

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

**REGULAR MEETINGS  
MONDAY, JULY 22, 1996**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:10 p.m. on Monday, July 22, 1996, with Councillor SerVaas presiding.

Councillor Gilmer introduced Father Joe Moriarty, St. Monica's Parish, who led the opening prayer -- he is also Councillor Moriarty Adams' brother. Councillor Gilmer invited all present to join him in the Pledge of Allegiance to the Flag.

**ROLL CALL**

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

*27 PRESENT: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Talley, Tilford, Williams*  
*2 ABSENT: Moores, Short*

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

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Schneidner, on behalf of the Councillors, expressed appreciation for the dinner given by the Indianapolis Fire Department. Councillor Williams acknowledged the presence of Marion County Democratic Chairman, Mr. Kip Tew. Councillor Black recognized Rose Arant, Butler-Tarkington Neighborhood Association her son, Matt Arant; Boy Scout Troop 73; Mary Walker, Community leader and Butler-Tarkington Neighborhood Association member; Herman Johnson; and George Talley, Councillor Talley's brother. Councillor Hinkle recognized Mary Anderson, President of Garden City Neighborhood Association. Councillor Tilford recognized the following members of Boy Scout Troup 137: John Shurig, Assistant Scoutmaster; Zach Henry;

Jonathon Hartley; Jason Craig; Kyle Owens; and Bryan Sanders. Councillor Talley introduced Ron Gibson, 31st Ward Chairman; Clark Kalha, Protect our Rivers Now; his wife Donna; and daughter Dannielle.

## OFFICIAL COMMUNICATIONS

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

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

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, July 22, 1996, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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

July 5, 1996

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

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the Indianapolis NEWS and the Indianapolis COMMERCIAL on Friday, July 5, 1996, a copy of a PUBLIC NOTICE TO TAXPAYERS of a Public Hearing on Proposal Nos. 421, 422, and 452, 1996 to be held on July 22, 1996 at 7:00 p.m., in the City-County Building.

Respectfully,  
s/Suellen Hart  
Clerk of the City-County Council

June 28, 1996

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

Ladies and Gentlemen:

I have this day approved with my signature and delivered to the Clerk of the City-County Council, Suellen Hart, the following ordinances:

FISCAL ORDINANCE NO. 59, 1996: an appropriation of \$64,500 for the Prosecuting Attorney to assist the "Circle of Hope" sexual assault response team centers in conjunction with St. Vincent Health Network and Wishard Memorial Hospital financed by a federal grant

FISCAL ORDINANCE NO. 60, 1996: an appropriation of \$4,020,000 for the Department of Public Works, Contract Compliance Division and Maintenance Operation Division, to pay for the contracting of sewer maintenance and mowing financed by a reduction of the Maintenance Operation General Fund balance

FISCAL ORDINANCE NO. 61, 1996: an appropriation of \$11,385 to provide a diverse selection of holistic and creative activities for children of abused mothers and respite care services for their mothers by the Julian Center through the Marion County Justice Agency financed by a federal grant

July 22, 1996

FISCAL ORDINANCE NO. 62, 1996: an appropriation of \$309,303 for the County Auditor, Marion County Public Defender Agency, Prosecuting Attorney, and Marion County Superior Court to continue the Expedited Trial Program financed by state and federal grants

FISCAL ORDINANCE NO. 63, 1996: an appropriation of \$175,145 for Community Corrections to fund a Juvenile Court Intensive Probation Services Program financed by a state grant

FISCAL ORDINANCE NO. 64, 1996: an appropriation of \$1,226,532 to fund the Marion County Community Corrections Program financed by a state grant

FISCAL ORDINANCE NO. 65, 1996: an appropriation of \$341,018 for the Department of Public Safety, Emergency Management Planning Division, to purchase rescue equipment and supplies for the Marion County Urban Search and Rescue Task Force financed by a federal grant

FISCAL ORDINANCE NO. 66, 1996: an appropriation of \$225,000 for the Department of Capital Asset Management, Finance and Administration Division, for public transportation services financed by a transfer within the division's Transportation General Fund

GENERAL ORDINANCE NO. 99, 1996: approves an extension of the expiration date of the cable franchises of American Cablevision of Indianapolis and Comcast Cablevision of Indianapolis, L.P., until August 9, 1996, and amends Sec. 285-121 of the Revised Code with respect to cable franchises

GENERAL ORDINANCE NO. 100, 1996: codifies the payment to surviving children of deceased members of the 1937 Firefighters Pension Fund a benefit equal to 20% of the salary of a fully paid first class firefighter

GENERAL ORDINANCE NO. 101, 1996: authorizes a traffic signal at Shelby Street and Sumner Avenue (District 20)

GENERAL ORDINANCE NO. 102, 1996: authorizes parking restrictions on a segment of 46th Street (District 6)

GENERAL ORDINANCE NO. 103, 1996: authorizes a loading zone for the Indiana State Board of Health located at 20 North Meridian Street (District 16)

GENERAL ORDINANCE NO. 104, 1996: authorizes a loading zone for the Indiana War Memorial located on Vermont Street (District 16)

GENERAL ORDINANCE NO. 105, 1996: authorizes parking restrictions on Thompson Road from State Road 37 to a point 900 feet east of Thompson Road (District 25)

GENERAL ORDINANCE NO. 106, 1996: authorizes intersection controls for Holly Meadows subdivision (District 24)

GENERAL ORDINANCE NO. 107, 1996: authorizes intersection controls for Deer Creek subdivision, section 4 (District 9)

GENERAL ORDINANCE NO. 108, 1996: authorizes a multi-way stop at 48th Street and Guilford Avenue (District 6)

GENERAL ORDINANCE NO. 109, 1996: authorizes a multi-way stop at 44th Street and Guilford Avenue (District 6)

GENERAL ORDINANCE NO. 110, 1996: authorizes a multi-way stop at 51st Street and Crittenden Avenue (District 6)

GENERAL ORDINANCE NO. 111, 1996: authorizes a multi-way stop at Dudley Avenue and Randolph Street (District 20)

GENERAL ORDINANCE NO. 112, 1996: authorizes a multi-way stop at 61st Street and Kingsley Drive (District 7)

GENERAL ORDINANCE NO. 113, 1996: authorizes a multi-way stop at Ohio Street and Sigsbee Street (District 18)

GENERAL ORDINANCE NO. 114, 1996: authorizes a multi-way stop at 37th Street and Forest Manor Avenue (Districts 11, 14)

GENERAL ORDINANCE NO. 115, 1996: authorizes a multi-way stop at Delmar Avenue and Norfolk Street (District 17)

GENERAL ORDINANCE NO. 116, 1996: authorizes a weight limit restriction on Fall Creek Road from Shadeland Avenue to 96th Street (Districts 4, 5)

GENERAL ORDINANCE NO. 117, 1996: authorizes a 25 mph speed limit on Whenner Drive from 38th Street to dead end (District 12)

GENERAL RESOLUTION NO. 7, 1996: approves certain public purpose grants for support of the arts

Respectfully,  
s/Stephen Goldsmith, Mayor.

### **ADOPTION OF AGENDA**

The President proposed the adoption of the agenda as distributed. Councillor Talley asked for consent to hear Proposal No. 246, 1996 by the Committee of the Whole, Councillor Williams seconded. Consent was denied by the following vote; viz:

*8 YEAS: Black, Boyd, Brents, Golc, Gray, Jones, Talley, Williams*  
*17 NAYS: Borst, Bradford, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Hinkle, McClamroch, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Tilford*  
*2 NOT VOTING: Massie, Moriarty Adams*  
*2 ABSENT: Moores, Short*

The agenda was adopted as distributed.

### **APPROVAL OF JOURNALS**

The President called for additions or corrections to the Journal of June 24, 1996. There being no additions or corrections, the minutes were adopted as distributed.

### **PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS**

PROPOSAL NO. 451, 1996. The proposal appoints Pamela Knox Hammersley to the Indianapolis City-Market Corporation Board. Councillor Hinkle read the proposal and moved for its adoption. Councillor Smith seconded, and Proposal 451, 1996 was adopted by a unanimous voice vote.

Proposal No. 451, 1996 was retitled COUNCIL RESOLUTION NO. 49, 1996, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 49, 1996  
Proposal No. 451, 1996

A COUNCIL RESOLUTION appointing Pamela Knox Hammersley to the City-Market Corporation Board.

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

SECTION 1. As a member of the City-Market Corporation Board, the Council appoints:

Pamela Knox Hammersley

SECTION 2. The appointment made by this resolution is for a term ending December 31, 1996. The person appointed by this resolution shall serve at the pleasure of the Council and until her respective successor is appointed and has qualified.

## INTRODUCTION OF PROPOSALS

PROPOSAL NO. 476, 1996. Introduced by Councillor Coonrod. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$123,333 for the Department of Parks and Recreation to enter into a long-term partnership agreement with the City of Lawrence to provide an enhanced and comprehensive array of parks and recreation services to the citizens of northeast Marion County financed by the unappropriated and unencumbered Parks General Fund"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 477, 1996. Introduced by Councillors Dowden and Curry. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which elects to fund MECA operations in calendar year 1997 with \$2 million dollars of COIT revenue"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 478, 1996. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$60,000 for the Marion County Superior Court, Juvenile Division, to fund Child Advocates, Inc., a program to assist children who are victims of abuse, financed by a state grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 479, 1996. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$45,000 for the Prosecuting Attorney to develop a community-wide protocol with the criminal justice agencies and treatment providers to combat domestic violence financed by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 480, 1996. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$8,529 for the Prosecuting Attorney to pay partial salary of an Adult Protective Services Investigator and to purchase a computer financed by a federal grant"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 481, 1996. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which is an appropriation of \$700,000 for the Public Defender Agency to fund indigent Appeal transcripts and death penalty litigation claims financed by revenues from the County General Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 482, 1996. Introduced by Councillor Golc. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal at Holt Road and Oliver Avenue (District 17)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 483, 1996. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Allison

Commons, Section 1 (District 4)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 484, 1996. Introduced by Councillor Dowden. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Sherman Drive and Lorrain Road (District 4)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 485, 1996. Introduced by Councillor Bradford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 58th Street and Carvel Avenue (District 7)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 486, 1996. Introduced by Councillor Talley. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Baker Drive and Conried Drive (District 14)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 487, 1996. Introduced by Councillor Black. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 46th Street and Sunset Avenue (District 6)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 488, 1996. Introduced by Councillor Tilford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at 13th Street and Mitchner Avenue (District 12)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 489, 1996. Introduced by Councillor Coughenour. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Harlan Street and Werges Avenue (District 24)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 490, 1996. Introduced by Councillor Schneider. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Holliday Drive and Pine Drive (District 3)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 491, 1996. Introduced by Councillor Smith. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a multi-way stop at Post Road, Imperial Drive, and Northeastern Avenue (District 23)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 492, 1996. Introduced by Councillor Williams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which removes parking restrictions on Central Avenue (District 22)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 493, 1996. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on

July 22, 1996

Dearborn Street, on the west side, from the south curbline of 10th Street to a point 200 feet south of 10th Street (District 15)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 494, 1996. Introduced by Councillor Gilmer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes parking restrictions on 79th Street, both sides, from Moore Road to Fox Run Road; and on Noel Road, both sides, from 79th Street to Lafayette Road (District 1)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 495, 1996. Introduced by Councillor Short. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a weight limit restriction on Pine Street from I-70 (Fletcher Avenue) to Elm Street (District 21)"; and the President referred it to the Capital Asset Management Committee.

PROPOSAL NO. 496, 1996. Introduced by Councillors Talley and Boyd. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which authorizes an audit of the City's financial affairs by the State Board of Accounts"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 497, 1996. Introduced by Councillors Talley, Black, Boyd, Brents, Gray, Golc, Jones, and Short. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which concerns the availability of budget information"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 502, 1996. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Chapter 851 of the Revised Code concerning cable television"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 503, 1996. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which approves and confirms an agreement for the renewal of a franchise for cable service granted by the City to Time Warner Entertainment-Advance/Newhouse Partnership d.b.a. American Cablevision of Indianapolis"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 504, 1996. Introduced by Councillor Curry. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which approves and confirms an agreement for the renewal of a franchise for cable service granted by the City to Comcast Cablevision of Indianapolis, L.P."; and the President referred it to the Rules and Public Policy Committee.

Councillor Dowden moved to suspend the requirements of Sec. 151-76 of the Council Rules as to Proposal 481, 1996, and authorize the Clerk to advertise the same for public hearing before this Council at its meeting on August 5, 1996. He explained that the 30 day rule would be an impediment if it was not suspended. Councillor Smith seconded, and the motion carried by a unanimous voice vote

Councillor Talley asked for Point of Special Privilege. Consent was given. Councillor Talley began reading a prepared speech. He said he wanted Proposal 496, 1996 assigned to the

Committee of the Whole instead of the Administration and Finance Committee. He feels the issue needs to be dealt with in a timely manner. President SerVaas interrupted Councillor Talley's speech and explained why proposals are generally assigned to a specific committee rather than to the Committee of the Whole.

Councillor Boyd stated that he shares Councillor Talley's concern about Proposal 496, 1996; the concern is that the proposal might not be heard until after budget hearings are over. He feels it would be better to act upon the proposal prior to the budget hearings.

### **SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NO. 498, 1996. Councillor Borst reported that the Economic Development Committee heard Proposal No. 498, 1996 on July 18, 1996. The proposal is an inducement resolution for Union Camp Corporation to finance acquisition and construction of certain land, buildings, structures, machinery and equipment comprising solid waste disposal facilities included within the recycled corrugating mill to be located at 2270 South Harding Street in an amount not to exceed \$150,000,000 (District 25).

Councillor Borst stated that the factory would be a 100% recycle fiber mill using waste paper collected within the City of Indianapolis. Union Camp would reimburse Indianapolis for collecting the residential waste paper providing revenue to the City. The mill would be steam operated. The reason for the inducement resolution is because Union Camp cannot draw upon money without it.

Councillor Gray asked who would be responsible for the fund-raising party after the new company is established in Indianapolis. Councillor McClamroch stated that Councillor Gray's comment should be stricken from the record. Councillor Boyd said that Councillor Gray's comment should be part of the record because he only stated the facts. Councillor McClamroch said that comments referring to the Mayor in a negative way are inappropriate in the Council. Councillor Boyd stated that the remarks and comments made by Councillors have a right to be heard using the Council forum. The references made are a result to situations currently existing in the community.

By a 7-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

President SerVaas asked (1) what information is known about the Union Camp Corporation, and (2) if it is a Fortune 500 company. Ted Esping, Baker & Daniels, attorney for Union Camp, replied that Union Camp is a Fortune 250 manufacturing company, is listed on the New York Stock Exchange, and is involved in a variety of business relating primarily to forest products.

Councillor Gilmer questioned if the company is expecting any of the funds to be allotted towards cleanup of the proposed property. Mr. Esping replied that the site is an environmentally sensitive site, and none of the funds currently budgeted are for cleanup.

Councillor Golc questioned if Union Camp is going to make a concerted effort to work with the community on the near southwest side to employ as many local individuals as possible in the job positions available. Bridget Linville, Director Treasury Operations, Union Camp, replied in the affirmative.

July 22, 1996

Councillor Black asked what the time frame was for attaining maximum employees. Ms. Linville replied that within one to two years.

Councillor Coonrod stated the purpose of this ordinance is to allow Union Camp to receive a lower interest rate in the private market.

Councillor Borst moved, seconded by Councillor Gilmer, for adoption. Proposal No. 498, 1996 was adopted on the following roll call vote; viz:

*26 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Talley, Tilford, Williams*  
*1 NAY: Gray*  
*2 ABSENT: Moores, Short*

Proposal No. 498, 1996 was retitled SPECIAL RESOLUTION NO. 48, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 48, 1996

WHEREAS, the City of Indianapolis, Indiana acting pursuant to and in accordance with the provisions of Indiana Code 36-7-12, et seq., as amended (the "Act"), is authorized to issue its economic development solid waste revenue bonds to assist in the financing of certain economic development and solid waste disposal facilities in the City of Indianapolis, Indiana (the "City") for the benefit of Union Camp Corporation, a Virginia corporation (the "Company"); and

WHEREAS, the Indianapolis Economic Development Commission (the "Commission") has been informed by officials of the Company that they propose to acquire, construct and equip a recycled corrugating medium mill to be located at 2270 South Harding Street, at the southwest corner of the intersection of Harding Street and Raymond Street in the City, constituting solid waste disposal facilities consisting of certain land, buildings, structures, machinery, equipment and related real and personal property (the "Project"); and

WHEREAS, the Project will consist of a paper mill using mixed wastepaper, cardboard and other recyclables; and

WHEREAS, the Commission has found and determined that the diversity of industry and the retention and increase of opportunities for gainful employment (seventy-four (74) jobs at the end of one year and seventy-four (74) jobs at the end of three years) plus the creation of a construction job payroll to be achieved by the acquisition, construction, equipping and carrying out of the Project will serve a public purpose and be of benefit to the health and general welfare of the City and its citizens; and

WHEREAS, the Commission has found and determined that the acquisition, construction, equipping and carrying out of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the City; and

WHEREAS, it is the conclusion of the Commission, with which conclusion the City concurs, that assisting with the financing of the proposed Project will be of benefit to the health and general welfare of the City, complies with the purposes and provisions of the Act, and is in furtherance of the public purposes pursuant to the Act and for which the Commission was created; and

WHEREAS, it is estimated by the Company that the planning, design, construction, acquisition, equipping and carrying out of the proposed Project will require expenditures by the Company of up to \$150,000,000; and

WHEREAS, after careful study and investigation of the nature of the proposed Project as aforesaid, the Commission has determined that the proposed Project constitutes facilities which will be of benefit to the health and general welfare of the City and Marion County; and

WHEREAS, the most feasible method of financing the acquisition, construction, equipping and carrying out of the proposed Project is for the City to issue its revenue bonds for that purpose and for it to lend the proceeds from the sale of said revenue bonds to the Company to enable it to acquire, construct, equip and carry out the proposed Project and to repay the loan in installments which will be sufficient and timely to pay the principal of, premium (if any) and interest on said revenue bonds; and

WHEREAS, the Company has requested that the City indicate its willingness to issue its revenue bonds to finance the proposed Project, and its official intent to reimburse expenditures heretofore or hereafter made by or on behalf of the Company in connection with the Project (to the extent permitted by Section 1.150-2 of the Income Tax Regulations) so that said planing, design, acquisition, construction, equipping and carrying out of the proposed Project may move forward; and

WHEREAS, the Commission has determined that it is in the best interest of its residents that the acquisition, construction, equipping and carrying out of the proposed Project move forward without delay; now, therefore:

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

SECTION 1. It is the conclusion of the Indianapolis Economic Development Commission (the "Commission"), with which conclusion the City concurs, that assisting with the financing of the proposed Project will be of benefit to the health and general welfare of the City, complies with the purposes and provisions of Title 36, Article 7, Chapter 12 of the Indiana Code, as amended (the "Act") and is in furtherance of the public purposes for which the Commission was created.

SECTION 2. Accordingly, in order to assist the Company with the financing of the proposed Project and to induce the Company to locate in Marion County, Indianapolis, Indiana and in order thereby to carry out the public purposes set forth by in the Act, WE HEREBY RESOLVE as follows:

(a) The City will use its best efforts to issue its revenue bonds (the "bonds") under the Act in a principal amount currently estimated not to exceed \$150,000,000 for the purpose of paying in whole or in part the costs of the planning, design, acquisition, construction, and equipping of the proposed Project. The site of the proposed Project is currently owned by the City.

(b) Simultaneously with the delivery of the bonds, the City may lend the proceeds of the sale of the bonds to the Company to enable it to plan, design, acquire, construct and equip the proposed Project, and the terms and provisions of such loan agreement shall be substantially in the form generally utilized in connection with such financial undertakings, as agreed upon by the City and the Company.

(c) The basic security document or other document or documents satisfactory to the parties including without limitation the site lease to be entered into between the City as lessor and the Company as lessee shall contain agreements providing for the indemnification of the Commission and the City and the individual members, directors and officers (or, with respect to certain environmental and waste disposal matters, the indemnification of the Company) thereof for all expenses incurred by them and for any claim of loss suffered or damage to property or any injury or death of any person occurring in connection with the planning, design, acquisition, construction, equipping and carrying out of the proposed Project.

SECTION 3. The City may enter into a trust indenture with a corporate trustee. The trust indenture may pledge such loan agreement and the amounts derived or derivable by or on behalf of the City pursuant thereto, to said corporate trustee for the benefit of the owners of the bonds, and the terms of such trust indenture shall be agreed upon by the City, the Company and said corporate trustee.

SECTION 4. Subject to and in accordance with the provisions of the Act, the City will assist in the prompt preparation of the basic security document, the trust indenture, and any security agreement.

SECTION 5. If for any reason the City has not issued bonds hereunder by January 31, 1997, the provisions of this Resolution shall, at the option of the City, be cancelled.

July 22, 1996

SECTION 6. The Mayor and Clerk of the City are further authorized to take any and all further action and execute and deliver any and all other documents as may be necessary to issue and deliver the bonds and to effect the undertaking for which the bonds are proposed to be issued.

SECTION 7. Based upon representations of the Company to the effect that it intends to apply all or a portion of the proceeds of the bonds to reimburse it for all or a portion of the costs of the Project paid prior to the date of issuance of the bonds, the City hereby declares its official intent to apply all or a portion of the proceeds of the bonds to reimburse such expenditures, to the extent permitted by Section 1.150-2 of the Income Tax Regulations. This Resolution shall be in full force and effect from and after its passage by the City-County Council and approved by the Mayor.

Councillor Williams requested consent to explain her vote. Consent was granted. Councillor Williams stated that she voted against the proposal because she is uncomfortable with not knowing the exact location for Union Camp.

Councillor Borst asked for consent to vote on Proposal Nos. 499 and 500, 1996 together. Consent was given. Councillor Borst reported that the Economic Development Committee met on July 18, 1996 and heard Proposal Nos. 499 and 500, 1996.

PROPOSAL NO. 499, 1996. The proposal amends S.R. No. 105, 1995 by extending the expiration date through January 31, 1997 for Banner Investments, Inc. located at 4444 Mission Drive (District 8). Councillor Borst reported that Banner Investments, Inc. were scheduled to appear before the Economic Development Committee on June 18, 1996 and no one appeared. The Commission tried to contact the company and was told the company no longer exists.

PROPOSAL NO. 500, 1996. The proposal amends S.R. No. 104, 1995 by extending the expiration date through January 31, 1997 for Meadows Revival, Inc. located at 38th Street and Meadows Drive (District 11). Councillor Borst stated that the City administration is committed to the project, but has lost confidence in the developer. The special resolution has been extended ten times, but the Economic Development Commission chose to terminate the resolution at the end of July.

By 8-0 votes, the Committee reported Proposal Nos. 499 and 500, 1996 to the Council with the recommendation that they be stricken. Councillor Borst moved, seconded by Councillor Talley, that the Committee report to strike be upheld. Proposal Nos. 499, and 500, 1996 were stricken by a unanimous voice vote.

PROPOSAL NO. 501, 1996. Councillor Borst stated that the Economic Development Committee met on July 18, 1996 and heard Proposal No. 501, 1996. The proposal amends S.O. No. 3, 1996 authorizing certain amendments to the previously-issued and outstanding \$8,700,000 City of Indianapolis Variable/Fixed Rate Multi-Family Housing Revenue Bonds, Series 1996 (Crossing Partners, L.P. Project), the proceeds of which were used to finance the acquisition and rehabilitation of the 240-unit apartment complex located at 4000 North Franklin Road and approving and authorizing other actions in respect thereto (District 12). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Borst moved, seconded by Councillor Golc, for adoption. Proposal No. 501, 1996 was adopted on the following roll call vote; viz:

23 YEAS: Black, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Massie, McClamroch, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Talley, Tilford, Williams

0 NAYS:

4 NOT VOTING: Borst, Boyd, Jones, Moriarty Adams

2 ABSENT: Moores, Short

Councillor Moriarty Adams stated that she abstained due to a conflict with her employer.

Proposal No. 501, 1996 was retitled SPECIAL ORDINANCE NO. 10, 1996, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 10, 1996

A SPECIAL ORDINANCE authorizing certain amendments to the previously-issued \$8,700,000 City of Indianapolis Variable/Fixed Rate Multi-Family Housing Revenue Bonds, Series 1996 (Crossing Partners, L.P. Project) and approving and authorizing other actions in respect thereto.

WHEREAS, Indiana Code Title 36 Article 7, Chapters 11.9 and 12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, the Act provides that an issuer may, pursuant to the Act, issue revenue bonds and lend the proceeds thereof to a corporation, partnership or individual for the purpose of financing costs of acquisition or construction of facilities, including real and personal property, for diversification of economic development and promotion of opportunities in or near such issuer; and

WHEREAS, the Act provides that such bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, on March 28, 1996 the City of Indianapolis, Indiana (the "Issuer") issued its City of Indianapolis, Indiana Variable/Fixed Rate Multi-Family Housing Revenue Bonds, Series 1996 (Crossing Partners, L.P. Project) (the "Bonds") in the aggregate principal amount of Eight Million Seven Hundred Thousand Dollars (\$8,700,000) pursuant to an Indenture of Trust (the "Original Indenture") dated as of March 1, 1996 by and between the Issuer and Dai-Ichi Kangyo Trust Company of New York, as Trustee (the "Trustee") and NBD Bank, N.A., Ft. Wayne, Indiana, as Co-Trustee (the "Co-Trustee") and loaned the proceeds thereof to Crossing Partners, L.P. (the "Company") pursuant to a Loan Agreement (the "Loan Agreement") dated as of March 1, 1996, between the Issuer and the Company to enable the Company to undertake and complete the acquisition, rehabilitation and equipping of the existing 240 unit apartment complex located at 4000 North Franklin Road, Indianapolis, Indiana, on approximately 18 acres of land which will be owned and operated by the Company including the acquisition of machinery, equipment and furnishings for use in the facility and the acquisition, construction and installation of various site improvements at the facility (the "Project"); and

WHEREAS, the Bonds were sold to Mesirov Financial, Inc. (the "Underwriter") pursuant to a Bond Purchase Agreement (the "Bond Purchase Agreement"), dated March 28, 1996 among the Issuer, the Company and the Underwriter and Strong Municipal Advantage Fund (the "Bond Owner") owns 100% of all the Bonds Outstanding (as defined in the Original Indenture); and

WHEREAS, representatives of the Company have requested that the Issuer agree to modify certain provisions contained in the Bond Purchase Agreement and the Indenture concerning redemption of the Bonds; and

WHEREAS, the proposed amendments to the financing will not have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the same market area or in or about Marion County, Indiana; and

WHEREAS, the Indianapolis Economic Development Commission has approved the substantially final forms of the First Supplemental Indenture of Trust (the "First Supplemental Indenture") dated as of July 1, 1996 among the Issuer, the Trustee and the Co-Trustee, as consented to by the Underwriter, the Company and the Bond Owner, the First Supplemental Bond Purchase Agreement (the "First Supplemental Bond Purchase Agreement"), an Official Statement Supplement, (hereinafter referred to collectively as the "First Supplemental Financing Documents") and this proposed form of special ordinance by Resolution adopted prior in time to this date, which Resolution has been transmitted hereto; now, therefore:

July 22, 1996

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

SECTION 1. It is hereby found that the amendment of the financing of the economic development facilities referred to in the First Supplemental Financing Documents consisting of the Project will be of benefit to the health or general welfare of the Issuer and its citizens and does comply with the purposes and provisions of the Act.

SECTION 2. The forms of the First Supplemental Financing Documents presented herewith are hereby approved and all such documents shall be kept on file by the Clerk of the Council or City Controller. In compliance with Indiana Code Title 36, Article 1, Chapter 5, Section 4, two (2) copies of the First Supplemental Financing Documents are on file in the office of the Clerk of the Council for public inspection.

SECTION 3. The Mayor and City Clerk are authorized and directed to execute those First Supplemental Financing Documents approved herein which require the signature of the Mayor and City Clerk and any other documents which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Issuer. The Mayor and City Clerk may, by their execution of the First Supplemental Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve changes therein and also in those First Supplemental Financing Documents which do not require the signature of the Mayor and/or City Clerk without further approval of this City-County Council or the Commission if such changes do not affect terms set forth in Indiana Code Title 36, Article 7, Chapter 12, Section 27(a)(1) through (a)(10).

SECTION 4. The provisions of this special ordinance and the First Supplemental Financing Documents shall constitute a contract binding between the Issuer and the holder or holders of the Bonds and after the execution and delivery of the First Supplemental Financing Documents this special ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 5. The Issuer reaffirms its preliminary finding that the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Company. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Issuer hereby authorizes and directs the Mayor to make the foregoing determination again for and on behalf of the Issuer at the request of the Company following receipt of supporting materials submitted by the Company to the Indiana Housing Finance Authority (the "IHFA") and either written representations of the Company or of the IHFA to the effect that (1) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project and (ii) the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan. Such determinations shall occur on or about the date of the release of funds pursuant to Section 5.07(b) of the Indenture as supplemented by the First Supplemental Indenture from the Escrow Fund created under Section 5.07 of the Indenture as supplemented by the First Supplemental Indenture and on or about the date that each building of the Project is placed in service. In reliance upon the representations of the Company, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

SECTION 6. This special ordinance shall be in full force and effect upon adoption and compliance with Indiana Code Title 36, Article 3, Chapter 4, Section 14.

PROPOSAL NOS. 505-512, 1996. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on July 18, 1996. The Council did not schedule Proposal Nos. 505-512, 1996 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 505-512, 1996 were retitled REZONING ORDINANCES NOS. 139-146, 1996 and are identified as follows:

REZONING ORDINANCE NO. 139, 1996. 96-Z-79  
2053 SOUTH SHELBY STREET (approximate. address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 21.

EMRO MARKETING COMPANY, by Philip A. Nicely, requests a rezoning of 0.34 acre, being in the C-2 District, to the C-3 classification to provide for commercial development including the operation of a gasoline service station and convenience store.

REZONING ORDINANCE NO. 140, 1996. 96-Z-81

6911 BROOKVILLE ROAD (approximate. address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13.

STANLEY C. PRYOR requests a rezoning of 1.4 acres, being in the D-A District, to the I-3-S classification to provide for industrial development including the manufacture of security equipment.

REZONING ORDINANCE NO. 141, 1996. 96-Z-83

713 & 735 LORD STREET AND 722, 728, 732, 734 & 738 HARRISON STREET (approximate. address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #16.

City of Indianapolis, Department of Metropolitan Development requests the rezoning of 0.37, being in the I-4-U classification, to the D-8 classification to conform to the 1980 Fletcher Place Historic Area Plan and the existing use.

REZONING ORDINANCE NO. 142, 1996. 96-Z-100

2815 NORTH RITTER AVENUE (approximate. address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 10.

MATTHEW H. SCOTT, by Philip A. Nicely, requests a rezoning of 2.6 acres, being in the D-A District, to the SU-2 classification to provide for the construction of a private elementary school.

REZONING ORDINANCE NO. 143, 1996. 96-Z-101

9150 EAST 10TH STREET (approximate. address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13.

JOWDAT "JOE" HALLAL requests a rezoning of 3.0 acres, being in the C-1 District, to the SU-1 classification to provide for the construction of a church.

REZONING ORDINANCE NO. 144, 1996. 96-Z-104

1111 EAST 61ST STREET (approximate. address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 7.

ROBERT B. MCNAMARA, by James L. Tuohy, requests a rezoning of 3.396 acres, being in the D-7 District, to the C-1 classification to provide for office uses in addition to the existing flower shop authorized by a previous variance.

REZONING ORDINANCE NO. 145, 1996. 96-Z-105

600, 608, 612, 614 MASSACHUSETTS AVENUE AND 613-615, 625 & 631 NORTH EAST STREET (approximate. address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #22.

City of Indianapolis, Department of Metropolitan Development request the rezoning of 5.0 acres, being in the C-4 classification, to the CBD-2 classification to conform to the existing use and the 1991 Regional Center Plan.

REZONING ORDINANCE NO. 146, 1996. 96-Z-108

8501 ROCKVILLE ROAD (approximate. address), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 19.

CLOVERLEAF PROPERTIES, by Philip A. Nicely, requests a rezoning of 14.234 acres, being in the D-A (FW) & SU-43(FW) Districts, to the C-S(FW)(FW) classification to provide for the construction of a mini-warehouse facility.

PROPOSAL NOS. 513-522, 1996. Introduced by Councillor Hinkle. The Clerk read the proposal entitled: "REZONING ORDINANCES certified by the Metropolitan Development Commission on July 18, 1996. The Council did not schedule Proposal Nos. 513-522, 1996 for hearing pursuant to IC 36-7-4-608. Proposal Nos. 513-522, 1996 were retitled REZONING ORDINANCES NOS. 147-156, 1996 and are identified as follows:

REZONING ORDINANCE NO. 147, 1996. 95-Z-221 (Amended)

6005-6031 EAST WASHINGTON STREET and

17 SOUTH ARLINGTON AVENUE (approximate. address), INDIANAPOLIS.

July 22, 1996

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13.

DONALD J. and MARSHA THARP requests a rezoning of 1.1 acres, being in the D-5 District, to the C-4 classification to provide an integrated retail center development with a new pharmacy with a pick-up window, an existing bank, and associated off-street parking.

REZONING ORDINANCE NO. 148, 1996. 96-Z-90

3833 NORTH LAYMAN AVENUE (approximate. address), INDIANAPOLIS.

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 14.

LAURA M.A. SMITH, TRUSTEE requests a rezoning of 0.198 acre, being in the D-5 District, to the SU-1 classification to provide for church uses including the construction of a parking lot.

REZONING ORDINANCE NO. 149, 1996. 96-Z-97

3042 EAST 10TH STREET (approximate. address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10.

METROPOLITAN DEVELOPMENT COMMISSION requests a rezoning of 0.22 acre, being in the D-8 District, to the C-3 classification to conform the zoning classification to the Highland/Brookside Neighborhood Plan.

REZONING ORDINANCE NO. 150, 1996. 96-Z-106

3102 EAST 10TH STREET (approximate. address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 10.

METROPOLITAN DEVELOPMENT COMMISSION requests a rezoning of 0.47 acre, being in the D-8 District, to the SU-1 classification to conform zoning to the church and other religious uses and the Highland/Brookside Neighborhood Plan.

REZONING ORDINANCE NO. 151, 1996. 96-Z-109 (Amended)

7002 NORTH MICHIGAN ROAD (approximate. address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1.

MCNAMARA REAL ESTATE LLC, by Gregory K. Silver, requests a rezoning of 16.6 acres, being in the C-S and D-A Districts, to the C-S classification to provide for a lawn and garden supply and landscaping business, including a plant nursery, and to provide for other C-4 permitted uses.

REZONING ORDINANCE NO. 152, 1996. 96-Z-111

8420 BROOKVILLE ROAD (approximate. address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 13.

ROBERT J. COOK and RUDY SCHWARZ, by Michael J. Kias, request a rezoning of 4.0 acres, being in the I-4-S District, to the C-S classification to provide for 0.26 acre to be used for commercial use similar to the adjacent commercial C-3 zoned site and the remaining 3.74 acres used for indoor and outdoor recreational facilities.

REZONING ORDINANCE NO. 153, 1996. 96-Z-116 (Amended)

8301 WEST 86TH STREET (approximate. address), INDIANAPOLIS.

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1.

M.S.D. OF PIKE TOWNSHIP requests a rezoning of 17 acres, being in the D-A District, to the SU-2 classification to provide for educational uses and related accessory uses.

REZONING ORDINANCE NO. 154, 1996. 96-Z-121

7601 EAST THOMPSON ROAD and 5401 FIVE POINTS ROAD (approximate. address), INDIANAPOLIS.

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 23.

CROSSMANN COMMUNITIES, INC., by Stephen D. Mears, requests a rezoning of 237.77 acres, being in the I-2-S and I-4-S Districts, to the D-3 classification to provide for single-family residential development.

REZONING ORDINANCE NO. 155, 1996. 96-Z-122

3504 NORTH SHADELAND AVENUE (approximate. address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 10.

BOVA FRUIT CO., INC., by Stephen A. Backer, requests a rezoning of 21.5 acres, being in the C-4 and D-7 Districts, to the I-2-S classification to provide for industrial development including a warehouse and distribution center for a wholesale food distribution business.

REZONING ORDINANCE NO. 156, 1996. 96-CP-13Z (96-DP-10)

1802 NORTH CUMBERLAND ROAD (approximate. address), INDIANAPOLIS.

WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 12.

JUSTUS DEVELOPMENT & INVESTMENT, by Thomas Michael Quinn, requests a rezoning of 40.531 acres, being in the D-A District, to the D-P classification to provide for a residential planned-unit development consisting of: eight (8) four-plex residential structures; 31 detached single-family residential structures; and, 33 two-family dwelling structures.

**SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 309, 1996. The proposal is an appropriation of \$785,327 for various County agencies to pay Information Service Agency charges financed by transfers of \$576,806 within certain agencies' County General Fund and an appropriation of \$208,521 from the County General Fund balances. Councillor Schneider asked for consent to postpone Proposal No. 309, 1996 until the August 5, 1996 Council meeting. Consent was given.

PROPOSAL NO. 363, 1996. Councillor Franklin reported that the Community Affairs Committee heard Proposal No 363, 1996 on July 10, 1996. The proposal is an appropriation of \$94,500 for the Cooperative Extension Service to pay for two high-speed copy machines financed from the County General Fund balances. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:24 p.m. There being no one present to testify, Councillor Franklin moved, seconded by Councillor Gilmer, for adoption. Proposal No. 363, 1996 was adopted on the following roll call vote; viz:

- 25 YEAS: *Black, Borst, Boyd, Bradford, Brents, Cockrum, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, McClamroch, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Talley, Tilford, Williams*
- 2 NAYS: *Coonrod, Massie*
- 2 ABSENT: *Moores, Short*

Proposal No. 363, 1996 was retitled FISCAL ORDINANCE NO. 68, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 68, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Ninety-four Thousand, Five Hundred Dollars (\$94,500) for purposes of the Cooperative Extension Service and reducing the unappropriated and unencumbered balance in the County General Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(dd) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Cooperative Extension Service to acquire two high speed copy machines.

SECTION 2. The sum of Ninety-four Thousand, Five Hundred dollars (\$94,500) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COOPERATIVE EXTENSION SERVICE</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	94,500
TOTAL INCREASE	94,500

July 22, 1996

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>94,500</u>
TOTAL REDUCTION	94,500

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

Councillor Dowden reported that the Public Safety and Criminal Justice Committee met on June 12, 1996 and hear Proposal Nos. 421 and 422, 1996. The Committee also met on June 26, 1996 and heard Proposal No. 452, 1996.

PROPOSAL NO. 421, 1996. The proposal is an appropriation of \$217,253 for the County Auditor, Marion County Public Defender Agency, Prosecuting Attorney, and Marion County Superior Court to continue the Expedited Trial Program financed from the County General Fund balances.

Councillor Coonrod stated that his concern is financing a project with the County General Fund. The fund may not have the money for future financing.

By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

The President called for public testimony at 8:18 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 421, 1996, as amended, was adopted on the following roll call vote; viz:

*23 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Jones, Massie, Moriarty Adams, O'Dell, Schneider, SerVaas, Smith, Talley, Tilford, Williams*  
*4 NAYS: Coonrod, Hinkle, McClamroch, Shambaugh*  
*2 ABSENT: Moores, Short*

Proposal No. 421, 1996, as amended, was retitled FISCAL ORDINANCE NO. 67, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 67, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Two Hundred Seventeen Thousand Two Hundred Fifty-three Dollars (\$217,253) in the County General Fund Jail Reserve Account for purposes of the County Auditor, Marion County Public Defender Agency, Prosecuting Attorney, and Marion County Superior Court and reducing the unappropriated and unencumbered balance in the County General Fund Jail Reserve Account.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (b,u,v,cc) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor, Marion

County Public Defender Agency, Prosecuting Attorney, and Marion County Superior Court for the expedited court program.

SECTION 2. The sum of Two Hundred Seventeen Thousand Two Hundred Fifty-three Dollars (\$217,253) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
1. Personal Services - fringe	50,997
 <u>MARION COUNTY PUBLIC DEFENDER AGENCY</u>	
1. Personal Services	28,156
3. Other Services and Charges	40,000
 <u>PROSECUTING ATTORNEY</u>	
1. Personal Services	53,768
 <u>MARION COUNTY SUPERIOR COURT</u>	
1. Personal Services	10,376
2. Supplies 1,000	
3. Other Services and Charges	31,956
4. Capital Outlay	<u>1,000</u>
 TOTAL INCREASE	 217,253

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>217,253</u>
TOTAL REDUCTION	217,253

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

PROPOSAL NO. 422, 1996. The proposal is an appropriation of \$261,773 for Community Corrections to fund personnel, home detention equipment, and office supplies financed by revenues in the Home Detention User Fund. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

The President called for public testimony at 8:28 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Curry, for adoption. Proposal No. 422, 1996 was adopted on the following roll call vote; viz:

24 YEAS: *Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Talley, Tilford, Williams*  
 0 NAYS:  
 3 NOT VOTING: *Black, Franklin, Gilmer*  
 2 ABSENT: *Moore, Short*

Proposal No. 422, 1996 was retitled FISCAL ORDINANCE NO. 69, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 69, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) appropriating an additional Two Hundred Sixty-one Thousand Seven Hundred

July 22, 1996

Seventy-three Dollars (\$261,773) in the Home Detention User Fee Fund for purposes of the County Auditor and Community Corrections and reducing the unappropriated and unencumbered balance in the Home Detention User Fee Fund.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02 (b,z) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the County Auditor and Community Corrections during fiscal year 1996/1997 for personal, home detention equipment and office supplies.

SECTION 2. The sum of Two Hundred Sixty-one Thousand Seven Hundred Seventy-three Dollars (\$261,773) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>HOME DETENTION USER FEE FUND</u>
1. Personal Services - fringes	28,840
 <u>COMMUNITY CORRECTIONS</u>	
1. Personal Services	125,829
2. Supplies 12,500	
3. Other Services and Charges	52,246
4. Capital Outlay	<u>42,358</u>
 TOTAL INCREASE	 261,773

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

	<u>HOME DETENTION USER FEE FUND</u>
Unappropriated and Unencumbered	
Home Detention User Fee Fund	<u>261,773</u>
TOTAL REDUCTION	261,773

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

PROPOSAL NO. 452, 1996. The Proposal sponsored by Councillors Dowden, and Moriarty Adams is an appropriation of \$3,675,000 for the County Auditor to purchase the Service Supply Building for use as a jail, and to pay relocation and engineering costs and other expenses associated with the purchase financed by balances in the County General Fund, Contingency and Jail Reserve Accounts. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Golc asked if this will add extra work force for the City of Indianapolis. Councillor Dowden replied that the Corrections Corporation of America will be operating the facility.

The President called for public testimony at 8:35 p.m. There being no one present to testify, Councillor Dowden moved, seconded by Councillor Moriarty Adams, for adoption. Proposal No. 452, 1996 was adopted on the following roll call vote; viz:

- 23 YEAS: Boyd, Bradford, Brents, Cockrum, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Tilford, Williams
- 2 NAYS: Black, Coonrod
- 2 NOT VOTING: Borst, Talley

2 ABSENT: Moores, Short

Proposal No. 452, 1996 was retitled FISCAL ORDINANCE NO. 70, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 70, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 1996) appropriating an additional Three Million Six Hundred Seventy-five Thousand Dollars (\$3,675,000) for purposes of the County Auditor and reducing the unappropriated and unencumbered balance in the County General Fund, Jail Reserve and Contingency Reserve Accounts.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.02(b) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Auditor to acquire buildings and site for a new jail annex.

SECTION 2. The sum of Three Million Six Hundred Seventy-five Thousand Dollars (\$3,675,000) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>COUNTY AUDITOR</u>	<u>COUNTY GENERAL FUND</u>
3. Other Services and Charges	2,200,000
4. Capital Outlay	<u>1,475,000</u>
TOTAL INCREASE	3,675,000

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

	<u>COUNTY GENERAL FUND</u>
Unappropriated and Unencumbered	
County General Fund	<u>3,675,000</u>
TOTAL REDUCTION	3,675,000

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

**SPECIAL ORDERS - UNFINISHED BUSINESS**

PROPOSAL NO. 328, 1996. The proposal, sponsored by Councillors Coonrod, Dowden, Cockrum, and Tilford, abolishes Marion County Board of Tax Adjustment. Councillor Hinkle asked for consent to strike Proposal No. 328, 1996 because the time frame to abolish the Board has expired. Councillor Hinkle moved, seconded by Councillor Williams, to strike Proposal No. 328, 1996. Proposal No. 328, 1996 was stricken by a unanimous voice vote.

**SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 266, 1996. Councillor Curry stated that the Rules and Public Policy Committee met on July 2, 1996 to hear Proposal No. 266, 1996. The proposal, sponsored by Councillors Hinkle, and McClamroch, amends the Rules of the Council with respect to public hearings on fiscal ordinances. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

July 22, 1996

Councillor Curry stated that the proposal allows the thirty-day rule to continue for the appropriation which affects the County General Fund, but would exclude appropriations for other funding sources, such as Federal and State dollars.

Councillor Coughenour asked if the thirty-day rule helped with obtaining information which might not have been available without the rule. Councillor McClamroch stated that on occasion the thirty day rule has helped to delay appropriations.

Councillor Curry moved, seconded by Councillor Hinkle, for adoption. Proposal No. 266, 1996, as amended, was adopted on the following roll call vote; viz:

*24 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Curry, Dowden, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Tilford, Williams*  
*3 NAYS: Coughenour, Gray, Talley*  
*2 ABSENT: Moores, Short*

Proposal No. 266, 1996, as amended, was retitled GENERAL ORDINANCE NO. 119, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 119, 1996

A GENERAL ORDINANCE amending the Rules of the City-County Council with respect to public hearings on fiscal ordinances.

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

SECTION I. The Revised Code of the Consolidated City and County, specifically Sec. 151-64, is amended, by deleting the stricken through text and inserting the underlined text to read as follows:

Sec. 151-64. Fiscal ordinances.

(a) No proposal for a fiscal ordinance shall be initiated unless approved by the proper fiscal officer of the city or county or unless that officer has been notified by the clerk of its receipt at least seven (7) days before introduction. Any proposal for a fiscal ordinance appropriating or transferring funds shall not be approved for introduction if any of the financial data or reports required by this Code are delinquent as to a fund which is the subject of such proposal.

(b) Any proposal for a fiscal ordinance (except the annual budgets) which appropriate the proceeds of any state, federal or private grant shall include substantially the following language:

Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor or controller, are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

(c) The digest of any proposal for a fiscal ordinance shall identify the fund appropriated including a statement of the revenue source for the appropriation.

(d) When a request for an additional appropriation from unappropriated funds is submitted to the council by any city-county agency (including a court), the chief financial officer of the city-county council or his/her designee shall review the policies and expenditures of the requesting agency and ~~within thirty (30) days of the date the request is introduced to the council,~~ may submit a report to the appropriate council committee containing a recommendation with regard to the additional appropriation.

SECTION 2. The Revised Code of the Consolidated City and County, specifically Sec. 151-76, is amended, by deleting the stricken through text and inserting the underlined text to read as follows:

Sec. 151-76. Public hearings.

Whenever a proposal is such that by law a hearing must be held before the entire council, the clerk shall advertise the hearing on the date set by the president and place the proposal on the agenda for that meeting under the order of business "special orders: public hearings," in the order of introduction. If the proposal is ~~one for which a report of the chief financial officer is required under subsection (b) of Sec. 151-64 for additional appropriations from County General Fund~~ and the source of funding for such appropriation is not a state or federal grant, the public hearing shall ~~not~~ be scheduled ~~before~~ at the first regular meeting which is more than thirty (30) days after the proposal is introduced.

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

PROPOSAL NO. 413, 1996. Councillor O'Dell reported that the Municipal Corporations Committee heard Proposal No. 413, 1996 on July 18, 1996. The proposal rejects the Library Capital Project Fund Plan of the Indianapolis-Marion County Public Library and establishes a Library Ad-Hoc Study Committee.

Councillor Gilmer questioned the committee's starting date. Councillor O'Dell stated that after the study committee members are appointed, they will meet no less than bi-monthly and present their final recommendations by May 1, 1997.

By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor O'Dell moved, seconded by Councillor Curry, for adoption. Proposal No. 413, 1996, as amended, was adopted on the following roll call vote; viz:

27 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Talley, Tilford, Williams

0 NAYS:

2 ABSENT: Moores, Short

Proposal No. 413, 1996, as amended, was retitled GENERAL RESOLUTION NO. 8, 1996, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 8, 1996

A GENERAL RESOLUTION rejecting the Library Capital Project Fund Plan of the Indianapolis-Marion County Public Library and establishing a Library Ad-Hoc Study Committee.

WHEREAS, pursuant to IC 20-14-13 the Indianapolis-Marion County Library Board adopted a "Library Capital Projects Fund Plan" on April 15, 1996, and delivered certified copies of such plan to members of the City-County Council on April 23, 1996; and

WHEREAS, pursuant to IC 20-14-13-6 the City-County Council is to hold a public hearing on such plan within thirty days of its receipt and either approve or reject the plan before August 1, 1996; and

WHEREAS, the City-County Council held such hearing on May 20, 1996, and further public hearings before its Municipal Corporations Committee; and

WHEREAS, the Indianapolis-Marion County Public Library is an integral and necessary component of the Municipal infrastructure of the City of Indianapolis and all of Marion County. It serves all citizens while making major contributions to the education, information, economic development and quality of life of our community; and

July 22, 1996

WHEREAS, the City-County Council recognizes the need to upgrade and expand those services and facilities offered by the Public Library to the citizens in our community. The provision of these services are necessary due to the need to upgrade systems and equipment to support the demands of rapidly changing technology, the need to improve the accessibility of library facilities in compliance with the American Disabilities Act and to meet increased demand for library materials and services; and

WHEREAS, the City-County Council hereby endorses in concept as expressed by the master plans for services, technology and facilities as it has been adopted by the Indianapolis-Marion County Public Library Board of Trustees; and

WHEREAS, to expedite the accomplishment of the goals of the Library's Master Plan and to explore the potential for an expanded scope of library services, the City-County Council is willing to establish a Library Ad-Hoc Study Committee; now, therefore:

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

SECTION 1. The Library Capital Projects Fund Plan adopted by the Indianapolis-Marion County Public Library Board on April 15, 1996, is hereby rejected, but without prejudice to future submission of such a Plan.

SECTION 2. The City-County Council, in cooperation with the Indianapolis-Marion County Public Library Board of Trustees, establishes a Library Ad-Hoc Study Committee which shall consist of the following appointments:

- 2 City-County Councillors, appointed by Council President
- 1 Representative, appointed by County Commissioners
- 1 Representative, appointed by Mayor
- 3 Representatives, appointed by Library Board President
- 3 Marion County School District Representatives
  - 1 appointed by the President, Board of School Commissioners, Indianapolis Public Schools
  - 2 appointed by Township School Superintendents, through their local organization
- 1 Representative, appointed by the Indianapolis-Marion County Public Library Foundation Board President
- Ex Officio (Non-voting):
  - Mayor of Indianapolis
  - Director of Public Libraries
  - Executive Director, Public Library Foundation

SECTION 3. The Public Library Ad-Hoc Committee shall investigate the following issues and make recommendations:

1. Identify common goals, services and operations of the Indianapolis-Marion County Public Library and other City and County Services which could be better achieved and enhanced through cooperative ventures;
2. Explore potential cooperation and linkages between the Indianapolis-Marion County Public Library and City Departments and County Agencies for the provision of information services;
3. Explore further avenues of cooperative services and facilities among Marion County School and the Indianapolis-Marion County Public Library;
4. Identify funding mechanisms to support the implementation of the Master Plans for Services, Technology and Facilities of the Indianapolis-Marion County Public Library.

SECTION 4. At the first meeting of the Library Ad-Hoc Study Committee the group shall elect a Chairperson from within its membership. All full meetings of the Library Ad-Hoc Study Committee shall be open to the public. The Library Ad-Hoc Study Committee shall meet no less than bi-monthly and will make recommendations to the appropriate governing authorities as warranted and to the Municipal Corporations Committee of the City-County Council no later than May 1, 1997.

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

PROPOSAL NO. 415, 1996. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 415, 1996 on July 2, 1996. The proposal amends distribution formula for the incremental fees from the Indianapolis Emergency Telephone System Fund. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Shambaugh, for adoption. Proposal No. 415, 1996 was adopted on the following roll call vote; viz:

27 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Talley, Tilford, Williams  
0 NAYS:  
2 ABSENT: Moores, Short

Proposal No. 415, 1996 was retitled FISCAL ORDINANCE NO. 71, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 71, 1996

A FISCAL ORDINANCE amending Section 7 of the annual budget of the Metropolitan Emergency Communications Agency (MECA) of the City of Indianapolis, Indiana for 1996 (City-County Fiscal Ordinance No. 85, 1995).

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

SECTION 1. Section 7 of the City-County Fiscal Ordinance No. 85, 1995, be, and is hereby, amended by deleting the text stricken-through and inserting the text underlined to read as follows:

Section 7. The City Controller shall distribute to the public safety dispatch agencies listed below from the Indianapolis Emergency telephone System Fund based on actual receipts received from Indiana Bell, only the incremental fees resulting from the increase adopted November 23, 1992 by the City-county Council. Distribution shall be based upon the following percentages:

Indianapolis Police	43.46%	
Indianapolis Fire <del>12.42%</del>	<u>18.08%</u>	
Marion County Sheriff	24.50%	<u>22.10%</u>
City of Lawrence 5.56%		
City of Beech Grove	3.02%	
Town of Speedway	2.95%	
Perry/Decatur Township	<del>3.26%</del>	<u>0.00%</u>
Wayne Township 4.83%		

SECTION 2. This ordinance shall be in full force and effect as of the 1st day of July, 1996.

PROPOSAL NO. 416, 1996. Councillor Schneider reported that the Administration and Finance Committee heard Proposal No. 416, 1996 on July 2, 1996. The proposal changes the allocation of County Option Income Tax Revenues and establishes an allocation of the County Cumulative Capital Development Funds. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Schneider moved, seconded by Councillor Coonrod, for adoption. Proposal No. 416, 1996 was adopted on the following roll call vote; viz:

26 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Talley, Tilford, Williams

July 22, 1996

0 NAYS:

1 NOT VOTING: Moriarty Adams

2 ABSENT: Moores, Short

Proposal No. 416, 1996 was retitled FISCAL ORDINANCE NO. 72, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 72, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) specifically Section 4.03 and adding a new Section 4.07.

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

SECTION 1. Section 4.03 of Article IV of the City-County Fiscal Ordinance No. 86, 1995, be, and is hereby, amended by deleting the stricken-through text and inserting the underlined text to read as follows:

Section 4.03. Allocation of County Option Income Tax Revenues.

Pursuant to IC 6-3.5-6-19 (d), the City-County Council may determine the distribution to be made of the revenue received by the City of Indianapolis and County of Marion as a single taxing unit from the County Option Income Tax. The City-County Council hereby determines that from the certified distribution of Eighty-nine Million Sixty-one Thousand Six Hundred Dollars (\$89,061,600) after the County Auditor deposits Two Million Dollars (\$2,000,000) in the Metropolitan Emergency Communications Fund, retains the homestead credit distribution of Eleven Million Four Hundred Fifty-five Thousand Two Hundred One Dollars (\$11,455,201) and distributes the shares of other units entitled to distributions, the balance for the Consolidated City and County of Sixty-five Seven Million Three Seven Hundred Twenty-eight Sixty-five Thousand Four Seven Hundred Thirty-three Twenty-four Dollars (~~\$65,328,433~~ 67,765,724) are hereby allocated and shall be distributed by the County Auditor and City Controller as follows:

- (1) To the County General Fund, the sum of ~~\$21,776,144~~ 22,023,860,
- (2) To the Consolidated County Fund, the sum of ~~\$100,000~~ 141,864,
- (3) To the Police Special Service District Fund, the sum of ~~\$25,700,000~~ 25,800,000,
- (4) To the Fire Special Service District Fund, the sum of \$9,600,000;
- (5) To the Police Pension Fund, the sum of ~~\$4,115,000~~ 4,350,000,
- (6) To the Fire Pension Fund, the sum of ~~\$3,635,000~~ 3,850,000, and
- (7) To the United Airline Line Debt Service Fund, the sum of \$2,000,000.

SECTION 2. Article 4 of the City-County Fiscal Ordinance No. 86, 1995, be, and is hereby, amended by adding a new Section 4.07 to read as follows:

Section 4.07. Allocation of Marion County Cumulative Capital Development Funds

Pursuant to Sections 2.02 (u) and 7.02 (b) revenues derived from these sections also known as the Marion County Cumulative Capital Development Funds shall be allocated by the Marion County Auditor as follows:

- |     |                       |     |
|-----|-----------------------|-----|
| (1) | Marion County Auditor | 55% |
| (2) | City of Indianapolis  | 45% |

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

PROPOSAL NO. 417, 1996. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 417, 1996 on July 1, 1996. The proposal approves a list of projects to be funded by Section 108 loan funds.

Councillor Borst asked how many Section 108 loans are outstanding. Sherry Kohlmeier, Administrator, Division of Economic Housing and Development Services, Department of Metropolitan Development replied that there are two outstanding Section 108 Loans.

By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Brents, for adoption. Proposal No. 417, 1996 was adopted on the following roll call vote; viz:

*25 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moriarty Adams, O'Dell, SerVaas, Shambaugh, Smith, Talley, Tilford, Williams*

*0 NAYS:*

*2 NOT VOTING: Dowden, Schneider*

*2 ABSENT: Moores, Short*

Proposal No. 417, 1996 was retitled SPECIAL RESOLUTION NO. 49, 1996, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO.49, 1996

A SPECIAL RESOLUTION approving certain projects to be funded by Section 108 loan funds in accordance with City-County General Resolution No. 3, 1996 in a total aggregate amount not to exceed Seven Million Six Hundred Thousand Dollars (\$7,600,000.00).

WHEREAS, on April 29, 1996, the City-County Council of the City of Indianapolis and Marion County, Indiana ("Council") adopted General Resolution No. 3, 1996, authorizing the issuance by the Metropolitan Development Commission of Marion County, Indiana, acting as the Redevelopment Commission of the City of Indianapolis, Indiana, of Promissory Notes in an amount not to exceed Seven Million Six Hundred Thousand Dollars (\$7,600,000.00) and approving a Contract for Loan Guarantee Assistance between the City and the Secretary of Housing and Urban Development under Section 108 of the Housing and Community Development Act of 1974, as amended, in connection with the issuance of such Promissory Notes; and

WHEREAS, City-County General Resolution No. 3, 1996 states that the funds appropriated therein shall not be spent or encumbered until the Council has approved the projects for which the Section 108 loan funds will be used; and

WHEREAS, the Department of Metropolitan Development of the City of Indianapolis, Indiana ("Department of Metropolitan Development") has submitted a list of projects together with the amount of Section 108 loan funds requested for each project ("Project List"), a copy of which is attached hereto and incorporated herein by reference as Exhibit A; and

WHEREAS, the Council now finds that the Project List and the Section 108 loan funds for each project listed thereon should be approved; now therefore:

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

SECTION 1. The Project List submitted to the Council by the Department of Metropolitan Development, attached hereto and incorporated herein by reference as Exhibit A, and the amount of Section 108 loan funds for each project shown thereon are hereby approved.

SECTION 2. This approval shall constitute the approval required by City-County General Resolution No. 3, 1996.

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

July 22, 1996

EXHIBIT A  
Department of Metropolitan Development  
1996 Section 108 Projects

Martin Luther King and 16th Street Neighborhood Redevelopment	\$2,500,000
Near Eastside Retail and Housing Redevelopment	\$2,900,000
I-70 and Rural Industrial Park	\$1,000,000
I-70 and Emerson Industrial Park	\$1,000,000
Thorp Tower	\$ 200,000
Total Section 108 Projects	\$7,600,000

Councillor Shambaugh reported that the Parks and Recreation Committee met on July 9, 1996 and heard Proposal Nos. 418, and 419, 1996.

PROPOSAL NO. 418, 1996. The proposal is an appropriation of \$350,000 for the Department of Parks and Recreation to pay for design and inspection services financed by a transfer within the department's City Cumulative Capital Improvement Fund. By a 5-0 votes, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Shambaugh moved, seconded by Councillor Golc, for adoption. Proposal No. 418, 1996 was adopted on the following roll call vote; viz:

23 YEAS: *Borst, Boyd, Bradford, Brents, Cokrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moriarty Adams, O'Dell, Shambaugh, Talley, Tilford, Williams*

1 NAYS: *Smith*

3 NOT VOTING: *Black, Schneider, SerVaas*

2 ABSENT: *Moore, Short*

Proposal No. 418, 1996 was retitled FISCAL ORDINANCE NO. 73, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 73, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) transferring and appropriating an additional Three Hundred Fifty Thousand Dollars (\$350,000) in the City Cumulative Capital Development Fund for purposes of the Department of Parks and Recreation and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (o) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation for design and inspection services.

SECTION 2. The sum of Three Hundred Fifty Thousand Dollars (\$350,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

DEPARTMENT OF PARKS AND RECREATION

CITY CUMULATIVE  
CAPITAL IMPROVEMENT FUND

3. Other Services and Charges  
TOTAL INCREASE

350,000  
350,000

SECTION 4. The said increased appropriation is funded by the following reductions:

DEPARTMENT OF PARKS AND RECREATION

CITY CUMULATIVE  
CAPITAL IMPROVEMENT FUND

4. Capital Outlays  
TOTAL DECREASE

350,000  
350,000

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

PROPOSAL NO. 419, 1996. The proposal is an appropriation of \$536,000 for the Department of Parks and Recreation to pay for supplies and design and inspection services financed by a transfer within the department's Consolidated County Cumulative Capital Improvement Fund. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Shambaugh moved, seconded by Councillor O'Dell, for adoption. Proposal No. 419, 1996 was adopted on the following roll call vote; viz:

*26 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Talley, Tilford, Williams*  
*1 NAYS: Smith*  
*2 ABSENT: Moores, Short*

Proposal No. 419, 1996 was retitled FISCAL ORDINANCE NO. 74, 1996, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 74, 1996

A FISCAL ORDINANCE amending the City-County Annual Budget for 1996 (City-County Fiscal Ordinance No. 86, 1995) transferring and appropriating an additional Five Hundred Thirty-six Thousand Dollars (\$536,000) in the Consolidated County Cumulative Capital Development Fund for purposes of the Department of Parks and Recreation and reducing certain other appropriations for that agency.

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

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (o) of the City-County Annual Budget for 1996 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Parks and Recreation for design and inspection expenditures.

SECTION 2. The sum of Five Hundred Thirty-six Thousand Dollars (\$536,000) be, and the same is hereby, transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following increased appropriation is hereby approved:

DEPARTMENT OF PARKS AND RECREATION

CONSOLIDATED COUNTY CUMULATIVE  
CAPITAL IMPROVEMENT FUND

2. Supplies 32,000  
3. Other Services and Charges  
TOTAL INCREASE

504,000  
536,000

SECTION 4. The said increased appropriation is funded by the following reductions:

DEPARTMENT OF PARKS AND RECREATION

CONSOLIDATED COUNTY CUMULATIVE  
CAPITAL IMPROVEMENT FUND

4. Capital Outlays  
TOTAL DECREASE

536,000  
536,000

July 22, 1996

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

PROPOSAL NO. 450, 1996. Councillor Hinkle reported that the Metropolitan Development Committee heard Proposal No. 450, 1996 on July 1, 1996. The proposal amends the Industrial Zoning Ordinance of Marion County. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hinkle moved, seconded by Councillor Smith, for adoption. Proposal No. 450, 1996 was adopted on the following roll call vote; viz:

25 YEAS: *Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moriarty Adams, O'Dell, Schneider, SerVaas, Smith, Talley, Tilford, Williams*

0 NAYS:

2 NOT VOTING: *Curry, Shambaugh*

2 ABSENT: *Moores, Short*

Proposal No. 450, 1996 was retitled GENERAL ORDINANCE NO. 120, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 120, 1996  
METROPOLITAN DEVELOPMENT COMMISSION  
DOCKET NO. 96-AO-3  
THE INDUSTRIAL ZONING ORDINANCE  
OF MARION COUNTY, INDIANA

A GENERAL ORDINANCE to amend the Code of Indianapolis and Marion County, Appendix D, as amended, the Zoning Ordinance for Marion County, which ordinance includes the Industrial Zoning Ordinance, as amended, and fixing a time when the same shall take effect.

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

WHEREAS, the Industrial Zoning Ordinance for Marion County, Indiana, 63-AO-4, has been amended but has not been revised substantially in over thirty years; and

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

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

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

WHEREAS, the Metropolitan Development Commission and the City-County Council desire to address the needs of the industrial development community, neighborhood organizations and citizens by preparing an ordinance which meets the long-term need of the City-County as a whole; and

WHEREAS, in preparing such an ordinance, the Metropolitan Development Commission and the City-County Council desire to streamline and consolidate portions of the ordinance to provide clarity and better serve the community; now, therefore:

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

SECTION 1. The Industrial Zoning Ordinance of Marion County, Indiana, Code of Indianapolis and Marion County, Appendix D (adopted under Metropolitan Development Commission Docket Numbers 63-AO-4, 67-AO-7, 73-AO-2, and 80-AO-3, as amended, pursuant to IC 36-7-4) be further amended by deleting the stricken-through language and inserting the underlined language to read as follows:

SECTION 2. The Comprehensive Zoning Maps of Marion County, Indiana, adopted under Metropolitan Development Commission docket number 70-AO-4, as amended, pursuant to IC 36-7-4, be further amended by reclassifying all land within Marion County, Indiana designated on the Comprehensive Zoning Maps in the I-5-S or I-5-U Districts, to the following classifications, thereby updating said Comprehensive Zoning Maps:

Deleted Industrial Zoning District	New Industrial Zoning Classification
<u>I-5-S Heavy Industrial (Outside Storage) Suburban District</u>	<u>I-4-S Heavy Industrial Suburban District</u>
<u>I-5-U Heavy Industrial (Outside Storage) Urban District</u>	<u>I-4-U Heavy Industrial Urban District</u>

SECTION 3. This rezoning shall further amend any individually initiated rezoning ordinance to the I-5-S District approved by the Commission and the City-County Council subsequent to September 2, 1987, and thereafter legally effective (which rezonings by individual legal description have not been mapped and included upon the Comprehensive Zoning Maps, as amended, but shall be so included upon said Maps in subsequent amendment hereto) to the I-4-S classification.

SECTION 4. This rezoning shall further amend any individually initiated rezoning ordinance to the I-5-U District approved by the Commission and the City-County Council subsequent to September 2, 1987, and thereafter legally effective (which rezonings by individual legal description have not been mapped and included upon the Comprehensive Zoning Maps, as amended, but shall be so included upon said Maps in subsequent amendment hereto) to the I-4-U classification.

SECTION 5. This rezoning shall not supersede, amend or repeal Airport Zoning Ordinance (94-AO-2, as amended) and the Airspace District Maps adopted as a part thereof, establishing the Airspace District as a secondary zoning district of Marion County, Indiana.

SECTION 6. This rezoning shall not supersede, amend, or repeal the Floodway and Floodway Fringe zoning district boundaries, as adopted under Metropolitan Development Commission docket number 92-AO-7.

SECTION 7. This rezoning shall not supersede, amend, or repeal Gravel-Sand-Borrow District Zoning Ordinance (65-AO-3) and the GSB (Gravel-Sand-Borrow) designations adopted pursuant thereto as a secondary zoning district.

SECTION 8. This ordinance shall be in full force and effect from and after adoption in compliance with IC 36-7-4.

CHAPTER I

ESTABLISHMENT OF INDUSTRIAL ZONING DISTRICTS

Sec. I.00. Establishment Of 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 applicable zoning maps by the following zoning district symbols, respectively ~~including the incorporated and unincorporated portions thereof, is hereby classified, divided and zoned into said~~

districts as designated on the INDUSTRIAL ZONING MAPS, (which Maps are a part of said Ordinance No. 8-1957 and are hereby attached hereto, incorporated herein by reference and made a part of this ordinance):

INDUSTRIAL ZONING DISTRICTS	
Symbol	DISTRICT
I-1-S .....	RESTRICTED INDUSTRIAL SUBURBAN DISTRICT
I-2-S .....	LIGHT INDUSTRIAL SUBURBAN DISTRICT
I-3-S .....	MEDIUM INDUSTRIAL SUBURBAN DISTRICT
I-4-S .....	HEAVY INDUSTRIAL SUBURBAN DISTRICT
I-5-S .....	HEAVY INDUSTRIAL (OUTSIDE STORAGE) SUBURBAN DISTRICT
I-1-U .....	RESTRICTED INDUSTRIAL URBAN DISTRICT
I-2-U .....	LIGHT INDUSTRIAL URBAN DISTRICT
I-3-U .....	MEDIUM INDUSTRIAL URBAN DISTRICT
I-4-U .....	HEAVY INDUSTRIAL URBAN DISTRICT
I-5-U .....	HEAVY INDUSTRIAL (OUTSIDE STORAGE) URBAN DISTRICT

INDUSTRIAL ZONING DISTRICT	SYMBOL
<u>RESTRICTED INDUSTRIAL SUBURBAN</u>	<u>I-1-S</u>
<u>LIGHT INDUSTRIAL SUBURBAN</u>	<u>I-2-S</u>
<u>MEDIUM INDUSTRIAL SUBURBAN</u>	<u>I-3-S</u>
<u>HEAVY INDUSTRIAL SUBURBAN</u>	<u>I-4-S</u>
<u>RESTRICTED INDUSTRIAL URBAN</u>	<u>I-1-U</u>
<u>LIGHT INDUSTRIAL URBAN</u>	<u>I-2-U</u>
<u>MEDIUM INDUSTRIAL URBAN</u>	<u>I-3-U</u>
<u>HEAVY INDUSTRIAL URBAN</u>	<u>I-4-U</u>

CHAPTER II

INDUSTRIAL ZONING DISTRICT REGULATIONS

Sec. 2.00. - General Industrial Regulations.

The following regulations shall apply to all land within the Industrial Zoning Districts. ~~After the effective date of this ordinance:~~

A. Applicability of regulations. ~~After the effective date of this ordinance:~~

1. With the exception of legally established non-conforming 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 ~~o~~Ordinance.
2. A lot may be divided into two (2) or more lots, provided that all resulting lots and all buildings thereon shall comply with all the applicable provisions of the Industrial Zoning Ordinance of Marion County. If such a lot, however, is occupied by a nonconforming building, such lot may be subdivided provided such subdivision does not create a new noncompliance or increase the degree of noncompliance of such building.
3. No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this Ordinance.
  - a. Restoration of legally established nonconforming uses, structures, buildings. ~~2-~~ Provided, however, -1legally established non-conforming uses and structures or buildings not located in any Flood Control District may be ~~reconstructed~~ restored to

their original dimensions and conditions if damaged or partially destroyed by fire or other naturally occurring disaster ~~when such~~ provided the damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the building, structures or facilities affected.

3. ~~For purposes of this ordinance, "lot" shall be defined as: any area of land designated as a lot on a platted subdivision or described on a duly recorded deed or parcel of land or site which is occupied, or intended for occupancy by one principal use.~~

b. Established setback exception. In any block in which an existing front yard depth and setback is established (by legally established buildings within a Commercial or Industrial District) for more than twenty-five percent (25%) 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 Ordinance. Provided, however, that in no case shall a building or structure:

encroach upon any proposed right-of-way, as determined by The Official Thoroughfare Plan of Marion County, Indiana, unless subject to the provisions of Section 2.11, A.;

encroach upon any existing right-of-way; or,

encroach into a clear sight triangular area, as required in Section 2.11, 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 percent (50%) of the linear front footage of the existing building, and all other requirements of this Ordinance are maintained for the expansion.

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

encroach upon any proposed right-of-way, as determined by The Official Thoroughfare Plan of Marion County, Indiana, unless subject to the provisions of Section 2.11, A.;

encroach upon any existing right-of-way; or,

encroach into a clear sight triangular area, as required in Section 2.11, 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 percent (50%) of the linear footage of the building along that side setback line, and all other requirements of this Ordinance are maintained for the expansion; and,

July 22, 1996

- (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 Ordinance, may be continued as a nonconforming use, but if such nonconforming use is discontinued for one (1) year, any future use or occupancy of said land shall be in conformity with the use provisions of this Ordinance.
- 4. Industrial Park. Land uses permitted in an Industrial District established by this Ordinance may be grouped together to create an Industrial Park, subject to all requirements of the District and the Special Exception provisions of Section 2.12. The term Industrial Park is defined in Section 2.13.
- 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 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. 2.01. Industrial districts: permitted 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 2.02, A) and I-1-S Performance Standards (Section 2.02, B). All permitted uses in

an I-1-U District shall conform to the I-1-U Development Standards (Section 2.06, A) and I-1-U Performance Standards (Section 2.06, 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 (non-retail).
8. Heliports - landing pads and stations for helicopters (helistop); vertical take-off helipads for helicopter aircraft, as regulated in Section 2.00, A, 6. (including facilities for maintenance of helicopters and accessory uses therefore).
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. Pre-manufactured 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 the Sign Regulations of Marion County, 71-AO-4, as amended.
14. Railroad or other mass transportation rights-of-way and trackage, including railroad passenger station, off-street turn-around, 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 said temporary structures shall be removed at the termination of development or construction, subject to the additional requirements of Section 2.11, D.
18. Accessory utility structures or facilities.

July 22, 1996

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.

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 2.03, A) and I-2-S Performance Standards (Section 2.03, B). All permitted uses located in an I-2-U District shall conform to the I-2-U Development Standards (Section 2.07, A) and I-2-U Performance Standards (Section 2.07, B).

1. Any use permitted in the I-I-S or I-I-U districts.

2. Antennae 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 2.03, A, 1, d, (I-2-S); Section 2.04, A, 1, d, (I-3-S); Section 2.05, A, 1, b, (I-4-S); Section 2.07, A, 1, d, (I-2-U); Section 2.08, A, 1, d, (I-3-U); Section 2.09, A, 1, b, (I-4-U).

3. Bottling of alcoholic or non-alcoholic 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 sub-assemblies.
- 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 non-electrical.
- 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 2.01, 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 said I-3-S or I-3-U uses;
- b. Said 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 2.04, A) and I-3-S Performance Standards (Section 2.04, B). All permitted uses located in an I-3-U District shall conform to the I-3-U Development Standards (Section 2.08, A) and I-3-U Performance Standards (Section 2.08, 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, rivet 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 2.04, A, 1, e, (I-3-S) or Section 2.08, A, 1, e, (I-3-U).
11. Power plant: electric, steam, thermal.
12. Propane gas storage.

13. Recycling station, as defined in Section 2.13 (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 2.01, 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 said I-4-S or I-4-U uses;
  - b. Said 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 2.05, A) and I-4-S Performance Standards (Section 2.05, B). All permitted uses located in an I-4-U District shall conform to the I-4-U Development Standards (Section 2.09, A) and I-4-U Performance Standards (Section 2.09, 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 2.05, A, 1, c, (I-4-S) or Section 2.09, 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 2.12. These uses shall conform to the I-4-S Development Standards (Section 2.05, A); I-4-S Performance Standards (Section 2.05, B); or I-4-U Development Standards (Section 2.09, A) and I-4-U Performance Standards (Section 2.09, B); as well as all requirements set forth in Section 2.12 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. recycling facility, as defined in Section 2.13.
  - j. Sand, gravel or aggregate washing, screening or processing (not including mining or dredging).
  - k. Scrap metal, junk or salvage storage or operation, open or enclosed, including automobile or truck wrecking or recycling, construction material recycling, or similar uses.
  - l. Slaughtering or meat packing.
  - m. Stock yards for shipping, holding and the sale of animals.
  - n. Vehicle storage (wrecked or inoperable).
  - o. Vehicle wrecking and salvage operation, shredder.
  - p. Wrecker service.
  - q. Any similar use requiring outside storage.

Sec. 2.042. I-1-S Restricted industrial suburban district regulations.

Statement of purpose: Note-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 non-screened 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 ~~residential areas~~ Protected Districts and may serve as a buffer between heavier industrial districts and business or ~~residential~~ Protected Districts.

A. PERMITTED I-1-S USES

The following uses shall be permitted in the I-1-S DISTRICT. All uses in the I-1-S DISTRICT shall conform to the I-1-S Development Standards (section 2.01, B hereof) and I-1-S Performance Standards (section 2.01 C hereof).

1. ~~Any INDUSTRIAL MANUFACTURING, PROCESSING, REFINING, FABRICATING, ASSEMBLING, WHOLESALING, CLEANING, TESTING, OR REPAIRING OF GOODS, MATERIALS, OR PRODUCTS, (not including: (1) storage, utilization, or manufacture of materials intended for detonation except by special permission as set forth in section 2.10, A, 1 and 6; (2) motor truck terminals; (3) retail sales or services, business offices or discount establishments dealing directly with the consumer) except as provided for in Section I-1-S, A, 7.~~
2. ~~ENGINEERING OR RESEARCH LABORATORIES; INDUSTRIAL SCHOOLS OR TRAINING FACILITIES; DATA PROCESSING OR ANALYSIS.~~
3. ~~AGRICULTURAL BUILDINGS, STRUCTURES AND USES, including associated dwelling structures.~~
4. ~~RAILROAD OR OTHER MASS TRANSPORTATION RIGHTS OF WAY AND TRACKAGE, including railroad passenger station, off street turn-around, 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 residential district boundary.~~
5. ~~LANDING PADS AND STATIONS FOR HELICOPTERS; vertical take-off helipads or helicopter aircraft, as regulated in section 2.10, b, 1 (including facilities for maintenance of helicopters and accessory uses therefor).~~
6. ~~TEMPORARY STRUCTURES INCIDENTAL TO THE DEVELOPMENT OF LAND or to the erection of structures, provided said temporary structures shall be removed at the termination of development or construction.~~
7. ~~OFFICES, INCIDENTAL AND ACCESSORY TO 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 advertising display.~~
8. ~~ACCESSORY UTILITY STRUCTURES OR FACILITIES.~~
9. ~~ACCESSORY RECREATION AREAS, indoor or outdoor, provided primarily for the convenience and use of employees of a specific industry or an industrial area as a whole.~~
10. ~~SIGNS, as regulated in Section 2.10.~~

B.

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 screened contained by a chain link, solid, lattice or similar type fence or wall, with ornamental, non-solid, ~~or~~ chain link or similar type entrance and exit gates. (Canvas may be attached to gates for effective screening.) The height of said fence or wall shall be at least six (6) feet and shall not exceed ~~eight (8)~~ ten (10) feet. Said fence or wall shall be surrounded by trees or an evergreen hedge of a height not less than the height of said fence or wall, to be planted following the provisions for landscaping and screening of required transitional yards of Section 2.11, 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 2.13, 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 seventy-five (75) feet of frontage on a street right-of-way and shall gain access from said street frontage.

~~2. REQUIRED FRONT YARD, MINIMUM SETBACK a. front yard, having at least seventy-five (75) feet width of frontage on a public street and having a minimum depth in accordance with the following setback requirements, shall be provided along the street right-of-way line.~~

~~No part of any structure (excluding an eave or cornice overhang not exceeding four (4) feet or a canopy at an entrance) shall be built closer to the centerline of a right of way of the following streets (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than:~~

~~(1) Expressway: One hundred twenty (120) feet~~

~~(2) Primary thorough fare or parkway: One hundred five (105) feet~~

~~(3) Secondary Thorough fare Ninety-five (95) feet~~

~~(4) or closer to the right of way line of all other streets (including but not limited to collector streets, local streets, cul-de-sacs and marginal access streets) than: Fifty (50) feet~~

~~No part of any structure shall be built closer to the right of way line of a street or highway designated as a Federal Interstate Route than sixty (60) feet, except:~~

~~(1) Front roads immediately paralleling Federal Interstate Routes (with a coinciding right-of-way boundary) shall be considered collector streets, requiring a front setback of fifty (50) feet from the right of way of such front road unless such front road is designated otherwise on the Official Thoroughfare Plan of Marion County, Indiana, or on the recorded plat thereof as required by the Subdivision Control Ordinance of Marion County, Indiana.~~

~~(2) If side or rear lot lines coincide with a Federal Interstate Route right-of-way line, the required minimum side or rear setback for this district shall apply.~~

3. Required minimum front yards, minimum front setback. The setback requirements of Section 2.11, A, shall be provided along all street right-of-way lines, unless subject to the Established Setback provisions of Section 2.00, A, 3, b or c.

~~3. REQUIRED CORNER SIDE YARD MINIMUM SETBACK In any case where the side lot line abuts a street right-of-way line, there shall be provided a corner side yard in which the setback of any structure shall comply with the MINIMUM FRONT SETBACK requirements of section 2.01, B 2, unless subject to the requirement for transitional yards of section 2.01, B 6.~~

4. Required minimum side yards, minimum side setback. A side yard and building setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided along each side lot line unless subject to additional transitional yard requirements of Section 2.02, A, 6 or 8.

Provided, however, if the side lot line abuts an active railroad operating right-of-way or railroad spur, the building shall be permitted to abut the railroad operating right-of-way, unless subject to the requirement for transitional yards of sSection 2.012, BA, 6.

5. Required minimum rear yard, minimum rear setback. A rear yard and building setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided along the rear lot line unless subject to the additional transitional yard requirements of Section 2.02, A, 6 or 8.

Provided, however, if the rear lot line abuts an active railroad operating right-of-way or railroad spur, the building shall be permitted to abut the railroad operating right-of-way, unless subject to the requirement for transitional yard of sSection 2.042, BA, 6.

6. Required transitional yards, minimum setbacks. a. MINIMUM FRONT, SIDE AND REAR YARDS AND 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 2.02, A, 7 or 8 in addition to the following requirements:

- (1) a. Where a front lot line yard abuts faces a street residential district on the opposite side of which is a Protected District the street, a minimum required front transitional yard and setback of shall be provided 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 2.00, 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, in depth from the front lot line.
- (2) b. Where a side or rear lot line abuts a side or rear lot line in an adjacent residential Protected dDistrict, a required side yard 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.
- (3) Where a rear lot line abuts a side or rear lot line in an adjacent residential district, a rear yard and setback not less than fifty (50) feet in depth shall be provided along such rear lot line.

Provided, however, additional front, side and/or rear setback distances for transitional yards, as specified in sSection 2.042, BA, 8, shall be required to permit building heights exceeding twenty-two (22) feet to a maximum height of thirty-five (35) forty (40) feet (See Section 2.13, Diagram A).

Exceptions:

- (1) Front, side or rear setback distances for transitional yards may be modified by utilizing the landscape performance standards of Section 2.11, E.
- (2) The transitional yard requirements of Section 2.02, 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.

b. SCREENING AND LANDSCAPING.

Where a side or rear lot line adjoins a residential district, a compact hedge, row of shrubbery or evergreen trees shall be provided along or within twenty (20) feet of such lot line, and not less than six (6) feet in height. Such hedge, shrubbery, or row of trees shall extend the full length of said lot line — except that it shall be omitted between the front lot line and a point five (5) feet greater than the required or established building setback line of the adjacent residential or business district. Any ground area between such hedge, shrubbery or row of trees and the lot line shall be planted in grass and/or shrubbery, maintained in good condition, and kept free of litter.

Exception: Such hedge, row of shrubbery or evergreen trees shall not be required if:

- (1) The entire yard between the lot line and the building is landscaped with grass, trees, and shrubbery or hedges. Nonvegetative materials not exceeding twenty-five (25) per cent of the entire yard area may be used in combination with vegetation and structural or ornamental fixtures.

7. Use of required yards and required transitional yards. All required transitional yards shall be planted with grass or landscaped with other suitable ground cover materials, subject to the requirements of Section 2.11, E and shall remain as open space free from structures except where expressly permitted by this Ordinance.:

- a. Required front yards may include:
- (1) Pedestrian walks, ~~driveways~~, entrance guard boxes, flag poles, fences, screening walls, directional signs and similar appurtenant ~~uses, structures; and,~~
  - (2) Off-street parking areas and associated maneuvering areas not exceeding ten (10) per cent of the total area of the required front yard and subject to the off-street parking regulations of ~~s~~Section 2.0910.
  - (3) ~~Access cuts and d~~Driveways, provided they are not located within twenty (20) feet of a lot line abutting a ~~residential~~ Protected d~~District.~~
- b. Required side and rear yards may include:
- (1) Pedestrian walks, interior access driveways, entrance guard boxes, flag poles, fences, screening walls, directional signs and similar appurtenant ~~uses, structures; and,~~
  - (2) Off-street parking and loading areas, subject to the off-street parking and loading regulations of ~~s~~Section 2.0910.
  - (3) ~~Access cuts, Driveways and interior access drives,~~ interior access drives, provided they are not located within twenty (20) feet of a lot line abutting a ~~residential district.~~
- c. Required front, side or rear transitional yards:
- (1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
  - (2) shall not include parking or loading areas, interior access drives, or outdoor display or storage areas.
8. Maximum height of buildings and structures. Maximum vertical height of buildings and structures shall be thirty-five (35) feet. Forty (40) feet, subject to the exceptions noted in Section 2.00, A, 5.

Provided, however, along any required front, side or rear transitional yard setback line which is adjacent to a residential district, the maximum vertical height shall be:

- a. Twenty-two (22) feet; or,
- b. Thirty-five (35) Forty (40) feet if for each foot of height in excess of twenty-two (22) feet, to an absolute maximum height of thirty-five 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 2.13, Diagram A).
- Height Exceptions. The following exceptions to the height regulations shall be permitted:
- a. ~~Parapet walls not exceeding two (2) feet in height.~~
  - b. ~~Roof structures for the housing of elevators, stairways, air conditioning apparatus, roof water tanks, ventilating fans, sky lights, or similar equipment to operate and maintain the building.~~
  - c. ~~Chimneys, smokestacks, flag poles, radio and television antennas, and other similar structures.~~
  - d. ~~A monitor roof not exceeding twenty five (25) per cent of the total horizontal area of the roof.~~
- c. the height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

9. Signs. Signs and advertising devices sign structures shall comply with ~~†The s~~Sign †Regulations of Marion County, Indiana, 71-AO-4, as amended, section 2.10.

10. *Off-street parking.* Off-street parking facilities shall be provided in accordance with the off-street parking regulations of ~~s~~Section 2.0910.
11. *Off-street loading.* Off-street loading facilities shall be provided in accordance with the off-street loading regulations of ~~s~~Section 2.0910.
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 2.11.

G.

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 Four of the Municipal Code the Air Pollution Control Ordinance of the City of Indianapolis, Indiana. The standards and regulations noted in Chapter Four of the Municipal Code of the City of Indianapolis for the emission of smoke, particulate matter, or noxious or toxic gases a copy of which is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and which standards and regulations 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 (a copy of which is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and which standards 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 ~~Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; the Indiana Department of Environmental Management the Stream Pollution Control Board of the State of Indiana;~~ or in such a manner as to endanger the public health, safety or welfare; or cause injury to property.

Prior to ~~i~~Improvement ~~l~~Location ~~p~~Permit issuance for any industrial use:

- a. ~~P~~Plans and specifications for proposed sewage disposal facilities ~~therefore (unless a connection is being made to a public sewer),~~ and industrial waste treatment and disposal facilities, shall be submitted to and written approval obtained from:
  - (1) Construction of public facilities - the Stream Pollution Control Board of the State of Indiana and the Division of Public Health of Indiana Department of Environmental Management and the Health and Hospital Corporation of Marion County, Indiana City of Indianapolis, Division of Permits; 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 ~~Board of Sanitary Commissioners of Indianapolis, Indiana~~ City of Indianapolis, Division of Permits; and,
- c. plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the ~~Board of Sanitary Commissioners of Indianapolis Indiana, and/or a registered engineer~~ City of Indianapolis, Division of Permits.

Sec. 2.03 I-2-S. Light industrial suburban district regulations.

*Statement of purpose.* Note: 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 residential areas Protected Districts, and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a residential area Protected District and a heavier industrial area to serve as a buffer-zone.

A. PERMITTED I-2-S USES

~~The following uses shall be permitted in the I-2-S DISTRICT. All uses in the I-2-S DISTRICT shall conform to the I-2-S Development Standards (section 2.02, B hereof) and I-2-S Performance Standards (section 2.02, C hereof).~~

~~The following I-2-S uses may also include (as accessory or incidental uses thereto) any of the I-3-S DISTRICT uses specified in section 2.03, A, provided that:~~

- ~~a. Not more than twenty-five (25) percent of the gross floor area of the building(s) (excluding that used for offices and/or storage) is devoted to said I-3-S uses;~~
  - ~~b. Said I-3-S uses shall conform with all I-2-S 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.~~
- ~~1. Any I-1-S Use specified in section 2.01, A2, 3, 4, 5, 6, 7, 8, 9, or 10.~~
  - ~~2. Radio, facsimile and television towers, including broadcasting studios and radio or television business offices, as regulated in section 2.10, 8.~~
  - ~~3. Assembly operations of pre-manufactured parts, sub-assemblies or components.~~
  - ~~4. Assembly, repair and/or manufacturing of light component parts of products.~~
  - ~~5. Manufacture of non-alcoholic beverages, bottling of alcoholic and/or non-alcoholic beverages.~~
  - ~~6. Manufacture of office machinery, electrical and mechanical.~~
  - ~~7. Manufacture of light portable household appliances; electric hand tools; electrical components and sub-assemblies; electrical motors; electric and neon signs.~~
  - ~~8. Cloth products manufacturing from finished cloth.~~
  - ~~9. Milk processing; bottling and manufacturing of milk products.~~
  - ~~10. Jewelry manufacturing, engraving.~~
  - ~~11. Secondary food processing and packaging of food products initially processed off the premises.~~
  - ~~12. Leather products manufacturing from finished leather.~~
  - ~~13. Pharmaceutical, biological, medicine and cosmetic manufacturing.~~
  - ~~14. Manufacture of optical goods; recording instruments; phonograph records.~~
  - ~~15. Paper box and paper products manufacturing from finished paper.~~
  - ~~16. Warehousing and distribution operations, completely enclosed within a building.~~
  - ~~17. Upholstering shops, mattress manufacturing.~~
  - ~~18. Construction companies, contractors, and home remodeling companies, including storage of materials and equipment with accessory offices but not retail commercial activities.~~

B.

A. I-2-S Development standards.

1. Use.

- a. Enclosed operations. All operations, servicing or processing located within five hundred (500) feet of a residential 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 residential Protected District boundary shall be:
  - (1) within completely enclosed buildings, or
  - (2) effectively screened contained by a chain link, solid, lattice or similar type fence or wall, with ornamental, non-solid, or chain link or similar type entrance and exit gates. (Canvas may be attached to gates for effective screening.) The height of said fence or wall shall be at least six (6) feet and shall not exceed eight (8) ten (10) feet. Said fence or wall shall be surrounded by trees or an evergreen hedge or

a height not less than the height of said fence or wall, to be planted following the provisions for landscaping and screening of required transitional yards of Section 2.11, 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 2.13, 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 antennae. Towers or antennae shall be subject to the following regulations:*

- (1) There shall be no height limitation, except conformity with all requirements and limitations of the Airport District Zoning Ordinance of Marion County, Indiana, 94-AQ-2, as amended.
- (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 said street frontage.*

~~2. Required front yard, minimum setback.~~

~~a. A front yard, having at least seventy-five (75) feet width of frontage on a public street and having a minimum depth in accordance with the following setback requirements, shall be provided along the street right-of-way line.~~

~~No part of any structure (excluding an eave or cornice overhang not exceeding four (4) feet of a canopy at an entrance) shall be built closer to the centerline of the right-of-way of the following streets (as designated on the official Thoroughfare Plan of Marion County, Indiana) than:~~

- |   |  |
|---|--|
| <del>(1) Expressway:</del>  | <del>One hundred twenty (120) feet</del> |
| <del>(2) Primary thoroughfare or parkway:</del>   | <del>One hundred five (105) feet</del>   |
| <del>(3) Secondary thoroughfare</del>   | <del>Ninety-five (95) feet</del>         |
| <del>(4) or closer to the right-of-way line of all other streets (including but not limited to collector streets, local streets, cul-de-sacs and marginal access streets) than:</del> | <del>Fifty (50) feet</del>               |

~~No part of any structure shall be built closer to the right-of-way line of a street or highway designated as a Federal Interstate Route than sixty (60) feet, except:~~

- ~~(1) Front roads immediately paralleling Federal Interstate Routes (with a coinciding right-of-way boundary) shall be considered collector streets, requiring a front setback of fifty (50) feet from the right-of-way line of such front road, unless such front road is~~

designated otherwise on the official Thoroughfare Plan of Marion County, Indiana or on the recorded plat thereof as required by the Subdivision Control Ordinance of Marion County, Indiana.

~~(2) If side or rear lot lines coincide with a Federal Interstate Route right-of-way line, the required minimum side or rear setback for this district shall apply.~~

3. Required minimum front yards, minimum front setback. The setback requirements of Section 2.11, A, shall be provided along all street right-of-way lines, unless subject to the Established Setback provisions of Section 2.00, A, 3, b or c.

~~3. Required corner side yard minimum setback. In any case where the side lot line abuts a street right-of-way line, there shall be provided a corner side yard in which the setback of any structure shall comply with the MINIMUM FRONT SETBACK requirements of section 2.02, B 2, unless subject to the requirement for transitional yards of section 2.02, B 6.~~

4. Required minimum side yards, minimum side setbacks. A side yard and building setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided along each side lot line, unless subject to the additional transitional yard requirements of Section 2.03, A, 6 or 8.

Provided, however, if the side lot line abuts an active railroad operating right-of-way or railroad spur, the building shall be permitted to abut the railroad operating right-of-way, unless subject to the requirement for transitional yards of sSection 2.023, BA, 6.

5. Required minimum rear yard, minimum rear setback. A rear yard and building setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided along each side lot line unless subject to the additional transitional yard requirements of Section 2.03, A, 6 or 8.

Provided, however, if the rear lot line abuts an active railroad operating right-of-way or railroad spur, the building shall be permitted to abut railroad right-of-way, unless subject to requirement for transitional yards of sSection 2.023, BA, 6.

6. Required transitional yards, minimum setbacks. a. ~~MINIMUM FRONT, SIDE AND REAR YARDS AND 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 2.03, A, 7 or 8 in addition to the following requirements:

~~(4) a. Where a front lot line yard abuts faces a street residential district on the opposite side of which is a Protected District the street, a minimum required front transitional yard and setback of shall be provided 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 2.00, 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, in depth from the front lot line.~~

~~(2) b. Where a side or rear lot line abuts a side or rear lot line in an adjacent residential Protected dDistrict, a required side yard 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.~~

~~(3) Where a rear lot line abuts a side or rear lot line in an adjacent residential district, a rear yard and setback not less than fifty (50) feet in depth shall be provided along such rear lot line.~~

Provided, however, additional front, side and/ or rear setback distances for transitional yards, as specified in sSection 2.023, BA, 8, shall be required to permit building heights exceeding twenty-two (22) feet to a maximum height of ~~thirty five (35)~~ fifty (50) feet (See Section 2.13, Diagram A).

Exceptions:

- (1) Front, side or rear setback distances for transitional yards may be modified by utilizing the landscape performance standards of Section 2.11, E.
  - (2) The transitional yards requirements of Section 2.03, 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.
- b. ~~Screening and landscape—Where a side or rear lot line adjoins a residential district, a compact hedge, row of shrubbery or evergreen trees shall be provided along or within twenty (20) feet of such lot line, and not less than six (6) feet in height. Such hedge, shrubbery or row of trees shall extend the full length of said lot line—except that it shall be omitted between the front lot line and a point five (5) feet greater than the required or established building setback line of the adjacent residential district. Any ground area between such hedge, shrubbery or row of trees and the lot line shall be planted in grass and/or shrubbery, maintained in good condition, and kept free of litter. Exception: Such hedge, row of shrubbery or evergreen trees shall not be required if:~~
- (1) ~~The entire yard between the lot line and the building is landscaped with grass, trees and shrubbery or hedges. Non-vegetative materials not exceeding twenty-five (25) percent of the entire yard area may be used in combination with vegetation and structural or ornamental fixtures.~~
7. Use of required yards and required transitional yards. All required transitional yards shall be planted with grass or landscaped with other suitable ground cover materials, except: subject to the requirements of Section 2.11, E and shall remain as open space free from structures except where expressly permitted by this Ordinance.
- a. Required front yards may include:
    - (1) Pedestrian walks, driveways, entrance guard boxes, flag poles, fences, screening walls, directional signs and similar appurtenant uses, 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 sSection 2.0910.
    - (3) Access cuts and driveways, provided they are not located within twenty (20) feet of a lot line abutting a residential Protected dDistrict.
  - b. Required side and rear yards may include:
    - (1) Ppedestrian walks, interior access driveways, entrance guard boxes, flag poles, fences, screening walls, directional signs and similar appurtenant uses, structures, and,
    - (2) Off-street parking and loading areas, subject to the off-street parking and loading regulations of sSection 2.0910.
    - (3) Access cuts and driveways and interior access drives, provided they are not located within twenty (20) feet of a lot line abutting a residential district.
  - c. Required front, side or rear transitional yards:
    - (1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
    - (2) shall not include parking or loading areas, interior access drives, or outdoor display or storage areas.
8. Maximum height of buildings and structures. ~~Within five hundred (500) feet of any residential district, the maximum vertical height of buildings and structures shall be thirty-five (35) Fifty (50) feet, subject to the exceptions noted in Section 2.00, A, 5.~~

Provided, however, along any required front, side or rear transitional yard setback line which is adjacent to a residential district, the maximum vertical height shall be:

- a. Twenty-two (22) feet; or,
- b. ~~Thirty-five (35)~~ Fifty (50) feet if for each foot of height in excess of twenty-two (22) feet, to an absolute maximum height of ~~thirty-five (35)~~ fifty (50) feet, one (one) 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 2.13, Diagram A).

Height Exceptions. The following exceptions to the height regulations shall be permitted:

- a. ~~Parapet walls not exceeding two (2) feet in height.~~
  - b. ~~Roof structures for the housing of elevators, stairways, air conditioning apparatus, roof water tanks, ventilating fans, skylights, or similar equipment to operate and maintain the building.~~
  - c. ~~Chimneys, smokestacks, flag poles, radio and television antennas, and other similar structures.~~
  - d. ~~A monitor roof not exceeding twenty five (25) percent of the total horizontal area of the roof.~~
  - c. the height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
9. ~~Signs.~~ Signs and advertising devices sign structures shall comply with ~~the sSign rRegulations of Marion County, Indiana, 71-AO-4, as amended, section 2.10.~~
  10. Off-street parking. Off-street parking facilities shall be provided in accordance with the off-street parking regulations of ~~sSection 2.09~~ 10.
  11. Off-street loading. Off-street loading facilities shall be provided in accordance with the off-street loading regulations of ~~sSection 2.09~~ 10.
  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 2.11.

C.

B. I-2-S 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 ~~the Air Pollution Control Ordinance Chapter Four of the Municipal Code of the City of Indianapolis, Indiana. The standards and regulations noted in Chapter Four of the Municipal Code of the City of Indianapolis for the emission of smoke, particulate matter, or noxious or toxic gases, (a copy of which is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and which standards and regulations 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

July 22, 1996

~~storage, utilization or manufacture of all products or material (a copy of which is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and which standards are hereby incorporated by reference 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 ~~Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; the Indiana Department of Environmental Management; the Stream Pollution Control Board of the State of Indiana;~~ or in such a manner as to endanger the public health, safety or welfare, or cause injury to property.

Prior to ~~i~~Improvement ~~l~~Location ~~p~~Permit issuance for any industrial use:

- a. ~~P~~Plans and specifications for proposed sewage disposal facilities ~~therefor (unless a connection is being made to a public sewer), and industrial waste treatment and disposal facilities shall be submitted to and written approval obtained from:~~
- (1) ~~Construction of public facilities - the Stream Pollution Control Board of the State of Indiana and the Division of Public Health of Indiana Department of Environmental Management and the Health and Hospital Corporation of Marion County, Indiana City of Indianapolis, Division of Permits; 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 Board of Sanitary Commissioners of Indianapolis, Indiana City of Indianapolis, Division of Permits; and,~~
- c. ~~plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the Board of Sanitary Commissioners of Indianapolis, Indiana and/or a registered engineer City of Indianapolis, Division of Permits.~~

Sec. 2.04. I-3-S Medium industrial suburban district regulations.

*Statement of purpose:* ~~Note:~~ 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 residential areas Protected Districts and buffered by lighter industrial districts. Where this district abuts residential ~~d~~Protected Districts, setbacks are large and enclosure of activities and storage is required.

A. PERMITTED I-3-S USES

~~The following uses shall be permitted in the I-3-S DISTRICT. All uses in the I-3-S DISTRICT shall conform to the I-3-S Development Standards (section 2.03, B hereof) and I-3-S Performance Standards (section 2.03, C hereof).~~

~~The following I-3-S uses may also include (as accessory or incidental uses thereto) any of the I-4-S District uses specified in section 2.04, A provided that:~~

- ~~(a) Not more than twenty five (25) percent of the gross floor area of the building(s) (excluding that used for offices and/or storage) is devoted to said I-4-S uses;~~
- ~~(b) said I-4-S uses shall conform with all I-3-S Development and Performance Standards; and~~
- ~~(c) adequate operational techniques and safeguards shall be employed to insure performance control noise, vibration, odor, glare, and heat to achieve operational characteristics consistent with medium industry.~~
  1. ~~Any use permitted in the i-2-s district.~~
  2. ~~Manufacture and assembly of marine equipment.~~
  3. ~~Canning, bottling, processing, and packaging of food. (Does not include slaughtering of animals or fowl.)~~
  4. ~~Can and container manufacturing.~~
  5. ~~Coffee roasting.~~
  6. ~~Cabinet manufacturing, furniture manufacturing.~~
  7. ~~Manufacture and assembly of major electric and/or gas household appliances.~~

- ~~8. Manufacture of colors, dye, paint and other coatings, excluding tar products.~~
- ~~9. Manufacture and assembly of communication equipment.~~
- ~~10. Electroplating operations.~~
- ~~11. Manufacture of tools and implements, machinery and machinery components.~~
- ~~12. Manufacture of oleomargarine.~~
- ~~13. Manufacture and assembly of office equipment.~~
- ~~14. Manufacture of musical instruments.~~
- ~~15. Stamping and fabricating metal shops using press, brakes and rolls.~~
- ~~16. Manufacture of malt products; brewing, distillation of liquor and spirits.~~
- ~~17. Machine, welding, tool and die shops.~~
- ~~18. Thermal, electric, steam and/or atomic power plants.~~
- ~~19. Manufacture of glass and glass products.~~
- ~~20. Motor truck terminals less than ten (10) acres in total area and subject to the regulations of section 2.11, b, 3.~~
- ~~21. Paper manufacturing.~~
- ~~22. Granaries, grain processing, starch manufacture.~~

A. *1-3-S Development standards.*

1. *Use.*

- a. Enclosed operations. All operations, servicing or processing located within five hundred (500) feet of a residential ~~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 residential ~~Protected~~ District boundary shall be:
  - (1) within completely enclosed buildings, or
  - (2) effectively ~~screened~~ contained by a chain link, solid, lattice or similar type fence or wall, (with ornamental, non-solid, chain link or ~~solid gates similar type entrance and exit gates~~). (Canvas may be attached to gates for effective screening.) The height of said fence or wall shall be at least six (6) feet and shall not exceed ~~(8)~~ ten (10) feet. Said fence or wall shall be surrounded 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 2.11, E, 2. The storage of materials or products within the enclosure may not exceed the height ~~thereof 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 2.13, 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 antennae. Towers or antennae shall be subject to the following regulations:

(1) There shall be no height limitation, except conformity with all requirements and limitations of the Airport District Zoning Ordinance of Marion County, Indiana, 94-AO-2, as amended.

(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 said street frontage.

2. Required front yard, minimum setback.—A front yard, having at least seventy-five (75) feet width of

frontage on a public street and having a minimum depth in accordance with the following setback requirements, shall be provided along the street right-of-way line. No part of any structure (excluding an eave or cornice overhang not exceeding four (4) feet or a canopy at an entrance) shall be built closer to the centerline of the right-of-way of the following streets (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than:

- |                                      |                               |
|--------------------------------------|-------------------------------|
| (1) Expressway:                      | One hundred twenty (120) feet |
| (2) Primary thoroughfare or parkway: | One hundred five (105) feet   |
| (3) Secondary thoroughfare:          | Ninety-five feet              |

(4) or closer to the right-of-way line of all other street (including but not limited to collector streets, local streets, cul-de-sacs and marginal access streets) than: Fifty (50) feet  
No part of any structure shall be built closer to the right-of-way line of a street or highway designated as a Federal Interstate Route than sixty (60) feet, except:

- (1) Front roads immediately paralleling Federal Interstate Routes (with a coinciding right-of-way boundary) shall be considered collector streets requiring a front setback of (50) feet from the right-of-way line of such front road, unless such front road is designated otherwise on the official Thoroughfare Plan of Marion County, Indiana, or on the recorded plat thereof as required by the Subdivision Control Ordinance of Marion County, Indiana.
- (2) If side or rear lot lines coincide with a Federal Interstate Route right-of-way line, the required minimum side or rear setback for this district shall apply.

3. Required minimum front yards, minimum front setback. The setback requirements of Section 2.11, A, shall be provided along all street right-of-way lines, unless subject to the Established Setback provisions of Section 2.00, A, 3, b or c.

3. Required corner side yard setback.—In any case where the side lot line abut a street right-of-way line, there shall be provided a corner side yard in which the setback of any structure shall comply with the minimum front setback requirements of section 2.03, B 2, unless subject to the requirements for transitional yards of section 2.03, B 6.

4. Required minimum side yards, minimum side setbacks. A side yard and building setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided along each side lot line, unless subject to the additional transitional yard requirements of Section 2.04, A, 6 or 8.

Provided, however, if the side lot line abuts an active railroad operating right-of-way or railroad spur, the building shall be permitted to abut the railroad operating right-of-way, unless subject to the requirement for transitional yards of Section 2.04, B, 6.

5. ~~Required minimum rear yard; minimum rear setback. A rear yard and building setback of not less than thirty, (30) feet in depth, measured from and paralleling the lot line, shall be provided along each rear lot line, unless subject to the additional transitional yard requirements of Section 2.04, A, 6 or 8.~~

Provided, however, if the rear lot line abuts an active railroad ~~operating~~ right-of-way or railroad spur, the building shall be permitted to abut the railroad ~~operating~~ right-of-way, unless subject to the requirement for transitional yards of Section 2.034, ~~BA~~, 6.

6. ~~Required transitional yards, minimum setbacks.~~

a. ~~Minimum front, side and rear yards and 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 2.04, A, 7 and 8 in addition to the following requirements:

- a. Where a front lot line yard abuts faces a street residential district on the opposite side of which is a Protected District ~~the street~~, a minimum required front transitional yard and setback ~~of shall be provided~~ 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 2.00, 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, in depth from the front line.
- (2) b. Where a side or rear lot line abuts a side or rear lot line in an adjacent residential Protected dDistrict, a required side yard 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.
- (3) ~~Where a rear lot line abuts a side or rear lot line in adjacent residential district, a rear yard and setback not less than one hundred (100) feet in depth shall be provided along such rear lot line.~~

Provided, however, additional front, side and/or rear setback distances for transitional yards, as specified in ~~s~~Section 2.04, ~~BA~~, 8, shall be required to permit building heights exceeding thirty-five (35) feet ~~(to a maximum height of fifty (50) feet (See Section 2.13, Diagram A).~~

Exceptions:

- (1) Front, side or rear setback distances for transitional yards may be modified by utilizing the landscape performance standards of Section 2.11, E.
- (2) The transitional yard requirements of Section 2.04, 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.

- b. Screening and landscaping

~~Where a side or rear lot line adjoins a residential district, a compact hedge, row of shrubbery or evergreen trees shall be provided along or within twenty (20) feet of such lot line, and be not less than six (6) feet in height. such hedge, shrubbery or row of trees shall be extend the full length of said lot line — except that it shall be omitted between the front lot line and a point five (5) feet greater than the required or established building setback line of the adjacent residential or business district. Any ground area between such hedge, shrubbery or row of trees and the lot line shall be planted in grass and/or shrubbery, maintained in good condition and kept free of litter.~~

~~Exception: Such hedge, row of shrubbery or evergreen trees shall not be required if:~~

- (1) ~~The entire yard between the lot line and the building is landscaped with grass, trees, and shrubbery or hedges. Nonvegetative materials not exceeding twenty five (25) percent of the entire yard area may be used in combination with vegetation and structural or ornamental fixtures;~~

7. *Use of required yards and required transitional yards.* All required transitional yards shall be ~~planted with grass or landscaped with other suitable ground cover material except~~ subject to the requirements of Section 2.11, E and shall remain as open space free from structures except where expressly permitted by this ordinance.

a. Required front yards may include:

- (1) ~~Pedestrian walks, driveways, entrance guard boxes, flag poles, fences, screening walls, directional signs and similar appurtenant uses, 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 sSection 2.10.~~
- (3) ~~Access cuts and dDriveways, provided they are not located within twenty (20) feet of a lot line abutting a residential Protected dDistrict.~~

b. Required side and rear yards may include:

- (1) ~~Ppedestrian walks, interior access driveways, entrance guard boxes, flag poles, fences, screening walls, directional signs and similar appurtenant uses, structures; and,~~
- (2) ~~Off-street parking and loading areas, subject to the off-street parking and loading regulations of sSection 2.0910.~~
- (3) ~~Access cuts Driveways and interior access drives, provided they are not located within twenty (20) feet of a lot line abutting a residential district.~~

c. Required front, side or rear transitional yards:

- (1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
- (2) shall not include parking or loading areas, interior access drives, or outdoor display or storage areas.

8. *Maximum height of buildings and structures.* ~~Within five hundred (500) feet of any Protected District, the maximum vertical height of buildings and structures shall be fifty (50) feet.~~

~~Provided, however, a~~ Along any required front, side, or rear transitional yard setback line which is adjacent to a Protected District, the maximum vertical height shall be:

- (1) ~~a.~~ Thirty-five (35) feet; or
- (2) ~~b.~~ Fifty (50) feet if fFor each foot of height in excess of thirty-five (35) 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 thirty-five (35) feet (See Section 2.13, Diagram A).

Subsections a. and b. above are subject to the exceptions noted in Section 2.00 A, 5.

~~Height exception: The following exceptions to the above height regulations shall be permitted:~~

- a. ~~Parapet walls not exceeding two (2) feet in height.~~
- b. ~~Roof structures for the housing of elevator stairways, air conditioning apparatus, roof water tanks, ventilating fans, sky lights, or similar equipment to operate and maintain the building.~~
- c. ~~Chimneys, smokestacks, flag poles, radio and television antennas, and other similar structures.~~

- d. ~~A monitor roof not exceeding twenty five (25) percent of the total horizontal areas of the roof.~~
  - c. the height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana 71-AO-4, as amended.
9. ~~Signs. Signs and advertising devices~~ sign structures shall comply with ~~the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended, section 2.10.~~
  10. *Off-street parking.* Off-street parking facilities shall be provided in accordance with the off-street parking regulations of ~~s~~Section 2.0910.
  11. *Off-street loading.* Off-street loading facilities shall be provided in accordance with the off-street loading regulations of ~~s~~Section 2.0910.
  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 2.11.
- C. B. I-3-S 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 ~~the Air Pollution Control Ordinance Chapter Four of the Municipal Code of the City of Indianapolis, Indiana. The standards and regulations noted in Chapter Four of the Municipal Code of the City of Indianapolis for the emission of smoke, particulate matter, or noxious or toxic gases, (a copy of which is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and which standards and regulations 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 material (a copy of which is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and which standards 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 ~~Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; the Stream Pollution Control Board of the State of Indiana~~ 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 ~~i~~Improvement ~~i~~Location ~~p~~Permit issuance for any industrial use:
- (a) a. plans and specifications for proposed sewage disposal facilities ~~therefore (unless a connection is being made to a public sewer),~~ and industrial waste treatment and disposal facilities, shall be submitted to and written approval obtained from:

July 22, 1996

- (1) ~~Construction of public facilities - the Stream Pollution Control Board of the State of Indiana and the Division of Public Health of Indiana Department of Environmental Management and the Health and Hospital Corporation of Marion County, Indiana City of Indianapolis, Division of Permits; or,~~
  - (2) ~~Private sewage disposal systems - the Indiana State Board of Health and the Health and Hospital Corporation of Marion County, Indiana;~~
- (b) ~~b.~~ written approval of proposed connection to a public sewer shall be obtained from the ~~Board of Sanitary Commissioners of Indianapolis, Indiana City of Indianapolis, Division of Permits; and,~~
- (e) ~~c.~~ plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the ~~Board of Sanitary Commissioners of Indianapolis, Indiana and/or a registered engineer City of Indianapolis, Division of Permits.~~

Sec 2.05 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 residential areas Protected Districts and buffered by intervening lighter industrial districts.

- (1) ~~PERMITTED I-4-S USES~~ The following uses shall be permitted in the I-4-S DISTRICT. All uses in the I-4-S DISTRICT shall conform to the I-4-S Development Standards (section 2.04, B) and I-4-S Performance Standards (section 2.04, B hereof).
1. ~~Any use permitted in the I-3-S District.~~
  2. ~~Creosote manufacturing and treatment.~~
  3. ~~Bulk storage of petroleum products.~~
  4. ~~Boiler tank manufacturing; structural steel fabricating.~~
  5. ~~Manufacture of detergents and soaps.~~
  6. ~~Foundries~~
  7. ~~Railroad equipment manufacturing, repair and servicing.~~
  8. ~~Processing or forest products such as, but not limited to, veneer mills, planing mills and saw mills.~~
  9. ~~Utility pole yards and pipe yards.~~
  10. ~~Motor truck terminals subject to the regulations of section 2.11, B, 3.~~
- (2) ~~I-4-S uses permitted by special exception. In addition, the following uses shall be permitted in the I-4-S District by Special exception only, upon issuance of a Special exception permit therefore by the Metropolitan Board of Zoning Appeals as set forth in section 2.11, A, 1. These uses shall conform to the I-4-S Development Standards (section 2.04, B hereof); I-4-S Performance Standards (section 2.04, C hereof); all requirements set forth in section 2.11, A, 1 and all conditions attached to the grant of such Permit by the Metropolitan Board of Zoning Appeals— in case on conflict, the more restrictive standards or requirements to control.~~
1. ~~Cement, lime and gypsum manufacturing. (Special exception permit required.)~~
  2. ~~Oil processing, refining and manufacturing. (Special exception permit required.)~~
  3. ~~Open hearths and blast furnaces. (Special exception permit required.)~~
  4. ~~Coke ovens. (Special exception permit required.)~~
  5. ~~Fat rendering and fertilizer manufacturing. (Special exception permit required.)~~
  6. ~~Leather curing and tanning. (Special exception permit required.)~~
  7. ~~Tar, tar paper and tar products manufacturing and processing. (Special exception permit required.)~~
  8. ~~Slaughtering and allied food processing. (Special exception permit required.)~~
  9. ~~Manufacture of explosives, matches, and fireworks, subject to the requirements of section 2.11, 3. (Special exception permit required.)~~
  10. ~~Concrete mixing; production of concrete blocks and shapes, cinder blocks and other similar building materials manufacture. (Special exception permit required.)~~
  11. ~~Stock yards for shipping, holding and the sale of animals. (Special exception permit required.)~~

- ~~12. Production of emulsified asphalt and preparation of asphaltic concrete paving material. (Special exception permit required.)~~
- ~~13. manufacture of chemicals and gases. (Special exception permit required.)~~
- ~~14. sand, gravel or aggregate washing, screening or processing (not including mining or dredging). (Special exception permit required.)~~

B.

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 total gross floor area of enclosed structures and buildings. lot area, provided, however, outside operations and storage shall not be permitted within any required yard or required transitional yard (see Section 2.13, Diagram I).

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

(2) all said equipment and storage shall, at all times, be effectively screened by the fencing and buffer planting required by Section 2.05, A, 6 and Section 2.11, E.

(3) Trash containers. Within one hundred (100) feet, measured in any direction (see Section 2.13, 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 antennae. Towers or antennae shall be subject to the following regulations:

(1) There shall be no height limitation, except conformity with all requirements and limitations of the Airport District Zoning Ordinance of Marion County, Indiana, 94-AQ-2, as amended.

(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 said street frontage.

2. ~~Required front yard, minimum setback—A front yard, having at least seventy-five (75) feet width of frontage on a public street and having a minimum depth in accordance with the following setback requirements, shall be provided along the street right-of-way. No part of~~

any structure (excluding an eave or cornice overhang not exceeding four (4) feet or a canopy at an entrance) shall be built closer to the centerline of the right-of-way of the following streets (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than:

- (1) Expressway: One hundred twenty (120) feet
- (2) Primary thoroughfare or parkway: One hundred five (105) feet
- (3) Secondary thoroughfare: Ninety-five feet
- (4) or closer to the right-of-way line of all other street (including but not limited to collector streets, local streets, cul-de-sacs and marginal access streets) than: Fifty (50) feet

No part of any structure shall be built closer to the right-of-way line of a street or highway designated as a Federal Interstate Route than sixty (60) feet, except:

- (1) Front roads immediately paralleling Federal Interstate Routes (with a coinciding right-of-way boundary) shall be considered collector streets requiring a front setback of (50) feet from the right-of-way line of such front road, unless such front road is designated otherwise on the official Thoroughfare Plan of Marion County, Indiana, or on the recorded plat thereof as required by the Subdivision Control Ordinance of Marion County, Indiana.
- (2) If side or rear lot lines coincide with a Federal Interstate Route right-of-way line, the required minimum side or rear setback for this district shall apply.

3. Required minimum front yards, minimum front setback. The setback requirements of Section 2.11, A, shall be provided along all street right-of-way lines, unless subject to the Established Setback provisions of Section 2.00, A, 3, b or c.

3. Required corner side yard, minimum setback. In any case where the side lot line abuts a street right-of-way line, there shall be provided a corner side yard in which the minimum front setback requirements of section 2.04, B, 2, unless subject to the requirement for transitional yards of section 2.04, B 6.

4. Required minimum side yards, minimum side setbacks. A side yard and building setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided along each side lot line, unless subject to the additional transitional yard requirements of Section 2.05, A, 6 or 8.

Provided, however, if the side lot line abuts an active railroad operating right-of-way or railroad spur, the building shall be permitted to abut the railroad operating right-of-way, unless subject to the requirement for transitional yards of Section 2.05, BA, 6.

5. Required minimum rear yard, minimum rear setback. A rear yard and building setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided along the rear lot line, unless subject to the additional transitional yard requirements of Section 2.05, A, 6 or 8.

Provided, however, if the rear lot line abuts an active railroad operating 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 2.05, BA, 6.

6. Required transitional yards, minimum setbacks. a. Minimum front, side and rear yards and 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 2.05, A, 7 and 8 in addition to the following requirements:

a. Where a front lot line yard abuts faces a street residential district on the opposite side of which is a Protected District the street, a minimum required front transitional yard and setback of shall be provided 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 2.00, 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, in depth from the front line.

(2) b. Where a side or rear lot line abuts a side or rear lot line in an adjacent residential Protected District, a required side or rear transitional yard and setback of not less than

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

- (3) ~~Where a rear lot abuts a side or rear lot line in an adjacent residential district, a side yard and setback not less than one hundred fifty (150) feet in depth shall be provided along such rear lot line.~~

Exceptions:

- (1) Side or rear setback distances for transitional yards may be modified by utilizing the landscape performance standards of Section 2.11, E.
- (2) The transitional yard requirements of Section 2.05, 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.

- b. ~~SCREENING AND LANDSCAPING Where a side or rear lot line adjoins a residential district, a compact hedge, row of shrubbery or evergreen trees shall be provided along or within twenty (20) feet of such lot lines, and not less than six (6) feet in height. Such hedge, shrubbery or row of trees shall extend the full length of said lot line except that it shall be omitted between the front lot line and a point five (5) feet greater than the required or established building setback line of the adjacent residential district. Any ground area between such hedge, shrubbery or row of trees and the lot line shall be planted in grass and/or shrubbery, maintained in good condition, and kept free of litter. Exception: Such hedge, row of shrubbery or evergreen trees shall not be required if:~~
- (1) ~~The entire yard between the lot line and the building is landscaped with grass, trees, and shrubbery or hedges. Nonvegetative materials not exceeding twenty-five (25) percent of the entire yard area may be used in combination with vegetation and structural or ornamental fixtures.~~

7. Use of required yards and required transitional yards. All required transitional yards shall be planted with grass or landscaped with other suitable ground cover material except: subject to the requirements of Section 2.11, E and shall remain as open space free from structures except where expressly permitted by this ordinance.

a. Required front yards may include:

- (1) Pedestrian walks, driveways, entrance guard boxes, flag poles, fences, screening walls directional signs and similar appurtenant uses. 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 sSection 2.0910.
- (3) Access cuts and dDriveways, provided they are not located within twenty (20) thirty (30) feet of a lot line abutting a residential Protected dDistrict.

b. Required side and rear yards may include:

- (1) Ppedestrian walks, interior access driveways, entrance guard boxes, flag poles, fences, screening walls directional signs and similar appurtenant uses. structures; and,
- (2) Off-street parking and loading areas, subject to the off-street parking and loading regulations of sSection 2.0910.
- (3) Access cuts and dDriveways and interior access drives, provided they are not located within twenty (20) feet of a lot line abutting a residential district.

c. Required front, side or rear transitional yards:

- (1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
  - (2) shall not include parking or loading areas, interior access drives, or outdoor display or storage areas.
8. Maximum height of buildings and structures. ~~Within one thousand (1000) feet of any residential district, the maximum vertical height of buildings and structures shall be fifty (50) feet. Height Exceptions: The following exception to the above height regulations shall be permitted:~~
- (a) ~~parapet walls not exceeding two (2) feet in height.~~
  - (b) ~~roof structures for the housing of elevators, stairways, air conditioning apparatus, roof water tanks, ventilating fans, sky lights, similar equipment to operate and maintain the building.~~
  - (c) ~~Chimneys, smokestacks, flag poles, radio and television antennas, and other similar structures.~~
  - (d) ~~A monitor roof not exceeding twenty five (25) percent of the total horizontal area of the roof.~~

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 2.13, Diagram A).
- c. Subsection a. and b. above are subject to the exceptions noted in Section 2.00, A, 5.

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

9. Signs. ~~Signs and advertising devices sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended, section 2.10.~~
10. Off-street parking. ~~Off-street parking facilities shall be provided in accordance with the off-street parking regulations of Section 2.0910.~~
11. Off-street loading. ~~Off-street loading facilities shall be provided in accordance with the off-street loading regulations of Section 2.0910.~~
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 2.11.~~

C.

B. I-4-S 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 the Air Pollution Control Ordinance-Chapter Four of the Municipal Code of the City of Indianapolis, Indiana. The standards and regulations noted in Chapter Four of the Municipal Code of the City of Indianapolis for the emission of smoke, particulate matter, or noxious or toxic gases (a copy of which is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and which standards and regulations 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 (a copy of which is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and which standards 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 ~~Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; the Indiana Department of Environmental Management the Stream Pollution Control Board of the State of Indiana;~~ 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 ~~therefore (unless a connection is being made to a public sewer),~~ and industrial waste treatment and disposal facilities shall be submitted to and written approval obtained from:
  - (1) ~~Construction of public facilities - the Stream Pollution Control Board of the State of Indiana and the Division of Public Health of Indiana Department of Environmental Management and the Health and Hospital Corporation of Marion County, Indiana City of Indianapolis, Division of Permits; and 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 ~~Board of Sanitary Commissioners of Indianapolis, Indiana City of Indianapolis, Division of Permits; and,~~
- c. plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the ~~Board of Sanitary Commissioners of Indianapolis, Indiana and/or a registered engineer City of Indianapolis, Division of Permits.~~

~~Sec. 2.04A1-5-S Heavy industrial (outside storage) suburban district regulations~~

~~Note: This district is designed for certain heavy industrial uses requiring outside operations and storage area, which are typically characterized by certain appearance factors, requiring buffering by sufficient area and adequate screening to minimize any detrimental or unsightly aspects. The development standards and performance standards reflect the recognition of these problems. This district shall be removed as far as possible from residential areas and buffered by intervening lighter industrial districts.~~

~~A. Permitted I-5-S Uses.~~

~~The following uses shall be permitted in the I-5-S DISTRICT. All uses in the I-5-S DISTRICT shall conform to the I-5-S Development Standards (section 2.04a, B hereof) and I-5-S Performance Standards (section 2.04a, C hereof).~~

1. ~~Scrap metal, junk or salvage storage, open or enclosed, including auto wrecking, or similar uses.~~
2. ~~Concrete mixing; production of concrete blocks and shapes, cinder blocks and other similar building materials manufacture.~~
3. ~~Lumber yards.~~
4. ~~Any similar use requiring outside storage.~~
5. ~~Any use permitted in the I-4-S district. Provided, however, additional I-4-S uses of section 2.04, A(2) shall be permitted in the I-5-S District by Special exception only.~~

~~B. I-5-S Development standards~~

1. ~~Use~~—Outside operations and storage area limitation. In no case shall the total area of outside operations and storage exceed eighty (80) percent of the total lot area.
2. ~~Required front yard minimum setback.~~—A front yard, having at least fifty-five (55) feet width of frontage on a public street and having a minimum depth in accordance with the following setback requirements, shall be provided along the street right-of-way line.

No part of any structure (excluding an eave or cornice overhang not exceeding four (4) feet or a canopy at an entrance) or outside storage operations shall be built or located closer to the centerline of the right-of-way of the following streets (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than:

- |   |                               |
|---|-------------------------------|
| (1) Expressway:   | One hundred twenty (120) feet |
| (2) Primary thoroughfare or parkway:  | One hundred five (105) feet   |
| (3) Secondary thoroughfare:   | Ninety-five (95) feet         |
| (4) or closer to the right-of-way line of all other street (including but not limited to collector streets, local streets, cul-de-sacs and marginal access streets) than: | Fifty (50) feet               |

No part of any structure or outside storage operations shall be built or located closer to the right-of-way line of a street or highway designated as a Federal Interstate Route than sixty (60) feet, except:

- (1) Front roads immediately paralleling Federal Interstate Routes (with a coinciding right-of-way boundary) shall be considered collector streets, requiring a front setback of fifty (50) feet from the right-of-way line of such front road, unless such road is designated otherwise on the Official Thoroughfare Plan of Marion County, Indiana, or on the recorded plat thereof as required by the Subdivision Control Ordinance of Marion County, Indiana.
  - (2) If side or rear lot lines coincide with a Federal Interstate Route right-of-way line, the required minimum side or rear setback for this district shall apply.
3. ~~Required corner side yard, minimum setback.~~—In any case where the side lot line abuts a street right-of-way line, there shall be provided a corner side yard in which the setback of any structure or outside storage shall comply with the minimum front setback requirements of section 2.04a, B-2.
  4. ~~Required minimum setback.~~—A side yard and setback of not less than thirty (30) feet inside yards, depth shall be provided along each side lot line. Provided, however, if the side lot line abuts a railroad operating right-of-way, the building shall be permitted to abut the railroad operating right-of-way.
  5. ~~Required rear yard, minimum setback.~~—A rear yard and setback of not less than thirty (30) feet in depth shall be provided along the rear lot line.
  6. ~~Screening and landscaping.~~
    - a. ~~Fencing.~~ The entire outside operation and storage shall be enclosed with solid wall or fence, at least 6 feet in height and located at least 30 feet from all lot lines.
    - b. ~~Buffer strip.~~ A buffer planting strip, at least 30 feet in depth, shall be provided and maintained between the lot lines and the above required fencing, enclosing the entire outside operation and storage area. Such buffer planting strip shall include a compact hedge, row of shrubbery or evergreen trees extending the full length of said required buffer strip. Said hedge, shrubbery and trees shall be at least six (6) feet in height or of such additional height necessary to effectively screen from view (at every point along the lot lines) all materials stored and outside operations. Any ground area between such hedge, shrubbery or row of trees and the lot lines shall be planted in grass, other suitable ground cover, and/or shrubbery, maintained in good condition, and kept free of litter.
  7. ~~Use of required yards.~~—All required yards shall be planted with grass or landscaped with other suitable ground cover materials except:
    - a. Required front yards may include:
      - (1) Pedestrian walks, driveways, entrance guard boxes, flag poles, directional signs and similar appurtenant uses.
      - (2) Access cuts and drives, provided they are not located within thirty (30) feet of a lot line.
    - b. Required side and rear yards may include:
      - (1) Pedestrian walks, driveways, entrance guard boxes, flag poles, directional signs and similar appurtenant uses.
      - (2) Off-street parking subject to the off-street parking regulations of section 2.09.
      - (3) Access cuts and drives, provided they are not located within thirty (30) feet of a lot line.

8. ~~Height restrictions.~~—The maximum vertical height of buildings and structures shall be fifty (50) feet.

~~Height exceptions.~~—The following exceptions to the above height regulations shall be permitted;

- (a) ~~Parapet walls not exceeding two (2) feet in height.~~
- (b) ~~Roof structures for the housing of elevators, water tanks, ventilating fans, sky lights, or~~
- (c) ~~Chimneys, smokestacks, flag poles, radio and television antennas, and other similar structures.~~
- (d) ~~A monitor roof not exceeding twenty five (25) percent of the total horizontal area of the roof.~~

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

~~Provided, however; All said equipment and storage shall, at all times, be effectively screened by the fencing and buffer planting required by section 2.04a, B6 and the permitted height of such equipment and storage shall at all times be limited to a height so screened.~~

9. ~~Signs~~—Signs and advertising devices shall comply with the sign regulations of section 2.10. ~~Provided, however, no sign or other identification or advertising device shall be located on attached to the wall or fence required by section 2.04a, B6a.~~

10. ~~Off street parking~~—Off street parking facilities shall be provided in accordance with the off street parking regulations of section 2.09.

11. ~~Off street loading~~—Off street loading facilities shall be provided in accordance with the off street loading regulations of section 2.09.

C. ~~1-5-S 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 the Air Pollution Control Ordinance of the City of Indianapolis, Indiana (a copy which is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and which standards and regulations 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 (a copy of which is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and which standards 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 Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; the Stream Pollution Control Board of the State of Indiana; 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 therefore (unless a connection is being made to a public sewer), and industrial waste treatment and disposal facilities shall be submitted to and written approval obtained from the Stream Pollution Control Board of the State of Indiana and the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana;~~

b. ~~written approval of proposed connection to a public sewer shall be obtained from the Board of Sanitary Commissioners of Indianapolis, Indiana; and~~

c. ~~plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the Board of Sanitary Commissioners of Indianapolis, Indiana and/or a registered engineer.~~

Sec 2.056 I-1-U Restricted industrial urban district Regulations

Statement of purpose: ~~Note-~~ This district is ~~designed~~ 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. Permitted I-1-U Uses

~~The following uses shall be permitted in the I-1-U DISTRICT. All Uses in the I-1-U DISTRICT shall conform to the I-1-U Development Standards (section 2.05, B hereof) and I-1-U Performance Standards (section 2.05, C hereof).~~

- ~~1. Any industrial manufacturing, processing, refining, fabricating, assembling, wholesaling, cleaning, testing, or repairing of goods, materials, or products, (not including: (1) storage, utilization, or manufacture of materials intended for detonation except by special permission as set forth in section 2.11, A, 1 and 6; (2) motor truck terminals; (3) retail sales or services, business offices or discount establishments dealing directly with the consumer except as provided for in section I-1-U, A7).~~
- ~~2. Engineering or research laboratories; industrial schools or training facilities; data processing or analysis.~~
- ~~3. Agricultural buildings, structures and uses, including associated dwelling structures.~~
- ~~4. Railroad or other mass transportation rights-of-way and trackage, including railroad passenger station, off-street turn-around, layover areas for transit vehicles, shelter stations and off-street parking facilities, provided such uses (except operating right-of-way) do not extend within twenty (20) feet of a residential district boundary.~~
- ~~5. Landing pads and stations for helicopters; vertical take-off helipads or helicopter aircraft, as regulated in section 2.11, B, 1 (including facilities for maintenance of helicopters and accessory uses therefore).~~
- ~~6. Temporary structures incidental to the development of land or to the erection of structures, provided said temporary structures shall be removed at the termination of development or construction.~~
- ~~7. Offices, incidental and accessory to a permitted industrial use, attached or detached, and including service facilities for employees or guests. Provided and service facilities shall be wholly within a building and shall have no exterior advertising display (other than identification or directional signs as provided in section 2.10, 3).~~
- ~~8. Accessory utility structures or facilities~~
- ~~9. Accessory recreation areas, indoor and outdoor, provided primarily for the convenience and use of employees of a specific industry or an industrial area as a whole.~~
- ~~10. SIGNS, as regulated by Section 2.10.~~

B.

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 screened contained by a chain link, solid, lattice or similar type fence or wall, with ornamental, non-solid, or chain link or similar type entrance and exit gates. (Canvas may be attached to gates for effective screening.) The height of said fence or wall shall be at least six (6) feet and shall not exceed eight (8) ten (10) feet. Said fence or wall shall be surrounded by trees or an evergreen hedge of a height not less than the height of said fence or wall, to be planted following the provisions for landscaping and screening or required transitional yards of Section

2.11, 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 2.13, 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 said street frontage.

~~2. REQUIRED FRONT YARD MINIMUM SETBACK~~ A front yard, having at least fifty five (55) feet width of of frontage on a public street and having a minimum depth in accordance with the following setback requirements, shall be provided along the street right-of-way line. No part of any structure (excluding an eave or cornice at an entrance) shall be built closer to the centerline of the right of way of the following streets (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than:

- |  |                               |
|--|-------------------------------|
| (1) Expressway:  | One hundred twenty (120) feet |
| (2) Primary thoroughfare or parkway:   | One hundred five (105) feet   |
| (3) Secondary thoroughfare   | Ninety five (95) feet         |
| (4) or closer to the right way line of all other streets (including but not limited to collector streets, local streets, cul de sacs, and marginal access streets) than: | Twenty (20) feet              |

No part of any structure shall be built closer to the right of way line of a street or highway designated as a Federal Interstate Route than sixty (60) feet, except:

- (1) Front roads immediately paralleling Federal Interstate Routes (with a coinciding right of way boundary) shall be considered collector streets, requiring a front setback of twenty (20) feet from the right of way line of such front road, unless such front road is designated otherwise on the Official Thoroughfare Plan of Marion County, Indiana, or on the recorded plat thereof as required by the Subdivision Control Ordinance of Marion County, Indiana.
- (2) If side or rear lot lines coincide with a Federal Interstate Route right of way line, the required minimum side or rear setback for this district shall apply.

3. Required minimum front yards, minimum front setback. The setback requirements of Section 2.11, A, shall be provided along all street right-of-way lines unless subject to the Established Setback provisions of Section 2.00, A, 3, b or c.

~~3. Required corner side yard, minimum setback.~~ In any case where the side lot line abuts a street right-of-way line, there shall be provided a corner side yard in which the setback of any structure shall comply with the MINIMUM FRONT SETBACK requirements

of section 2.05, B 2, unless subject to the requirement for transitional yards of section 2.05, B 6.

4. Required minimum side yards, minimum side setbacks. A side yard and building setback of not less than ~~ten (10) twenty (20)~~ feet in depth, measured from and paralleling the lot line, shall be provided along each side lot line, unless subject to the additional transitional yard requirements of Section 2.06, A, 6 or 8. Provided, however, if the side lot line abuts an active railroad operating right-of-way or railroad spur, the building shall be permitted to abut the railroad operating right-of-way, unless subject to the requirement for transitional yards of Section 2.056, B A, 6.
5. Required minimum rear yard, minimum rear setback. A rear yard and building setback of not less than ~~ten (10) twenty (20)~~ feet in depth, measured from and paralleling the lot line, shall be provided along the rear lot line, unless subject to the additional transitional yard requirements of Section 2.06, A, 6 or 8. Provided, however, if the rear lot line abuts an active railroad operating right-of-way or railroad spur, the building shall be permitted to abut the railroad operating right-of-way, unless subject to the requirement for transitional yards of Section 2.056, B A, 6.
6. Required transitional yards minimum setbacks. a. ~~Minimum front, side and rear yards and 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 2.06, A, 7 and 8 in addition to the following requirements:
  - (+) a. Where a front lot line yard abuts faces a street residential district on the opposite side of which is a Protected District ~~the street~~, a minimum required front transitional yard and setback of shall be provided 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 2.00, 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, in depth from the front lot line.
  - (2) b. Where a side or rear lot line abuts a side or rear lot line in an adjacent residential Protected District, a required side or rear transitional yard and setback of not less than thirty (30) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.
  - (3) ~~Where a rear lot line abuts a side or rear lot line in adjacent residential district, a rear yard and setback not less than thirty (30) feet in depth shall be provided along such rear lot line.~~

Provided, however, additional front, side and/or rear setback distances for transitional yards, as specified in Section 2.056, B A, 8, shall be required to permit building heights exceeding twenty-two (22) feet to a maximum height of ~~thirty-five (35)~~ forty (40) feet (See Section 2.13, Diagram A).

Exceptions:

- (1) Front, side or rear setback distances for transitional yards may be modified by utilizing the landscape performance standards of Section 2.11, E.
  - (2) The transitional yard requirements of Section 2.06, 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.
- b. Screening and landscaping. Where a side or rear lot line adjoins a residential district, a compact hedge, row of shrubbery or evergreen trees shall be provided along or within twenty (20) feet of such lot line, and not less than six (6) feet in height. Such hedge, shrubbery or row of trees shall extend the full length of said lot line — except that it shall be omitted between the front lot line and a point five (5) feet greater than the re-

~~quired or established building setback line of the adjacent residential and ground area between such hedge, shrubbery or row of trees and the lot line shall be planted in grass and/or shrubbery, maintained in good condition, and kept free from litter.~~

~~Exception: Such hedge, row of shrubbery or evergreen trees shall not be required if:~~

- ~~(1) The entire yard between the lot line and building is landscaped with grass, trees, and shrubbery or hedges. Nonvegetative materials not exceeding twenty-five (25) percent of the entire yard area may be used in combination with vegetation and structural or ornamental fixtures.~~

7. Use of required yards and required transitional yards. All required transitional yards shall be planted with grass or landscaped with other suitable ground cover materials, except subject to the requirements of Section 2.11, E and shall remain as open space free from structures except where expressly permitted by this ordinance.

a. Required front yards may include:

- ~~(1) Pedestrian walks, driveways, entrance guard boxes, flag poles, fences, screening walls, directional signs and similar appurtenant uses, structures; and,~~
- ~~(2) Access cuts and driveways, provided they are not located within twenty (20) feet of a lot line abutting a residential Protected District.~~

b. Required side and rear yards may include:

- ~~(1) Pedestrian walks, interior access driveways, entrance guard boxes, flag poles, fences, screening walls, directional signs and similar appurtenant uses, structures; and,~~
- ~~(2) Off-street parking and loading areas, subject to the off-street parking and loading regulations of Section 2.0910.~~
- ~~(3) Access cuts and driveways and interior access drives, provided they are not located within twenty (20) feet of a lot line abutting a residential district.~~

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. ~~Maximum vertical height of buildings and structures shall be thirty-five (35) Forty (40) feet subject to the exceptions noted in Section 2.00, A, 5.~~

~~Provided, however, along any required front, side or rear transitional yard setback line which is adjacent to a residential district, the maximum vertical height shall be:~~

~~a. Twenty-two (22) feet; or,~~

~~b. Thirty-five (35) Forty (40) feet if for each foot of height in excess of twenty-two (22) feet, to an absolute maximum height of thirty-five (35) 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 2.13, Diagram A).~~

~~Height Exceptions. The following exceptions to the height regulations shall be permitted:~~

- ~~a. Parapet walls not exceeding two (2) feet in height.~~
- ~~b. Roof structures for the housing of elevators, stairways, air conditioning apparatus, roof water tanks, ventilating fans, sky lights, or similar equipment to operate and maintain the building.~~

July 22, 1996

- e. ~~Chimneys, smokestacks, flag poles, radio and television antennas, and other similar structures.~~
  - d. ~~A monitor roof not exceeding twenty-five (25) percent of the total horizontal area of the roof.~~
  - c. the height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
9. ~~Signs.~~ Signs and advertising devices and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended section 2.10.
10. Off-street parking. Off-street parking facilities shall be provided in accordance with the off-street parking regulations of Section 2.0910.
11. Off-street loading. Off-street loading facilities shall be provided in accordance with the off-street loading regulations of Section 2.0910.
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 2.11.
- C.
- B. ~~1-1-U~~ 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 Four of the Municipal Code the Air Pollution Control Ordinance of the City of Indianapolis, Indiana. The standards and regulations noted in Chapter Four of the Municipal Code of the City of Indianapolis for the emission of smoke, particulate matter, or noxious or toxic gases are (a copy of which is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and which standards and regulations are hereby incorporated by reference and made a part hereof).
3. Fire and explosive hazards. The storage, utilization or manufacture of all projects 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 (a copy of which is on file in the office of the Metropolitan Planning Department, Marion County, Indiana, and which standards are hereby incorporated by reference and 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 ~~Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; the Indiana Department of Environmental Management; and Stream Pollution Control Board of the State of Indiana;~~ 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) a. Plans and specifications for proposed sewage disposal facilities (therefore (unless a connection is being made to a public sewer), and industrial waste treatment and disposal facilities, shall be submitted to and written approval obtained from:
- (1) Construction of public facilities - the Stream Pollution Control Board of the State of Indiana and the Division of Public Health of Indiana Department of Environmental Management and the Health and Hospital Corporation of Marion County, Indiana City of Indianapolis, Division of Permits; or,

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

- (b) ~~b.~~ written approval of proposed connection to a public sewer shall be obtained from the ~~Board of Sanitary Commissioners of Indianapolis, Indiana~~ City of Indianapolis, Division of Permits; and,
- (c) ~~c.~~ plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the ~~Board of Sanitary Commissioners of Indianapolis, Indiana, and/or a registered engineer~~ City of Indianapolis, Division of Permits.

Sec. 2.067 I-2-U Light industrial urban district regulations

Statement of purpose: ~~Note:~~ 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 residential areas Protected Districts, and are limited throughout the district to a percentage of the total operation. Wherever possible, this district is located between a residential area 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. Permitted I-2-U Uses.

~~The following uses shall be permitted in the I-2-U DISTRICT. All uses in the I-2-U DISTRICT shall conform to the I-2-U DEVELOPMENT STANDARDS (section 2.06, B hereof) and I-2-U Performance Standards (section 2.06, C hereof).~~

~~The following I-2-U uses may also include (as accessory or incidental uses thereto) any of the I-3-U District uses specified in section 2.07, A, provided that:~~

- (a) ~~Not more than twenty five (25) percent of the gross floor area of the building(s) (excluding that used for offices and/or storage) is devoted to said I-3-U Uses.~~
- (b) ~~Said I-3-U uses shall conform with all 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.~~

- ~~1. Any i-1-u use specified in Section 2.05, A2, 3, 4, 5, 6, 7, 8, 9, OR 10.~~
- ~~2. Radio, facsimile and television towers, including broadcasting studios and radio or television business offices, as regulated in section 2.11, 8.~~
- ~~3. Assembly operations or pre-manufactured parts, subassemblies of components.~~
- ~~4. Assembly, repair and/or manufacturing of light component parts of products.~~
- ~~5. Manufacture of non-alcoholic beverages, bottling of alcoholic and/or non-alcoholic beverages.~~
- ~~6. Manufacture of office machinery, electrical and mechanical.~~
- ~~7. Manufacture of light portable household appliances; electric hand tools; electric components and subassemblies; electric motors; electric and neon signs.~~
- ~~8. Cloth products manufacturing from finished cloth.~~
- ~~9. Milk processing; bottling and manufacturing of milk products.~~
- ~~10. Jewelry manufacturing, engraving.~~
- ~~11. Secondary food processing and packaging of food products initially processed off the premises.~~
- ~~12. Leather products manufacturing from finished leather.~~
- ~~13. Pharmaceutical, biological, medicine and cosmetic manufacturing.~~
- ~~14. Manufacture of optical goods; recording instruments; phonograph records.~~
- ~~15. Paper box and paper products manufacturing from finished paper.~~
- ~~16. Warehousing and distribution operations, completely enclosed within a building.~~
- ~~17. Upholstering shops, mattress manufacturing.~~
- ~~18. Construction companies, contractors, and home remodeling companies, including storage of materials and equipment with accessory offices but not retail commercial activities.~~

~~B.~~

A. I-2-U Development standards

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

b. Outside storage. All storage of materials or products within three hundred (300) feet of a ~~residential~~ Protected District boundary shall be:

- (1) within completely enclosed buildings, or
- (2) effectively screened ~~contained~~ by a chain link, solid, lattice or similar type fence or wall, with ornamental, non-solid, chain link or similar type entrance and exit gates. (Canvas may be attached to gates for effective screening.) The height of said fence or wall shall be at least six (6) feet and shall not exceed ~~eight (8)~~ ten (10) feet. Said fence or wall shall be surrounded by trees or an evergreen hedge of a height not less than the height of said fence or wall, to be planted following the provisions for landscaping and screening of required transitional yards of Section 2.11, 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 2.13, 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 antennae. Towers or antennae shall be subject to the following regulations:

- (1) There shall be no height limitation, except conformity with all requirements and limitations of the Airport Zoning Ordinance of Marion County, Indiana, 94-AO-2, as amended.
- (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 said street frontage.

2. Required front yard minimum setback. A front yard, having at least thirty-five (35) feet width of frontage on a public street and having a minimum depth in accordance with the following setback requirements, shall be provided along the street right-of-way line. No part of any structure (excluding an eave or cornice overhang not exceeding four (4) feet or a canopy at an entrance) shall be built closer to the centerline of the right-of-way of the following streets (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than:

- |                                       |                               |
|---------------------------------------|-------------------------------|
| (1) Expressway:                       | One hundred twenty (120) feet |
| (2) Primary thorough-fare or parkway: | One hundred five (105) feet   |
| (3) Secondary thorough-fare:          | Ninety-five (95) feet         |
| (4) closer to the right-of-way line   |                               |

of all other streets (including but not limited to collector streets, cul-de-sacs and marginal access streets) than:

Twenty (20) feet

No part of any structure shall be built closer to the right-of-way line of a street or highway designated as a Federal Interstate Route than sixty (60) feet, except:

- (1) Front roads immediately paralleling Federal Interstate Routes (with a coinciding right-of-way boundary) shall be considered collector streets, requiring a front setback of twenty (20) feet from the right-of-way line of such front road, unless such front road is designated otherwise on the Official Thoroughfare Plan of Marion County, Indiana, or on the recorded plat thereof as required by the Subdivision Control Ordinance of Marion County, Indiana.
- (2) If side or rear lot lines coincide with a Federal Interstate Route right-of-way line, the required minimum side or rear setback for this district shall apply.

Provided, however, that in case of any lot which is less than two hundred (200) feet in depth, the minimum required setback shall be ten (10) percent of the depth of the lot or ten (10) feet, which ever is greater.

3. Required minimum front yards, minimum front setback. The setback requirements of Section 2.11, A, shall be provided along all street right-of-way lines unless subject to the Established Setback provisions of Section 2.00, A, 3, b or c.

3. Required corner side yard, minimum setback. In any case where the side lot line abuts a street right-of-way line, there shall be provided a corner side yard in which the setback of any structure shall comply with the MINIMUM FRONT SETBACK requirements for transitional yards of section 2.06, B 6.

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

Provided, however, if the side lot line abuts an active railroad operating right-of-way or railroad spur, the building shall be permitted to abut the railroad operating right-of-way, unless subject to the requirement for transitional yards of Section 2.067, BA, 6.

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

Provided, however, if the rear lot line abuts an active railroad operating right-of-way or railroad spur, the building shall be permitted to abut the railroad operating right-of-way, unless subject to the requirements for transitional yards of Section 2.067, BA, 6.

6. Required transitional yards, minimum setbacks. a. Minimum front, side and rear yards and 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 2.07, A, 7 or 8 in addition to the following requirements:

(1) a. Where a front lot line yard abuts faces a street residential district on the opposite side of which is a Protected District the street, a minimum required front transitional yard and setback of shall be provided 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 2.00, 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, from the front lot line.

(2) b. Where a side or rear lot line abuts a side or rear lot line in an adjacent or residential Protected District, a required side yard 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.

July 22, 1996

(3) ~~Where a rear lot line abuts a side or rear lot line in an adjacent residential district, a rear yard and setback not less than thirty (30) feet in depth shall be provided along such rear lot line.~~

Provided, however, additional front, side and/or rear setback distances for transitional yards, as specified in ~~s~~Section 2.067, BA, 8, shall be required to permit building heights exceeding twenty-two (22) feet to a maximum height of ~~thirty-five (35)~~ fifty (50) feet (See Section 2.13, Diagram A).

Exceptions:

(1) Front, side or rear setback distances for transitional yards may be modified by utilizing the landscape performance standards of Section 2.11, E.

(2) The transitional yard requirements of Section 2.07, 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.

b. ~~Screening and landscaping. Where a side or rear lot line adjoins a residential district, a compact hedge, row of shrubbery or evergreen trees shall be provided along or within twenty (20) feet of such lot line, and not less than six (6) feet in height.~~

~~Such hedge, shrubbery or row of trees shall extend the full length of said lot line -- except that it shall be omitted between the front lot line and a point five (5) feet greater than the required or established building setback line of the adjacent residential district. Any ground between such hedge, shrubbery or row of trees and the lot line shall be planted in grass and/or shrubbery, maintained in good condition, and kept free of litter.~~

~~Exception: Such hedge, row of shrubbery or evergreen trees shall not be required if:~~

(1) ~~The entire yard between the lot line and the building is landscaped with grass, trees, and shrubbery or hedges. Nonvegetative materials not exceeding twenty-five (25) percent of the entire yard area may be used in combination with vegetation and structural or ornamental fixtures.~~

7. Use of required yards and required transitional yards. All required transitional yards shall be planted with grass or landscaped with other suitable ground cover materials, except: subject to the requirements of Section 2.11, E and shall remain as open space free from structures except where expressly permitted by this ordinance.

a. Required front yards may include:

(1) Pedestrian walks, driveways, entrance guard boxes, flag poles, fences, screening walls, directional signs and similar appurtenant uses, structures; and,

(2) Access cuts and driveways, provided they are not located within twenty (20) feet of a lot line abutting a residential Protected District.

b. Required side and rear yards may include:

(1) Pedestrian walks, interior access driveways, entrance guard boxes, flag poles, fences, screening walls, directional signs and similar appurtenant uses, structures; and,

(2) Off-street parking and loading areas, subject to the off-street parking and loading regulations of sSection 2.0910.

(3) Access cuts and driveways and interior access drives, provided they are not located within twenty (20) feet of a lot line abutting a residential district.

c. Required front, side or rear transitional yards:

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

(2) shall not include parking or loading areas, interior access drives, or outdoor display or storage areas.

8. Maximum height of buildings and structures. ~~Within three hundred (300) feet of any residential district, the maximum vertical height of buildings and structures shall be thirty-five (35) feet~~ Fifty (50) feet, subject to the exceptions noted in Section 2.00, A, 5.

Provided, however, along any required front, side or rear transitional yard setback line ~~which is adjacent to a residential district,~~ the maximum vertical height shall be:

- a. Twenty-two (22) feet; or,
- b. ~~Thirty-five (35)~~ Fifty (50) feet if for each foot of height in excess of twenty-two (22) feet, to an absolute maximum height of ~~thirty-five (35)~~ 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 2.13, Diagram A).

Height Exceptions: The following exceptions to the height regulations shall be permitted:

- a. ~~Parapet walls not exceeding two (2) feet in height.~~
- b. ~~Roof structures for the housing of elevators, stairways, air conditioning apparatus, roof water tanks, ventilating fans, sky lights, or similar equipment to operate and maintain the building.~~
- c. ~~Chimneys, smokestacks, flag poles, radio and television antennas, and other similar structures.~~
- d. ~~A monitor roof not exceeding twenty-five (25) percent of the total horizontal area of the roof.~~
- c. the height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
9. Signs. ~~Signs and advertising devices, sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended, section 2.10.~~
10. Off-street parking. ~~Off-street parking facilities shall be provided in accordance with the off-street parking regulations of Section 2.0910.~~
11. Off-street loading. ~~Off-street loading facilities shall be provided in accordance with the off-street loading regulations of Section 2.0910.~~
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 2.11.

C.

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 the Air Pollution Control Ordinance Chapter Four of the Municipal Code of the City of Indianapolis, Indiana. The standards and regulations noted in Chapter Four of the Municipal Code of the City of Indianapolis for the emission of smoke, particulate matter, or noxious or toxic gases are (a copy of which is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and which standards and regulation 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.~~

July 22, 1996

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 (a copy of which is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and which standards 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 ~~Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana; and the Indiana State Board of Health; the Stream Pollution Control Board of the State of Indiana~~ 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 ~~therefore (unless a connection is being made to a public sewer);~~ and industrial waste treatment and disposal facilities shall be submitted to and written approval obtained from:
  - (1) Construction of public facilities - the Stream Pollution Control Board of the State of Indiana and the Division of Public Health of Indiana Department of Environmental Management and the Health and Hospital Corporation of Marion County, Indiana City of Indianapolis, Division of Permits; 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 ~~Board of Sanitary Commissioners of Indianapolis, Indiana~~ City of Indianapolis, Division of Permits; and,
- c. plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the ~~board of Sanitary Commissioners of Indianapolis, Indiana, and/or a registered engineer~~ City of Indianapolis, Division of Permits.

Sec. 2.078 I-3-U Medium Industrial Urban District. regulations

Statement of purpose. Note: 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 residential areas Protected Districts and buffered by lighter industrial districts. Where this district abuts residential Protected Districts ~~or business districts~~, setbacks are large and enclosure of activities and storage is required.

A. Permitted I-3-U Uses.

~~The following uses shall be permitted in the I-3-U DISTRICT. All uses in the I-3-U DISTRICT shall conform to the I-3-U Development Standards (section 2.07, B hereof) and I-3-U Performance Standards (section 2.07, C hereof).~~

~~The following I-3-U uses may also include (as accessory or incidental uses thereto) any of the I-4-U DISTRICT uses specified in section 2.08, A, provided that:~~

- (a) ~~Not more than twenty-five (25) percent of the gross floor area of the building(s) (excluding that used for offices and/or storage) is devoted to said I-4-U uses.~~
- (b) ~~Said I-4-U uses shall conform with all 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 light industry.~~

I. Any use permitted in the I-2-U District.

2. *Manufacture and assembly of marine equipment.*
3. *Canning, bottling, processing, and packaging of food. (Does not include slaughtering of animal fowl.)*
4. *Can and container manufacturing.*
5. *Coffee roasting.*
6. *Cabinet manufacturing; furniture manufacturing.*
7. *Manufacture and assembly of major electric and/or gas household appliances.*
8. *Manufacture of colors, dye, paint, and other coatings, excluding tar products.*
9. *Manufacture and assembly of communication equipment.*
10. *Electroplating operations.*
11. *Manufacture of tools and implements, machinery and machinery components.*
12. *Manufacture of oleomargarine.*
13. *Manufacture and assembly of office equipment.*
14. *Manufacture of musical instruments.*
15. *Stamping and fabricating metal shops using press, brakes, and rolls.*
16. *Manufacture of malt products; brewing, distillation of liquor and spirits.*
17. *Machine, welding, tool and die shops.*
18. *Thermal, electric, steam and/or atomic power plants.*
19. *Manufacture of glass and glass products.*
20. *Motor truck terminals less than ten (10) acres in total area and subject to the regulations of Section 2.11, b 3.*
21. *Paper manufacturing.*
22. *Granaries, grain processing, starch manufacture.*

B.

A. I-3-U Development standards.

1. *Use.*
  - a. Enclosed operations. All operations, servicing, or processing located within three hundred (300) feet of a ~~residential~~ 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 ~~residential~~ Protected ~~District~~ boundary shall be:
    - (1) within completely enclosed buildings, or
    - (2) effectively screened contained by a chain link, solid, lattice or similar type fence or wall, with ornamental, non-solid, or chain link or similar type entrance and exit gates. (Canvas may be attached to gates for effective screening.) The height of said fence or wall shall be at least six (6) feet and shall not exceed eight ~~(8)~~ ten ~~(10)~~ feet. Said fence or wall shall be surrounded by trees or an evergreen hedge of a height not less than the height of said fence or wall, to be planted following the provisions for landscaping and screening of required transitional yards of Section 2.11, 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 2.13, 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 antennae. Towers or antennae shall be subject to the following regulations:

(1) There shall be no height limitation, except conformity with all requirements and limitations of the Airport Zoning Ordinance of Marion County, Indiana, 94-AO-2, as amended.

(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 feet of frontage on a street right-of-way and shall gain access from said street frontage.

2. Required front yard minimum setback. A front yard, having at least thirty-five (35) feet width of frontage on a public street and having a minimum depth in accordance with the following setback requirements, shall be provided along the street right-of-way line.

No part of any structure (excluding an eave or cornice overhang not exceeding four (4) feet or a canopy at an entrance) shall be built closer to the centerline of the right-of-way of the following streets (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than:

- |   |                               |
|---|-------------------------------|
| (1) <del>Expressway</del>   | One hundred twenty (120) feet |
| (2) <del>Primary thorough fare or parkway:</del>  | One hundred five (105) feet   |
| (3) <del>Secondary thoroughfare:</del>  | Ninety five (95) feet         |
| (4) <del>or closer to the right-of-way line of all other streets (including but not limited to collector streets, local streets, cul-de-sacs and marginal access streets) than:</del> | Twenty (20) feet              |

No part of any structure shall be built closer to the right-of-way line of a street or highway designated as a Federal Interstate Route than sixty (60) feet, except:

(1) Front roads immediately paralleling Federal Interstate Routes (with a coinciding right-of-way boundary) shall be considered collector streets, requiring a front setback of twenty (20) feet from the right-of-way line of such front road, unless such front road is designated otherwise on the Official Thoroughfare Plan of Marion County, Indiana, or on the recorded plat thereof as required by the Subdivision Control Ordinance of Marion County, Indiana.

(2) If side or rear lot lines coincide with a Federal Interstate Route right-of-way line, the required minimum side or rear setback for this district.

3. Required minimum front yards, minimum front setback. The setback requirements of Section 2.11, A, shall be provided along all street right-of-way lines unless subject to the Established Setback provisions of Section 2.00, A, 3, b or c.

3. Required corner side yard, minimum setback. In any case where the side lot line abuts a street right-of-way line, there shall be provided a corner side yard in which the setback of any structure shall comply with the MINIMUM FRONT SETBACK requirements of section 2.07, B-2, unless subject to the requirement for transitional yards of section 2.07, B-6.

4. Required minimum side yards, minimum side setbacks. A side yard and building setback of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be

~~provided along each side lot line, unless subject to the additional transitional yard requirements of Section 2.08, A, 6 or 8.~~

Provided, however, if the side lot line abuts an active railroad ~~operating~~ right-of-way or railroad spur, the building shall be permitted to abut the railroad ~~operating~~ right-of-way, unless subject to the requirement for transitional yards of ~~s~~Section 2.078, BA, 6.

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

Provided, however, if the rear lot line abuts an active railroad ~~operating~~ right-of-way or railroad spur, the building shall be permitted to abut the railroad ~~operating~~ right-of-way, unless subject to the requirement for transitional yards of ~~s~~Section 2.078, BA, 6.

6. ~~Required transitional yards, minimum setbacks.~~ a. ~~Minimum front, side and rear yards and 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 2.08, A, 7 and 8 in addition to the following requirements:~~

- (1) a. Where a front lot line ~~yard abuts~~ faces a street residential district on the opposite side of ~~which is a Protected District the street~~, a minimum required front transitional yard and setback of shall be provided 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 2.00, 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, in depth from the front lot line.
- (2) b. Where a side or rear lot line abuts a side ~~or rear~~ lot line in an adjacent residential Protected dDistrict, a required side yard 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.
- (3) Where a rear lot line abuts a side ~~or rear~~ lot line in adjacent residential district, a side yard and setback not less than forty (40) feet in depth shall be provided along such rear lot line.

Provided, however, additional front, side and/or rear setback distances for transitional yards, as specified in ~~s~~Section 2.078, BA, 8, shall be required to permit building heights exceeding thirty-five (35) feet ~~(to a maximum height of fifty (50) feet) (See Section 2.13, Diagram A).~~

Exceptions:

- (1) Front, side or rear setback distances for transitional yards may be modified by utilizing the landscape performance standards of Section 2.11, E.
- (2) The transitional yard requirements of Section 2.08, A, 6 shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although zoned as a Protected District.

b. ~~Screening and landscaping. Where a side or rear lot line adjoins a residential district, a compact hedge, row of shrubbery or evergreen trees shall be provided along or within twenty (20) feet of such lot line, and not less than six (6) feet in height. Such hedge, shrubbery or row of trees shall extend the full length of said lot line except that it shall be omitted between the front lot line and a point five (5) feet greater than the required or established building setback line of the adjacent residential district. Any ground between such hedge, shrubbery or row of trees and the lot line shall be planted in grass and/or shrubbery, maintained in good condition, and kept free of litter.~~

~~Exception: Such hedge, row of shrubbery or evergreen trees shall not be required if:~~

- (1) ~~The entire yard between the lot line and the building is landscaped with grass, trees, and shrubbery or hedges. Nonvegetative materials not exceeding~~

July 22, 1996

~~twenty-five (25) percent of the entire yard area may be used in combination with vegetation and structural or ornamental fixtures.~~

7. ~~Use of required yards and required transitional yards.~~ All required transitional yards shall be ~~planted with grass or landscaped with other suitable ground cover materials, except:~~ subject to the requirements of Section 2.11, E and shall remain as open space free from structures except where expressly permitted by this ordinance.

a. Required front yards may include:

- (1) ~~Pedestrian walks, driveways, entrance guard boxes, flag poles, fences, screening walls, directional signs and similar appurtenant uses, structures; and,~~
- (2) ~~Access cuts and driveways,~~ provided they are not located within twenty (20) feet of a lot line abutting a residential Protected ~~District.~~

b. Required side and rear yards may include:

- (1) ~~Pedestrian walks, interior access driveways, entrance guard boxes, flag poles, fences, screening walls, directional signs and similar appurtenant uses, structures; and,~~
- (2) ~~Off-street parking and loading areas,~~ subject to the off-street parking and loading regulations of ~~s~~Section 2.0910.
- (3) ~~Access cuts and driveways and interior access drives,~~ provided they are not located within twenty (20) feet of a lot line abutting a residential district.

c. Required front, side or rear transitional yards:

- (1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
- (2) shall not include parking or loading areas, interior access drives, or outdoor display or storage areas.

8. Maximum height of buildings and structures. ~~Within three hundred (300) feet of any residential district, the maximum vertical height of buildings and structures shall be fifty (50) feet.~~

~~Provided, however, a~~ Along any required front, side or rear transitional yard ~~setback line~~ which is adjacent to a residential district, the maximum vertical height shall be:

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

b. Fifty (50) feet if for each foot of height in excess of thirty-five (35) feet, to an absolute maximum height of fifty (50) 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 2.13, Diagram A).

Subsections a. and b. above are subject to the exceptions noted in Section 2.00 A, 5.

~~Height Exceptions. The following exceptions to the above height regulations shall be permitted:~~

- (a) ~~Parapet walls not exceeding two (20) feet in height.~~
- (b) ~~Roof structures for the housing of elevators, stairways, air conditioning apparatus, roof water tanks, ventilating fans, sky lights, or similar equipment to operate and maintain the building.~~
- (c) ~~Chimneys, smokestacks, flag poles, radio and television antennas, and other similar structures.~~
- (d) ~~A monitor roof not exceeding twenty-five (25) percent of the total horizontal area of the roof.~~

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

9. *Signs.* Signs and advertising devices ~~sign structures~~ shall comply with ~~the sSign rRegulations of section 2.10 Marion County, Indiana, 71-AO-4, as amended.~~
10. *Off-street parking.* Off-street parking facilities shall be provided in accordance with the off-street parking regulations of ~~sSection 2.09~~10.
11. *Off-street loading.* Off-street loading facilities shall be provided in accordance with the off-street loading regulations of ~~sSection 2.09~~10.
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 2.11.

C.

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 ~~the Air Pollution Control Ordinance Chapter Four of the Municipal Code of the City of Indianapolis, Indiana, The standards and regulations noted in Chapter Four of the Municipal Code of the City of Indianapolis for the emission of smoke, particulate matter, or noxious or toxic gases, (a copy of which is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and which standards and regulations 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 material (a copy of which is on file in the Office of the Metropolitan Planning Department of Marion County, Indiana, and, which standards are hereby incorporated by reference and made a part hereof).~~ Such storage, utilization of 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 ~~Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; the Indiana Department of Environmental Management the Stream Pollution Control Board of the State of Indiana;~~ or in such a manner as to endanger the public health, safety or welfare, or cause injury to property.

Prior to ~~i~~Improvement ~~l~~Location ~~p~~Permit issuance for any industrial use:

- a. plans and specifications for proposed sewage disposal facilities ~~therefore (unless a connection is being made to a public sewer),~~ and industrial waste treatment and disposal facilities shall be submitted to and written approval obtained from:

(1) Construction of public facilities - the Stream Pollution Control Board of the State of Indiana and the Division of Public Health of Indiana Department of

July 22, 1996

~~Environmental Management and the Health and Hospital Corporation of Marion County, Indiana City of Indianapolis, Division of Permits; 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 Board of Sanitary Commissioners of Indianapolis, Indiana City of Indianapolis, Division of Permits; and,~~
- c. ~~plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the Board of Sanitary Commissioners of Indianapolis, Indiana, and/or a registered engineer City of Indianapolis, Division of Permits.~~

Sec 2.089 I-4-U Heavy Industrial Urban District. Regulations

Statement of purpose: ~~Note: 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 residential areas Protected Districts and buffered by intervening lighter industrial districts.~~

(1) ~~Permitted I-4-U Uses~~

~~The following uses shall be permitted in the I-4-U District. All uses in the I-4-U District shall conform to the I-4-U Development Standards (section 2.08, B hereof) and I-4-U Performance Standards (section 2.08, C, hereof):~~

- 1. ~~Any use permitted in the i-3-u district.~~
- 2. ~~Creosote manufacturing and treatment~~
- 3. ~~Bulk storage of petroleum products.~~
- 4. ~~Boiler tank manufacturing; structural steel fabricating.~~
- 5. ~~Manufacture of detergents and soaps.~~
- 6. ~~Foundries.~~
- 7. ~~Railroad equipment manufacturing, repair and servicing.~~
- 8. ~~Processing of forest products such as, but not limited to veneer mills, planing mills and saw mills.~~
- 9. ~~Utility pole yards and pipe yards.~~
- 10. ~~Motor truck terminals subject to the regulations of section 2.11, B 3.~~

(2) ~~I-4-U Uses permitted by special exception.~~

~~In addition, the following uses shall be permitted in the I-4-U District by Special Exception only, upon issuance of a Special Exception Permit therefore by the Metropolitan Board of Zoning Appeals as set forth in section 2.11, A 1.~~

~~These uses shall conform to the I-4-U Development Standards (section 2.08, B hereof); I-4-U Performance Standards (section 2.08, C hereof); all requirements set forth in section 2.11, A 1 and all conditions attached to the grant of such Permit by the Metropolitan Board of Zoning Appeals— in case on conflict, the more restrictive standards of requirements to control.~~

- 1. ~~Cement, lime and gypsum manufacturing. (Special exception permit required.)~~
- 2. ~~Oil processing, refining and manufacturing. (Special exception permit required.)~~
- 3. ~~Open hearths and blast furnaces. (Special exception permit required.)~~
- 4. ~~Coke ovens. (Special exception permit required.)~~
- 5. ~~Fat rendering and fertilizer manufacturing. (Special exception permit required.)~~
- 6. ~~Leather curing and tanning. (Special exception permit required.)~~
- 7. ~~Tar, tar paper and tar products manufacturing and processing. (Special exception permit required.)~~
- 8. ~~Slaughtering allied food processing. (Special exception permit required.)~~
- 9. ~~Manufacturing of explosives, matches, fireworks, subject to the requirements of section 2.11, 3. (Special exception permit required.)~~
- 10. ~~Concrete mixing; production of concrete blocks and shapes, cinder blocks and other similar building material manufacture. (Special exception permit required.)~~
- 11. ~~Stock yards for shipping, holding and the sale of animals. (Special exception permit required.)~~
- 12. ~~Production of emulsified asphalt and preparation of asphaltic concrete paving material. (Special exception permit required.)~~
- 13. ~~Manufacture of chemicals and gases. (Special exception permit required.)~~

14. ~~Sand, gravel or aggregate washing, screening or processing (not including mining or dredging). (Special exception permit required.)~~

~~B.~~

~~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 total gross floor area of enclosed structures and buildings; lot area, provided, however, outside operations and storage shall not be permitted within any required yard or required transitional yard (see Section 2.13, Diagram I).~~

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

~~(2) all said equipment and storage shall, at all times, be effectively screened by the fencing and buffer planting required by Section 2.09, A, 6 and Section 2.13, E.~~

~~(3) Trash containers. Within one hundred (100) feet, measured in any direction (see Section 2.13, 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 antennae. Towers or antennae shall be subject to the following regulations:~~

~~(1) There shall be no height limitation, except conformity with all requirements and limitations of the Airport Zoning Ordinance of Marion County, Indiana, 94-AQ-2, as amended.~~

~~(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 constructed 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 said street frontage.~~

2. ~~Required front yard, minimum setback. A front yard, having at least fifty-five (55) feet width of frontage on a public street and having a minimum depth in accordance with the following setback requirements, shall be provided along the street right-of-way line. No part of any structure (excluding an eave or cornice overhang not exceeding four (4) feet or a canopy at an entrance shall be built closer to the centerline of the right of way of the following streets (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than:~~

July 22, 1996

- |  |                               |
|--|-------------------------------|
| (1) <del>Expressway:</del>   | One hundred twenty (120) feet |
| (2) <del>Primary thoroughfare or parkway:</del>  | One hundred five (105) feet   |
| (3) <del>Secondary thoroughfare:</del>   | Ninety-five (95) feet         |
| (4) <del>or closer to the right-of-way of all other streets (including but not limited to collector streets, local streets, cul-de-sacs and marginal access streets) than:</del> | Twenty (20) feet              |

~~No part of any structure shall be built closer to the right-of-way line of a street or highway designated as a Federal Interstate Route than sixty (60) feet, except:~~

- ~~(1) Front roads immediately paralleling Federal Interstate Routes (with a coinciding right-of-way boundary) shall be considered collector street, requiring a front setback of twenty (20) feet from the right-of-way line of such road, unless such road is designated otherwise on the Official Thoroughfare Plan of Marion County, Indiana, or on the recorded plat thereof as required by the Subdivision Control Ordinance of Marion County, Indiana.~~
- ~~(2) If side or rear lot lines coincide with a Federal Interstate Route right-of-way line, the required minimum side or rear setback for this district shall apply.~~

3. Required minimum front yards, minimum front setback. The setback requirements of Section 2.11, A, shall be provided along all street right-of-way lines unless subject to the Established Setback provisions of Section 2.00, A, 3, b or c.

3. Required corner side yard, minimum setbacks — In any case where the side lot line abuts a street right-of-way line, there shall be provided a corner side yard in which the setback of any structure shall comply with the Minimum Front Setback requirements of section 2.08, B 2 unless subject to the requirement for transitional yards of section 2.08, B 6.

4. Required minimum side yards, minimum side setbacks. A side yard and building setback of not less than twenty (20) feet in depth, measured from and paralleling the lot line, shall be provided along each side lot line, unless subject to the additional transitional yards requirements of Section 2.09, A, 6 or 8.

Provided, however, if the side lot line abuts an active railroad operating right-of-way or railroad spur, the building shall be permitted to abut the railroad operating right-of-way, unless subject to the requirement for transitional yards of sSection 2.089, BA, 6.

5. Required minimum rear yards, minimum rear setbacks. A rear yard and building setback of not less than twenty (20) feet in depth, measured from and paralleling the lot line, shall be provided along the rear lot line, unless subject to the additional transitional yard requirements of Section 2.09, A, 6 or 8.

Provided, however, if the rear lot line abuts an active railroad operating right-of-way or railroad spur, the building shall be permitted to abut the railroad operating right-of-way, unless subject to the requirement for transitional yards of sSection 2.089, BA, 6.

6. Required transitional yards, minimum setbacks. -a. ~~minimum front, side and rear yards and 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 2.09, A, 7 and 8 in addition to the following requirements:

(1) a. Where a front lot line yard abuts faces a street residential district on the opposite side of which is a Protected District the street, a minimum required front transitional yard and setback of shall be provided 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 2.00, 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, in depth from the front lot line.

(2) b. Where a side or rear lot line abuts a side or rear lot line in an adjacent residential Protected dDistrict, 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.

- (3) ~~Where a rear lot line abuts a side or rear lot line in an adjacent residential district, a rear yard and setback not less than fifty (50) feet in depth shall be provided along such 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 2.11, E.
- (2) The transitional yard requirements of Section 2.09, 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.

~~b. Screening and landscaping. Where a side or rear lot line adjoins a residential district, a compact hedge, row or shrubbery or evergreen trees shall be provided along or within twenty (20) feet of such lot line, and not less than six (6) feet in height. Such hedge, shrubbery or row of trees shall extend the full length of said lot line — except that it shall be omitted between the front line and a point five (5) feet greater than the required or established building setback line of the adjacent residential district. Any ground area between such hedge, shrubbery or row of trees and the lot line shall be planted in grass and/or shrubbery, maintained in good condition, and kept free of litter.~~

~~Exception: Such hedge, row of shrubbery or evergreen trees shall not be required if:~~

- ~~(1) The entire yard between the lot line and the building is landscaped with grass, trees, and shrubbery or hedges. Non-vegetative materials not exceeding twenty-five (25) percent of the entire yard area may be used in combination with vegetation and structural or ornamental fixtures.~~

7. Use of required yards and required transitional yards. All required transitional yards shall be planted with grass or landscaped with other suitable ground cover materials except: subject to the requirements of Section 2.11, E and shall remain as open space free from structures except where expressly permitted by this Ordinance.

a. Required front yards may include:

- (1) Pedestrian walks, driveways, entrance guard boxes, flag poles, fences, screening walls, directional signs and similar appurtenant uses, structures, and,
- (2) Access cuts and driveways, provided they are not located within twenty (20) feet of a lot line abutting a residential Protected District.

b. Required side and rear yards may include:

- (1) Pedestrian walks, interior access driveways, entrance guard boxes, flag poles, fences, screening walls, directional signs and similar appurtenant uses, structures, and,
- (2) Off-street parking and loading areas, subject to the off-street parking and loading regulations of sSection 2.0910.
- ~~(3) Access cuts and driveways and interior access drives, provided they are not located within twenty (20) feet of a lot line abutting a residential district.~~

c. Required front, side or rear transitional yards:

- (1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
- (2) shall not include parking or loading areas, interior access drives, or outdoor display or storage areas.

8. Minimum height of buildings and structures. ~~Within three hundred (300) feet of any residential district the maximum vertical height of buildings and structures shall be fifty (50) feet.~~

~~Height Exceptions: The following exceptions to the above height regulations shall be permitted:~~

- ~~(a) Parapet wall not exceeding two (2) feet in height.~~
- ~~(b) Roof structures for the housing of elevators, water tanks, ventilating fans, sky lights, or similar equipment to operate and maintain the building.~~
- ~~(c) Chimneys, smokestacks, flag poles, radio and television antennas, and other similar structures.~~
- ~~(d) A monitor roof not exceeding twenty-five (25) percent of the total horizontal area of the roof.~~

~~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 2.13, Diagram A).~~

~~Subsections a. and b. above are subject to the exceptions noted in Section 2.00, A, 5.~~

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

9. Signs. ~~Signs and advertising devices sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended section 2.10.~~
10. Off-street parking. ~~Off-street parking facilities shall be provided in accordance with the off-street parking regulations of Section 2.0910.~~
11. Off-street loading. ~~Off-street loading facilities shall be provided in accordance with the off-street loading regulations of Section 2.0910.~~
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 2.11.~~

C.

B. I-4-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 the Air Pollution Control Ordinance Chapter Four of the Municipal Code of the City of Indianapolis, Indiana. The standards and regulations noted in Chapter Four of the Municipal Code of the City of Indianapolis for the emission of smoke, particulate matter, or noxious or toxic gases, (a copy of which is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and which standards and regulations 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 material (a copy of which is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and which standards 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 ~~Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; the Indiana Department of Environmental Management the Stream Pollution Control Board of the State of Indiana;~~ 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 ~~therefore (unless a connection is being made to a public sewer);~~ and industrial waste treatment and disposal facilities shall be submitted to and written approval obtained from:
  - (1) ~~Construction of public facilities - the Stream Pollution Control Board of the State of Indiana and the Division of Public Health of Indiana Department of Environmental Management and the Health and Hospital Corporation of Marion County, Indiana City of Indianapolis, Division of Permits; 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 ~~Board of Sanitary Commissioners of Indianapolis, Indiana City of Indianapolis, Division of Permits;~~ and,
- c. plans and specifications for proposed storm drainage facilities shall be submitted to and written approval obtained from the ~~Board of Sanitary Commissioners of Indianapolis, Indiana and/or a registered engineer City of Indianapolis, Division of Permits.~~

~~Sec 2.8a I-5-U Heavy industrial (outside storage) district regulations~~

~~Statement of purpose: Note: This district is designed for certain heavy industrial uses requiring outside operations and storage area within the central city, which are typically characterized by certain appearance factors, requiring buffering by sufficient area and adequate screening to minimize any detrimental or unsightly aspects. The development standards and performance standards reflect the recognition of these problems. This district shall be removed as far as possible from residential areas and buffered by intervening lighter industrial districts.~~

~~A. Permitted I-5-U Uses~~

~~The following uses shall be permitted in the I-5-U District. All uses in the I-5-U District shall conform to the I-5-U Development Standards (section 2.08a, B hereof) and I-5-U Performance Standards (section 2.08a, C hereof).~~

1. ~~Scrap metal, junk or salvage storage, open or enclosed, including auto wrecking, or similar uses.~~
2. ~~Concrete mixing: production of concrete blocks and shapes, cinder blocks and other similar building materials manufacture.~~
3. ~~Lumber yards.~~
4. ~~Any similar use requiring outside storage.~~
5. ~~Any use permitted in the I-4-U District. Provided, however, additional I-4-U uses of section 2.08, A(2) shall be permitted in the I-5-U District by Special Exception only.~~

~~B. I-5-U Development standards~~

1. ~~Use outside operations and storage area limitation. In no case shall the total area of outside operations and storage exceed ninety (90) percent of the total lot area.~~

2. ~~Required front yard, minimum setback—A front yard, having at least fifty-five (55) feet width of frontage on a public street and having a minimum depth in accordance with the following setback requirements, shall be provided along the street right-of-way line.~~  
~~No part of any structure (excluding eave or cornice overhang not exceeding four (4) feet or a canopy at an entrance) or outside storage operations shall be built or located closer to the centerline of the right of way of the following streets (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than:~~
- |   |  |
|---|--|
| (1) <del>Expressway:</del>  | <del>One hundred twenty (120) feet</del> |
| (2) <del>Primary thoroughfare</del>   | <del>One hundred five (105) feet</del>   |
| (3) <del>Secondary thoroughfare</del>   | <del>Ninety-five (95) feet</del>         |
| (4) <del>or closer to the right-of-way line of all other streets (including but not limited to collector streets, local streets, cul-de sacs and marginal access streets) than:</del> | <del>Twenty (20) feet</del>              |
- ~~No part of any structure or outside storage operations shall be built or located closer to the right-of-way line of a street or highway designated as a Federal Interstate Route than sixty (60) feet, except:~~
- (1) ~~Front roads immediately paralleling Federal Interstate Routes (with a coinciding right-of-way boundary) shall be considered collector streets, requiring a front setback of twenty (20) feet from the right-of-way line of such front road, unless such road is designated otherwise on the Official Thoroughfare Plan of Marion County, Indiana, or on the recorded plat thereof as required by the Subdivision Control Ordinance of Marion County, Indiana.~~
- (2) ~~If side or rear lot lines, coincide with a Federal Interstate Route, right-of-way line, the required minimum side or rear setback for this district shall apply.~~
3. ~~Required corner side yard, minimum setback—In any case where the side lot line abuts a street right-of-way line, there shall be provided a corner side yard in which the setback of any structure or outside storage shall comply with the MINIMUM FRONT SETBACK requirements of section 2.08a, B 2.~~
4. ~~Required side yards yards, minimum, side setback—A side setback of not less than twenty (20) feet in depth shall be provided along each side lot line.~~  
~~Provided, however, if the side lot line abuts a railroad operating right of way, the building shall be permitted to abut the railroad operating right of way.~~
5. ~~Required rear yard, minimum minimum setback—A rear yard and setback of not less than twenty (20) feet in depth shall be provided along the rear lot line.~~  
~~Provided, however, if the rear lot line abuts a railroad operating right of way, the building shall be permitted to abut the railroad operating right of way.~~
6. ~~Screening and landscaping~~
- a. ~~Fencing The entire outside operation and storage area shall be enclosed with solid wall or fence, at least 6 feet in height and located at least 20 feet from all lot lines.~~
- b. ~~Buffer strip~~  
~~A buffer planting strip, at least 20 feet in depth, shall be provided and maintained between the lot lines and the above required fencing, enclosing the entire outside operation and storage area. Such buffer planting strip shall include a compact hedge, row shrubbery or evergreen trees extending the full length of said required buffer strip. The hedge, shrubbery and trees shall be at least six (6) feet in height or of such additional height necessary to effectively screen from view (at every point along the lot lines) all materials stored and outside operations.~~  
~~Any ground area between such hedge, shrubbery or row of trees and the lot lines shall be planted in grass, other suitable ground cover, and/or shrubbery, maintained in good condition, and kept free of litter.~~
7. ~~Use of required yards—All required yards shall be planted with grass or landscaped with other suitable ground cover materials except:~~
- a. ~~Required front yards may include:~~
- (1) ~~Pedestrian walks, driveways, entrance guard boxes, flag poles, directional signs and similar appurtenant uses.~~
- (2) ~~Access cuts and drives, provided they are not located within twenty (20) feet of a lot line.~~
- b. ~~Required side and rear yards may include:~~
- (1) ~~Pedestrian walks, driveways, entrance guard boxes, flag poles, directional signs and similar appurtenant uses.~~
- (2) ~~Off-street parking subject to the off-street parking regulations of section 2.09.~~

- (3) Access cuts and drives, provided they are not located within twenty (20) feet of a lot line.
8. Height restrictions — The maximum vertical height of buildings and structures shall be fifty (50) feet.  
Height exceptions: The following exceptions to the above height regulations shall be permitted:
- (a) Parapet walls not exceeding two (2) feet in height.
  - (b) Roof structures for the housing of elevators, water tanks, ventilating fans, sky lights, or similar equipment to operate and maintain the building.
  - (c) Chimneys, smokestacks, flag poles, radio and television antennas, and other similar structures.
  - (d) A monitor roof not exceeding twenty-five (25) percent of the total horizontal area of the roof.  
The maximum vertical height of equipment and materials stored shall be twenty (20) feet.  
Provided, however:  
All said equipment and storage shall, at all times, be effectively screened by the fencing and buffer planting required by section 2.08a, B6 and the permitted height of such equipment and storage shall at all times be limited to a height so screened.
9. Signs: Signs and advertising devices shall comply with the sign regulations of section 2.10.  
Provided, however, no sign or other identification or advertising device shall be located on or attached to the wall or fence required by section 2.08a, B6a.
10. Off-street parking Off-street parking facilities shall be provided in accordance with the off-street loading regulations of section 2.09.
11. Off-street loading Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 2.09.
- C. 1-5 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 the Air Pollution Control Ordinance of the City of Indianapolis, Indiana, as amended (a copy of which is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and which standards and regulations 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 (a copy of which is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and which standards 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 Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; the Stream Pollution Control Board of the State of Indiana; 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 therefore (unless a connection is being made to a public sewer), and industrial waste treatment and disposal facilities shall be submitted to and written approval obtained from the Stream Pollution Control Board of the State of Indiana and the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana;
    - (b) written approval of proposed connection to a public sewer shall be obtained from the Board of Sanitary Commissioner of Indianapolis, Indiana; and

July 22, 1996

- (e) ~~plans and specifications for proposed drainage facilities shall be submitted to and written approval obtained from the Board of Sanitary Commissioners of Indianapolis, Indiana, and/or a registered engineer.~~

Sec. 2.0910 Off-street parking and loading regulations.

A. General provisions.

1. Application of regulations. The off-street parking and loading provision of this ~~o~~Ordinance 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 ~~o~~Ordinance, accessory parking and loading ~~facilities areas~~ shall be provided in accordance with the regulations of this ~~s~~Section. However, where ~~i~~Improvement ~~l~~Location and ~~b~~Building ~~p~~Permits have been issued prior to the effective date of this ~~o~~Ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion; (but ~~said time period~~ not to exceed two (2) years after the issuance of said ~~b~~Building ~~p~~Permit), parking and loading ~~facilities spaces~~ in the amounts required for issuance of said permits may be provided in lieu of and different amounts ~~s~~ required by the off-street parking and loading regulations of this ~~o~~Ordinance.
- 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 ~~o~~Ordinance or hereafter established) ~~shall be is~~ increased (~~through addition of resulting in a net increase of gross floor areas or any other unit of measurement specified herein for determining required parking or loading facilities) spaces,~~ parking spaces and loading facilities 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 ~~o~~Ordinance shall be required to provide such additional parking spaces or loading facilities spaces, unless and until the aggregate increase in any units of measurements specified herein for determining required parking spaces or loading spaces causes an increase in the required number of parking spaces or loading spaces that shall equals not less than fifteen percent (15%) or more of the number of parking spaces or loading spaces existing on the effective date of this Ordinance, in which event parking spaces and loading facilities 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 ~~shall is~~ hereafter be changed to a new type of use permitted by this ~~o~~Ordinance, parking spaces and loading facilities spaces shall be provided as required for such new type of use, subject to the exception noted in Section 2.10, A, 1, b.
2. Existing parking areas or loading facilities areas. Required ~~A~~accessory off-street parking areas or loading facilities areas in existence on the effective date of this ~~o~~Ordinance shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirement for such ~~use as would be required for said use as~~ a new use of a building, or use structure or premises under the provisions of this ~~o~~Ordinance.
3. New or expanded parking areas or loading facilities areas. Nothing in this ~~o~~Ordinance shall ~~be deemed to~~ prevent the establishment of, or expansion of the amount of, off-street parking areas or loading facilities areas to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, landscaping, construction and operation of such areas facilities shall be adhered to.
4. Damage or destruction. For any non-conforming uses and structures or buildings or use which is are hereafter damaged or partially destroyed by fire or other naturally occurring disaster, provided the damage or destruction does not exceeding 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 facilities 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 facilities spaces in excess of those required by this Ordinance for equivalent new use or construction.

5. Control of off-site parking facilities areas. In cases where accessory parking facilities areas are permitted on land other than the lot on which the building or use served is located, such facilities areas shall be in the same possession control as the lot occupied by the building or use to which the parking facilities areas are accessory.
6. Submission of plot site plan. Any application for an improvement location permit shall include therewith a plot site plan -- drawn to scale and fully dimensioned -- showing: complying with all requirements of the Improvement Location Permit Ordinance, 68-AO-11, as amended.
  - a. parking or loading facilities to be provided in compliance with this ordinance.
  - b. method of draining surface and storm waters, and
  - c. location and design of driveways and/or loading areas.

Said site plan shall further demonstrate compliance with all applicable standards of this Ordinance.

7. Computation. In determining the minimum required number of off-street parking spaces or loading berths spaces, if the unit of measurement (number of persons per square foot area, etc.) is any fraction of the unit specified in relation to the number of parking spaces to be provided, said fraction shall be considered as being the next unit and shall be counted as requiring one space or berth. 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.
  8. Collective parking areas. Off-street parking facilities for separate uses may be provided collectively if 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 spaces, in relation to the use served are adhered to.
- B. Off-street parking regulations. Off-street parking facilities 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 2.0910, 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 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 Ordinance 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:

July 22, 1996

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 2.10, B, 10, Required Parking Spaces for the Disabled).

1. Minimum parking space dimensions — A required off-street parking space shall be at least nine (9) feet in width and at least twenty (20) feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas.
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.
2. Access to and from parking areas
  - a. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
  - b. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as to minimize interference with traffic movement.
  - c. No driveway extending into the street right-of-way (between the lot line and street pavement) shall exceed a width of twenty five (25) feet. Provided, however, two driveways, not exceeding twenty five (25) feet in width each, may constitute a single entrance exit.
  - d. In any Industrial "S" district, each industrial use which is so located that it fronts upon and provides access to a parkway, secondary or primary thoroughfare, or expressway, shall provide a frontage lane paralleling and adjoining the improved part of the right-of-way and at least eleven (11) feet in width for right turn traffic entering the lot except, however, that uses located on the left hand side of a one-way street shall provide a left turn lane. The access point(s) shall be located so the frontage lane shall be a minimum of one hundred (100) feet in length, exclusive of the entrance way. Provided, however, if the lot frontage is too small to provide such one hundred (100) feet of frontage lane, the entrance shall be so located that the frontage lane shall extend the entire width of the lot (except for the side yard twenty (20) foot setback requirement of section 2.01, B, 7; 2.02, B, 7; 2.03, B, 7; and 2.04, B, 7; for access drives in the case of lots abutting a residential district), except when regulated by section 2.09, B 2, e.
  - e. Off-street parking and loading entrances shall be located a minimum distance of fifty (50) feet from the nearest point of two intersecting street right-of-way lines. Such access cuts shall further conform to all requirements of traffic engineering departments having jurisdiction thereof.
- c. Plans and specifications for: 1) the width of access drives; 2) location of access drives from the nearest point of two 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 Permits or the traffic engineering department having jurisdiction thereof. Such plans and specifications shall comply with the applicable standards and regulations of said 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 2.10, shall not constitute a required off-street parking space; nor shall any off-street parking area be used as a loading space or area.

3-

5. Location and setback.

- a. All parking spaces required to serve buildings or uses erected or established after the effective date of this Ordinance shall be located on the same lot as the building or use served. Buildings or uses existing on the effective date of this Ordinance which are subsequently altered or enlarged so as to require the provision of additional parking spaces under the requirements of this Ordinance may be served by parking facilities spaces located on land other than the lot on which the building or use served is located, provided such facilities spaces are within five hundred (500) feet of a lot line of the use served. (See control of off-site parking facilities areas, Section 2.0910, A, 5 hereof.)
- 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 percent (10%) 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, provided it does not extend within twenty (20) feet of any lot line abutting a residential district.

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 Ordinance by reference and made a part hereof.

4. ~~Screening and landscaping~~

- 8. Landscaping. The ground area between the required off-street parking area setback and any lot line abutting a residential Protected District shall be screened and landscaped in accordance with the requirements of Section 2.0411, B-6 E.

5. ~~Use of parking area~~

- a. ~~The parking areas shall not be used for the storage, display, advertisements, sale, repair, dismantling or wrecking of any vehicle, equipment, or materials, and shall be for the sole use of the occupants and visitors of the premises.~~
- b. ~~The required parking area shall not be used for the storage of any commercial vehicles.~~
- c. ~~Buildings or structures shall be permitted for shelters for guards, attendants or watchmen; however, any such structure shall not occupy required off street parking space.~~
- d. ~~Loading and unloading spaces and maneuvering area as required in section 2.09, C, shall not constitute required off street parking space; nor shall off street parking area be used for off street loading purposes.~~

6. ~~Surface of parking area~~

- a. ~~Open and enclosed parking spaces: Off street parking spaces may be open to the sky, covered or enclosed in a building. In any instance where a building is constructed or used for parking, it shall be treated as any major structure and subject to all requirements thereof.~~
- b. ~~All open off street parking areas shall be paved with concrete or improved with a compacted macadam base, and surfaced with an asphaltic pavement to adequately provide a durable and dust free surface which shall be maintained in good condition and free of weeds, dirt, trash and debris, except that:~~
  - (1) ~~A gravel surface may be used for a period not exceeding (1) year after the parking area is opened for use where ground conditions are not immediately suitable for permanent surfacing as specified above.~~
  - (2) ~~A gravel surface in the area of storage or handling may 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 and drained in such a manner that there will be no free flow of water onto either adjacent properties or public sidewalks.~~
- d. ~~The parking area(s) shall be line or designated where abutting a required yard that no part of the parked vehicles shall extend beyond the boundary of the established parking area into any minimum required yard or into adjoining property.~~
- e. ~~When lighting facilities are used to illuminate the parking area(s) they shall be so located, shielded, and directed upon the parking area that they do not create or reflect onto adjacent properties or interfere with street traffic. In no instance shall bare incandescent bulbs be used for such illumination.~~

9. Number of parking spaces required.

7. Amount

- a. All uses permitted in the I-1-S, I-2-S, I-3-S, and I-4-S and I-5-S DISTRICTS 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 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 and I-5-U DISTRICTS 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 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 the physically handicapped persons, as defined in Section 2.13, according to the following schedule:

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

C. Off-street loading regulations. Off-street loading facilities 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 2.0910, A.

1. Minimum area

1. Minimum loading space dimensions.

- a. A required off-street loading berth 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 Ordinance by reference and made a part hereof.

2. Access to and from off-street loading area.

- a. Each required off-street loading space shall open directly upon an 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 facilities 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. ~~No driveway extending into the street right of way (between the lot line and street pavement) shall exceed a width of twenty-five (25) feet. Provided, however, two driveways not exceeding twenty-five (25) feet in width each, may constitute a single entrance exit.~~
- d. ~~In any industrial "S" district, each industrial use which is so located that it fronts upon and provides access to a parkway, secondary or primary thoroughfare, or expressway, shall provide a frontage lane paralleling and adjoining the improved part of the~~

right-of-way and at least eleven (11) feet in width for right turn traffic entering the lot except, however, that uses located on the left hand side of a one-way street shall provide a left turn lane. The access point(s) shall be located so that the frontage land shall be a minimum of one hundred (100) feet in length, exclusive of the entrance way. Provided, however, if the lot frontage is too small to provide such one hundred (100) feet of frontage lane, the entrance shall be so located that the frontage lane shall extend the entire width of the lot (except for the side yard twenty (20) foot setback requirement of sections 2.01, B 7; 2.02, B 7; 2.03, B 7 and 2.04, B 7; for access drives in the case of lots abutting a residential district) except when regulated by section 2.09, B 2, e.

- e. ~~Off-street loading entrances shall be located a minimum distance of fifty (50) feet from the nearest point of two intersecting street right of way lines. Such access cuts shall further conform to all requirements or traffic engineering departments having jurisdiction thereof.~~
- c. Plans and specifications for: 1) the width of access drives; 2) location of access drives from the nearest point of two 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 Permits or the traffic engineering department having jurisdiction thereof. Such plans and specifications shall comply with the applicable standards and regulations of said Division/department.

3. Location and setback.

- a. All required loading ~~berths 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 ~~berth 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 ~~principal primary~~ building.
  - c. No loading ~~berth area or loading space~~ shall be located in a ~~minimum~~ required side or rear transitional yard.
4. Screening. All motor vehicle loading ~~berths spaces~~ on any lot abutting a residential ~~Protected dDistrict~~ or separated by an alley public right-of-way from a residential ~~Protected dDistrict~~ shall be enclosed within a building or screened and landscaped in addition to the Industrial District's accordance with the industrial district's regulations for screening and landscaping transitional yards. Such screening and landscaping shall be installed as required in Section 2.11, E.
5. Use of loading area. Space allotted to off-street loading ~~berths areas and maneuvering area~~ shall not be used to satisfy the off-street parking space requirements.

6. Surface of loading area.

- a. ~~Open and Enclosed Loading Areas:~~ Off-street loading ~~berths 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 ~~major~~ structure and shall be subject to all use and development standards of the applicable Industrial District in addition the requirements contained thereof herein.
- b. All ~~open off-street~~ loading areas shall be paved with concrete, or improved with a compacted macadam base, and surfaced with an asphaltic surface hardsurfaced to adequately provide a durable and dust-free surface ~~which shall be maintained in good condition and free of weeds, dirt, trash and debris, except that:~~
  - (1) A gravel surface may be used for a temporary period not exceeding one (1) year after the loading area is opened for use 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. ~~d. When lighting facilities are used to illuminate a loading area is illuminated, they the lighting equipment shall be so located, shielded, and directed upon the loading area that they do not create glare or reflect onto adjacent properties or interfere with street traffic, 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.~~
- 7. ~~AMOUNT~~
- 8. Required loading spaces. Off-street loading facilities spaces shall be provided and maintained in accordance with the following minimum requirements for all Industrial Districts.

Gross Floor Area of Building (Square Feet)	Required Number of Loading Berths Spaces
1 - 40,000	1
40,001 - 100,000	2
100,001 - 200,000	3

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

~~Sec. 2.10 Sign regulations:~~

~~Amended by 71-AO-4 SIGN REGULATIONS of Marion County, Indiana.~~

~~Sec. 2.11 Special exceptions and special regulations:~~

~~A. Special exceptions~~

~~1. Special exceptions granted by metropolitan board~~

~~The Metropolitan Board of Zoning Appeals of Marion County, Indiana, is hereby authorized to grant and permit Special Exceptions to the Industrial District's standard terms, regulations and requirements, as specified in this ordinance, and issue Special Exception permits therefore.~~

~~a. Such special exception and permit shall be granted (following application filed with the Secretary of said Board by the landowner petitioner, not to owners of adjoining parcels of land and public hearing by said Board — all in accordance with the Rules of Procedure of the Metropolitan Board of Zoning Appeals) only upon the metropolitan board's determination that:~~

- ~~(1) The grant will not be injurious to the public health, safety, convenience or general welfare.~~
- ~~(2) The grant will not injure or adversely affect the adjacent area of property values therein.~~
- ~~(3) The grant will be in harmony with the character of the district and land use authorized therein.~~

~~b. The grant of such Special Exception and Permit shall be conditioned upon the following requirements:~~

- ~~(1) The proposed use shall conform to all performance standards of the applicable Industrial District.~~
- ~~(2) 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 Permit.~~
- ~~(3) The proposed use shall conform to all other applicable requirements of this ordinance and all restrictions and conditions attached to the grant of Special Exception and Permit by said Board (in case of conflict, the more restrictive standards or requirements to control). All restrictions or conditions attached to the grant of any Special Exception and Permit by the Metropolitan Board of Zoning Appeals shall be limited by Standards (1), (2), and (3) of paragraph a. above and shall be imposed by said Board to ensure compliance with said standards.~~

2. ~~Unclassified industrial use automatically classified i-4-s and i-4-u and permitted in i-4-s and i-4-u by special exception~~  
~~Any use industrial in nature which is not classified as a permitted use in any industrial District or which cannot comply with the required standards of any Industrial District shall be automatically classified as an I-4-S and I-4-U use, permitted in I-4-S and I-4-U Districts by Special Exception Permit only granted by the Metropolitan Board of Zoning Appeals to ensure compliance with the standards of section 2.11, A-1.~~
3. ~~Classified industrial uses may be permitted in higher industrial districts by special exception~~  
~~Any industrial use specified as a permitted use in an I-3-S, I-4-S, I-3-U or I-4-U District may be permitted in any higher Industrial District by SPECIAL EXCEPTION PERMIT (granted by the Metropolitan Board of Zoning Appeals in accordance with Section 2.11, A-1) and subject to and additional conditions and restrictions deemed necessary by the Metropolitan Board of Zoning Appeals to ensure compliance with the standards of section 2.11, A-1, 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 development and use shall be in accordance with the requirements of the higher Industrial Zoning District and all conditions and restrictions attached to the grant of Special Exception Permit by said Board.~~
4. ~~Industrial parks may be permitted in any industrial district by special exception~~  
~~An "Industrial Park" shall be defined as a planned Industrial subdivision comprising a single parcel of land, having not less than four hundred (400) feet of continuous frontage on a public street and developed according to a general overall plan to provide serviced sites for uses permitted in the applicable Industrial Zoning District including manufacturing, processing, assembly plants, distribution, wholesalers, warehouses and/or related industrial uses and accessory facilities therefore; and commercial, professional and public and semi-public uses as provided for in Section 2.11, A-5.~~  
~~An "Industrial Park" as so defined in this ordinance, shall be permitted in any Industrial District by special exception permit (granted by the Metropolitan Board of Zoning Appeals in accordance with section 2.11, A-1) provided:~~
  - a. ~~All development standards and performance standards of the Industrial District shall be met, except as specifically modified by the grant of special exception permit. (The specific exceptions shall be stated on the application for special exception permit and indicated on the site plan for the proposed Industrial Park.)~~
  - b. ~~The petitioner shall submit with the application for special exception permit (filed with the Secretary of the Metropolitan Board of Zoning Appeals) a general site plan of the proposed Industrial Park. The site plan shall be a scaled drawing of the development plan of the Industrial Park, and shall have indicated (on the plan or in written reference) exceptions or deviation, as follows (from the standard regulations and requirements of the Industrial Zoning District or Districts comprising said Industrial Park):~~  
~~Exceptions, which may be authorized by grant of Special Exception Permit for An Industrial \_\_\_\_\_~~
    - (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:~~
      - a. ~~Each such site shall have front yard and setback (from the interior access road) of adequate depth in relation to building height, width and area; and~~
      - b. ~~the Industrial Park shall have at least four hundred (400) feet of frontage on a public street and that 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) ~~Side yard and setback~~  
~~The total of the required side yards and setbacks may be provided entirely on one side or divided in any proportion between the two sides; provided, however, that the sides of any two buildings shall be separated by a minimum of twenty (20) feet unless abutting.~~
    - (3) ~~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. ~~All development and use of the area included in the Industrial Park shall be in accordance with all requirements of the applicable Industrial Zoning Districts, as modified by the grant of Special Exception Permit, conditions thereof and site plan~~

therefore (as approved and granted by the Metropolitan Board of Zoning Appeals in accordance with section 2.11, A 1). Such conditions and site plan shall be a part of and incorporated in the grant of Special Exception Permit by said Board.

d. Said Industrial Park shall be so designed:

- (1) 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 spirit of the applicable comprehensive plan and zoning ordinance;
- (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 industrial sites and uses within such Industrial Park;
- (5) To provide sufficient and adequate access, parking and loading areas for all uses and structures therein;
- (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 site for all uses proposed — the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana.

5. 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 Permit, (granted by the Metropolitan Board of Zoning Appeals in accordance with section 2.11, A 1) 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 2.11, A 1, provided:

- a. 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.
- b. The proposed use shall conform to all development and performance standards of the applicable Industrial District — except that adequate off-street parking shall be provided for such non-industrial use.
- c. The petitioner shall submit with the application for special exception permit (filed with the Secretary of the Metropolitan Board of Zoning Appeals) a complete general layout and elevation set of building plans, a land use area map and site plan to scale. The site plan shall indicate:
  - (1) Primary building and accessory building(s)
  - (2) Off-street parking layouts.
  - (3) Vehicular entrances and exits and turn-off lanes.
  - (4) Setbacks.
  - (5) Landscaping screens, walls, fences.
  - (6) Sewage disposal facilities.
  - (7) Storm drainage facilities.
  - (8) Other utilities if above ground facilities are needed.

6. Storage utilization, manufacture of explosives — may be permitted in any industrial district by special exception

The storage, utilization and/or manufacture of materials intended for detonation (explosives) shall be permitted in any Industrial District by SPECIAL EXCEPTION PERMIT only, (granted by the Metropolitan Board of Zoning Appeals in accordance with section 2.11, A 1), provided all development standards and performance standards of such District shall be met, and provided:

- a. The petitioner shall submit with the application for SPECIAL EXCEPTION PERMIT (filed with the Secretary of the Metropolitan Board of Zoning Appeals) a complete general layout and set of building elevation plans, a site plan and land use area map to scale (covering an area of 1,000-foot radius from the location of the proposed use).

- b. ~~The petitioner shall present adequate evidence that the proposed storage, utilization and/or manufacture of explosive materials shall not endanger life of 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.~~
  - c. ~~In no case shall any lot line of such development be permitted within 500 feet of a residential or business district boundary.~~
- B. Special regulations
- 1. ~~Heliports (permitted in any industrial district) — Landing pads and stations for helicopters and vertical take-off aircraft shall be subject to the following special requirements:~~
    - ~~Development standards~~
    - 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 residential district.~~
    - c. ~~A clear zone (which no structure 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 helicopter 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 stories or fifty (50) feet high, and the same obstruction clearance as required under paragraph e. above shall apply.~~
    - g. ~~The minimum setbacks required by the zoning district in which the heliport is located shall apply to all structures and the landing area.~~
    - h. ~~A three (3) feet chain link fence or other suitable barrier shall be erected at least seventy five (75) feet from all landing surfaces.~~
  - 2. ~~Radio facsimile, and television towers (permitted in I-2-S, I-3-S, I-4-S, I-2-U, I-3-S, and I-4-U districts) — Towers and antennas for the transmitting or receiving of electromagnetic emissions shall be subject to the following special requirements:~~
    - a. ~~There shall be no height limitation, except conformity with all requirements and limitations of the Airport District Ordinance of Marion County, Indiana.~~
    - b. ~~Setbacks from lot lines shall conform to the applicable requirements, regular and transitional, of the Industrial Zoning District, and~~
      - (1) ~~No part of the tower or antenna shall be located in any required front, side or rear yard.~~
      - (2) ~~Any guy anchorages shall be set back at least thirty (30) feet from any lot line.~~
  - 3. ~~Motor truck terminals (permitted in I-4-S and I-4-U districts) — Motor truck terminals shall be subject to the regulations of the applicable I-3 or I-4 District, except that: The parking of trucks and/or trailers shall not be defined or construed as outside storage in computing permitted outside storage and operations within said districts.~~
  - 4. ~~Modified setback provisions I-1-U, I-2-U, I-3-U AND I-4-U Districts~~
    - a. ~~New Construction — In any block in any I-1-U, I-2-U, I-3-U or I-4-U District, — in which an existing front setback is established (by existing legally established industrial buildings) for more than twenty five percent (25%) of the frontage of the block (or distance of four hundred (400) feet, whichever is lesser), the required setback for any new building shall be the average of such established setback and the required setback of the Industrial District.~~
    - b. ~~Expansion~~

~~The required setback in an I-1-U, I-2-U, I-3-U or I-4-U District, for any existing industrial building, (having a legally established front setback which is less than the required setback of the District) shall be modified to permit expansion of such building along its existing established front setback line — provided the lineal front footage of expansion does not exceed fifty percent (50%) of the lineal front footage of the original building.~~

Sec. 2.11 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:

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 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 of the following. (See Section 2.13, 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 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 Capital Asset Management (DCAM), and improved and constructed in accordance with the standards required by the Indianapolis DCAM Standards for Street and Bridge Design and Construction, or as approved by the Director of the DCAM.
- b. The right-of-way of any streets within an industrial park which is indicated on the Official Thoroughfare Plan for Marion County, Indiana, or which has been required by zoning, variance, or platting commitment, condition or covenant to be developed as public streets, is to be constructed to specific standards based upon their proposed functional classification and shall be dedicated to the public, or the right-of-way thereof shall be reserved for the future.

3. Requirements for private streets, driveways, interior access driveways and interior access drives:

- a. All private streets, driveways, interior access driveways and interior access drives shall meet the minimum standards for construction, materials 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 Supplemental Specifications, and the Indianapolis Department of Transportation (IDOT) Standards for Street and Bridge Design and Construction. In the event DCAM specifications conflict with the IDOT Standard Specifications, the most stringent specifications shall govern. The "Standard Specifications" of the IDOT are incorporated into this Ordinance by reference. Two copies of the "Standard Specifications" are on file and available for public inspection in the office of the Neighborhood and Development Services Division of the Department of Metropolitan Development.

Provided, however, that the standard specifications incorporated into this Ordinance shall be modified as follows:

Private interior streets, private interior access drives and private interior access driveways shall have a minimum width, including gutters, curbing, and off-street parallel parking spaces, if provided, of:

<u>One-way, no parking</u>	<u>twelve (12) feet</u>
<u>One-way, parallel parking on one side of the street only</u>	<u>twenty (20) feet</u>
<u>Two-way, no parking</u>	<u>twenty (20) feet</u>
<u>Two-way, parallel parking on one side of the street only</u>	<u>twenty-seven (27) feet</u>
<u>Two-way, parallel parking on both sides of the street</u>	<u>thirty-six (36) feet</u>

- 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 egress 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. Said 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 2.13, shall include the following: aluminum cans, tin and metal cans, plastics, glass containers, paper products,

In addition to the materials listed above, other household scrap 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 2.13). 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 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 2.11, 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 2.13, 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 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

July 22, 1996

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 state 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 said Dwelling District by an intervening street (see Section 2.13, 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 2.11, 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 percent (20%) of the area of the required yard in which it is used.
- b. Landscaping and screening of the required front yard shall be provided and maintained according to the following minimum standards:
  - (1) Landscaping in the required front yard shall consist of trees planted in accordance with one of the two following alternatives:
    - i. If deciduous shade (overstory) trees are used:

There shall be one (1) tree planted at a maximum of every forty (40) feet on center of linear distance along all required front yards.

These required trees may be grouped together in the required front yard, however, in no case shall spacing between the trees exceed eighty (80) feet (Refer to Section 2.13, 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 2.13, 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 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 percent (75%) of the linear distance of the parking area (excluding the linear width of driveways) with a solid wall, solid fence, berm, or plant material screen. In addition, no linear open space between the above noted screening techniques shall be greater than thirty (30) feet.

The ground area between such wall, fence, berm, or plant material screen and the front proposed right-of-way line shall be planted and maintained in grass or other suitable ground cover.

A minimum of half of the required trees shall also be planted between the proposed right-of-way and the wall, fence, berm, or plant material screen.

c. Landscaping and screening in the required side and rear yards shall be provided and maintained according to the following minimum standards:

(1) Landscaping in the required side and rear yards shall consist of trees planted in accordance with one of the two following alternatives:

- i. If deciduous shade (overstory) trees are used:

There shall be one (1) tree planted at a maximum of every sixty (60) feet on center of linear distance along all required side and rear yards.

These required trees may be grouped together in the required side and rear yards, however, in no case shall spacing between the trees exceed eighty (80) feet (Refer to Section 2.13, 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 2.13, 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.

July 22, 1996

- (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 2.11, 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 (2 1/2) inch caliper at six (6) inches above the ground.
  - (2) Deciduous ornamental (understory) trees - one and one-half (1 1/2) inch caliper at six (6) inches above the ground.
  - (3) Multi-stemmed trees - eight (8) feet in height.
  - (4) Evergreen trees - five to six (5-6) feet in height.
  - (5) Deciduous or evergreen shrubs - twenty-four (24) inches in height. Shrubs are to be planted at a maximum of four (4) feet on center of linear distance along the required yard.
- h. All trees and shrubs shall be planted or transplanted in accordance with the standards contained in American Standard for Nursery Stock, copyrighted in 1986 by the American Association of Nurserymen and approved May 2, 1986 by the American National Standards Institute, Inc. The standards contained in American Standard for Nursery Stock are hereby incorporated into this Ordinance 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 2.11, E, 1, b or c) or required transitional yards (Section 2.11, 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 (4) inch caliper measured at four and one-half (4 1/2) feet above ground or of any existing shrub or evergreen tree over six (6) feet in height shall be prohibited except to facilitate the placement of utilities or to

provide for necessary easements or drainage improvements. Removal of said tree(s) shall require the replanting of replacement tree(s) so that the total number of trees replanted equals the total number of trees removed. Replacement trees shall be of the same species as those trees removed unless approved otherwise by the Administrator. Replanting of these replacement trees shall occur within six (6) months of removal, or the next planting season, whichever occurs first.

1. All existing trees which are to be preserved shall be maintained without injury and with sufficient area for the root system to sustain the tree. Protective care and physical restraint barriers at the drip line, such as temporary protective fencing, shall be provided to prevent alteration, compaction or increased depth of the soil in the root system area prior to and during groundwork and construction. Heavy equipment traffic and the storage of construction equipment or materials shall not occur within the drip line of the tree.
2. Landscaping and screening of required transitional yards. Landscaping and screening of yards fronting upon or abutting a Protected District shall be provided and maintained, for all development in all Industrial Districts in accordance with the following regulations in addition to Section 2.11, E, 1, d-k.
  - a. All required transitional yards shall be landscaped. The landscaping of these yards shall, at a minimum, consist of a combination of living vegetation such as trees, shrubs, hedges, and grasses or ground cover as specified in Section 2.11, 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 percent (20%) of the area of the required yard in which it is used.
  - b. Landscaping and screening of required front transitional yards shall be provided and maintained according to the following minimum standards:
    - (1) Landscaping in front transitional yards shall consist of trees planted in accordance with the standards specified for required front yards. See Section 2.11, 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 of the following:

- i. Architectural Screen - a wall or fence of ornamental block, brick, solid wood fencing or combination thereof. Said wall or fence shall be a maximum of forty two (42) inches and a minimum of thirty-six (36) inches in height and shall be so constructed to such minimum height to restrict any view therethrough; or,
- ii. Berm - an earthen berm shall be a maximum height of forty-two (42) inches and a minimum height of thirty-six (36) inches, a minimum crown width of two (2) feet, a side slope of no greater than three to one (3:1), and shall be planted and covered with live vegetation (a retaining wall may be used on one side of the berm in lieu of a side slope, if desired).

Exception: The earthen berm may be combined with shrubs to attain the minimum height of thirty-six (36) inches.
- iii. Plant Material Screen - a compact hedge of 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 2.11, E, 2, b, (1).
- ii. The finished side of the fence shall face the Protected District. Said fence or wall shall be constructed to a height of not less than six (6) feet and no more than ten (10) feet.
- 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 of the following minimum standards:

i. A combination of trees and shrubs:

(a) Trees - trees shall be planted in accordance with the standards specified for required front yards (see Section 2.11, E, 2, b); and,

(b) Shrubs - shrubs shall be planted so that one hundred percent (100%) of the linear distance of the required transitional yard is screened. Shrubs shall be planted at a maximum of four (4) feet on center of linear distance along the required transitional yard.

The shrubs shall have a minimum ultimate height of six (6) feet and shall be either evergreen or densely twigged deciduous shrubs: or,

ii. Low branching and densely twigged deciduous ornamental trees shall be planted to maintain a spacing of twelve and one-half (12 1/2) feet on center: or,

iii. Densely branched evergreen trees shall be planted to maintain a spacing of twelve and one-half (12 1/2) feet on center: or,

iv. A combination of i, ii, or iii to be maintained so that one-hundred percent (100%) of the linear distance shall be screened.

Exception: Existing trees and shrubs may be used to screen 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 is 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

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

Table B  
Landscape Performance Standards Reduction In  
Required Front Transitional Yards  
In The Suburban ("S") Districts

<u>Landscape Type</u>	<u>District</u>			
	<u>I-1-S</u>	<u>I-2-S</u>	<u>I-3-S</u>	<u>I-4-S</u>
	<u>Required Transitional Yards(in feet)</u>			
<u>Type A</u>	100	100	150	200
<u>Type B</u>	70	70	100	150
<u>Type C</u>	40	40	50	100

Table C  
Landscape Performance Standards Reduction In  
Required Side And Rear Transitional Yards  
In The Urban ("U") Districts

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

July 22, 1996

Table D  
Landscape Performance Standards Reduction In  
Required Front Transitional Yards  
In The Urban ("U") Districts

Landscape Type	District			
	I-1-U	I-2-U	I-3-U	I-4-U
Type A	30	30	40	50
Type B	15	15	20	20

Applicable Landscape standards by Type:

Landscape Type A - The standard ordinance requirement for landscaping in the applicable transitional yard (as noted in Section 2.11, E, 2)

Landscape Type B - The standard ordinance requirement for landscaping in the applicable transitional yards (as noted in Section 2.11, E, 2) except that two (2) times the number of trees normally required shall be provided.

Landscape Type C - The standard ordinance requirement for landscaping in the applicable transitional yards (as noted in Section 2.11, 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.

\*EDITORIAL NOTE: Below are examples of transitional yard reduction:

A site which is 600 feet by 600 feet or 360,000 square feet:

In the I-4-S District, 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, 180,000 square feet would be required for transitional yards - or about a 33% reduction from the standard. Land "added" for development would equal 90,000 square feet or over two acres.

Under "Type C" landscaping, only 90,000 square feet would be required for transitional yards - or about a 67% reduction from the standard. Land "added" for development would equal 180,000 square feet, or over four acres. (End of EDITORIAL NOTE)

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 (2) foot intervals;
- d. show location and nature of existing and proposed drainage systems' and their flow;
- e. include a tree survey of required yards or required transitional yards indicating the exact location of existing trees over four (4) inch caliper at four and one-half (4 1/2) feet above the ground and all flowering trees, shrubs and evergreens over six (6) feet in height.
- f. include the exact location of any existing tree two and one-half (2 1/2) inch caliper or greater at four and one half (4 1/2) feet above the ground which will be counted as a required tree. Said trees, shrubs and evergreens shall be accurately labeled in the tree survey with species and caliper size indicated as either existing to remain or existing to be removed or transplanted.
- g. show all proposed planting by labeling the species, size, and spacing (on center).

5. Grounds maintenance: The Project owner or management shall:

- a. Maintain the landscaping by keeping lawns mowed, all plants maintained as disease-free, and planting beds groomed, except in naturally occurring vegetation areas, such as thickets; and.
- b. Replace any required planting(s), which are removed or die after the date of planting 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 section of this ordinance where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to bring such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval.

G. Application of section 2.11.

Sec. 2.11 shall be applicable to all Industrial Districts.

Sec. 2.12 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 2.01, 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" Districts 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 2.12) 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 2.12, 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 said 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 2.12, C).

An industrial park, as defined in Section 2.13, 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 therefore; 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 2.12, 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 2.12, 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 2.12, C), provided all development standards and performance standards of such District shall be met, as well as the additional standards of Section 2.14, B, 2.

B. Special regulations for uses permitted by special exception. In whatever Industrial Zoning District within Marion County the uses designated in Section 2.12, 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 non-industrial uses in accordance with applicable off-street parking standards required for the proposed use as required in the Commercial Zoning Ordinance.
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 so 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 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 side or divided in any proportion between the two sides of the site.
- (3) Building separation. Setback between side of buildings. The sides of any two 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 Ordinance, and issue Special Exceptions to permit uses designated in Section 2.12, A, subject to the following requirements:

1. A petition for Special Exception to permit any use designated in Section 2.12, A, shall be filed with the Board of Zoning Appeals in accordance with the Board's Rules of Procedure.

July 22, 1996

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 Ordinance and all restrictions and conditions attached to the grant of Special Exception by said 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 2.12, C, 2 and shall be imposed by said Board to ensure compliance with said standards. Such restrictions, conditions or site plan requirements shall become a part of and incorporated in the grant of the Special Exception by the Board of Zoning Appeals.

Sec. 2.13 Construction of language and definitions.

A. Construction of language. The language of this Ordinance shall be interpreted in accordance with the following regulations:

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

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

1. Abut. To physically touch or border upon; or to share a common property line.
2. Access. The way by which vehicles shall have ingress to and egress from a land parcel or property and the street fronting along said property or parcel.
3. 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)
4. 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.

July 22, 1996

5. Administrator. Administrator of the Neighborhood and Development Services Division or such Division having jurisdiction, or their appointed representative.
6. Alley. Any public right-of-way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public access to a lot(s) otherwise abutting upon a public street and not intended for traffic other than public services and circulation to and from said lot(s).
7. 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.
8. 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.
9. Batching plant. A facility which manufactures or prepares bituminous paving materials, aggregate concrete or bulk cement.
10. 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).
11. 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.
12. 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).
13. Bulk storage. The storage of chemicals, petroleum products and other materials in above-ground containers for subsequent resale to distributors or retail dealers or outlets.
14. 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.
15. Collector street. See Street, Collector.
16. Commission. The Metropolitan Development Commission of Marion County, Indiana.
17. Commitment. An officially recorded agreement concerning and running with the land as recorded in the office of the Marion County Recorder.
18. 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.
19. 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.
20. Corner lot. See Lot, Corner.
21. Covenant. A legal agreement concerning the use of land.
22. Crown of the street. The highest point, most often at the center line, of a street cross-section of the street pavement between the existing curb lines.
23. Cul-de-sac. See Street, Cul-de-Sac.

24. 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).
25. Curb line. A line located on either edge of the pavement, but within the right-of-way line. (See Diagram B).
26. Drip line. The perimeter of a tree's spread measured to the outermost tips of the branches and extending downward to the ground.
27. 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).
28. Erect. Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, or any other way of bringing into being or establishing.
29. Excavation. The breaking of ground, except common household gardening, ground care and agricultural activity.
30. Floor area gross. The number of the square feet of horizontal floor area of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two abutting buildings.
31. Front lot line. See Lot Line, Front.
32. Front yard. See Yard, Front.
33. 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.
34. 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.
35. Grade, established street. The crown elevation of a street pavement level abutting a property, (as fixed by the Department of Capital Asset Management).
36. Grade level (Adjacent ground elevation). The lowest point of elevation of the finished surface of the ground, paving or sidewalk and similar surface improvements within the area between the exterior walls of a primary building or structure and the property line, or when the property line is more than ten (10) feet from said walls, between said walls and a line ten (10) feet away from and paralleling said walls.
37. Gross acre. A horizontal measure of land area equal to 43,560 square feet.
38. Gross floor area. See Floor Area, Gross.
39. Gross floor area, total. The sum of the gross horizontal areas of all floors below the roof and within the exterior faces of the exterior walls of principal and accessory buildings or the center lines of walls separating two abutting buildings.
40. 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.
41. Handicap ramp. See Pedestrian Ramp.
42. Hardsurfaced. Quality of an outer area being solidly constructed of pavement, brick, paving stone, or a combination thereof.
43. Hedge. A row or rows of closely planted shrubs, bushes, etc. creating a vegetative barrier.
44. 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

July 22, 1996

gable of a pitched or hipped roof. The reference line shall be selected by either of the following, whichever yields a greater building height:

- a. the elevation of the highest adjoining sidewalk or ground surface within a ten (10) foot horizontal distance from and paralleling the exterior wall of the building or structure when said sidewalk or ground surface is not more than ten (10) feet above lowest grade;
  - b. an elevation ten (10) feet higher than the lowest grade when said sidewalk or ground surface is more than ten (10) feet above the lowest grade.
45. 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.
46. 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.
47. Industrial park. See "Integrated Center".
48. Integrated center. An area of development (commercial, industrial or any combination of commercial, industrial and residential uses) of one or more lots, comprised of:
- a. a number of individual, unrelated and separately operated uses in one building sharing common site facilities; or,
  - b. one or more buildings containing unrelated and separately operated uses occupying a common site, which utilize one or a combination of common site facilities, such as driveway entrances, parking areas, driving lanes, signs, maintenance and similar common services; or,
  - c. one or more buildings containing unrelated and separately operated uses occupying individual sites, which are interrelated by the utilization of one or a combination of common facilities, such as driveway entrances, public or private street network, parking areas, maintenance and other services.
49. Interior access drive. A minor, private street providing access within the boundaries of a project beginning at the required setback line. (See Diagram B).
50. 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).
51. 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.
52. 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, drainage control and wind protection.
53. 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.
54. 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.

55. Loading area. A hard-surfaced off-street area maintained and intended for the maneuvering and temporary parking of vehicles while transferring goods or materials to and from a facility.
56. Loading space. A hard-surfaced, off-street area used for the temporary parking of a commercial vehicle while transferring goods or materials to and from a facility.
57. Local street. See Street, Local.
58. Lot. A tract of land designated by its owner(s) to be used or developed as a unit under single ownership or control.

A lot may or may not coincide with a lot of record and may consist of:

- a. a single lot of record;
- b. a portion of a lot of record; or
- c. a combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.

For purposes of this definition, ownership includes:

- a. the person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the records of the township assessor;
- b. a contract vendee;
- c. a long-term lessee (but only if the lease 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).
59. 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.
60. Lot corner. A lot abutting upon two or more streets at their intersections, or upon two parts of the same street forming an interior angle of less than 135 degrees. (See Diagram D).
61. Lot through. A lot abutting two parallel streets, or abutting two streets which do not intersect at the boundaries of the lot. (See Diagram D).
62. Lot line. The legal boundary of a lot as recorded in the office of the Marion County Recorder.
63. 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).
64. 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).
65. Lot line, side. Any lot line not designated as a front or rear lot line. (See Diagram C).
66. 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.

67. 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.
68. Marginal access street. See Street, Marginal Access.
69. Mini-warehouses. A building or group of buildings containing one or more individual compartmentalized storage units for the inside storage of customers' goods or wares, where no unit exceeds six hundred (600) square feet in area.
70. 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.
71. 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.
72. 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.
73. 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.
74. Outdoor storage. See Storage, Outdoor.
75. 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).
76. 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).
77. Pavement. A layer of concrete, asphalt or coated macadam used on street, parking area, sidewalk, or airport surfacing.
78. 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.
79. Permitted use. Any use by right authorized in a particular zoning district or districts and subject to the restrictions applicable to that zoning district.
80. 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.
81. 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.
82. Primary building. The building in which the permitted primary use of the lot is conducted.

83. 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.
84. 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 ownership or control, and subsequently may be subdivided, developed, or conveyed into smaller lots or parcels.
85. Project boundaries. The perimeter lot lines encompassing an entire project.
86. Proposed right-of-way. See Right-of-Way, Proposed.
87. 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 Ordinance, a protected district shall include any Dwelling District, Hospital District, Parks District, University Quarter District, SU-1 (Church) District or SU-2 (School) District.
88. Public street frontage. See Frontage, Public Street.
89. Rear yard. See Yard, Rear.
90. 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.
91. Recycling. Receptacle designed and intended for the collection of container-cleaned, sorted, solid household waste products, including, but not limited to, glass, plastic, metal and paper.
92. 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 products.
93. 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.
94. Research laboratory. See Laboratory, Research.
95. 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.
96. Required yard. See Yard, Required.
97. 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.
98. 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.
99. 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.

100. 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.
101. Roof line. The uppermost edge of the water-carrying surface of a building or structure.
102. 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.
103. 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).
104. 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).
105. Shrub. A woody plant of relatively low height (not exceeding ten to twelve (10-12) feet in height), branching from the base.
106. Side yard. See Yard, Side.
107. Sidewalk. A hardsurfaced walk or raised path along and often paralleling the side of the street intended for pedestrian traffic.
108. 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.
109. Site plan. The development plan, or series of plans, drawn to scale, for one or more lots on which is shown the existing and proposed location and conditions of the lot including as required by ordinance, but not limited to: topography, vegetation, drainage, floodplains, marshes, and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, buildings, structures, signs, lighting and screening devices, center lines of rights-of-way, dimensions.
110. Storage, outdoor. An outdoor area used for the long term deposit (more than twenty-four hours) of any goods, material, merchandise, vehicles or junk.
111. 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.
112. Street collector. A street primarily designed and intended to carry vehicular traffic movement at moderate speeds (e.g. 35 mph) between local streets and arterials while allowing direct access to abutting property(ies). (See Diagram E).
113. Street, cul-de-sac. A street having only one open end which is permanently terminated by a vehicle turn around. (See Diagram E).
114. Street, expressway. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.
115. Street, freeway. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.
116. Street, local. A street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds (e.g. 20 to 30 mph) within the immediate geographic area with direct access to abutting property(ies). (See Diagram E).
117. 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).

118. Street parkway. A street serving through vehicular traffic and equal to or more than 5280 feet in length, the adjoining land on one or both sides of which is predominantly dedicated or used for park purposes, and shall conform to the Comprehensive Plan and the Thoroughfare Plan.
119. Street primary arterial. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.
120. 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 said purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and the like.
121. Street public. A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for said purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and the like.
122. Street secondary arterial. A street so designated by the Official Thoroughfare Plan for Marion County, as amended.
123. 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.
124. 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.
125. 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.
126. Thoroughfare. A street primarily serving through vehicular traffic, including freeways, expressways, primary arterials, and secondary arterials.
127. 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, park-ways, primary arterials, secondary arterials, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.
128. Through lot. See Lot, Through.
129. Total gross floor area. See Gross Floor Area, Total.
130. Transitional yard. See Yard, Transitional.
131. Trash container. Receptacle intended for the disposal, collection or temporary storage of unsorted waste products or refuse.
132. Trash enclosure. An accessory structure enclosed on at least three sides; designed and intended to screen and protect waste receptacles from view, and to prevent waste debris from dispersing outside the receptacles or enclosure.
133. Tree survey. An inventory of all trees on a lot or project before construction, alteration or excavation activity occurs identifying species, location, caliper, and drip line of trees. In the

July 22, 1996

case of large, dense tree stands (those exceeding six hundred (600) square feet in area and seventy-five percent (75%) 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.

134. Unit. A single, complete entity.
135. Visibly obstructed. The view of an object which is blocked by a building or other man-made structure so as to be incapable of being seen from that line of sight.
136. Walkway. A hard-surfaced walk or raised path for pedestrian traffic.
137. Warehouse. A building used primarily for the storage of goods and materials.
138. Warehousing. Terminal facilities for handling freight with or without maintenance.
139. 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.
140. Wrecker service. A service in which towing or emergency services are provided to disabled automotive vehicles.
141. 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).
142. 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).
143. 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).
144. 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).
145. Yard, transitional required. That portion of any yard abutting a protected district having a minimum depth as required by the particular zoning district in which it is located and acting as a buffer between two or more land uses of different intensity. 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).

### CHAPTER III

SECTION 3.00 Severability. In any section, subsection, paragraph, subparagraph, clause, phrase, work, provision or portion of this eOrdinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision, its invalidity shall not affect or impair the validity any other provision of this eOrdinance as a whole or any part thereof, other than the section, subsection, paragraph, subparagraph, clause, phrase, work, provision or portion so held to be unconstitutional or invalid, that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

PROPOSAL NO. 454, 1996. The proposal, sponsored by Councillor McClamroch, calls on the citizens of Marion County to support the Indianapolis Rebuilding Families initiative which will strengthen families by encouraging responsible fatherhood, discouraging teen pregnancy, and

improving support for teenage mothers and economic opportunities for young families. Councillor Curry reported that the Rules and Public Policy Committee heard Proposal No. 454, 1996 on July 2, 1996.

Councillor Boyd stated that he hoped the resolution was not a political one, but just a coincidence. He explained that the Mayor stated that something needed to be done to discourage teenage pregnancies, then the next day there was an ordinance stating the same fact.

Councillor McClamroch asked if Councillor Boyd opposed to the substance in the resolution. Councillor Boyd stated that if the resolution had substance then he might oppose it. He continued explaining that he was against the details in the resolution.

President SerVaas ruled an end to the political discussion.

Councillors Curry and McClamroch requested that Proposal No. 454, 1996 be postponed until the August 5, 1996 Council meeting. Consent was given.

PROPOSAL NO. 461, 1996. Councillor Dowden reported that the Public Safety and Criminal Justice Committee heard Proposal No. 461, 1996 on June 26, 1996. The proposal establishes a nonreverting fund to be known as the "Victim Witness Support Services Fund" to be administered by the County Prosecutor. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Dowden moved, seconded by Councillor Schneider, for adoption. Proposal No. 461, 1996 was adopted on the following roll call vote; viz:

27 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Talley, Tilford, Williams  
0 NAYS:  
2 ABSENT: Moores, Short

Proposal No. 461, 1996 was retitled GENERAL ORDINANCE NO. 121, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 121, 1996

A GENERAL ORDINANCE amending Article II of Chapter 135 of the "Revised Code of the Consolidated City and County" by adding a new nonreverting fund to be known as the "Victim Witness Support Services Fund."

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

SECTION 1. Article II of Chapter 135 of the "Revised Code of the Consolidated City and County" concerning nonreverting county funds is hereby amended by the addition of a NEW Sec. 135-305, to read as follows:

DIVISION 5. PROSECUTOR'S VICTIM WITNESS SUPPORT SERVICES FUND

Sec. 135-305. Victim witness support services fund.

(a) There is hereby created a special fund, to be designated and known as the "victim witness support services fund," in the office of the county prosecutor. This fund shall be a continuing, nonreverting fund, with all balances remaining therein at the end of each year. Such balances shall not lapse into the county

July 22, 1996

general fund, or ever be directly or indirectly diverted in any manner to uses other than those stated in this section.

(b) All fees charged and collected by the county prosecutor for providing copies of documents pursuant to discovery or public records requests, shall be deposited in the victim witness support services fund.

(c) The fund shall be administered by the county prosecutor, and all funds deposited therein shall be appropriated and used solely for services that victims or witnesses need for their own protection and well-being, including but not limited to expenses such as moving expenses, security measures or equipment, food, and temporary shelter.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with IC 36-4-14.

Councillor Gilmer reported that the Capital Asset Management Committee met on July 17, 1996 and heard Proposal Nos. 456, 457, and 460, 1996.

PROPOSAL NO. 456, 1996. The proposal, sponsored by Councillor SerVaas, authorizes multi-way stops at Cornell Avenue and 64th Street and at Cornell Avenue and 65th Street (District 2). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Bradford, for adoption. Proposal No. 456, 1996 was adopted on the following roll call vote; viz:

*24 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Franklin, Gilmer, Golc, Hinkle, Jones, Massie, McClamroch, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Tilford, Williams*

*1 NAY: Gray*

*2 NOT VOTING: Dowden, Talley*

*2 ABSENT: Moores, Short*

Proposal No. 456, 1996 was retitled GENERAL ORDINANCE NO. 122, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 122, 1996

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-92, Schedule of intersection controls.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11, Pg. 8	Cornell Av 64th St	64th St	Stop
11, Pg. 8	Cornell Av 65th St	65th St	Stop

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-92, Schedule of intersection controls, be, and the same is hereby, amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
11, Pg. 8	Cornell Av 64th St	None	All Stop
11, Pg. 8	Cornell Av 65th St	None	All Stop

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

PROPOSAL NO. 457, 1996. The proposal, sponsored by Councillors SerVaas and Bradford, authorizes 55 degree parking meter zones on Westfield Boulevard, on the north side, from College Avenue to Guilford Avenue (Districts 2, 7). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Bradford, for adoption. Proposal No. 457, 1996 was adopted on the following roll call vote; viz:

26 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Franklin, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Talley, Tilford, Williams

0 NAYS:

1 NOT VOTING: Smith

2 ABSENT: Moores, Short

Proposal No. 457, 1996 was retitled GENERAL ORDINANCE NO. 123, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 123, 1996

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-283, Parking meter zones designated; Sec. 29-254, Manner of parking; and Sec. 29-268, Stopping, standing or parking prohibited at all times on certain designated streets.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-283, Parking meter zones designated, be, and the same is hereby, amended by the deletion of the following, to wit:

2 HOUR

Westfield Boulevard, on the south side,  
from College Avenue to Guilford Avenue

July 22, 1996

SECTION 2. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-283, Parking meter zones designated, be, and the same is hereby, amended by the addition of the following, to wit:

2 HOUR  
Westfield Boulevard, on the north side,  
from College Avenue to Guilford Avenue

SECTION 3. That the "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-254, Manner of parking, be, and the same is here, amended by the addition of the following, to wit:

(e) Fifty-five degree angle. Whenever parking is permitted on any of the following streets or parts thereof, parking at an angle of fifty-five (55) degrees to the curb, or if there is no curb, then to the line of the traveled roadway shall be used, and vehicles shall not park otherwise thereon:

55 DEGREE PARKING  
Westfield Boulevard, on the north side,  
from College Avenue to Guilford Avenue

SECTION 4. That the "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-268, Stopping, standing or parking prohibited at all times on certain designated streets, be, and the same is hereby, amended by the addition of the following, to wit:

Westfield Boulevard, on the north side,  
from College Avenue to Guilford Avenue

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

PROPOSAL NO. 460, 1996. The proposal, sponsored by Councillors Short, and Williams, authorizes the deletion of a.m. and p.m. peak hour parking restrictions on State Street between Michigan Street and Pleasant Run parkway North Drive (Districts 21, 22). By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gilmer moved, seconded by Councillor Williams, for adoption. Proposal No. 460, 1996 was adopted on the following roll call vote; viz:

*26 YEAS: Black, Borst, Boyd, Bradford, Brents, Cockrum, Coonrod, Coughenour, Curry, Dowden, Gilmer, Golc, Gray, Hinkle, Jones, Massie, McClamroch, Moriarty Adams, O'Dell, Schneider, SerVaas, Shambaugh, Smith, Talley, Tilford, Williams*

*0 NAYS:*

*1 NOT VOTING: Franklin*

*2 ABSENT: Moores, Short*

Proposal No. 460, 1996 was retitled GENERAL ORDINANCE NO. 124, 1996, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 124, 1996

A GENERAL ORDINANCE amending the "Code of Indianapolis and Marion County, Indiana", Sec. 29-271, Stopping, standing and parking prohibited at designated locations on certain days and hours.

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

SECTION 1. The "Code of Indianapolis and Marion County, Indiana", specifically, Chapter 29, Sec. 29-271, Stopping, standing and parking prohibited at designated locations on certain days and hours, be, and the same is hereby, amended by the addition of the following, to wit:

ON ANY DAY EXCEPT SUNDAY

*from 7:00 a.m. to 9:00 a.m.*

State Avenue, on the west side,

from Michigan Street to Pleasant Run Parkway North Drive

ON ANY DAY EXCEPT  
SATURDAY AND SUNDAYS

*from 6:00 a.m. to 9:00 a.m.*

*from 3:00 p.m. to 6:00 p.m.*

State Avenue, on the west side,

from Washington Street to Pleasant Run Parkway North Drive

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

### NEW BUSINESS

Councillor Hinkle stated that the Metropolitan Development Committee meeting for Monday, July 29, 1996 is canceled, and the next meeting will be August 14, 1996. Councillor O'Dell stated that he wished to remind the Councillors of the upcoming Peace Games on July 26-28, 1996 and encourage all to attend. Councillor Gray stated that he would like to encourage the Councillors, if possible, to attend the Fallen Firefighters Dedication service to be held at the Union Hall on Friday, July 26, 1996 at 11:00 a.m. Councillor Schneider encouraged the Councillors to attend the Marion County Fair.

### ANNOUNCEMENTS AND ADJOURNMENT

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:50 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-County Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 22nd day of July, 1996.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)