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the Division of Compliance.

(G.O. 2, 2002, § 15)

Sec. 733-205. I-4-S Heavy Industrial Suburban District.

Statement of purpose. This district is designed for those heavy industrial uses which are typically characterized by certain factors which would be exceedingly difficult, expensive or impossible to eliminate. These industries are therefore buffered by sufficient area to minimize any detrimental aspects. The development standards and performance standards reflect the recognition of these problems. Wherever practical, this district is removed as far as possible from protected districts and buffered by intervening lighter industrial districts.

(a) *I-4-S development standards.*

(1) *Use.*

a. *Outside operations and storage area limitation.* In no case shall the total area of outside operations and storage exceed seventy-five (75) percent of the lot area, provided, however, outside operations and storage shall not be permitted within any required yard or required transitional yard (see section 733-213, Diagram I).

1. The maximum vertical height of equipment and materials stored shall be twenty (20) feet.

2. All such equipment and storage shall, at all times, be effectively screened by the fencing and buffer planting required by section 733-205(a)(6) and section 733-211(e).

3. Trash containers. Within one hundred (100) feet, measured in any direction (see section 733-213, Diagram H), of a protected district, trash containers exceeding forty-eight (48) 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 required transitional yard unless located within a parking area which is permitted in a required yard.

Exception: This provision shall not apply if the trash container is visibly obstructed from a protected district by an intervening building or structure on the lot, even though the trash container is located within one hundred (100) feet of a protected district.

b. *Private or commercial mobile radio communications, radio or television antennas.* Towers or antennas shall be subject to the following regulations:

1. There shall be no height limitation, except conformity

with all requirements and limitations of Chapter 735, Article I of this Code.

2. Any guy anchorages shall be set back at least thirty (30) feet from any lot line.

c. *Motor truck terminals.* Motor truck terminals shall be subject to the following exception: The parking of trucks or trailers shall not be defined or construed as outside storage in computing permitted outside storage and operations within this district.

(2) *Required minimum street frontage.* Each lot or industrial park shall have at least seventy-five (75) feet of frontage on a street right-of-way and shall gain access from such street frontage.

(3) *Required minimum front yards, minimum front setback.* The setback requirements of section 733-211(a) shall be provided along all street right-of-way lines, unless subject to the established setback provisions of section 733-200(a)(3)b. or c.

(4) *Required minimum side yards, minimum side setbacks.* A side building setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided, unless subject to the additional transitional yard requirements of section 733-205(a)(6) or (8). Provided, however, if the side lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-205(a)(6).

(5) *Required minimum rear yard, minimum rear setback.* A rear building setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided, unless subject to the additional transitional yard requirements of section 733-205(a)(6) or (8). Provided, however, if the rear lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-205(a)(6).

(6) *Required transitional yards, minimum setbacks.* Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a protected district are subject to the requirements of section 733-205(a) (7) and (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 two hundred (200) feet, measured from and paralleling the proposed right-of-way line of the street, shall be provided, unless subject to the regulations of section 733-200(a)(3)b., c., or e. In the case where a proposed right-of-way does not exist or where the existing right-of-way line is greater, the existing right-of-way line shall be used for the setback measurements.

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 one hundred fifty (150) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

1. Front, side or rear setback distances for transitional yards may be modified by utilizing the landscape performance standards of section 733-211(e).

2. The transitional yard requirements of section 733-205 (a)(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 zoned as a protected district.

(7) *Use of required yards and required transitional yards.* All required transitional yards shall be subject to the requirements of section 733-211 (e) and shall remain as open space free from structures except where expressly permitted by this chapter.

- a. Required front yards may include:

1. Pedestrian walks, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and

2. Off-street parking areas not exceeding ten (10) percent of the total area of the required front yard and subject to the off-street parking regulations of section 733-210.

3. Drives, provided they are not located within thirty (30) feet of a lot line abutting a protected district.

- b. Required side and rear yards may include:

1. Pedestrian walks, interior access driveways, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and

2. Off-street parking and loading areas, subject to the off-street parking and loading regulations of section 733-210;

3. Driveways and interior access drives.

- 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 or loading areas, interior access drives, or outdoor display or storage areas.

(8) *Maximum height of buildings and structures.* Along any required front, side or rear transitional yard, the maximum vertical height shall be:

- a. Thirty-five (35) feet; or

- b. For each foot in height in excess of thirty-five (35) feet, one (1) additional foot setback shall be provided beyond such required front side or rear transitional yard setback line for each foot of building or structural height above thirty-five (35) feet (see section 733-213, Diagram A).

c. Subsections a. and b. above are subject to the exceptions noted in section 733-200(a)(5).

Provided, however, the height of signs and sign structures shall comply with Chapter 734 of this Code.

(9) *Signs.* Signs and sign structures shall comply with Chapter 734 of this Code.

(10) *Off-street parking.* Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 733-210.

(11) *Off-street loading.* Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 733-210.

(12) *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 733-211.

(b) *Performance standards.*

(1) *Smoke, particulate matter, noxious materials.* The emission of smoke, particulate matter, or noxious or toxic gases shall conform to the standards and regulations of Chapter 511 of this Code. The standards and regulations noted in Chapter 511 of this Code for the emission of smoke, particulate matter, or noxious or toxic gases are hereby incorporated by reference and made a part hereof.

(2) *Vibration.* No use shall cause earth vibrations or concussions beyond the lot lines, endangering the public health, safety or welfare, or causing injury to property.

(3) *Odor.* No use shall emit across the lot lines odorous matter in such quantities as to endanger the public health, safety or welfare, or cause injury to property.

(4) *Noise.* No use shall emit sound beyond the lot lines in such a manner or intensity as to endanger the public health, safety or welfare, or cause injury to property.

(5) *Glare and heat.* No use shall produce heat or glare of such intensity beyond the lot lines as to endanger the public health, safety or welfare, or cause injury to property.

(6) *Fire and explosive hazards.* The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association. The standards prescribed by the National Fire Protection Association for the storage, utilization or manufacture of all products or materials are hereby incorporated by reference and made a part hereof. Such storage, utilization or manufacturing shall not produce a hazard or endanger the public health, safety or welfare.

(7) *Discharge of waste matter.* No use shall accumulate or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; the Indiana Department of Environmental Management; or in such manner as to endanger the public health, safety or welfare, or cause

injury to property. Prior to improvement location permit issuance for any industrial use:

a. Plans and specifications for proposed sewage disposal facilities and industrial waste treatment and disposal facilities shall be submitted to and written approval obtained from:

1. Construction of public facilities - the Indiana Department of Environmental Management and the City of Indianapolis, Division of Compliance; or
2. Private sewage disposal systems - the Indiana State Board of Health and the Health and Hospital Corporation of Marion County, Indiana;

b. Written approval of proposed connection to a public sewer shall be obtained from the Division of Compliance; and

c. Plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the Division of Compliance.

(G.O. 2, 2002, § 15)

Sec. 733-206. I-1-U Restricted Industrial Urban District regulations.

Statement of purpose. This district is intended for the same general uses as the I-1-S District. It is planned, however, for use within the existing developed urban area characterized by small lots, outmoded or obsolescent industrial buildings, erratic or partial land development. In addition, certain industrial and residential areas within redevelopment projects or adjacent to new interstate freeways are suitable for the I-1-U classification. In order to stabilize existing establishments and districts, and to give impetus to future growth of older as well as new districts, these regulations are designed to permit improvement of the typical long-standing central city industrial areas without deterring expansion and new construction. In order to retain high character in this district, all operations must be contained within enclosed structures, except storage which must be completely screened.

(a) *I-1-U development standards.*

(1) *Use.*

a. *Enclosed operations.* All operations, servicing or processing (except storage and off-street loading) shall be conducted within completely enclosed buildings.

b. *Outside storage.* All storage of materials or products shall be:

1. Within completely enclosed buildings; or
2. Effectively contained by a chain link, solid, lattice or similar type fence or wall, with ornamental, nonsolid, chain link or similar type entrance and exit gates. (Canvas may be attached to gates for effective screening.) The height of such fence or wall shall be at least six (6) feet and shall not exceed ten (10) feet. Such fence or wall shall be surrounded by trees or an evergreen hedge of a height not less than the height of such fence or wall, to be planted following the provisions for landscaping and screening of required transitional yards of section 733-211(e)(2). The

storage of materials or products within the enclosure may not exceed the height of the fence.

c. *Outside storage area limitation.*

1. Total area of outside storage shall not exceed twenty-five (25) percent of the total gross floor area of enclosed structures and buildings.

2. Trash containers. Within one hundred (100) feet, measured in any direction (see section 733-213, Diagram H), of a protected district, trash containers exceeding forty-eight (48) 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 required transitional yard unless located within a parking area which is permitted in a required yard.

Exception: This provision shall not apply if the trash container is visibly obstructed from a protected district by an intervening building or structure on the lot, even though the trash container is located within one hundred (100) feet of a protected district.

(2) *Required minimum street frontage.* Each lot or industrial park shall have at least thirty-five (35) feet of frontage on a street right-of-way and shall gain access from such street frontage.

(3) *Required minimum front yards, minimum front setback.* The setback requirements of section 733-211(a) shall be provided along all street right-of-way lines unless subject to the established setback provisions of section 733-200(a)(3)b. or c.

(4) *Required minimum side yards, minimum side setbacks.* A side building setback 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 733-206(a)(6) or (8). Provided, however, if the side lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-206(a)(6).

(5) *Required minimum rear yard, minimum rear setback.* A rear building setback 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 733-206(a)(6) or (8). Provided, however, if the rear lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-206(a)(6).

(6) *Required transitional yards, minimum setbacks.* Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a protected district are subject to the requirements of section 733-206(a) (7) and (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 thirty (30) feet, measured from and paralleling the proposed right-of-way line of the street, shall be provided, unless subject to the regulations of section 733-200 (a)(3)b., c., e. In the case where a proposed right-of-way does not exist or where the existing right-of-way line is greater, the existing right-of-way line shall be used for the setback measurements.

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 thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line. Provided, however, additional front, side or rear setback distances for transitional yards, as specified in section 733-206(a)(8), shall be required to permit building heights exceeding twenty-two (22) feet to a maximum height of forty (40) feet (see section 733-213, Diagram A).

Exceptions:

1. Front, side or rear setback distances for transitional yards may be modified by utilizing the landscape performance standards of section 733-211(e).
2. The transitional yard requirements of section 733-206 (a)(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 zoned as a protected district.

(7) *Use of required yards and required transitional yards.* All required transitional yards shall be subject to the requirements of section 733-211 (e) and shall remain as open space free from structures except where expressly permitted by this chapter.

a. Required front yards may include:

1. Pedestrian walks, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and
2. Driveways, provided they are not located within twenty (20) feet of a lot line abutting a protected district.

b. Required side and rear yards may include:

1. Pedestrian walks, interior access driveways, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and
2. Off-street parking and loading areas, subject to the off-street parking and loading regulations of section 733-210;

3. Driveways and interior access drives.
 - c. 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 or loading areas, interior access drives, or outdoor display or storage areas.
- (8) *Maximum height of buildings and structures.* Forty (40) feet subject to the exceptions noted in section 733-200(a)(5). Provided, however, along any required front, side or rear transitional yard, the maximum vertical height shall be:
- a. Twenty-two (22) feet; or
 - b. Forty (40) feet if for each foot of height in excess of twenty-two (22) feet, to an absolute maximum height of forty (40) feet, one (1) additional foot setback shall be provided beyond such adjacent required front, side or rear transitional yard setback line for each foot of building or structural height above twenty-two (22) feet (see section 733-213, Diagram A).
 - c. The height of signs and sign structures shall comply with Chapter 734 of this Code.
- (9) *Signs.* Signs and sign structures shall comply with Chapter 734 of this Code.
- (10) *Off-street parking.* Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 733-210.
- (11) *Off-street loading.* Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 733-210.
- (12) *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 733-211.
- (b) *Performance standards.*
- (1) *Noise, vibration, odor, glare, heat.* In no case shall production or operational noise, vibration, odor, glare, or intense heat be permitted to escape beyond the lot lines.
 - (2) *Smoke, particulate matter, noxious material.* The emission of smoke, particulate matter, or noxious or toxic gases shall conform to the standards and regulations of Chapter 511 of this Code. The standards and regulations noted in Chapter 511 of this Code for the emission of smoke, particulate matter, or noxious or toxic gases are hereby incorporated by reference and made a part hereof.
 - (3) *Fire and explosive hazards.* The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association. The standards prescribed by the National Fire Protection Association for the storage, utilization or manufacture of all products or materials are hereby incorporated by reference and made a part hereof. Such storage, utilization or

manufacturing shall not produce a hazard or endanger the public health, safety or welfare.

(4) *Discharge of waste matter and storm drainage.* No use shall accumulate or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; the Indiana Department of Environmental Management; or in such a manner as to endanger the public health, safety or welfare; or cause injury to property. Prior to improvement location permit issuance for any industrial use:

a. Plans and specifications for proposed sewage disposal facilities and industrial waste treatment and disposal facilities, shall be submitted to and written approval obtained from:

1. Construction of public facilities - the Indiana Department of Environmental Management and the City of Indianapolis, Division of Compliance; or

2. Private sewage disposal systems - the Indiana State Board of Health and the Health and Hospital Corporation of Marion County, Indiana;

b. Written approval of proposed connection to a public sewer shall be obtained from the Division of Compliance; and

c. Plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from Division of Compliance.

(G.O. 2, 2002, § 15)

Sec. 733-207. I-2-U Light Industrial Urban District.

Statement of purpose. This district is designed for those industries that typically do not create objectionable characteristics (such as dirt, noise, glare, heat, odor, etc.) which extend beyond the lot lines. Outdoor operations and storage are completely screened if adjacent to protected districts, and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a protected district and a heavier industrial area to serve as a buffer zone. This district has been established for application to the older industrial districts within the central city and specifically provides for the use of shallow industrial lots.

(a) *I-2-U development standards.*

(1) *Use.*

a. *Enclosed operations.* All operations, servicing or processing located within three hundred (300) feet of a protected district boundary (except storage and off-street loading) shall be conducted within a completely enclosed building.

b. *Outside storage.* All storage of materials or products within three hundred (300) feet of a protected district boundary shall be:

1. Within completely enclosed buildings; or

2. Effectively contained by a chain link, solid, lattice or similar type fence or wall, with ornamental, nonsolid, chain

link or similar type entrance and exit gates. (Canvas may be attached to gates for effective screening.) The height of such fence or wall shall be at least six (6) feet and shall not exceed ten (10) feet. Such fence or wall shall be surrounded by trees or an evergreen hedge of a height not less than the height of such fence or wall, to be planted following the provisions for landscaping and screening of required transitional yards of section 733-211(e)(2). The storage of materials or products within the enclosure may not exceed the height of the fence.

c. *Outside operations and storage limitation.*

1. In no case shall the total area of outside operations and storage exceed twenty-five (25) percent of the total gross floor area of enclosed structures and buildings.

2. Trash containers. Within one hundred (100) feet, measured in any direction (see section 733-213, Diagram H), of a protected district, trash containers exceeding forty-eight (48) 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 required transitional yard unless located within a parking area which is permitted in a required yard.

Exception: This provision shall not apply if the trash container is visibly obstructed from a protected district by an intervening building or structure on the lot, even though the trash container is located within one hundred (100) feet of a protected district.

d. *Private or commercial mobile radio communications, radio or television antennas.* Towers or antennas shall be subject to the following regulations:

1. There shall be no height limitation, except conformity with all requirements and limitations of Chapter 735, Article I of this Code.

2. Any guy anchorages shall be set back at least thirty (30) feet from any lot line.

(2) *Required minimum street frontage.* Each lot or industrial park shall have at least thirty-five (35) feet of frontage on a street right-of-way and shall gain access from such street frontage.

(3) *Required minimum front yards, minimum front setback.* The setback requirements of section 733-211(a) shall be provided along all street right-of-way lines unless subject to the established setback provisions of section 733-200(a)(3)b. or c.

(4) *Required minimum side yards, minimum side setbacks.* A side building setback 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 733-207(a)(6) or (8). Provided, however, if the side lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-207(a)(6).

(5) *Required minimum rear yards, minimum rear setbacks.* A rear building setback 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 733-207(a)(6) or (8). Provided, however, if the rear lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirements for transitional yards of section 733-207(a)(6).

(6) *Required transitional yards, minimum setbacks.* Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a protected district are subject to the requirements of section 733-207(a)(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 thirty (30) 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 733-200(a)(3)b., c., or e. In the case where a proposed right-of-way does not exist or where the existing right-of-way line 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 thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line. Provided, however, additional front, side or rear setback distances for transitional yards, as specified in section 733-207(a)(8), shall be required to permit building heights exceeding twenty-two (22) feet to a maximum height of fifty (50) feet (see section 733-213, Diagram A).

Exceptions:

1. Front, side or rear setback distances for transitional yards may be modified by utilizing the landscape performance standards of section 733-211(e).

2. The transitional yard requirements of section 733-207(a)(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 zoned as a protected district.

(7) *Use of required yards and required transitional yards.* All required transitional yards shall be subject to the requirements of section 733-211

(e) and shall remain as open space free from structures except where expressly permitted by this chapter.

a. Required front yards may include:

1. Pedestrian walks, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and

2. Driveways, provided they are not located within twenty (20) feet of a lot line abutting a protected district.

b. Required side and rear yards may include:

1. Pedestrian walks, interior access driveways, entrance guard boxes, flag poles, fences, screening walls, and similar appurtenant structures; and

2. Off-street parking and loading areas, subject to the off-street parking and loading regulations of section 733-210;

3. Driveways and interior access drives.

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 or loading areas, interior access drives, or outdoor display or storage areas.

(8) *Maximum height of buildings and structures.* Fifty (50) feet, subject to the exceptions noted in section 733-200(a)(5). Provided, however along any required front, side or rear transitional yard, the maximum vertical height shall be:

a. Twenty-two (22) feet; or

b. Fifty (50) feet if for each foot of height in excess of twenty-two (22) feet, to an absolute maximum height of fifty (50) feet (not to exceed two (2) stories), one (1) additional foot setback shall be provided beyond such adjacent required front, side or rear transitional yard setback line for each foot of building or structural height above twenty-two (22) feet (see section 733-213, Diagram A).

c. The height of signs and sign structures shall comply with Chapter 734 of this Code.

(9) *Signs.* Signs and sign structures shall comply with Chapter 734 of this Code.

(10) *Off-street parking.* Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 733-210.

(11) *Off-street loading.* Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 733-210.

(12) *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 733-211.

(b) *I-2-U performance standards.*

(1) *Smoke, particulate matter, noxious materials.* The emission of smoke, particulate matter, or noxious or toxic gases shall conform to the standards and regulations of Chapter 511 of this Code. The standards and regulations noted in Chapter 511 of this Code for the emission of smoke, particulate matter, or noxious or toxic gases are incorporated by reference and made part hereof.

(2) *Vibration.* No use shall cause earth vibrations or concussions beyond the lot lines, endangering the public health, safety or welfare, or causing injury to property.

(3) *Odor.* No use shall emit across the lot lines odorous matter in such quantities as to endanger the public health, safety or welfare, or cause injury to property.

(4) *Noise.* No use shall emit sound beyond the lot lines in such a manner or intensity as to endanger the public health, safety, or welfare, or cause injury to property.

(5) *Glare.* No use shall produce heat or glare of such intensity beyond the lot lines as to endanger the public health, safety, or welfare, or cause injury to property.

(6) *Fire and explosive hazards.* The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association. The standards prescribed by the National Fire Protection Association for the storage, utilization or manufacture of all products or materials are hereby incorporated by reference and made a part hereof. Such storage, utilization or manufacturing shall not produce a hazard or endanger the public health, safety or welfare.

(7) *Discharge of waste matter and storm drainage.* No use shall accumulate or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Health and Hospital Corporation of Marion County, Indiana; and the Indiana State Board of Health; the Indiana Department of Environmental Management; or in such a manner as to endanger the public health, safety or welfare; or cause injury to property. Prior to improvement location permit issuance for any industrial use:

a. Plans and specifications for proposed sewage disposal facilities and industrial waste treatment and disposal facilities shall be submitted to and written approval obtained from:

1. Construction of public facilities - the Indiana Department of Environmental Management and the City of Indianapolis, Division of Compliance; or

2. Private sewage disposal systems - the Indiana State Board of Health and the Health and Hospital Corporation of Marion County, Indiana;

b. Written approval of proposed connection to a public sewer shall be obtained from the Division of Compliance; and

c. Plans and specifications for proposed storm drainage

facilities shall be submitted to and written approval obtained from the Division of Compliance.

(G.O. 2, 2002, § 15)

Sec. 733-208. I-3-U Medium Industrial Urban District.

Statement of purpose. This district is designed as an intermediate central city district for industries which are heavier in character than those permitted in the Light Industrial Urban District but which are not of the heaviest industrial types. Because of the nature of these industries, the district will be located away from protected districts and buffered by lighter industrial districts. Where this district abuts protected districts, setbacks are large and enclosure of activities and storage is required.

(a) *I-3-U development standards.*

(1) *Use.*

a. *Enclosed operations.* All operations, servicing, or processing located within three hundred (300) feet of a protected district boundary (except storage and off-street loading) shall be conducted within completely enclosed buildings.

b. *Outside storage.* All storage of materials or products within three hundred (300) feet of a protected district boundary shall be:

1. Within completely enclosed buildings; or

2. Effectively contained by a chain link, solid, lattice or similar type fence or wall, with ornamental nonsolid, chain link or similar type entrance and exit gates. (Canvas may be attached to gates for effective screening.) The height of such fence or wall shall be at least six (6) feet and shall not exceed ten (10) feet. Such fence or wall shall be surrounded by trees or an evergreen hedge of a height not less than the height of such fence or wall, to be planted following the provisions for landscaping and screening of required transitional yards of section 733-211(e)(2). The storage of materials or products within the enclosure may not exceed the height of the fence.

c. *Outside operations and storage area limitation.*

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

2. Trash containers. Within one hundred (100) feet, measured in any direction (see section 733-213, Diagram H), of a protected district, trash containers exceeding forty-eight (48) 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 required transitional yard unless located within a parking area which is permitted in a required yard.

Exception: This provision shall not apply if the trash container is visibly obstructed from a protected district by an intervening building or structure on the lot, even though the trash container is located within one hundred (100) feet of a protected district.

d. *Private or commercial mobile radio communications, radio or television antennas.* Towers or antennas shall be subject to the following regulations:

1. There shall be no height limitation, except conformity with all requirements and limitations of Chapter 735, Article I of this Code.

2. Any guy anchorages shall be set back at least thirty (30) feet from any lot line.

e. *Motor truck terminals.* Motor truck terminals shall be subject to the following exception: The parking of trucks or trailers shall not be defined or construed as outside storage in computing permitted outside storage and operations within this district.

(2) *Required minimum street frontage.* Each lot or industrial park shall have at least thirty-five (35) feet of frontage on a street right-of-way and shall gain access from such street frontage.

(3) *Required minimum front yards, minimum front setback.* The setback requirements of section 733-211(a) shall be provided along all street right-of-way lines unless subject to the established setback provisions of section 733-200(a)(3)b. or c.

(4) *Required minimum side yards, minimum side setbacks.* A side building setback 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 733-208(a)(6) or (8). Provided, however, if the side lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-208(a)(6).

(5) *Required minimum rear yard, minimum rear setback.* A rear building setback 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 733-208(a)(6) or (8). Provided, however, if the rear lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-208(a)(6).

(6) *Required transitional yards, minimum setbacks.* Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a protected district are subject to the requirements of section 733-208(a) (7) and (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 forty (40) feet, measured from and paralleling the proposed right-of-way line of the street, shall be provided, unless subject to the regulations of section 733-200 (a)(3)b., c., or e. In the case where a proposed right-of-way does not exist or where the existing right-of-way line is greater, the existing right-of-way line shall be used for the setback measurements.

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 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. Provided, however, additional front, side or rear setback distances for transitional yards, as specified in section 733-208(a) (8), shall be required to permit building heights exceeding thirty-five (35) feet (see section 733-213, Diagram A).

Exceptions:

1. Front, side or rear setback distances for transitional yards may be modified by utilizing the landscape performance standards of section 733-211(e).

2. The transitional yard requirements of section 733-208 (a)(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 zoned as a protected district.

(7) *Use of required yards and required transitional yards.* All required transitional yards shall be subject to the requirements of section 733-211 (e) and shall remain as open space free from structures except where expressly permitted by this chapter.

a. Required front yards may include:

1. Pedestrian walks, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and

2. Driveways, provided they are not located within twenty (20) feet of a lot line abutting a protected district.

b. Required side and rear yards may include:

1. Pedestrian walks, interior access driveways, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and

2. Off-street parking and loading areas, subject to the off-street parking and loading regulations of section 733-210;

3. Driveways and interior access drives.

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 or loading areas, interior access drives, or outdoor display or storage areas.

(8) *Maximum height of buildings and structures.* Along any required front, side or rear transitional yard, the maximum vertical height shall be:

a. Thirty-five (35) feet; or

b. For each foot of height in excess of thirty-five (35) feet, one (1) additional foot setback shall be provided beyond such required front, side or rear transitional yard setback line for each foot of building or structural height above thirty-five (35) feet (see section 733-213, Diagram A). Subsections a. and b. above are subject to the exceptions noted in section 733-200(a)(5).

c. The height of signs and sign structures shall comply with Chapter 734 of this Code.

(9) *Signs.* Signs and sign structures shall comply with Chapter 734 of this Code.

(10) *Off-street parking.* Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 733-210.

(11) *Off-street loading.* Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 733-210.

(12) *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 733-211.

(b) *I-3-U performance standards.*

(1) *Smoke, particulate matter, noxious materials.* The emission of smoke, particulate matter, or noxious or toxic gases shall conform to the standards and regulations of Chapter 511 of this Code. The standards and regulations noted in Chapter 511 of this Code for the emission of smoke, particulate matter, or noxious or toxic gases are hereby incorporated by reference and made a part hereof.

(2) *Vibration.* No use shall cause earth vibrations or concussions beyond the lot lines, endangering the public health, safety or welfare, or causing injury to property.

(3) *Odor.* No use shall emit across the lot lines odorous matter in such quantities as to endanger the public health, safety or welfare, or cause injury to property.

(4) *Noise.* No use shall emit sound beyond the lot lines in such a manner or intensity as to endanger the public health, safety or welfare, or cause injury to property.

(5) *Glare and heat.* No use shall produce heat or glare of such intensity beyond the lot lines as to endanger the public health, safety or welfare, or cause injury to property.

(6) *Fire and explosive hazards.* The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by

the National Fire Protection Association. The standards prescribed by the National Fire Protection Association for the storage, utilization or manufacture of all products or materials are hereby incorporated by reference and made a part hereof. Such storage, utilization or manufacturing shall not produce a hazard or endanger the public health, safety or welfare.

(7) *Discharge of waste matter and storm drainage.* No use shall accumulate or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; the Indiana Department of Environmental Management; or in such a manner as to endanger the public health, safety or welfare, or cause injury to property. Prior to improvement location permit issuance for any industrial use:

a. Plans and specifications for proposed sewage disposal facilities and industrial waste treatment and disposal facilities shall be submitted to and written approval obtained from:

1. Construction of public facilities - the Indiana Department of Environmental Management and the City of Indianapolis, Division of Compliance; or

2. Private sewage disposal systems - the Indiana State Board of Health and the Health and Hospital Corporation of Marion County, Indiana;

b. Written approval of proposed connection to a public sewer shall be obtained from the Division of Compliance; and

c. Plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the Division of Compliance.

(G.O. 2, 2002, § 15)

Sec. 733-209. I-4-U Heavy Industrial Urban District.

Statement of purpose. This district is designed for those heavy industrial uses within the central city which are typically characterized by certain factors which would be exceedingly difficult, expensive or impossible to eliminate, and should be buffered by sufficient area to minimize any detrimental aspects. The development standards and performance standards reflect the recognition of these problems. Wherever practical, this district is removed as far as possible from protected districts and buffered by intervening lighter industrial districts.

(a) *I-4-U development standards.*

(1) *Use.*

a. *Outside operations and storage area limitation.* In no case shall the total area of outside operations and storage exceed seventy-five (75) percent of the lot area, provided, however, outside operations and storage shall not be permitted within any required yard or required transitional yard (see section 733-213, Diagram I).

1. The maximum vertical height of equipment and materials stored shall be twenty (20) feet.

2. All such equipment and storage shall, at all times, be effectively screened by the fencing and buffer planting required by section 733-209(a)(6) or section 733-213(e).

3. Trash containers. Within one hundred (100) feet, measured in any direction (see section 733-213, Diagram H), of a protected district, trash containers exceeding forty-eight (48) 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 required transitional yard unless located within a parking area which is permitted in a required yard.

Exception: This provision shall not apply if the trash container is visibly obstructed from a protected district by an intervening building or structure on the lot, even though the trash container is located within one hundred (100) feet of a protected district.

b. *Private or commercial mobile radio communications, radio or television antennas.* Towers or antennas shall be subject to the following regulations:

1. There shall be no height limitation, except conformity with all requirements and limitations of Chapter 735, Article I of this Code.

2. Any guy anchorages shall be set back at least thirty (30) feet from any lot line.

c. *Motor truck terminals.* Motor truck terminals shall be subject to the following exception: The parking of trucks or trailers shall not be defined or construed as outside storage in computing permitted outside storage and operations within this district.

(2) *Required minimum street frontage.* Each lot or industrial park shall have at least thirty-five (35) feet of frontage on a street right-of-way and shall gain access from such street frontage.

(3) *Required minimum front yards, minimum front setback.* The setback requirements of section 733-211(a) shall be provided along all street right-of-way lines unless subject to the established setback provisions of section 733-200(a)(3)b. or c.

(4) *Required minimum side yards, minimum side setbacks.* A side building setback of not less than twenty (20) feet in depth, measured from and paralleling the lot line, shall be provided, unless subject to the additional transitional yards requirements of section 733-209(a)(6) or (8). Provided, however, if the side lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section

733-209(a)(6).

(5) *Required minimum rear yards, minimum rear setbacks.* A rear building setback of not less than twenty (20) feet in depth, measured from and paralleling the lot line, shall be provided, unless subject to the additional transitional yard requirements of section 733-209(a)(6) or (8). Provided, however, if the rear lot line abuts an active railroad right-of-way or railroad spur, the building shall be permitted to abut the railroad right-of-way, unless subject to the requirement for transitional yards of section 733-209(a)(6).

(6) *Required transitional yards, minimum setbacks.* Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a protected district are subject to the requirements of section 733-209(a)(7) and (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 fifty (50) feet, measured from and paralleling the proposed right-of-way line of the street, shall be provided, unless subject to the regulations of section 733-200(a)(3)b., c. or e. In the case where a proposed right-of-way does not exist or where the existing right-of-way line is greater, the existing right-of-way line shall be used for the setback measurements.

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 fifty (50) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

1. Front, side or rear setback distances for transitional yards may be modified by utilizing the landscape performance standards of section 733-211(e).
2. The transitional yard requirements of section 733-209(a)(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 zoned as a protected district.

(7) *Use of required yards and required transitional yards.* All required transitional yards shall be subject to the requirements of section 733-211(e) and shall remain as open space free from structures except where expressly permitted by this chapter.

a. Required front yards may include:

1. Pedestrian walks, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and
2. Driveways, provided they are not located within twenty (20) feet of a lot line abutting a protected district.

b. Required side and rear yards may include:

1. Pedestrian walks, interior access driveways, entrance guard boxes, flag poles, fences, screening walls and similar appurtenant structures; and
 2. Off-street parking and loading areas, subject to the off-street parking and loading regulations of section 733-210;
 3. Driveways and interior access drives.
- 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 or loading areas, interior access drives, or outdoor display or storage areas.
- (8) *Minimum height of buildings and structures.* Along any required front, side or rear transitional yard, the maximum vertical height shall be:
- a. Thirty-five (35) feet; or
 - b. For each foot of height in excess of thirty-five (35) feet, one (1) additional foot setback shall be provided beyond such required front side or rear transitional yard setback line for each foot of building or structural height above thirty-five (35) feet (see section 733-213, Diagram A). Subsections a. and b. above are subject to the exceptions noted in section 733-200(a)(5). Provided, however, the height of signs and sign structures shall comply with Chapter 734 of this Code.
- (9) *Signs.* Signs and sign structures shall comply with Chapter 734 of this Code.
- (10) *Off-street parking.* Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 733-210.
- (11) *Off-street loading.* Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 733-210.
- (12) *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 733-211.
- (b) *Performance standards.*
- (1) *Smoke, particulate matter, noxious materials.* The emission of smoke, particulate matter, or noxious or toxic gases shall conform to the standards and regulations of Chapter 511 of this Code. The standards and regulations noted in Chapter 511 of this Code for the emission of smoke, particulate matter, or noxious or toxic gases are hereby incorporated by reference and made a part hereof.
 - (2) *Vibration.* No use shall cause earth vibrations or concussions beyond the lot lines, endangering the public health, safety or welfare, or causing injury to property.
 - (3) *Odor.* No use shall emit across the lot lines odorous matter in such quantities as to endanger the public health, safety or welfare, or cause

injury to property.

(4) *Noise.* No use shall emit sound beyond the lot lines in such a manner or intensity as to endanger the public health, safety or welfare, or cause injury to property.

(5) *Glare and heat.* No use shall produce heat or glare of such intensity beyond the lot lines as to endanger the public health, safety or welfare, or cause injury to property.

(6) *Fire and explosive hazards.* The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association. The standards prescribed by the National Fire Protection Association for the storage, utilization or manufacture of all products or materials are hereby incorporated by reference and made a part hereof. Such storage, utilization or manufacturing shall not produce a hazard or endanger the public health, safety or welfare.

(7) *Discharge of waste matter and storm drainage.* No use shall accumulate or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; the Indiana Department of Environmental Management; or in such a manner as to endanger the public health, safety or welfare; or cause injury to property. Prior to improvement location permit issuance for any industrial use:

a. Plans and specifications for proposed sewage disposal facilities and industrial waste treatment and disposal facilities shall be submitted to and written approval obtained from:

1. Construction of public facilities - the Indiana Department of Environmental Management and the City of Indianapolis, Division of Compliance; or

2. Private sewage disposal systems - the Indiana State Board of Health and the Health and Hospital Corporation of Marion County, Indiana;

b. Written approval of proposed connection to a public sewer shall be obtained from the Division of Compliance; and

c. Plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the Division of Compliance.

(G.O. 2, 2002, § 15)

Sec. 733-210. Off-street parking and loading regulations.

(a) *General provisions.*

(1) *Application of regulations.* The off-street parking and loading provisions of this chapter shall apply as follows:

a. *Buildings, structures, uses hereafter established -- Exception permits previously issued.* For all buildings and structures erected and all uses of land established after the effective date of this chapter, accessory

parking and loading areas 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 chapter, and provided that construction is 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 such building permit), parking and loading spaces in the amounts required for issuance of such permits may be provided in lieu of any different amounts required by the off-street parking and loading regulations of this chapter.

b. *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 chapter or hereafter established) is increased resulting in a net increase of gross floor area or any other unit of measurement specified herein for determining required parking or loading spaces, parking spaces and loading spaces 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 chapter shall be required to provide such additional parking spaces or loading spaces, unless and until the aggregate increase in any unit of measurement specified herein for determining required parking spaces or loading areas causes an increase in the required number of parking spaces or loading areas that equals fifteen (15) percent or more of the number of parking spaces or loading spaces existing on the effective date of this chapter, in which event parking spaces and loading spaces as required herein shall be provided for the total increase.

c. *Change of use.* Whenever the type of use of a building, structure or premises is hereafter changed to a new type of use permitted by this chapter, parking spaces and loading spaces shall be provided as required for such new type of use, subject to the exception noted in section 733-210(a)(1)b.

(2) *Existing parking areas or loading areas.* Required accessory off-street parking areas or loading areas in existence on the effective date of this chapter 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 such use as a new use of a building, structure or premises under the provisions of this chapter.

(3) *New or expanded parking areas or loading areas.* Nothing in this chapter shall prevent the establishment of, or expansion of the amount of, parking areas or loading areas to serve any existing use of land or building, provided that all regulations herein governing the location, design, landscaping, construction and operation of such areas shall be adhered to.

(4) *Damage or destruction.* For any nonconforming uses and structures or buildings which are hereafter damaged or partially destroyed by fire or other naturally occurring disaster, provided the damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the building, structure or facilities affected, and which is reconstructed, off-street parking and loading spaces equivalent to those maintained at the time of such damage or partial destruction shall be restored and continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading spaces in excess of those required by this chapter for equivalent new use or construction.

(5) *Control of off-site parking areas.* In cases where accessory parking areas

are permitted on land other than the lot on which the building or use served is located, such areas shall be in the same control as the lot occupied by the building or use to which the parking areas are accessory.

(6) *Submission of site plan.* Any application for an improvement location permit shall include a site plan, drawn to scale and fully dimensioned, complying with all requirements of Chapter 730, Article III of this Code. Such site plan shall further demonstrate compliance with all applicable standards of this chapter.

(7) *Computation.* In determining the minimum required number of off-street parking spaces or loading spaces, when a computation of required parking spaces or loading spaces results in a fraction of one-half (1/2) or greater, the number of required parking spaces or loading spaces shall be rounded up to the next whole number.

(b) *Off-street parking regulations.* Off-street parking areas for motor vehicles shall be provided for all uses in the industrial districts in accordance with the following regulations, in addition to the requirements of section 733-210(a):

(1) *Common or combined off-street accessory parking areas.* Common or combined off-street accessory parking areas for separate uses may be provided to serve two (2) or more primary buildings or uses, provided the total number of spaces so provided is not less than the sum of the separate requirements for each such use, and provided that all regulations governing location of accessory parking areas, in relation to the use served are adhered to.

(2) *Minimum parking lot and parking spaces dimensions.*

a. The interior access drives, interior access driveways, drives, driveways, entrances, exits, aisles, bays and traffic circulation for parking lots 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. The recommended specifications noted in Architectural Graphic Standards for access drives, interior access driveways, drives, driveways, entrances, aisles, bays and traffic circulation for parking lots are hereby incorporated into this chapter by reference and made a part hereof; except that minimum parking space (or stall) dimensions shall be provided as set forth below.

b. Each off-street parking space shall have, regardless of angle of parking, a usable parking space dimension measuring not less than nine (9) feet in width (measured perpendicularly from the sides of the parking space) and not less than eighteen (18) feet in length.

Exception: 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 perpendicularly from the side of the parking space) and not less than twenty (20) feet in length (see also section 733-210(b)(10), required parking spaces for the disabled).

(3) *Access to and from parking areas.*

a. Each 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. All off-street parking 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 areas shall be designed and located so that vehicles shall not back from or into a public street or adjoining property, unless the lot and the adjoining property are located within the same industrial park and such maneuverability areas are subject to a recorded easement agreement allowing such maneuverability.

c. Plans and specifications for: 1) the width of access drives; 2) location of access drives from the nearest point of two (2) intersecting street rights-of-way; and 3) the design and location of frontage lanes and passing blisters, shall be submitted to, and written approval obtained from, the City of Indianapolis, Division of Compliance or the Traffic Engineering Department having jurisdiction thereof. Such plans and specifications shall comply with the applicable standards and regulations of such division/department.

(4) *Use of parking areas.*

a. The parking area shall not be used for the storage, display, advertisement, sale, repair, dismantling or wrecking of any vehicle, equipment or material. The parking area shall not be used for the storage of any inoperable vehicles.

b. Buildings or structures for guards, attendants or watchmen shall be permitted; however, any such structure shall not occupy a required off-street parking space(s) and shall comply with all setback requirements for parking areas.

c. Loading spaces, as required in section 733-210, shall not constitute a required off-street parking space; nor shall any off-street parking area be used as a loading space or area.

(5) *Location and setback.*

a. All parking spaces required to serve buildings or uses erected or established after the effective date of this chapter shall be located on the same lot as the building or use served. Buildings or uses existing on the effective date of this chapter which are subsequently altered or enlarged so as to require the provision of additional parking spaces under the requirements of this chapter may be served by parking spaces located on land other than the lot on which the building or use served is located, provided such spaces are within five hundred (500) feet of a lot line of the use served. (See control of off-site parking areas, section 733-210(a)(5)).

b. Front yards: Off-street parking may be located in minimum required front yards of I-1-S, I-2-S, I-3-S and I-4-S Districts, provided the total parking area does not occupy more than ten (10) percent of the total area of the minimum required front yard. In any industrial district, off-street parking may be located in front of the building, provided the parking area is located between the required front building setback line and the building.

c. Side and rear yards: Off-street parking may be located in required side and rear yards.

(6) *Surface of parking area.*

a. Off-street parking areas 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 building or structure and subject to all use and development standards requirements of the applicable industrial district in addition to the requirements contained herein.

b. All off-street parking areas, and the access to and from such areas, shall be hardsurfaced to adequately provide a durable and dust-free surface. 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, where ground or weather conditions are not immediately suitable for permanent surfacing as specified above.

c. The parking area(s), where abutting a required landscaped yard or area, shall be designed and constructed in such a manner that no part of any parked vehicle shall extend beyond the boundary of the established parking area into any minimum required landscaped yard or area or onto adjoining property.

(7) *Lighting of parking area.*

a. When parking areas are illuminated, the lighting equipment shall provide good visibility with a minimum of direct glare.

b. In applying exterior lighting, equipment shall be of an appropriate type and be so located, shielded and directed that the distribution of light is confined to the area to be lighted.

c. Objectionable light on to adjacent properties and streets shall be avoided to prevent direct glare or disability glare.

d. Lighting levels for outdoor parking areas shall meet the following minimum average maintained horizontal factualness (as specified in Architectural Graphics Standards, Eighth Edition, Ramsey/Sleeper, John Wiley and Sons, Inc., New York, New York). The minimum average maintained horizontal factualness specified in Architectural Graphics Standards for lighting levels for outdoor parking areas are hereby incorporated into this chapter by reference and made a part hereof.

(8) *Landscaping.* The ground area between the required off-street parking area setback and any lot line abutting a protected district shall be screened and landscaped in accordance with the requirements of section 733-211(e).

(9) *Number of parking spaces required.*

a. All uses permitted in the I-1-S, I-2-S, I-3-S, and I-4-S Districts shall provide a minimum of one (1) parking space for each one and one-half (1 1/2) persons on the premises, computed on the basis of the greatest estimated number of persons at any one (1) period during the day or night.

b. All uses permitted in the I-1-U, I-2-U, I-3-U, and I-4-U Districts shall provide a minimum of one (1) parking space for each two (2) persons on the premises, computed on the basis of the greatest estimated number of persons at any one (1) period during the day or night.

(10) *Required parking spaces for the disabled.* Every parking area available to the public shall have parking spaces reserved for the use of physically handicapped persons, as defined in section 733-213, according to the following schedule:

TABLE INSET:

Total Required Number of Parking Spaces	Minimum Number of Reserved Spaces
0 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	Two (2) percent of the total number of parking spaces.
1001 and over	Twenty (20), plus one (1) for each one hundred (100) spaces over one thousand (1000).

(c) *Off-street loading regulations.* Off-street loading areas accessory to uses in the industrial districts shall be provided and maintained in accordance with the following regulations, in addition to the requirements of section 733-210(a):

(1) *Minimum loading space dimensions.*

a. 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.

b. The interior access drives, interior access driveways, driveways, aisles, loading spaces 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. The recommended specifications noted in Architectural Graphic Standards for interior access drives, interior access driveways, driveways, aisles, loading spaces and vehicular circulation and maneuvering for loading areas are hereby incorporated into this chapter by reference and made a part hereof.

(2) *Access to and from loading area.*

a. Each required off-street loading space shall open directly upon a hardsurfaced aisle or driveway of such width and design as to provide

safe and efficient means of vehicular access to such loading space.

b. All off-street loading 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.

c. Plans and specifications for: 1) the width of access drives; 2) location of access drives from the nearest point of two (2) intersecting street rights-of-way; and 3) the design and location of frontage lanes and passing blisters, shall be submitted to, and written approval obtained from, the City of Indianapolis, Division of Compliance or the Traffic Engineering Department having jurisdiction thereof. Such plans and specifications shall comply with the applicable standards and regulations of such division/department.

(3) *Location and setback.*

a. All required loading spaces shall be located on the same lot as the use served, and shall be so designed and located that trucks shall not back from or into a public street, or onto adjoining property unless the lot and the adjoining property are located within the same industrial park and such maneuverability areas are subject to a recorded easement agreement allowing such maneuverability.

b. No open loading area or loading space shall be located in a minimum required front yard, minimum required front transitional yard or the area between the front lot line and the front line of the primary building.

c. No loading area or loading space shall be located in a required side or rear transitional yard.

(4) *Screening.* All vehicle loading spaces on any lot abutting a protected district or separated by a public right-of-way from a protected district shall be enclosed within a building or screened and landscaped in addition to the industrial district's regulations for screening and landscaping transitional yards. Such screening and landscaping shall be installed as required in section 733-211 (e).

(5) *Use of loading area.* Space allotted to off-street loading areas shall not be used to satisfy the off-street parking space requirements.

(6) *Surface of loading area.*

a. Off-street loading areas 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 structure and shall be subject to all use and development standards of the applicable industrial district in addition to the requirements contained herein.

b. All loading areas shall be hardsurfaced to adequately provide a durable and dust-free surface except that:

1. A gravel surface may be used for a temporary period not exceeding one (1) year after commencement of the use for which the loading area is provided, where ground and weather conditions are not immediately suitable for permanent surfacing as specified above.

2. A gravel surface in the area of storage or handling may be

used permanently in association with industries that handle liquids or chemicals which create a potential hazard if containment should be lost and where absorption into the ground through a loose surface material would eliminate or alleviate such hazard.

c. 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.

(7) *Lighting of loading area.* When a loading area is illuminated, the lighting equipment shall be so 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.

(8) *Required loading spaces.* Off-street loading spaces shall be provided and maintained in accordance with the following minimum requirements for all industrial districts.

TABLE INSET:

Gross Floor Area of Building (Sq. Ft.)	Required Number of Loading Spaces
1-- 40,000	1
40,001--100,000	2
100,001--200,000	3

For each additional two hundred thousand (200,000) square feet of gross floor area or fraction thereof, one (1) additional loading space shall be provided.

(G.O. 2, 2002, § 15)

Sec. 733-211. Special regulations.

(a) *Minimum required 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:

TABLE INSET:

Thirty (30) feet from the proposed right-of-way or one hundred (100) 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).
Fifty (50) feet ("S" districts) Twenty (20) feet ("U" districts) 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 in accordance with the "required transitional yards, minimum setback" as set forth in the applicable industrial district.
- 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 shall be those permitted in the provisions of the "use of required yards" sections of the applicable industrial zoning district.
- d. In the case where a proposed right-of-way line does not exist, as determined by the Official Thoroughfare Plan for Marion County, Indiana, 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.

(b) *Industrial park - plan requirements for improvement location permit issuance:* Prior to improvement location permit issuance for any building or structure within an industrial park, three (3) copies of a conceptual site plan and landscape plan for the entire industrial park 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 (1) of the following (see section 733-213, Diagram F):

- 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 (2) 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 Public Works (DPW), and improved and constructed in accordance with the standards required by the DPW Standards for Street and Bridge Design and Construction, or as approved by the director of the DPW.

b. The rights-of-way of any streets within an industrial park which are indicated on the Official Thoroughfare Plan for Marion County, Indiana, or which have been required by zoning, variance, or platting commitment, condition or covenant to be developed as public streets, are 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 or 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 (IDOT) Supplemental Specifications, and the Indianapolis Department of Public Works (DPW) Standards for Street and Bridge Design and Construction. In the event DPW specifications conflict with the IDOT Standard Specifications, the most stringent specifications shall govern. The "Standard Specifications" of the IDOT are incorporated into this chapter by reference. Two (2) copies of the "Standard Specifications" are on file and available for public inspection in the office of the Division of Planning of the Department of Metropolitan Development. Provided, however, that the standard specifications incorporated into this chapter 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 (1) side of the street only:
Twenty (20) feet

Two-way, no parking: Twenty (20) feet

Two-way, parallel parking on one (1) 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 industrial zoning district may be used to provide ingress and

gress to any other industrial zoning district and to any other zoning district having a less intense use, which would include all protected districts and all commercial districts.

(d) *Requirements for temporary use structures or buildings; recycling containers or neighborhood collection points:*

(1) *Temporary use structures or buildings:* Temporary use structures shall be permitted in all industrial districts, under a temporary improvement location permit issued by the Administrator subject to the temporary use requirements specified below:

a. Temporary use structures or buildings shall comply with all setback requirements for a primary building on the site.

Exception: Temporary construction trailers may be permitted within required front, side or rear yards, provided they do not encroach into any clear sight triangular areas.

b. Any floodlights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.

c. 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. Such request for extension must be filed with the Administrator prior to the termination date of the temporary improvement location permit.

d. All structures, buildings, appurtenances, trash or debris associated with the temporary use structure shall be removed from the site immediately upon completion or cessation of the temporary use.

(2) *Requirements for recycling containers or neighborhood recycling collection points.*

a. *Requirements for neighborhood recycling collection points.* Neighborhood recycling collection points shall be permitted in any industrial district. Household waste products permitted for collection at neighborhood recycling collection points, as defined in section 733-213, shall include the following:

Aluminum cans

Plastics

Paper products

Tin and metal cans

Glass containers

In addition to the materials listed above, other household scrap made of aluminum, brass, copper, or steel may also be collected at these facilities. However, all materials collected for delivery to the recycling facility shall be in amounts that allow delivery by vehicles which do not exceed a maximum load capacity of three-quarters of a ton in the I-1 and I-2 Industrial Districts. All deliveries that necessitate the use of vehicles in excess of this size shall be required to deliver the recyclable materials to a recycling station (as defined in section 733-213). This restriction is intended to protect the community character of the I-1 and I-2 Industrial Districts.

In the I-1 and I-2 Districts, those collection points that utilize a trailer as its primary structure shall be limited to one (1) trailer per site. The collection point shall be manned during all hours of operation. In addition to these requirements, the requirements for recycling containers (as specified in section 733-211(d)(2)b. below) shall also apply.

b. *Requirements for recycling containers.* Recycling containers shall be permitted in any industrial district. Recycling containers, as defined in section 733-213, shall be subject to the following requirements:

1. 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.
2. When the structure is 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.
3. 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.
4. All recyclable materials shall be stored within a recycling container and the surrounding lot areas shall be: i. maintained free of litter and debris; and ii. cleaned/inspected on a daily basis.
5. The recycling containers shall be clearly marked to identify the type of material which may be deposited; and the name, address, 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.
6. The recycling containers shall be emptied or exchanged with a new container at or before the time the existing container becomes completely filled.
7. 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 such dwelling district by an intervening street (see section 733-213, Diagram H).
8. Recycling containers shall be prohibited on lots of less than ten thousand (10,000) square feet in area.

(e) *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 industrial 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 733-211(e)(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 (20) percent 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 (1) of the two (2) 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 733-213, Diagram G); 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 733-213, Diagram G). 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, 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 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 (1) side of the berm in lieu of a side slope, if desired); or

iii. Plant material screen - a compact hedge of evergreen 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 (75) percent 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 (1) of the two (2) 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 733-213, Diagram G); 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 733-213, Diagram G). 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 evergreen 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 733-211(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 I-1, I-2, or I-3 (Urban or Suburban) Industrial 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-inch caliper at six (6) inches above the ground.
2. Deciduous ornamental (understory) trees - one and one-half-inch caliper at six (6) inches above the ground.
3. Multi-stemmed trees - eight (8) feet in height.
4. Evergreen trees - five (5) to six (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.

h. All trees and shrubs shall be planted or transplanted in accordance with the standards contained in American Standards for Nursery Stock, copyrighted in 1986 by the American Association of Nurserymen and approved May 2, 1986, by the American National Standards Institute, Inc. The standards contained in American Standards for Nursery Stock are hereby incorporated into this chapter 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 as long as the standards specified for required yards (section 733-211(e)(1)b. or c.) or required transitional yards (section 733-211(e)(2)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-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 such 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.

I. 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 dripline, 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 dripline 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 industrial districts in accordance with the following regulations in addition to section 733-211(e)(1)d. through 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, hedges, and grasses or ground cover as specified in section 733-211(e)(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 (20) percent 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 733-211(e)(1)b.1.

2. Screening in front transitional yards shall be provided in an open pattern to partially screen the industrial 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 (1) of the following:

i. Architectural screen - a wall or fence of ornamental block, brick, solid-wood fencing or combination thereof. Such 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(1) 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 evergreen 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 industrial use.

1. Landscaping and screening required side and rear transitional yards using a solid wall or fence shall be provided and maintained according to the following minimum standards: Landscaping standards for required side or rear transitional yards using a solid wall or fence:

i. 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 733-211 (e)(2)b.1.

ii. The finished side of the fence shall face the protected district. Such fence or wall shall be constructed to a height of not less than six (6) feet and no more than ten (10) feet.

iii. A berm may be used in place of a solid fence or wall 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 (1) 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 733-211(e)(2)b.); and

(b) Shrubs - shrubs shall be planted so that one hundred (100) percent 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 (100) percent of the linear distance shall be screened.

Exception: Existing trees and shrubs may be used to screen industrial 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 are satisfied.

(3) *Transitional yard reduction - landscape performance standards exceptions.* In order to provide flexibility and encourage enhanced landscaping adjacent to protected districts, the following set of landscape performance standards may be utilized to reduce the required front, side and rear transitional yards in the industrial districts. By providing landscaping in addition to the standard requirement, required transitional yards may be reduced according to the following schedule:

**TABLE A
LANDSCAPE PERFORMANCE STANDARDS REDUCTION IN
REQUIRED SIDE AND REAR TRANSITIONAL YARDS
IN THE SUBURBAN ("S") DISTRICTS**

TABLE INSET:

	District I-1-S	I-2-S	I-3-S	I-4-S
Landscape Type	Required Transitional Yards (in feet)			
Type A	50	50	100	150
Type B	35	35	70	100
Type C	20	20	40	50

**TABLE B
LANDSCAPE PERFORMANCE STANDARDS REDUCTION IN
REQUIRED FRONT TRANSITIONAL YARDS
IN THE SUBURBAN ("S") DISTRICTS**

TABLE INSET:

	District I-1-S	I-2-S	I-3-S	I-4-S
Landscape Type	Required Transitional Yards (in feet)			

Type A	100	100	150	200
Type B	70	70	100	150
Type C	40	40	50	100

**TABLE C
LANDSCAPE PERFORMANCE STANDARDS REDUCTION IN
REQUIRED SIDE AND REAR TRANSITIONAL YARDS
IN THE URBAN ("U") DISTRICTS**

TABLE INSET:

	District I-1-U	I-2-U	I-3-U	I-4-U
Landscape Type	Required Transitional Yards (in feet)			
Type A	30	30	40	50
Type B	15	15	20	20

**TABLE D
LANDSCAPE PERFORMANCE STANDARDS REDUCTION IN
REQUIRED FRONT TRANSITIONAL YARDS
IN THE URBAN ("U") DISTRICTS**

TABLE INSET:

	District I-1-U	I-2-U	I-3-U	I-4-U
Landscape Type	Required Transitional Yards (in feet)			
Type A	30	30	40	50
Type B	15	15	20	20

Applicable landscape standards by type:

TABLE INSET:

Landscape Type A	The standard chapter requirement for landscaping in the applicable transitional yard (as noted in section 733-211(e)(2)).
Landscape Type B	The standard chapter requirement for landscaping in the applicable transitional yards (as noted in section 733-211(e)(2)), except that two (2) times the number of trees normally required shall be provided.
Landscape Type C	The standard chapter requirement for landscaping in the applicable transitional yards (as noted in section 733-211(e)(2)), except that three (3) times the number of trees normally required shall be provided.

The required transitional yards may be reduced according to Tables A through D if the applicable landscape type noted above is provided.

Note: Below are examples of transitional yard reduction:

A site which is six hundred (600) feet by six hundred (600) feet or three hundred sixty thousand (360,000) square feet: In the I-4-S district, two hundred seventy thousand (270,000) square feet would be required for transitional yards if the site was surrounded by protected districts, using "Type A" landscaping.

Under "Type B" landscaping, one hundred eighty thousand (180,000) square feet would be required for transitional yards - or about a thirty-three (33) percent reduction from the standard. Land "added" for development would equal ninety thousand (90,000) square feet or over two (2) acres.

Under "Type C" landscaping, only ninety thousand (90,000) square feet would be required for transitional yards - or about a sixty-seven (67) percent reduction from the standard. Land "added" for development would equal one hundred eighty thousand (180,000) square feet, or over four (4) acres.

The Administrator shall review the reduction of required transitional yards prior to issuing an improvement location permit in order to ensure that the additional landscaping provided meets the applicable standards noted in this section. If the applicable standards are met, the landscape plan shall be stamped approved by the Administrator and become a part of the file and requirements for the improvement location permit. The reduction in required transitional yards, once approved by the Administrator, shall not require a variance of development standards.

(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-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-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-inch caliper or greater at four and one-half (4 1/2) feet above the ground which will be counted as a required tree. Such 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 per the previously approved plans on file. 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.

(f) *Appeal*. In all sections of this chapter 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.

(g) *Application of section 733-211*. This section 733-211 shall be applicable to all industrial districts.

(G.O. 2, 2002, § 15)

Sec. 733-212. Special exception provisions.

Statement of purpose: Because of the exceptional land use characteristics and locational impacts of certain industrial uses which, if inappropriately located within industrial zoning districts, may have a negative effect upon other land uses and values within the county, it is recognized that the further classification 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*. In addition to those uses noted specifically in section 733-201, the following uses shall be permitted only upon the grant of a special exception by the Board of Zoning Appeals:

(1) *Classified industrial uses - may be permitted in a more restrictive industrial district by special exception*. Any industrial use specified as a permitted use in an I-3 or I-4 "U" or "S" District may be permitted in any more restrictive industrial district (I-1 or I-2 Districts), by special exception (granted by the Metropolitan Board of Zoning Appeals in accordance with section 733-212) and will be subject to additional conditions and restrictions deemed necessary by the Metropolitan Board of Zoning Appeals to ensure compliance with the standards of section 733-212(c), provided:

a. The petitioner shall present adequate evidence that the proposed

use will conform to all development and performance standards of such higher industrial district.

b. All developmental standards and uses shall conform to the requirements of the higher industrial zoning district and all conditions and restrictions attached to the grant of special exception by such Board.

(2) *Industrial parks may be permitted in any industrial district by special exception.* An industrial park shall be permitted in any industrial district by special exception (granted by the Metropolitan Board of Zoning Appeals in accordance with section 733-212(c)). An industrial park, as defined in section 733-213, shall be developed according to a master plan which provides serviced sites for uses permitted in the applicable industrial zoning district - including manufacturing, processing, assembly plants, distribution, wholesalers, warehouses or related industrial uses and accessory facilities therefor; and commercial, professional and public and semi-public uses as provided for in this section.

(3) *Commercial sales and services, professional, public and semi-public uses may be permitted in any industrial district by special exception.* Commercial sales and services, offices, retail, wholesale, and discount establishments, professional and public or semi-public uses shall be permitted in any industrial district by special exception (granted by the Metropolitan Board of Zoning Appeals in accordance with section 733-212(c)) and subject to any additional conditions and restrictions deemed necessary by the Metropolitan Board of Zoning Appeals to ensure compliance with the standards of section 733-212(b)(1).

(4) *Storage, utilization, or manufacture of explosives may be permitted in any industrial district by special exception.* The storage, utilization, or manufacture of materials intended for detonation (explosives) shall be permitted in any industrial district by special exception only (granted by the Metropolitan Board of Zoning Appeals in accordance with section 733-212(c)), provided all development standards and performance standards of such district shall be met, as well as the additional standards of section 733-214(b)(2).

(b) *Special regulations for uses permitted by special exception.* In whatever industrial zoning district within Marion County the uses designated in section 733-212(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 prevail:

(1) *Commercial sales and services, professional, public and semi-public uses.* Adequate off-street parking shall be provided for nonindustrial uses in accordance with applicable off-street parking standards required for the proposed use as required in Chapter 732 of this Code.

(2) *Storage, utilization, manufacture of explosives.* Explosives shall not be stored, utilized, or manufactured within any building which is five hundred (500) feet or less from a protected or commercial district boundary, measured from the building in which the use is to be housed.

(3) *Industrial parks.*

a. *General purpose.* An industrial park shall be designed so as:

1. To assure that all special treatment and handling of street patterns, and arrangements of grouping of buildings, off-street parking and loading, accessory uses, etc., shall result in a superior land development scheme which accomplishes the objectives and carries out the intent of the applicable

comprehensive plan and zoning ordinances;

2. To create and maintain desirable, efficient and economical use of land with high aesthetic value, attractiveness and compatibility of land use;

3. To permit reasonable deviation from standard zoning district requirements where necessary due to special size or shape of site (s) or character of condition of topography and terrain or other special conditions;

4. To permit adequate private interior access roads to serve a variety of industrial sites and uses within the industrial park;

5. To provide sufficient and adequate access, parking and loading areas for all uses and structures within the industrial park;

6. To provide adequate traffic control and street plan integration with existing and planned streets;

7. To provide adequate sanitation, drainage and public utilities servicing the industrial park; and

8. To allocate adequate land for all uses proposed, the site design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana.

b. *Exceptions.* In order to allow flexibility in the development of an industrial park, certain exceptions to development standards of the applicable industrial district may be authorized by grant of special exception for an industrial park including, but not limited to:

1. *Front setback and frontage on public street.* Sites for uses within the industrial park may front upon and be serviced by private interior access roads, provided:

i. Each such site shall have a front yard and setback (from the interior access road) of adequate depth in relation to building height, width and area.

ii. A front yard and setback in accordance with the industrial zoning district's standard requirements shall be provided along all public streets abutting the periphery of the industrial park.

2. *Required side yards.* The total of the required side yards and setbacks may be provided entirely on one (1) side or divided in any proportion between the two (2) sides of the site.

3. *Building separation - setback between side of buildings.* The sides of any two (2) buildings shall be separated by a minimum of twenty (20) feet unless they abut one another.

4. *Deceleration lane.* No deceleration lane shall be required within the industrial park provided the street or private interior access roads are of sufficient width and number of lanes that continuous movement of through traffic is not impeded.

(c) *Grant of special exception.* The Metropolitan Board of Zoning Appeals of Marion County, Indiana, is hereby authorized to grant special exceptions to the industrial

district's standard terms, regulations and requirements, as specified in this chapter, and issue special exceptions to permit uses designated in section 733-212(a), subject to the following requirements:

(1) A petition for special exception to permit any use designated in section 733-212(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. A site plan, drawn to scale, noting:
 1. Primary building(s) and accessory building(s);
 2. Off-street parking layouts;
 3. Vehicular entrances, exits, and turn-off lanes;
 4. Setbacks;
 5. Landscaping and screening (including walls and fences);
 6. Storm drainage and sewage disposal facilities;
 7. Other utilities, if located above ground.

b. Building elevations.

c. Exceptions, exhibits. In the case of a petition for an industrial park, provide notation, either on the site plan or by written reference, of any exceptions or deviations from the standard regulations and requirements of the industrial zoning district or districts comprising an industrial park. 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 grant will not be injurious to the public health, safety, convenience or general welfare.
- b. The grant will not injure or adversely affect the adjacent area or property values therein.
- c. The grant will be in harmony with the character of the district and land uses authorized therein.

The following additional findings of fact shall also be met, in addition to a., b., and c., above: Commercial sales and services, professional, public and semipublic uses.

d. The proposed use is provided primarily for service to industrial uses within the industrial district and to employees, guests and visitors to such industrial uses.

Storage, utilization, manufacture of explosives.

e. The petitioner shall present adequate evidence that the proposed storage, utilization or manufacture of explosive materials shall not endanger life or property outside any property line of the proposed use. (Such evidence and petitioner's site plan shall show all measures taken to

provide a safe development.)

f. In no case shall any explosives be stored, utilized, or manufactured within any building which is five hundred (500) feet or less from a protected or commercial district boundary, measured from the building in which the use is to be housed.

(3) The grant of a special exception shall be subject to the following requirements:

a. The proposed use shall conform to all performance standards of the applicable industrial district; and

b. The proposed use shall conform to all development standards of the applicable industrial district, except as specifically modified by the grant of special exception; and

c. The proposed use shall conform to all other applicable requirements of this chapter and all restrictions and conditions attached to the grant of special exception by such Board. All restrictions, conditions, or site plan requirements attached to the grant of any special exception by the Metropolitan Board of Zoning Appeals shall be limited by section 733-212 (c)(2) and shall be imposed by such Board to ensure compliance with such standards. Such restrictions, conditions or site plan requirements shall become a part of and be incorporated in the grant of the special exception by the Board of Zoning Appeals.

d. In any industrial zoning district, in cases where the grant of a special exception by the Board of Zoning Appeals for an industrial park includes a condition that the park be platted, the regulations of Chapter 731, Article III of this Code shall govern the park's platting.

Sec. 733-213. Construction of language and definitions.

(a) *Construction of language.* The language of this article 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 article 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 (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . ." 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 article shall be interpreted in accordance with the following definitions. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

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

Access. The way by which vehicles shall have ingress to and egress from a land parcel or property and the street fronting along such property or parcel.

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 B).

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.

Administrator. Administrator of the division of planning of the department of metropolitan development or such division having jurisdiction, or their appointed representative.

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 such lot(s).

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.

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.

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

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 C).

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.

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 C).

Bulk storage. The storage of chemicals, petroleum products and other materials in aboveground containers for subsequent resale to distributors or retail dealers or outlets.

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.

Collector street. See street, collector.

Commission. The Metropolitan Development Commission of Marion County, Indiana.

Commitment. An officially recorded agreement concerning and running with the land as recorded in the Office of the Marion County Recorder.

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.

Condition. An official agreement between the municipality and the petitioner concerning the use or development of the land as specified in the letter of grant of a petition as signed by the Administrator or secretary of the Board of Zoning Appeals.

Corner lot. See lot, corner.

Covenant. A legal agreement concerning the use of land.

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.

Cul-de-sac. See street, cul-de-sac.

Curb cut. The opening along the curb line, exclusive of handicap ramps, at which point vehicles may enter or leave the street (see Diagram B).

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

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

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 B).

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

Excavation. The breaking of ground, except common household gardening, ground care and agricultural activity.

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 centerline of walls separating two (2) abutting buildings.

Front lot line. See lot line, front.

Front yard. See yard, front.

Frontage. The line of contact of a property with the street right-of-way along a lot line which allows unobstructed, direct access to the property.

Frontage, public street. The line of contact of a property along the front lot line between the public street and the abutting property which allows unobstructed direct access to the property.

Grade, established street. The crown elevation of a street pavement level abutting a property (as fixed by the Department of Public Works).

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 such walls, between such walls and a line ten (10) feet away from and paralleling such walls.

Gross acre. A horizontal measure of land area equal to forty-three thousand five hundred sixty (43,560) square feet.

Gross floor area. See floor area, gross.

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 centerlines of walls separating two (2) abutting buildings.

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.

Handicap ramp. See pedestrian ramp.

Hardsurfaced. Quality of an outer area being solidly constructed of pavement, brick, paving stone, or a combination thereof.

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

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:

- (1) The elevation of the highest adjoining sidewalk or ground surface within a ten-foot horizontal distance from and paralleling the exterior wall of the building or structure when such sidewalk or ground surface is not more than ten (10) feet above lowest grade;
- (2) An elevation ten (10) feet higher than the lowest grade when such sidewalk or ground surface is more than ten (10) feet above the lowest grade.

Heliport. An area of land, water or structural surface which is used, or intended for use, for the lawful landing and takeoff of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and auxiliary facilities, such as parking areas, waiting rooms, fueling, storage and maintenance equipment areas.

Helistop. An area of land, water or structural surface which is used, or intended for use, for the landing and takeoff of helicopters, without the provision of fueling, repair, maintenance or storage facilities.

Industrial park. See integrated center.

Integrated center. An area of development (commercial, industrial or any combination of commercial, industrial and residential uses) of one (1) or more lots, comprised of:

- (1) A number of individual, unrelated and separately operated uses in one (1) building sharing common-site facilities; or
- (2) One (1) or more buildings containing unrelated and separately operated uses occupying a common-site, which utilize one (1) or a combination of common-site facilities, such as driveway entrances, parking areas, driving lanes, signs, maintenance and similar common services; or
- (3) One (1) or more buildings containing unrelated and separately operated uses occupying individual sites, which are interrelated by the utilization of one (1) or a combination of common facilities, such as driveway entrances, public or private street network, parking areas, maintenance and other services.

Interior access drive. A minor, private street providing access within the boundaries of a project beginning at the required setback line (see Diagram B).

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 B).

Laboratory, research. An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

Landscaping. Any combination of living plants, such as trees, shrubs, ground cover, thickets with grasses planted, preserved, transplanted, maintained and groomed to develop, articulate and enhance the aesthetic quality of the area as well as provide erosion and drainage control and wind protection.

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.

Legally established nonconforming use. Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment of a zoning ordinance, but which fails, by reason of such adoption, revision, amendment, or variance to conform to the present requirements of the zoning district.

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

Loading space. A hardsurfaced off-street area used for the temporary parking of a commercial vehicle while transferring goods or materials to and from a facility.

Local street. See street, local.

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:

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

For purposes of this definition, ownership includes:

- (1) 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;
- (2) A contract vendee;
- (3) A long-term lessee (but only if the lease is recorded among the records 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 D).

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.

Lot, corner. A lot abutting upon two (2) or more streets at their intersections, or upon two

(2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees (see Diagram D).

Lot, through. A lot abutting two (2) parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot (see Diagram D).

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

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 C).

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 (see Diagram C).

Lot line, side. Any lot line not designated as a front or rear lot line (see Diagram C).

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.

Manufacture/manufacturing. Establishment engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

Marginal access street. See street, marginal access.

Mini-warehouses. A building or group of buildings containing one (1) 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.

Motor truck terminal. A building or area in which trucks, including tractor or trailer units are parked, stored, or serviced, including the transfer, loading or unloading of goods. A terminal may include facilities for the temporary storage of loads prior to transshipment.

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.

Neighborhood recycling collection point. A site where collectors bring household recycling materials. Beyond any limited sorting, no other processing of the material takes place at the site. All materials are stored completely within the structure while awaiting periodic shipment to recycling stations or recycling 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.

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.

Outdoor storage. See storage, outdoor.

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 parking spaces and the area of access for the egress/ingress of automotive vehicles to and from the actual parking space (see Diagram B).

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 B).

Pavement. A layer of concrete, asphalt or coated macadam used on street, parking area, sidewalk, or airport surfacing.

Pedestrian ramp. An inclined access opening along the curb line 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.

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

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.

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

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

Processing. A series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner.

Project. A lot or parcel of contiguous land to be developed for a use or uses which at the time of development is under one (1) ownership or control, and subsequently may be subdivided, developed, or conveyed into smaller lots or parcels.

Project boundaries. The perimeter lot lines encompassing an entire project.

Proposed right-of-way. See right-of-way, proposed.

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. For the purposes of this article, a protected district shall include any dwelling district, hospital district, parks district, university quarter district, SU-1 (church) district or SU-2 (school) district.

Public street frontage. See frontage, public street.

Rear yard. See yard, rear.

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.

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.

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

Recycling station. A recycling operation involving further processing of household recycling materials (relative to a neighborhood recycling collection point) 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. A recycling station does not

include automotive or construction recycling.

Research laboratory. See laboratory, research.

Required yard. See yard, required.

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.

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.

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

Right-of-way, proposed. 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.

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.

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

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.

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).

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).

Shrub. A woody plant of relatively low height (not exceeding ten (10) to twelve (12) feet in height), branching from the base.

Side yard. See yard, side.

Sidewalk. A hardsurfaced walk or raised path along and often paralleling the side of the street intended for pedestrian traffic.

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.

Site plan. The development plan, or series of plans, drawn to scale, for one (1) 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, centerlines of rights-of-way, dimensions.

Storage, outdoor. An outdoor area used for the long-term deposit (more than twenty-four

(24) hours) of any goods, material, merchandise, vehicles or junk.

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.

Street, collector. A street primarily designed and intended to carry vehicular traffic movement at moderate speeds (e.g., thirty-five (35) mph) between local streets and arterials while allowing direct access to abutting property(ies) (see Diagram E).

Street, cul-de-sac. A street having only one (1) open end which is permanently terminated by a vehicle turnaround (see Diagram E).

Street, expressway. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Street, freeway. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Street, local. A street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds (e.g., twenty (20) to thirty (30) mph) within the immediate geographic area with direct access to abutting property(ies) (see Diagram E).

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 E).

Street, parkway. A street serving through vehicular traffic and equal to or more than five thousand two hundred eighty (5,280) feet in length, the adjoining land on one (1) or both sides of which is predominantly dedicated or used for park purposes, and shall conform to the comprehensive plan and the thoroughfare plan.

Street, primary arterial. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

Street, private. A privately held 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 right-of-way for such purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and the like.

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 such purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.

Street, secondary arterial. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.

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.

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.

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.

Thoroughfare. A street primarily serving through vehicular traffic, including freeways, expressways, primary arterials, and secondary arterials.

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.

Through lot. See lot, through.

Total gross floor area. See gross floor area, total.

Transitional yard. See yard, transitional.

Trash container. Receptacle intended for the disposal, collection or temporary storage of unsorted waste products or refuse.

Trash enclosure. An accessory structure enclosed on at least three (3) sides; designed and intended to screen and protect waste receptacles from view, and to prevent waste debris from dispersing outside the receptacles or enclosure.

Tree survey. An inventory of all trees on a lot or project before construction, alteration or excavation activity occurs identifying species, location, caliper, and dripline of trees. In the case of large, dense tree stands (those exceeding six hundred (600) square feet in area and seventy-five (75) percent branch coverage of the ground surface), the location of the outer boundary of the tree stands' dripline with a listing of the predominant species and caliper is often substituted for a detailed inventory.

Unit. A single, complete entity.

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

Walkway. A hardsurfaced walk or raised path for pedestrian traffic.

Warehouse. A building used primarily for the storage of goods and materials.

Warehousing. Terminal facilities for handling freight with or without maintenance.

Wholesaling. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wrecker service. A service in which towing or emergency services are provided to disabled automotive vehicles.

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 C).

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 C).

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 (see Diagram C).

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 C).

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 (2) or more land uses of different intensity. A transitional yard is a required yard, provided in lieu of the minimum required front, side or rear yard specified for the district in which it is located when an above noted protected district abuts (see Diagram C).

(G.O. 2, 2002, § 16)

GRAPHIC LINK: [Diagram A--Building Setbacks/Building Height](#)

GRAPHIC LINK (not available): [Diagram B](#)

GRAPHIC LINK (not available): [Diagram C](#)

GRAPHIC LINK (not available): [Diagram D](#)

GRAPHIC LINK (not available): [Diagram E](#)

GRAPHIC LINK (not available): [Diagram F](#)

GRAPHIC LINK (not available): [Diagram G](#)

GRAPHIC LINK (not available): [Diagram H](#)

GRAPHIC LINK (not available): [Diagram I](#)