

## **Special Districts Zoning Ordinance of Indianapolis-Marion County**

**Chapter 735 of the Indianapolis Code**

**Article VII. Special Districts:**

- Division 1. General
- Division 2. Park District
- Division 3. Hospital District
- Division 4. University Quarter District
- Division 5. Special Use District
- Division 6. Speedway Districts

*Update: 2009-AO-01, G.O. 96, 2009*

**Historical Reference**

**Article VII Special Districts**

Original:	94-AO-3	G.O. 59, 1994, April 25, 1994 ( <i>combined SU, PK, HD, UQ districts</i> )
Amended:	95-AO-3	G.O. 28, 1995
	95-AO-12	G.O. 203, 1995
	96-AO-1	G.O. 68, 1996
	96-AO-4	G.O. 173, 1996
	97-AO-13	G.O. 1, 1998
	98-AO-4	G.O. 112, 1998
	98-AO-5	G.O. 101, 1998
	2007-AO-01	G.O. 3, 2008 ( <i>Religious Uses</i> )
	2007-AO-02	G.O. 4, 2008, adopted April 14, 2008 ( <i>Sidewalks</i> )
	2008-AO-02	G.O. 13, 2009, adopted February 4, 2009 ( <i>Speedway SZ-1 &amp; SZ-2 Districts</i> )
	2009-AO-01	G.O. 96, 2009, adopted September 21, 2009 ( <i>agency name change</i> )

**Park Districts**

Original:	68-AO-2	June 4, 1968
	69-AO-2	May 7, 1969 ( <i>established PK-II</i> )
	94-AO-3	G.O. 59, 1994, April 25, 1994 ( <i>combined SU, PK, HD, UQ districts</i> )

**Hospital Districts**

Original:	68-AO-8	August 1, 1968
Amended:	73-AO-3	June 18, 1973 ( <i>approval petition requirement</i> )
	94-AO-3	G.O. 59, 1994, April 25, 1994 ( <i>combined SU, PK, HD, UQ districts</i> )

**University Quarter Districts**

Original:	66-AO-6	March 16, 1967
Amended:	73-AO-5	G.O. 4, 1974, January 21, 1974 ( <i>UQ-2(B) for Butler University</i> )
	94-AO-3	G.O. 59, 1994, April 25, 1994 ( <i>combined SU, PK, HD, UQ districts</i> )

**Special Use Districts**

Original:	66-AO-3	Adopted July 6, 1966
Amended:	67-AO-5	May 10, 1967 ( <i>sanitary landfill stds</i> )
	68-AO-13	November 13, 1968 ( <i>sanitary landfill stds</i> )
	78-AO-1	July 17, 1978 ( <i>added no expansion clause</i> )
	94-AO-3	G.O. 59, 1994, April 25, 1994 ( <i>combined SU, PK, HD, UQ districts</i> )
	94-AO-4	G.O. 60, 1994 ( <i>deleted SU-14, SU-15, Su-29 districts</i> )
	94-AO-7	G.O. 92, 1994, July 11, 1994 ( <i>SU-44 pari-mutuel wagering facilities</i> )

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**Chapter 735 ZONING -- OTHER DISTRICTS**

**ARTICLE VII. SPECIAL DISTRICTS**

**DIVISION 1. GENERALLY**

**Sec. 735-700. Establishment of official zoning map; establishment of special zoning districts.**

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

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

**(b) Establishment of special zoning districts.** The following primary special zoning districts for Indianapolis, Marion County are hereby established, and land within Indianapolis is hereby classified, divided and zoned into such districts as designated on the official zoning map:

<i>Park Districts</i>	
PK-1	Park District One
PK-2	Park District Two
<i>Hospital Districts</i>	
HD-1	Hospital District One
HD-2	Hospital District Two
<i>University Quarter Districts</i>	
UQ-1	University Quarter District One
UQ-2(B)	University Quarter District Two (Butler University)
<i>Speedway Districts</i>	
SZ-1	Speedway Main Street District
SZ-2	Speedway Industrial District

(G.O. 13, 2009, 2008-AO-02)

- (c) **Establishment of special use zoning districts; permitted uses.** The following primary special use zoning districts for Marion County, Indiana, are hereby established, and land within the county zoned to such district classifications shall be designated on the applicable zoning base maps by the following zoning district symbols, respectively (which maps are hereby incorporated by reference and made a part of this article). No use shall be permitted in any special use zoning district other than the following permitted use or uses specified for each such district, respectively:

Special Use Zoning District	Zoning District Symbol	Permitted Use
Special Use District I	<b>SU-1</b>	Religious use (as defined in section 735-751)
Special Use District II	<b>SU-2</b>	School
Special Use District III	<b>SU-3</b>	Golf course, golf driving range, golf country club-public or private
Special Use District V	<b>SU-5</b>	Radio receiving or broadcasting tower and accessory buildings
Special Use District VI	<b>SU-6</b>	Hospital, sanitarium, nursing home
Special Use District VII	<b>SU-7</b>	Charitable, philanthropic and not-for-profit institution
Special Use District VIII	<b>SU-8</b>	Correctional and penal institution
Special Use District IX	<b>SU-9</b>	Building(s) and grounds used by any department of town, city, township, county, state or federal government
Special Use District X	<b>SU-10</b>	Cemetery
Special Use District XIII	<b>SU-13</b>	Sanitary landfill
Special Use District XVI	<b>SU-16</b>	Indoor and outdoor commercial amusement, recreation and entertainment establishment
Special Use District XVIII	<b>SU-18</b>	Light or power substation
Special Use District XX	<b>SU-20</b>	Telephone exchange offices
Special Use District XXIII	<b>SU-23</b>	Permanent gravel or sand processing plant, rock crushing, grinding or milling and stockpiling
Special Use District XXVIII	<b>SU-28</b>	Petroleum refinery and petroleum products storage

Special Use Zoning District	Zoning District Symbol	Permitted Use
Special Use District XXXIV	<b>SU-34</b>	a. Club rooms b. Fraternal rooms--Fraternity and lodge c. Ballroom--Public
Special Use District XXXV	<b>SU-35</b>	Telecommunication receiving or broadcasting tower and associated accessory buildings
Special Use District XXXVII	<b>SU-37</b>	Library
Special Use District XXXVIII	<b>SU-38</b>	Community center
Special Use District XXXIX	<b>SU-39</b>	Water tank, water pumping station and similar structures not located on buildings
Special Use District XXXXI	<b>SU-41</b>	Sewage disposal plant; garbage feeding and disposal
Special Use District XXXXII	<b>SU-42</b>	Gas utility
Special Use District XXXXIII	<b>SU-43</b>	Power transmission lines
Special Use District XXXXIV	<b>SU-44</b>	Off-track mutuel wagering facilities, licensed as satellite facilities under IC 4-31-5.5 (off-track betting facilities)

Including for each such district:

- (1) Accessory uses and structures, subordinate, appropriate and incidental to the above permitted primary uses.
- (2) Wireless communication facility, as defined in, and subject to the additional regulations of Article IX of this chapter.

(G.O. 31, 2001, § 11)

**Sec. 735-701. General regulations.**

**(a) Applicability of regulations.** The following regulations shall apply to all land within the special zoning districts. After the effective date of this article:

- (1) With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this article.
- (2) No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article. Provided, however, legally established nonconforming uses and structures or buildings not located in any flood control district may be restored to their original dimensions and conditions if damaged or partially destroyed by fire or other disaster when such damage or destruction does not exceed two-thirds ( 2/3) of the gross floor area of the structure or facilities affected.

- (3) Legal establishment of nonconforming uses that were not legally initiated prior to April 8, 1969.
- a. A nonconforming use in a Parks, Hospital, University Quarter and Special Use District (as adopted by the Metropolitan Development Commission under docket numbers: 69-AO-2 (Park Districts), 68-AO-8 (Hospital Districts), 66-AO-6 (University Quarter Districts), 66-AO-3 (Special Use Districts) shall be deemed to be legally established (relative to both use and development standards) if the use:
    1. Shall have existed prior to April 8, 1969; and
    2. Has continued to exist from April 8, 1969, to the present; and
    3. Has not been abandoned; and
    4. Of the entire building has not been vacant voluntarily for any period of three hundred sixty-five (365) consecutive days.

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

- b. Any construction, erection, conversion (including, but not limited to, the addition of dwelling units), enlargement, extension, reconstruction or relocation occurring during the period after the specific dates noted in a.1. above must have been done in conformity with these regulations and have been done for uses permitted by this article. Any such future activity shall not be permitted except in conformity with these regulations and for uses permitted by this article.
  - c. This subsection (a)(3) shall:
    - Have no effect upon the powers of the Consolidated City of Indianapolis, Marion County, or any unit or agency thereof, or the Health and Hospital Corporation of Marion County, Indiana, to enforce other public health and safety laws and ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance).
    - Not relieve any property of the legal obligation to comply with conditions or commitments which lawfully apply to the property made in connection with any variance, rezoning, platting, or other zoning decision.
- (4) Compliance with Chapter 731, Article III of this Code. In compliance with IC-36-7-4-701, the Metropolitan Development Commission and city-county council have set forth the following zoning districts in which subdivision of land is required to comply with the provisions of Chapter 731, Article III of this Code: Any single-family or two-family component of land development within a PK-2 (Park District Two), UQ-2 (University Quarter Two), HD-2 (Hospital District Two) or any SU (Special Use) District, as noted in this article, specifically permitted through appropriate approval petitions (PK-2, UQ-2, HD-2 Districts), or where allowed as a permitted use (SU Districts). Condominium development shall not be regulated by Chapter 731, Article III of this Code, but shall be regulated per IC 32-1-6.

**(b) Performance standards.** All uses established or placed into operation after the effective date of this article shall comply with the following performance standards. No use in

existence on the effective date of this article shall be so altered or modified as to conflict with these standards.

- (1) *Vibration.* No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
  - (2) *Smoke, dust and particulate matter.* Smoke, dust, particulate matter and any other airborne material shall be subject to the standards and regulations of Chapter 511 of this Code. The standards and regulations noted in Chapter 511 of this Code for the emission of smoke and particulate matter are hereby incorporated by reference and made a part hereof.
  - (3) *Noxious matter.* No use shall discharge across the lot lines noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
  - (4) *Odor.* No use shall emit across the lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
  - (5) *Sound.* No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.
  - (6) *Heat and glare.* No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
  - (7) *Waste matter.* No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health, and the Stream Pollution Control Board of the State of Indiana and the Department of Public Works of Indianapolis, Indiana, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.
- (c) **Development plans required.** A site and development plan shall be required in the PK-1, PK-2, HD-1, HD-2, UQ-1, UQ-2(B), SZ-1, SZ-2 and all SU districts. Development requirements that must be met for the approval of a site and development plan are specified in each of the respective districts.  
(G.O. 13, 2009, 2008-AO-02)
- (d) **Commitments.** The Commission may permit or require commitments.
- (e) **State statute citation.** The applicable Indiana planning and zoning law pertaining to this article is the 1400 series - development plans (P.L. 320-1995, 22) of IC 36-7-4. Regulations contained in, and revisions to, this article reflect the provisions of the 1400 series - development plans.

## DIVISION 2. PARK DISTRICT REGULATIONS

### Sec. 735-720. Park district regulations.

#### (a) *Permitted park district uses.*

- (1) ***Park District One (PK-1) uses.*** Public playgrounds, play fields, ballfields, ball courts, tennis courts, spray or wading pools, outdoor swimming pools, ice skating, picnicking, boating, fishing, wildlife refuges, botanical gardens, arboreta, scenic areas, greenways, bridle paths, hiking and bicycle trails, and such other primary park or recreational uses, or uses incidental and accessory thereto, as are included within any site and development plan filed with and approved by the Commission as hereinafter provided.

Wireless communication facility, as defined in, and subject to the additional regulations of, Article IX of this chapter.

Provided, however, that no use not specifically enumerated nor any building or structure shall hereafter be constructed or used on any land in the PK-1 District for any purpose other than lawfully existed on or prior to May 7, 1969, until a site and development plan for such land and all park district lands of which it is a common tract (showing the location of existing and proposed park uses, including the location and proposed use of such building or structure to be built or used, or the proposed use not specifically enumerated as a permitted use) shall have been filed with and approved by the Commission unless enumerated in subsection (d) of this section (specific exemptions - Administrator's approval).

- (2) ***Permitted Park Perimeter-Special District Two (PK-2) uses.*** Permitted uses, as approved by the Commission as hereinafter provided:
- a. Any dwelling use, including single-family or multifamily, attached or detached dwellings, subject to all standards, requirements and regulations of Chapter 731 of this Code specified in the petition for such Commission approval.
  - b. Any commercial office use, office complex, commercial office- apartment complex, or other planned complex, which may include business, professional and consumer service offices, retail sales and service uses or other appropriate uses and accessory facilities.
  - c. Regional, community or neighborhood shopping center, commercial center-office-apartment complex, apartment hotels, hotels, motels or other similar single commercial use or multiuse planned complex, including business, professional and consumer service offices, retail sales and service uses, or other appropriate uses and accessory facilities.
  - d. Office-commercial-industrial research and development park or complex or other commercial-industrial use or combination thereof (subject to all standards, requirements and regulations of section 733-206 of this Code) and accessory facilities.
  - e. Public and semi-public structures and uses, parks and open space, including but not limited to museums, auditoriums, theaters, amphitheaters, exhibition halls or exhibition spaces, libraries, civic centers, university or college campus or other educational office complexes, malls, greenways, or other appropriate uses and accessory facilities.
  - f. Residential-recreational-commercial planned complex, including multifamily dwellings, townhouses, condominium, cluster housing or other planned residential development in combination with open space, recreational-commercial development including golf course, country club, riding stable,



tennis or swimming club, marina, lake development or other recreational, public or semi-public, commercial or noncommercial uses, and accessory facilities.

- g. Wireless communication facility, as defined in, and subject to the additional regulations of, Article IX of this chapter.
- h. Any other appropriate planned land use, complex or combination of land uses.

Provided, however, that no use, building or structure shall hereafter be established or constructed on any land in the PK-2 District until such proposed use and a site and development plan for the use shall have been filed with and approved by the Commission unless enumerated in subsection (d) of this section (specific exemptions - Administrator's approval).

**(b) Site and development plan consideration.** The Commission may consider and act upon any proposed use and site and development plan, approve the same in whole or in part, and impose additional development standards, requirements or conditions thereon at any public hearing of the Commission. The Commission shall prescribe in its rules of procedure the requirements for an approval petition for site and development plan consideration which shall be filed. In addition, the rules of procedure set forth the fees, hearing process, notice, and amendment procedures relative to any petition.

**(1) Plan documentation and supporting information.** The site and development plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:

- a. Proposed park district uses.
- b. Any existing uses, buildings and structures.
- c. Proposed buildings and structures.
- d. Off-street parking layouts.
- e. Vehicular entrances and exits and turnoff lanes.
- f. Setbacks.
- g. Landscaping, screens, walls, fences.
- h. Signs, including location, size and design thereof.
- i. Sewage disposal facilities.
- j. Storm drainage facilities.
- k. Other utilities if aboveground facilities are needed.

**(2) Site and development requirements.** Land in the PK-1 and PK-2 Districts is subject to the following site and development requirements. In review of the proposed site and development plan, the Commission shall assess whether such site and development plan, proposed uses, buildings and structures shall:

- a. Be in conformity with the Comprehensive Plan of Marion County, Indiana, including the Comprehensive Park Plan for Marion County, Indiana, adopted by Commission resolution 65-CPS-R-2, as amended;
- b. Create and maintain a desirable, efficient and economical land use with high functional and aesthetic value, attractiveness and compatibility of land uses, with adjacent park and other land uses;
- c. Provide sufficient and adequate access, parking and loading areas;
- d. Provide adequate traffic control and street plan integration with existing and planned public streets and interior access roads;
- e. Provide adequately for sanitation, drainage and public utilities; and
- f. Allocate adequate sites for all uses proposed - the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed,

logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana, including the Comprehensive Park Plan for Marion County, Indiana.

- g. Provide pedestrian accessibility, which may be paths, sidewalks, trails, or combination thereof, along eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator. Regional Parks, Natural Resource Areas and Greenways as designated by the department of parks and recreation in the “Indianapolis-Marion County Park, Recreation and Open Space Plan” are exempted from this paragraph. [2007-AO-02, G.O. 4, 2008]

The Commission may consider and act upon any such proposed use and site and development plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission.

- (3) **Commission findings.** The Commission shall make written findings concerning any decision to approve or disapprove a site and development plan filed under this section. The written findings shall be based upon the requirements of subsection (b)(2) above. The president or secretary of the Commission shall be responsible for signing the written findings.

(c) **Public notice.**

*PK-1 District.* Public notice of the hearing regarding such petition shall be required only to registered neighborhood organizations whose boundaries include all or part of the subject request.

*PK-2 District.* Public notice of the hearing regarding such petition shall be required in accordance with the Commission's rules of procedure.

(d) **Specific exemptions - Administrator's approval.**

- (1) **Administrator's approval.** The filing of an approval petition and subsequent Commission approval shall not be required for the creation or alteration of the following structures or for accomplishing the following types of improvements in the PK-1 and PK-2 Districts. Such structures and improvements, however, shall be required to obtain Administrator's approval prior to the issuance of an Improvement Location Permit. All provisions and regulations of the zoning ordinance applicable in the particular situation, or commitments related to prior Commission approval, shall continue to apply. The Administrator shall be required to use the standards of subsection (b)(2) in the review and disposition of such structures and improvements.

- a. Improvements to existing structures that do not increase the usable floor area of that structure (for example: canopies, awnings, vestibules, roof line changes, or similar features).
- b. Additions to existing structures which are less than:
  - One thousand (1,000) square feet in the PK-1 District;
  - One thousand (1,000) square feet for residential uses within the PK-2 District;
  - Two thousand five hundred (2,500) square feet for all other uses within the PK-2 District.
- c. In the PK-1 District, any new structure which is less than two thousand five hundred (2,500) square feet, provided the structure:

- Is in substantial conformance with the applicable adopted park master plan; or
  - Is an accessory support structure which may not be delineated on the adopted park master plan, the location of which, however, will not affect the implementation of the plan (examples of such structures are golf cart buildings, picnic shelters, maintenance sheds, and rest rooms).
- d. Any new residential structures in projects or subdivisions previously approved by the Commission. In instances of an approved subdivision, a plat shall have been recorded.
- e. Accessory structures permitted in connection with residential development.
- f. Landscaping.
- g. Any incidental sign (as defined by Chapter 734 of this Code).

(2) **Appeal of Administrator's decision.** Where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to appeal such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval as an appeal in the form of an approval petition. Such appeal shall be filed within ten (10) business days of approval or denial of the approval as specified in, and following, the rules of procedure of the Metropolitan Development Commission. In any appeal, the Commission shall make written findings of its decision as required in subsection (b)(3).

(e) **Improvement Location Permit requirements.** All land use within the PK-1 and PK-2 Districts shall be subject to all requirements of subsections (c) and (d) of section 730-300 of this Code relative to conformity with all conditions and commitments of the applicable Commission approval or Board of Zoning Appeals grant of a variance.

No use, building or structure shall be established or erected in any park district without an Improvement Location Permit. An Improvement Location Permit shall not be issued until the proposed use and the site and development plan, or such part thereof as includes the proposed uses, buildings or structures, shall have been approved by the Commission, unless exempt under subsection (d) of this section. Applications for Improvement Location Permits shall be made upon Department of Metropolitan Development forms and shall include all information specified by such forms.

(f) **Park district development standards.**

**Park District One (PK-1) development standards.** The following development standards shall apply to all land within Park District One:

- (1) **Location.** Public parks larger than ten (10) acres shall be located with direct access to and frontage on a collector street, or a street designated on the Official Thoroughfare Plan of Marion County, Indiana, as a primary or secondary thoroughfare, parkway, expressway or freeway.
- (2) **Minimum lot area.** There shall be no minimum lot area.
- (3) **Setback lines and minimum front yards.**
- a. Front yards, having a minimum depth in accordance with the following setback requirements, shall be provided along all street right-of-way lines:
1. *Expressway, parkway or primary thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana).* No part of any structure shall be built closer than sixty (60) feet to any right-of-way line of an expressway, parkway or primary thoroughfare.

2. *Secondary thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana).* No part of any structure shall be built closer than forty (40) feet to any right-of-way line of a secondary thoroughfare.
3. *Collector street.* No part of any structure shall be built closer than thirty (30) feet to any right-of-way line of a collector street.
4. *Local street, marginal access street or cul-de-sac.* No part of any structure shall be built closer than twenty-five (25) feet to any right-of-way line of a local street, marginal access street, or cul-de-sac, with the exception of the vehicular turnaround thereof. No part of any structure shall be built closer than twenty (20) feet to any right-of-way line of the vehicular turnaround of a cul-de-sac.

Provided, however, that along the right-of-way line of any street, highway, or thoroughfare where access rights thereto have been purchased or otherwise acquired by the governmental agency having jurisdiction thereof, yards having a minimum depth of thirty (30) feet shall be provided.

Exception: Eaves, cornices or other laterally supported extensions may extend into the front yard setback a maximum of four (4) feet.

**(4) Maximum height.** Thirty-five (35) feet.

**(5) Off-street parking.**

- a. Adequate off-street parking spaces shall be provided for the various PK-1 District park activities and uses.
- b. Off-street parking area for all uses in the PK-1 District shall be developed and maintained in accordance with the following requirements:
  1. Off-street parking entrances and exits shall be located a minimum distance of twenty-five (25) feet from the nearest point of two (2) intersecting street right-of-way lines. Such access cuts from a public street shall further conform to all requirements of the traffic engineering department having jurisdiction thereof.
  2. The surface of parking areas shall be graded and drained in such a manner that there will be no free flow of water onto either adjacent properties or sidewalks.
  3. Lighting facilities used to illuminate parking areas shall be so located, shielded and directed upon the parking area that they do not glare onto or interfere with street traffic, adjacent buildings, or adjacent users.
- c. The distance of driveways and parking areas from any adjacent property line shall be at least twenty (20) feet.

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

**Park District Two (PK-2) development standards.** All development within the Park District Two (PK-2) District shall be in accordance with the site and development plan, as approved by the Commission in accordance with this section.

## **DIVISION 3. HOSPITAL DISTRICT REGULATIONS**

### **Sec. 735-730. Hospital district regulations.**

*Statements of purpose:*

*Hospital District One (HD-1).* The HD-1 zoning category is designed to permit and facilitate the development, expansion, and modernization of a major hospital complex or campus, in which a diversity of uses, functions, and facilities is necessary to best perform the hospital's various services to the public; and further to permit appropriate land use modifications as necessary to facilitate the highest level of such service.

*Hospital District Two (HD-2).* The HD-2 zoning category is designed to: (1) permit and facilitate the logical association of a diversity of land uses in close proximity to a major hospital complex; (2) to provide adequate land area for such hospital-related uses; and (3) to assure a quality and character of site development that will create the environment of safety, quietness, attractiveness and convenience compatible with such hospital complex.

#### **(a) Permitted hospital district uses.**

**(1) Permitted Hospital District One (HD-1) uses.** All uses permitted within the HD-1 District shall be subject to the Commission's approval, as included with a required site and development plan filed with, and approved by, the Commission as specified in subsection (b) of this section.

- a. Assisted-living facility (as defined in section 735-751).
- b. Hospital complex or hospital campus, including the following accessory uses operated by or for the hospital, and integrally related thereto:
  1. Administrative and professional staff offices.
  2. Apartments and dormitories for hospital staff, personnel and students.
  3. Cafeterias, gift shops, book stores and other similar convenience functions.
  4. Medical, research, multi-service convalescent and educational facilities and buildings, and related functions such as laboratories, auditoriums, class and recreation facilities.
  5. Off-street parking lots and garages for employees, staff, and visitors; and off-street loading facilities.
  6. Warehouses, maintenance buildings, laundries, food preparation facilities, and utilities structures.
  7. Other similar uses and facilities.
- c. Wireless communication facility, as defined in, and subject to the additional regulations of, Article IX of this chapter.

**(2) Permitted Hospital District Two (HD-2) uses.** All uses permitted within the HD-2 District shall be subject to the Commission's approval, as included within a required site and development plan filed with, and approved by, the Commission as specified in subsection (b) of this section.

- a. Apartments, dormitories, and other higher-intensity, permanent or transient residential structures.
- b. Assisted-living facility (as defined in section 735-751).
- c. Commercial parking lots and garages.

- d. Medical laboratories; surgical and medical supply firms; hospital and sickroom equipment sales and rental.
- e. Nursing, convalescent and retirement homes.
- f. Offices for physicians, dentists, and other professions dealing with public health (excluding substance abuse treatment facilities, which are permitted in the C-4, C-5, and C-7 districts of Chapter 732 of this Code.
- g. Pharmacies; florists; card and gift shops; restaurants; uniform clothing stores; and similar convenience and specialty sales and service businesses.
- h. Wireless communication facility, as defined in, and subject to the additional regulations of, Article IX of this chapter.
- i. Other similar hospital-related or oriented uses.

**(b) Site and development plan consideration.** No use, building or structure shall hereafter be established, constructed or used on any land in the HD-1 or HD-2 District for any purpose other than lawfully existed on or prior to July 17, 1968, until a site and development plan for such land, including the proposed hospital district use or uses, shall have been filed with and approved by the Commission unless enumerated in subsection (d) of this section (specific exemptions - Administrator's approval). The Commission shall prescribe in its rules of procedure the requirements for an approval petition for site and development plan consideration which shall be filed. In addition, the rules of procedure set forth the fees, hearing process, notice, and amendment procedures relative to any petition.

**(1) Plan documentation and supporting information.** The site and development plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:

- a. Proposed hospital district uses.
- b. Any existing uses, buildings and structures.
- c. Proposed buildings and structures.
- d. Off-street parking layouts.
- e. Vehicular entrances and exits and turnoff lanes.
- f. Setbacks.
- g. Landscaping, screens, walls, fences.
- h. Signs, including location, size and design thereof.
- i. Sewage disposal facilities.
- j. Storm drainage facilities.
- k. Other utilities if aboveground facilities are needed.

**(2) Site and development requirements.** Land in the HD-1 and HD-2 Districts is subject to the following site and development requirements. In review of the proposed site and development plan, the Commission shall assess whether the site and development plan, proposed use, buildings and structures shall:

- a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana;
- b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the hospital district and with adjacent uses;
- c. Provide sufficient and adequate access, parking and loading areas;
- d. Provide traffic control and street plan integration with existing and planned public streets and interior roads;
- e. Provide adequately for sanitation, drainage and public utilities; and

- f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana.
- g. Provide sidewalks along eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator; and, pedestrian accessibility to available public transit. Sidewalks shall consist of the walkway and any curb ramps or blended transitions. If required to be installed, the Administrator or the Commission shall be guided by the provisions of Sec. 732-214(c)(5) for the installation of sidewalks in the C-S District. [2007-AO-02, G.O. 4, 2008]

The Commission may consider and act upon any such proposed use and site and development plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission.

- (3) Commission findings.** The Commission shall make written findings concerning any decision to approve or disapprove a site and development plan filed under this section. The written findings shall be based upon the requirements of subsection (b)(2) above. The president or secretary of the Commission shall be responsible for signing the written findings.

**(c) Public notice.**

*HD-1 District.* Public notice of the hearing regarding such petition shall be required only to registered neighborhood organizations whose boundaries include all or part of the subject request.

*HD-2 District.* Public notice of the hearing regarding such petition shall be required in accordance with the Commission's rules of procedure. In addition, the major hospital of the adjacent HD-1 District shall also receive public notice of the hearing by the petitioner.

- (d) Specific exemptions - Administrator's approval.** The filing of an approval petition and subsequent Commission approval shall not be required for the creation or alteration of the following structures or for accomplishing the following types of improvements in the HD-1 and HD-2 Districts. Such structures and improvements, however, shall be required to obtain Administrator's approval prior to the issuance of an Improvement Location Permit. All provisions and regulations of the zoning ordinance applicable in the particular situation, or commitments related to prior Commission approval, shall continue to apply. The Administrator shall be required to use the standards of subsection (b)(2) in the review and disposition of such structures and improvements.

**(1) Administrator's approval.**

- a. Improvements to existing structures that do not increase the usable floor area of that structure (for example: canopies, awnings, vestibules, roof line changes, or similar features).
- b. Additions to existing structures which are less than two thousand five hundred (2,500) square feet in area.
- c. Accessory structures permitted in connection with residential development.
- d. Landscaping.
- e. Any incidental sign (as defined by Chapter 734 of this Code).

- (2) Appeal of Administrator's decision.** Where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to appeal such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval as an appeal in the form of an approval petition. Such appeal shall be filed within ten (10) business days of approval or denial of the approval as specified in, and following, the rules of procedure of the Metropolitan Development Commission. In any appeal, the Commission shall make written findings of its decision as required in subsection (b)(3) of this section.
- (e) Improvement Location Permit requirements.** No building or structure shall be erected in the HD-1 or HD-2 District without an Improvement Location Permit. Such permit shall not be issued until the site and development plan, including the proposed hospital district use or uses and plans for such building or structure, shall have been approved by the Commission, unless exempt under subsection (b)(3) below. Applications for an Improvement Location Permit shall be made upon Department of Metropolitan Development forms and shall include all information specified by such forms.
- (f) Hospital district development standards.** All development within the hospital districts shall be in accordance with the site and development plan, as approved by the Commission in accordance with this section.



**DIVISION 4. UNIVERSITY QUARTER DISTRICT REGULATIONS**

**Sec. 735-740. University Quarter District regulations.**

**(a) Permitted University Quarter District uses.**

**(1) Permitted University Quarter One (UQ-1) uses.**

University uses, provided, however, prior to the issuance of an Improvement Location Permit for any use, structure, building or development within the UQ-1 District, the Commission's approval shall be required unless enumerated in subsection (d) of this section (specific exemptions - Administrator's approval).

Wireless communication facility, as defined in, and subject to the additional regulations of, Article IX of this chapter.

The petition for such UQ-1 approval shall include a site and development plan.

**(2) Permitted University Quarter Two (Butler University) (UQ-2(B)) uses.**

- a. Any use permitted in the D-5 Dwelling District, subject to all standards, requirements and regulations of section 731-207 of this Code. Neither Commission nor Administrator's approval shall be required for permitted uses in this district, so long as all standards of Chapter 731 of this Code are satisfied.
- b. University-related group dwelling use (dormitory or fraternal organization) providing residence solely for university students or faculty. Provided however, such university-related group dwelling use shall be subject to the Commission's approval, as hereinafter provided, unless enumerated in subsection (d) of this section (specific exemptions - Administrator's approval), and subject to the development standards of subsection (f) of this section. The petition for UQ-2(B) university-related group dwelling use approval shall include a site and development plan.
- c. Wireless communication facility, as defined in, and subject to the additional regulations of, Article IX of this chapter.

**(b) Site and development plan consideration.** The Commission shall prescribe in its rules of procedure the requirements for an approval petition for site and development plan consideration which shall be filed. In addition, the rules of procedure set forth the fees, hearing process, notice, and amendment procedures relative to any petition.

**(1) Plan documentation and supporting information.** Land in the UQ-1 and UQ-2 Districts is subject to the following site and development requirements. The site and development plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:

- a. Proposed University Quarter District uses.
- b. Any existing uses, buildings and structures.
- c. Proposed buildings and structures.
- d. Off-street parking layouts.
- e. Vehicular entrances and exits and turnoff lanes.
- f. Setbacks.
- g. Landscaping, screens, walls, fences.
- h. Signs, including location, size and design thereof.
- i. Sewage disposal facilities.
- j. Storm drainage facilities.
- k. Other utilities if aboveground facilities are needed.

**(2) Site and development requirements.** In review of the proposed site and development plan, the Commission shall assess whether the site and development plan, proposed uses, buildings or structures shall:

- a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana, including the applicable University Quarter Plan;
- b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the University Quarter District and with adjacent uses;
- c. Provide sufficient and adequate access, parking and loading areas; except, however, such primary group dwelling parking area shall not be located within the subject site, but shall be provided within five hundred (500) feet thereof in the adjacent UQ-1 District;
- d. Provide traffic control and street plan integration with existing and planned public streets and interior access roads;
- e. Provide adequately for sanitation, drainage and public utilities; and
- f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana, including the applicable University Quarter Plan. The Commission may consider and act upon such petition, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public meeting of the Commission.
- g. Provide sidewalks along eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator; and, pedestrian accessibility to available public transit. Sidewalks shall consist of the walkway and any curb ramps or blended transitions. If required to be installed, the Administrator or the Commission shall be guided by the provisions of Sec. 732-214(c)(5) for the installation of sidewalks in the C-S District. [2007-AO-02, G.O. 4, 2008]

**(3) Commission findings.** The Commission shall make written findings concerning any decision to approve or disapprove a site and development plan filed under this section. The written findings shall be based upon the requirements of subsection (b)(2) above. The president or secretary of the Commission shall be responsible for signing the written findings.

**(c) Public notice.**

*UQ-1 District.* Public notice of such petition shall not be required.

*UQ-2(B) District.* Public notice of the hearing regarding such petition shall be required in accordance with the Commission's rules of procedure.

**(d) Specific exemptions - Administrator's approval.** The filing of an approval petition and subsequent Commission approval shall not be required for the creation or alteration of the following structures or for accomplishing the following types of improvements in the UQ-1 and university-related group dwelling uses (dormitory or fraternal organization), permitted in the UQ-2(B) Districts. Such structures and improvements, however, shall be required to obtain Administrator's approval prior to the issuance of an Improvement Location Permit. All provisions and regulations of the zoning ordinance applicable in the particular situation, or commitments related to prior Commission approval, shall continue to apply. The

Administrator shall be required to use the standards of subsection (b)(2) above in the review and disposition of such structures and improvements.

**(1) Administrator's approval.**

- a. Improvements to existing structures that do not increase the usable floor area of that structure (for example: canopies, awnings, vestibules, roof line changes, or similar features).
- b. Additions to existing structures which are less than two thousand five hundred (2,500) square feet in area (UQ-1 District only).
- c. Landscaping.
- d. Any incidental sign (as defined by Chapter 734 of this Code).

**(2) Appeal of Administrator's decision.** Where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to appeal such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval as an appeal in the form of an approval petition. Such appeal shall be filed within ten (10) business days of approval or denial of the approval as specified in, and following, the rules of procedure of the Metropolitan Development Commission. In any appeal, the Commission shall make written findings of its decision as required in subsection (b)(3) above.

**(e) Improvement Location Permit requirements.** No building or structure shall be erected in the UQ-1 or UQ-2(B) District without an Improvement Location Permit. Such permit shall not be issued until the site and development plan, including the proposed University Quarter District use or uses and plans for such building or structure, shall have been approved by the Commission, unless: 1) such building or structure complies with subsection (a)(2)a. above; or is exempt under subsection (d) above. Applications for an Improvement Location Permit shall be made upon Department of Metropolitan Development forms and shall include all information specified by such forms.

**(f) University Quarter District development standards.**

**(1) Development standards - UQ-1 District uses.**

- a. *Setback lines and minimum yards.*
  1. Setback line and minimum front yard: Yards, having a minimum depth in accordance with the setback requirements of section 731-221(a) of this Code, shall be provided along all street right-of-way lines.
  2. Minimum side and rear yards: Fifteen (15) feet or one (1) foot for each foot of building height, whichever is greater.
- b. *Maximum building area.* Building area (as defined in section 731-102 of this Code) shall not exceed forty (40) percent of the lot area.
- c. *Maximum height.* Thirty-five (35) feet.

**(2) Development standards - UQ-2(B), university-related group dwelling uses.**

- a. *Setback lines and minimum yards.*
  1. Setback line and minimum front yard: Yards, having a minimum depth in accordance with the setback requirements of section 731-221(a) of this Code, shall be provided along all street right-of-way lines.
  2. Minimum side and rear yards: Fifteen (15) feet or one (1) foot for each foot of building height, whichever is greater.

- b. *Maximum building area.* Building area (as defined in section 731-102 of this Code) shall not exceed forty (40) percent of the lot area.
- c. *Maximum height.* Thirty-five (35) feet.

**DIVISION 5. SPECIAL USE DISTRICT REGULATIONS**

**Sec. 735-750. Special Use District regulations.**

The following regulations shall apply to all land within the Special Use Districts:

- (a) **Applicability of regulations for Special Use (SU) Districts.** After the effective date of this article:
- (1) No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this article and until the proposed site and development plan and landscape plan have been filed with and approved on behalf of the Metropolitan Development Commission by the Administrator of the Division of Planning or approved by the Metropolitan Development Commission, as hereinafter provided. Such request shall be in the form of an application for an Improvement Location Permit, following all requirements for plan submission and documentation of section 730-300 et seq. of this Code, and shall contain the information specified in subsection (b)(1) of this section.
  - (2) All land use within the Special Use Districts shall be limited to the use or uses existing on the effective date of this article or specified in the applicable rezoning petition or ordinance redistricting and zoning the particular land to that district.
- (b) **Site and development plan consideration.** Upon the application for such permit, the Administrator of the Division of Planning on behalf of the Metropolitan Development Commission, shall consider and either approve, disapprove, or approve subject to any conditions, amendments or commitments agreed to by the applicant, the proposed site and development plan and landscape plan.
- (1) **Plan documentation and supporting information.** The site and development plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:
    - a. Proposed Special Use District uses.
    - b. Any existing uses, buildings, and structures.
    - c. Proposed buildings and structures.
    - d. Off-street parking layout.
    - e. Vehicular entrances and exits and turnoff lanes.
    - f. Setbacks.
    - g. Landscaping, screens, walls, fences.
    - h. Signs, including location, size and design thereof.
    - i. Sewage disposal facilities.
    - j. Storm drainage facilities.
    - k. Other utilities if aboveground facilities are needed.
  - (2) **Site and development requirements.** Land in the SU Districts is subject to the following site and development requirements. In review of the proposed site and development plan, the Commission shall assess whether the site and development plan, proposed uses, buildings and structures shall:
    - a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana, including the applicable university quarter plan;
    - b. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the Special Use District and with adjacent uses;
    - c. Provide sufficient and adequate access, parking and loading areas;

- d. Provide traffic control and street plan integration with existing and planned public streets and interior access roads;
- e. Provide adequately for sanitation, drainage and public utilities; and
- f. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana.
- g. Provide sidewalks along eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator; and, pedestrian accessibility to available public transit. Sidewalks shall consist of the walkway and any curb ramps or blended transitions. If required to be installed, the Administrator or the Commission shall be guided by the provisions of Sec. 732-214(c)(4) for the installation of sidewalks. [2007-AO-02, G.O. 4, 2008]

Exception: Golf courses that exist prior to July 1, 2008, in the SU3, SU10 and SU34 Districts, shall not be required to provide sidewalks or pedestrian accessibility. For golf courses that are established after July 1, 2008, in the SU3, SU10 and SU34 Districts, the Commission shall assess the provision of sidewalks along eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator; and, pedestrian accessibility to available public transit. If required to be installed, the Administrator or the Commission shall be guided by the provisions of Sec. 732-214(c)(5) for the installation of sidewalks in the C-S district. [2007-AO-02, G.O. 4, 2008]

- (c) **Public notice.** Public notice of the filing of an application under this section and public notice of the decision by the Administrator relative to such application shall not be required.
- (d) **Administrator's approval.** The Administrator shall be required to use the standards of subsections (b)(2) and (f) in the review and disposition of such structures and improvements.

**Appeal of Administrator's decision.** Where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to appeal such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval as an appeal in the form of an approval petition. Such appeal shall be filed within ten (10) business days of approval or denial of the approval as specified in, and following, the rules of procedure of the Metropolitan Development Commission. In any appeal decision, the Commission shall make written findings of its decision as required in subsection 735-740(b)(3).

- (e) **Improvement Location Permit requirements.** No building or structure shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated in the Special Use Districts of Indianapolis, Marion County, Indiana, without an Improvement Location Permit, and such permit shall not be issued until the proposed site and development plan has been approved in accordance with this section.

(f) **Development standards.** In addition to the site and development requirements of subsection (b)(2) of this section, all uses permitted within the Special Use Districts shall be administratively reviewed (as noted in subsection (a)(1) above), using as an administrative guide, the development standards applicable to the specified district as follows:

Special Use Zoning District	Applicable District for Development Standards Review
SU-1	C-1
SU-2	C-1
SU-3	C-5
SU-5	I-2-S
SU-6	C-2
SU-7	C-2
SU-8	C-2
SU-9	C-1
SU-10	C-1
SU-13	(As per subsection (g) of this section)
SU-16	C-5
SU-18	I-1-S
SU-20	C-1
SU-23	I-4-S
SU-28	I-4-S
SU-34	C-3
SU-35	I-2-S
SU-37	C-1
SU-38	C-3
SU-39	C-1
SU-41	I-4-S
SU-42	C-1 (and as per subsection (h) of this section)
SU-43	I-1-S
SU-44	C-3 (and as per subsection (i) of this section)

The Administrator, in reviewing Special Use District development, shall consider the standards noted above, and may approve alternatives for those requirements so long as the alternative standards are appropriate for the site and its surroundings, and the site development is compatible and consistent with the intent of the stated standards. Such modifications shall be noted on the site and development plan, stamped approved by the

Administrator and become a part of the file and requirements for the Improvement Location Permit.

(g) **Additional development standards for the Special Use XIII (SU-13) District.** In addition to the regulations of section 735-701(a) and (b) and subsections (a) through (f) of this section, the following regulations shall apply to Special Use District XIII (SU-13):

- (1) **Land use restriction.** Land use permitted in the SU-13 District shall be limited to "sanitary landfill" operations, as defined in section 735-751. Whenever the applicable standards or requirements of any other ordinance, or governmental unit or agency thereof are higher or more restrictive, the latter shall control land use permitted in the SU-13 District. "Open dumping," as defined in section 735-751, shall not be permitted in the SU-13 District. No use in the SU-13 District shall be maintained or operated in a manner constituting a hazard to health, safety or the public welfare.
- (2) **Minimum lot area.** Ten (10) acres.
- (3) **Minimum frontage.** Three hundred (300) feet.
- (4) **Minimum yards.** Minimum required depth of front, rear and side yards, surrounding the landfill operation: One hundred (100) feet. No landfill operation, or portion thereof, shall be permitted within one hundred (100) feet of any lot line.
- (5) **Fencing.** The entire landfill operation shall be enclosed with a substantial wall, fence at least five (5) feet in height, or other adequate barrier.
- (6) **Buffer strip.** A buffer planting strip, requiring trees, shrubs and woody vegetation, at least thirty (30) feet in depth, shall be provided and maintained between the lot lines and the above required fencing or other enclosure.
- (7) **Signs.** Signs and sign structures shall comply with Chapter 734 of this Code.
- (8) **Access drive.** Distance of driveway entrance or exit from any adjacent lot line shall be at least one hundred twenty-five (125) feet. Any portion of such access drive within a distance of one hundred fifty (150) feet of the public street shall be paved or treated so as to be dust free.
- (9) **Required permit, site and operational plan; bond.**
  - a. No sanitary landfill operation (or phase thereof) shall be permitted in the SU-13 District until a permit has been issued by the bureau of license and permit services of the department of code enforcement and a bond filed therefor, as required by subparagraph b. hereof.
  - b. Applications for the permit required by subparagraph a. above shall be made in writing and shall be accompanied by a corporate surety bond for the faithful performance of all applicable requirements of this article, including the operation and the completion of the sanitary landfill in accordance with the approved site and operational plan, as required by subparagraph c. hereof. (Such permit may be issued and bond filed for the total operation or for one (1) or more phases thereof, as shown on the site and operational plan.) Such bond shall run jointly and severally to the Metropolitan Development Commission of Marion County, Indiana, and any other governmental agency requiring a similar bond, and shall be in the amount of ten thousand dollars (\$10,000.00) per operation, with approved surety. Such bond shall specify the time for completion of all applicable requirements of this article and shall specify the total operational area, or phase thereof, covered by the bond.
  - c. Applications for the permit required by subparagraph a. above shall be accompanied by the following:



1. Proposed site and operational plan, including topographic maps (at a scale of not over one hundred (100) feet to the inch) with contour intervals that clearly show the character of the land and geological characteristics of the site as determined by on-site testing or from earlier reliable survey data, indicating soil conditions, water tables and subsurface characteristics. The plan shall indicate: the proposed fill area; any borrow area; access roads; on-site drives; grades for proper drainage of each lift required and a typical cross-section of a lift; special drainage devices if necessary; location and type of fencing; structures existing or to be located on the site; existing wooded areas, trees, ponds or other natural features to be preserved; existing and proposed utilities; phasing of landfill operations on the site; a plan and schedule for site restoration and completion; a plan for the ultimate land use of the site; and all other pertinent information to indicate clearly the orderly development, operation and completion of the sanitary landfill. Approval of the site and operational plan by the Administrator of the division of planning shall be required prior to the issuance of the permit.
2. An area map.

**(10) Operation.**

- a. *Supervision of operation.* A landfill operation shall be under the direction of a responsible individual at all times. Access to a sanitary landfill shall be limited to those times when an attendant is on duty and only to those authorized to use the site for the disposal of refuse. Access to the site shall be controlled by a suitable barrier.
- b. *Unloading of refuse.* Unloading of refuse shall be continuously supervised.
- c. *Site maintenance.* Measures shall be provided to control dust and blowing paper. The entire area shall be kept clean and orderly.
- d. *Spreading and compacting of refuse.* Refuse shall be spread so that it can be compacted in layers not exceeding a depth of two (2) feet of compacted material. Large and bulky items, when not excluded from the site, shall be disposed of in a manner approved by the health and hospital corporation.
- e. *Daily cover.* A compacted layer of at least six (6) inches of suitable cover material shall be placed on all exposed refuse by the end of each working day.
- f. *Final cover.* A layer of suitable cover material compacted to a minimum thickness of two (2) feet shall be placed over the entire surface of each portion of the final lift not later than one (1) week following the placement of refuse within that portion.
- g. *Maintenance of cover.* All daily cover depths must be continually maintained and final cover depths shall be maintained for a period of two (2) years.
- h. *Hazardous materials, including liquids and sewage.* Hazardous materials, including liquids and sewage, shall not be disposed of in a sanitary landfill unless special provisions are made for such disposal through the health department having jurisdiction. This provision in no way precludes the right of a landfill operator to exclude any materials as a part of his or her operational standards.
- i. *Burning.* No refuse shall be burned on the premises.

- j. *Salvage.* Salvaging (the controlled removal of reusable materials), if permitted, shall be organized so that it will not interfere with prompt sanitary disposal of refuse or create unsightliness or health hazards. Scavenging (the uncontrolled removal of materials) shall not be permitted.
  - k. *Insect and rodent control.* Conditions unfavorable for the production of insects and rodents shall be maintained by carrying out routine landfill operations promptly in a systematic manner. Supplemental insect and rodent control measures shall be instituted whenever necessary.
  - l. *Drainage of surface water.* The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling on the fill, and to prevent the collection of standing water.
  - m. *Characteristics of cover material.* Cover material shall be of such character that it can be compacted to provide a tight seal and shall be free of putrescible materials and large objects.
  - n. *Water pollution and nuisance control.* Sanitary landfill operations shall be so designed and operated that conditions of unlawful pollution will not be created and injury to ground and surface waters avoided that might interfere with legitimate water uses. Water-filled areas not directly connected to natural lakes, rivers or streams may be filled with specific inert material not detrimental to legitimate water uses and that will not create a nuisance or hazard to health. Special approval of the inert material to be used in this manner shall be required in writing from the health and hospital corporation. Inert material shall not include residue from refuse incinerators.
  - o. *Equipment.* Adequate numbers, types and sizes of properly maintained equipment shall be used in operating the landfill in accordance with good engineering practice and with these rules. Emergency equipment shall be available on the site or suitable arrangements made for such equipment from other sources during equipment breakdown or during peak loads.
- (11) **Completion of landfill.** Upon completion of the landfill operation, or any phase thereof as indicated on the approved site and operational plan, the land shall be graded, backfilled and finished to a surface that will:
- a. Result in a level, sloping or gently rolling topography in substantial conformity or desirable relationship to the original site, and land area immediately surrounding; and
  - b. Minimize erosion due to rainfall. Such graded or backfilled area shall be sodded or surfaced with soil of a quality at least equal to the topsoil of vegetation producing land areas immediately surrounding, and to a depth of at least six (6) inches. The topsoil shall be planted with trees, shrubs, legumes or grasses, as indicated on the approved site and operational plan.
- (h) **Additional development standards for the Special Use XXXXII (SU-42) District.** In addition to the regulations of section 735-701(a) and (b) and subsections (a) through (f) of this section, the following regulations shall apply to all gas conditioning and control facilities, including odorizing, mixing, metering and high pressure regulating substations permitted under such Special Use District XXXXII (SU-42), and where the word "lot" is used in the following twelve (12) paragraphs, it shall be deemed to include, but not be limited to, any area of land designated as a lot on a platted subdivision or described on a duly recorded deed or area or parcel of land or site:
- (1) The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association. The

- requirements pertaining to the storage, utilization or manufacture of all products or materials contained in the standards prescribed by the National Fire Protection Association are hereby incorporated into this article by reference and made a part hereof. Such storage, utilization or manufacture shall not produce a hazard or endanger the public health, safety and welfare.
- (2) All uses shall conform to the Atomic Energy Commission's standards for protection against radiation. The Atomic Energy Commission's standards for protection against radiation are hereby incorporated into this article by reference and made a part hereof.
  - (3) All uses shall conform to the Federal Communications Commission's standards governing electromagnetic radiation. The Federal Communications Commission's standards governing electromagnetic radiation are hereby incorporated into this article by reference and made a part hereof.
  - (4) No building or structure for uses permitted under such Special Use District XXXXII (SU-42) shall be constructed and no premises shall be used for such purposes on any lot that does not have direct frontage on one (1) permanently surfaced public street.
  - (5) All uses permitted under such Special Use District XXXXII (SU-42) shall provide hardsurfaced, off-street parking areas, including as a minimum requirement one (1) space (containing three hundred thirty (330) square feet in addition to the necessary ingress and egress lanes) for each two (2) employees, computed on the basis of the greatest number of persons employed at any one (1) period during the day or night. Such parking areas must not extend within twenty (20) feet of any lot boundary except where the lot boundary abuts an active railroad line. Such parking areas shall not be leased or rented for hire, but shall be for the sole use of the occupants and visitors of the premises.
  - (6) The total of the gross floor area of all structures on the lot, excluding the gross floor area of off-street parking building space, shall not exceed one-half ( 1/2) the area of the lot on which the structures are located.
  - (7) A front yard shall be required along every front lot line. A front yard shall be not less than the established setback for abutting land; provided, however, in the event such established setbacks of abutting land shall not be of equal depth, the front yard shall be not less than the depth of the greater, and in the event the abutting land is in an industrial or commercial district, the front yard shall be not less than sixty (60) feet in depth. Provided further that in the event the lot adjoins a dwelling district, the fence and hedge referred to in paragraph (12) hereof shall not be located closer to any street right-of-way than the established setback line of the dwelling district, such fence to be not less than fifteen (15) additional feet from the outside of the building or structure as provided in paragraph (12) hereof. Except for necessary walks, drives and parking areas not exceeding ten (10) percent of the front yard area, a front yard shall be planted in grass or other suitable ground cover.
  - (8) A side yard shall be provided along each side lot line. A side yard shall be at least fifty (50) feet in depth (except where it abuts a main line railroad) plus one (1) foot for each foot of height by which the building or structure exceeds twenty (20) feet.
  - (9) A rear yard shall be provided along each rear yard line. A rear yard shall be at least fifty (50) feet in depth (except where it abuts an active main line railroad) plus one (1) foot for each foot of height by which the building or structure exceeds twenty (20) feet.
  - (10) All signs shall meet the requirements of Chapter 734 of this Code.

- (11) All gas conditioning and control facilities permitted under such Special Use District XXXXII (SU-42) and equipment relating thereto shall be housed in buildings or structures of masonry construction, unless otherwise prescribed by law or by the standards of the National Fire Protection Association that are incorporated herein by reference and made a part hereof.
- (12) Each building or structure housing such facilities and equipment shall be enclosed by a six-foot chain link fence, with locked gate, not less than fifteen (15) feet from the outside of such building or structure and a compact hedge not less than six (6) feet in height between such fence and the property line. Such hedge shall not be located closer than twenty-five (25) feet to any street right-of-way. In the event the lot adjoins a dwelling district, the fence and hedge shall not be located closer to any street right-of-way than the established setback line of the dwelling district.

(i) **Additional regulations applicable to Special Use XXXXIV (SU-44) District.** In addition to the regulations of section 735-701(a) and (b) and subsections (a) through (f) of this section, the following regulations shall apply to Special Use District XXXXIV (SU-44):

(1) **Permitted uses.** The only commercial activities permitted in this district shall be: pari-mutuel wagering on horse races, providing full service dining facilities by the holder of a satellite facilities license issued under IC 4-31-5.5.

(2) **Development standards:**

- a. All wagering and food and beverage service shall be conducted entirely inside the facility, which shall be designed so that none of the wagering activities, including bet-taking, video monitors, and odds and contest-result displays, shall be visible to any person at any location outside the facility.
- b. No drive-through service or outside sales shall be permitted.
- c. No outside speakers or video monitors shall be used to advertise or display the contests, odds or other information about the wagering activities conducted within the facility.
- d. Minimum parking of one (1) parking space per employee per largest work shift plus one (1) parking space for each seventy-five (75) square feet of gross area of the facility.
- e. No accessory structures shall be permitted.
- f. Lighting of parking area:
  - 1. When parking areas are illuminated, the lighting equipment shall provide good visibility with a minimum of direct glare.
  - 2. 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.
  - 3. Objectionable light onto adjacent properties and streets shall be avoided to prevent direct glare or disability glare.
  - 4. Lighting levels for outdoor parking areas shall meet the following minimum average maintained horizontal foot-candles (as specified in Architectural Graphics Standards, Eighth Edition, Ramsey/Sleeper, John Wiley and Sons, Inc., New York, New York). The minimum average maintained horizontal foot-candles specified in Architectural Graphics Standards for Lighting Levels for Outdoor Parking Areas are hereby incorporated into this article by reference and made a part hereof.
  - 5. Further, it shall be prohibited to:

- (a) Light an area by the use of stringers or unshielded incandescent lamps in which the entire lamp envelope is designed to function as a light emitter; and
- (b) Make use of attention attracting lighting from any apparatus of any type similar to that used by emergency vehicles.

g. *Signs.* All signs shall meet the requirements of Chapter 734 of this Code.

**(3) No use permitted near specified districts.** No use of any land, structure or premises shall be permitted if any portion of the perimeter of the subject lot is located within five hundred (500) feet of the following zoning districts:

- a. Dwelling districts;
- b. Historic preservation districts;
- c. Park districts;
- d. University Quarter districts;
- e. SU-1 District (church);
- f. SU-2 District (school);
- g. SU-37 District (library);
- h. SU-38 District (community center).

In addition to the zoning districts noted above, this regulation shall also apply to any portion of the perimeter of a lot containing a church, elementary school, junior high school, high school, as defined in IC 20-10.1-1, college or university regardless of zoning classification. If such use is a part of or included within an integrated center, the perimeter of the portion thereof or leased space occupied by such use shall be deemed the perimeter of the lot for purposes of the above distance computation.

(G.O. 2, 2002, § 24; G.O. 96, 2009)

**Sec. 735-751. Construction of language and definitions.**

**(a) Construction of language.** The language of this article shall be interpreted in accordance with the following regulations:

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this article and any illustration or diagram, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A "building" or "structure" includes any part thereof.
- (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."
- (7) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either . . . 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.**

**Administrator.** Administrator of the division of planning or his/her appointed representative. Where the 1400 series of IC-36-7-4 gives authority to perform a function to Commission staff, the Administrator, or his/her appointed representative, shall be deemed to be Commission staff.

**Articulation.** The means of dividing a structure's façade into distinct and significant parts through the use of windows, change in building materials, building façade insets, artwork, etc. in order to add scale to a structure and break up large expanses of unadorned walls. Refer to Diagram C. [G.O. 13, 2009, 2008-AO-02]

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

**Base Panel.** The horizontal piece that forms the lowest member of a façade located between finished grade and the base of a window. Refer to Diagram C. [G.O. 13, 2009, 2008-AO-02]

**Blended transitions.** A connection with a grade of five (5) percent or less between the level of the pedestrian walkway and the level of the crosswalk. (See Diagram A) [2007-AO-02, G.O. 4, 2008]

**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.

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

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

**Condition.** An official agreement between the municipality and the petitioner concerning the use or development of the land as imposed by the Board of Zoning Appeals.

**Curb ramps.** A perpendicular or parallel ramp and its landing that cuts through or is built up to the curb. [2007-AO-02, G.O. 4, 2008]

**Design Manual.** The Development Design Manual for Speedway as adopted and amended by the Speedway Town Council and the Metropolitan Development Commission. [G.O. 13, 2009, 2008-AO-02]

**Full control of access.** The condition where the right of the owner(s) or occupant(s) of abutting property(ies), or of other persons, to access the property(ies), including the location and connection with public streets, is controlled by public authority. Full control of access gives

preference to through vehicular traffic movement, by providing access connections with selected public streets only, by limiting crossings at grade and by prohibiting direct driveway connections. Such frontages include, but are not limited to, the frontages along: Binford Boulevard; North Shadeland Avenue between 48<sup>th</sup> Street to the Fall Creek waterway; and North Keystone Avenue between Woodfield Crossing Boulevard and 96<sup>th</sup> Street. [2007-AO-02, G.O. 4, 2008]

**Green Roof.** The roof of a building that is partially or completely covered with vegetation and soil, or a growing medium, planted over waterproofing membrane. [G.O. 13, 2009, 2008-AO-02]

**Greenbelt.** The portion of a front yard of a lot that is immediately adjacent and parallel to a street right-of-way and specified as such for landscaping purposes. [G.O. 13, 2009, 2008-AO-02]

**Gross floor area.** The number of the square feet of horizontal floor area of a building measured from the exterior faces of the exterior walls or from the centerline of a wall separating two (2) abutting buildings.

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

**Height, building.** The vertical distance above a reference line measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitched or hipped roof. The reference line shall be selected by either of the following, whichever yields a greater building height:

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

**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 variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment or variance, to conform to the present requirements of the zoning district.

**Legally established nonconforming use.** Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment, or grant of 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.

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

**Lot line, front.** The lot line(s) coinciding with the street rights-of-way; in the case of a corner lot, both lot lines coinciding with the street rights-of-way shall be considered front lot lines; or in the case of a through lot, the lot line which most closely parallels the primary entrance to the primary structure shall be considered the front lot line, or so declared by the Administrator.

**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, any lot line which intersects with a front lot line shall not be considered a rear lot line.

**Lot line, side.** Any lot line not designated as a front or rear lot line.

**Open dumping.** A site where refuse is dumped, which due to lack of control may create a breeding place for flies and rats, may catch fire or produce air pollution.

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

**Religious use.** A land use and all buildings and structures associated therewith devoted primarily to the purpose of divine worship together with reasonably related accessory uses, which are subordinate to and commonly associated with the primary use, which may include but are not limited to, educational, instructional, social or residential uses. [G.O. 3, 2008; 2007-AO-01]

**Sanitary landfill.** A method of disposing of refuse on land without creating nuisances or hazards to public health, safety, or welfare by utilizing principals of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, covering it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals as necessary.

**Setback.** The minimum horizontal distance established by ordinance between a proposed right-of-way line or a lot line and the setback line.

**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.

**Sidewalk.** A hard-surfaced walk or raised path and any curb ramps or blended transitions along and paralleling the side of the streets for pedestrians. Sidewalks do not include the curb or gutter structures. [2007-AO-02, G.O. 4, 2008]

**Sign Band.** The horizontal piece of a façade framework, within which a sign is permitted, located between the top of a first story window or first story door and the base of a second story window. Refer to Diagram C. [G.O. 13, 2009, 2008-AO-02]

**Site plan.** The plan, or series of plans, drawn to scale, for one (1) or more lots on which is shown the existing and proposed location and conditions of the lot including as required by the Improvement Location Permit ordinance, but not limited to: topography, vegetation, drainage, floodplains, marshes, and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, buildings, structures, signs, lighting and screening devices, centerlines of rights-of-way, and dimensions.

**Street, Corridor.** Primary streets within the SZ-1 and SZ-2 Districts, more specifically defined as 16th Street, Holt Road, and 10th Street. [G.O. 13, 2009, 2008-AO-02]

**Street, Interior.** Streets within the SZ-1 and SZ-2 Districts that are not identified as Corridor Streets shall be considered Interior Streets. [G.O. 13, 2009, 2008-AO-02]

**Street, eligible public.** Pertaining only to sidewalks, that portion of a public street abutting a lot or project, or that portion of a public street between the lot lines extended from which a lot or project gain access. [2007-AO-02, G.O. 4, 2008]

**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.

**Surface, Permeable.** A surface that permits water to enter the ground by virtue of its porous nature or by large spaces in the material. [G.O. 13, 2009, 2008-AO-02]

**Surface, Impervious.** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. [G.O. 13, 2009, 2008-AO-02]

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



**Transparency.** The ratio of glass of windows and doors compared to the entire face of a building, and shown in a percentage format. Refer to Diagram C. [G.O. 13, 2009, 2008-AO-02]

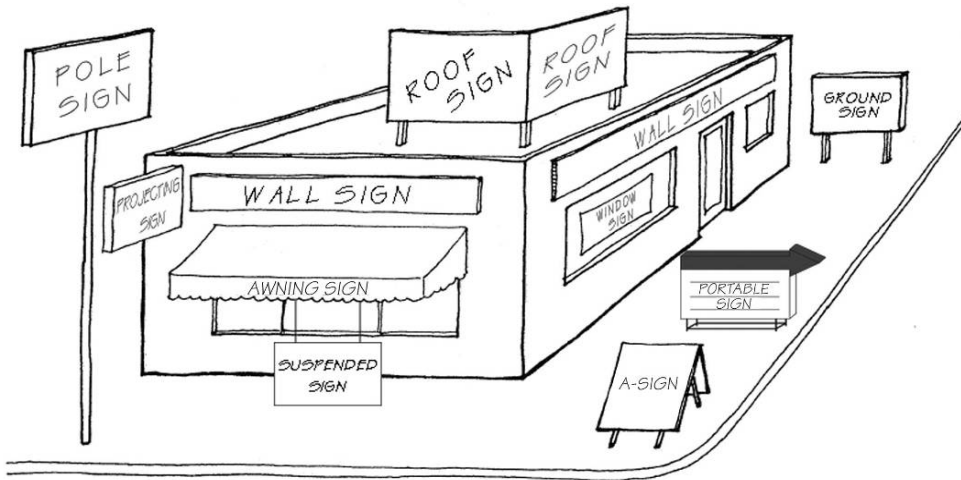
**Yard, front.** An open space unobstructed to the sky, extended fully across the lot while situated between the front lot line and a line parallel thereto, which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line.

**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.

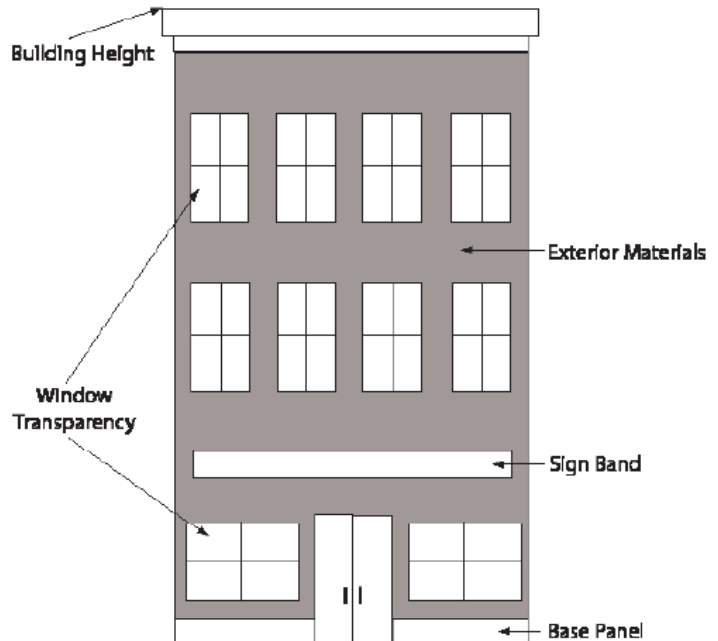
**Yard, side.** An open space unobstructed to the sky extending the length of the lot situated between a side lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the point of contact with any rear or front yards or any lot line, whichever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

(G.O. 2, 2002, § 24; 2007-AO-01, G.O. 3, 2008; 2007-AO-02, G.O. 4, 2008)

**DIAGRAM B Sign Types in Speedway Zoning Districts**



**DIAGRAM C Elements of a Building**



## **DIVISION 6. SPEEDWAY DISTRICT REGULATIONS**

### **Sec. 735-760 Speedway District Regulations.**

(a) **Statement of Purpose.** The purpose and intent of these districts is to ensure that all development of land in the Speedway Redevelopment Area 1 takes place in accordance with the principles set forth in the Comprehensive Plan and the Speed Zone Master Plan. The Commission shall prescribe in its rules of procedure the requirements for an approval petition for site and development plan consideration which shall be filed. Where the Special Districts Zoning Ordinance directly conflicts with other portions of the Zoning Ordinance, this code shall prevail; however, no development may be approved that conflicts with the Comprehensive Plan.

(1) **The Speedway Main Street District (SZ-1)** is intended to serve as the primary identity for the Town of Speedway.

The SZ-1 District is designed to permit and facilitate street-level activities focusing on restaurants, personal services, and shopping while the upper stories provide a diverse range of office space and urban-style housing. Due to the intensity, traffic generation, nature of operation, or aesthetics of these uses, industrial uses, automobile service facilities, outside storage, and other similar uses are prohibited.

The SZ-1 District is designed to permit and facilitate a healthy social and economic environment for residents and visitors of all ages that is a pedestrian-oriented place with active street life, healthy retail, as well as common space for community gatherings and racing-season activities. All buildings within the SZ-1 District shall contribute to creating a relatively continuous street wall and create a pedestrian oriented sense of enclosure and place. Building heights and signs may vary from one property to the next; however a general consistency shall be retained in order to create a continuous sense of character within the district. Sidewalks, pedestrian pathways, and parking areas shall give particular attention to streetscape, landscape continuity, and lighting.

(2) **Speedway Industrial District (SZ-2)** is designed to permit and facilitate uses that are significant employment generators.

The SZ-2 District is designed to permit and facilitate a diverse mix of light and moderate industrial uses, some automobile-related commercial activities, and commercial entertainment. For illustrative purposes, such uses include wholesale activities, warehouses, manufacturing, compounding, processing, packaging, assembly, or treatment of finished or semi-finished products from previously-prepared material, as well as racing, sports and entertainment operations. Due to the inherent risk, intensity, traffic generation, nature of operation or aesthetics of these uses, residential uses, and commercial retail and service uses are prohibited.

The SZ-2 District is designed to permit and facilitate development that is entirely enclosed; strictly adheres to the performance standards; provides sufficient space for current or future needs for manufacturing and wholesaling or related uses while preserving the aesthetics of the community; and utilizes sustainable development techniques to both reduce the environmental impact and increase the intensity of development. In addition to the economic benefits of green roof construction and the utilization of permeable pavement materials, structures utilizing these design techniques realize ecological benefits by reducing the impervious surface area on a site. The SZ-2 District development standards encourage these and other sustainable construction and development practices.

**(b) Permitted Uses in the Speedway Districts.**

**(1) Permitted Speedway Main Street District SZ-1 uses.** All uses permitted within the SZ-1 District shall be subject to the Commission's approval, and as indicated on the required site and development plan filed with, and approved by, the Commission as specified in this Article. The following uses are permitted, as approved by the Commission:

- a. Office uses, retail uses, personal service establishments, restaurants, drinking places, theaters, museums, educational facilities, and indoor amusement/recreation establishments.
- b. Residential uses, location above the first floor and possessing a separate entrance is preferred, unless otherwise permitted by the Commission.
- c. Any other similar uses appropriately planned, designed and limited to foster a pedestrian-oriented and diverse environment compatible with the traditional development pattern of downtown Speedway.

**(2) Prohibited Speedway Main Street District SZ-1 uses.** The following uses shall be prohibited from the SZ-1 district:

- a. Adult entertainment business (as defined in section 732-217).
- b. Automotive services, including but not limited to: storage, outdoor sales, leasing/rental, repair, service, body work, car wash facility, detailing, supply store, rust proofing, tire alignment, tire dealers, tire repair, oil change, lubrication shop.
- c. Fireworks sales.
- d. Fueling station, such as gasoline or ethanol.
- e. Heavy industrial uses listed in Section 733-201(b), (c) and (d).
- f. Sanitary Landfill.
- g. Light industrial uses listed in Section 733-201(a) except those uses that include retail, entertainment or office activities that are located in the building in proximity and along the frontage of the lot.
- h. Outside storage or operations and uses requiring outside storage or display of materials, goods, or equipment or outside operations.
- i. Self-storage or mini-warehouse facility.
- j. Other uses similar and comparable in character to the above prohibited uses.

**(3) Permitted Speedway Industrial District SZ-2 uses.** All uses permitted within the SZ-2 District shall be subject to the Commission's approval, and as indicated on the required site and development plan filed with, and approved by, the Commission as specified in this Article. The following uses are permitted, as approved by the Commission:

- a. For lots with at least 200 feet of frontage along the realigned 16<sup>th</sup> Street right-of-way, all SZ-1 uses, except residential uses, developed in accordance with the SZ-1 development standards;
- b. Commercial office centers and associated retail uses;
- c. Light and Moderate industrial uses listed in Section 733-201(a) and (b);
- d. Fueling stations, automotive services; and

- e. Other uses similar and comparable in character to the above permitted uses and as described in Section 733-201.

**(4) Prohibited Speedway Industrial District SZ-2 uses.** The following uses shall be prohibited in the SZ-2 district:

- a. Adult entertainment business (as defined in Section 732-217).
- b. Fireworks sales.
- c. Medium and Heavy industrial uses listed in Section 733-201(c) and (d).
- d. Residential uses.
- e. Sanitary Landfill.
- f. Self-storage or mini-warehouse facility.
- g. Other uses similar and comparable in character to the above prohibited uses.

**(c) Site and development plan consideration.** No use, building or structure shall hereafter be established, constructed, altered, converted, expanded, enlarged, modified, reconstructed, relocated, or used on any land in the SZ-1 or SZ-2 District for any purpose other than lawfully existed on or prior to adoption date of this ordinance until a site and development plan for such land shall have been filed with and approved by the Commission. The Commission shall prescribe in its rules of procedure the requirements for an approval petition for site and development plan consideration which shall be filed. In addition, the rules of procedure set forth the fees, hearing process, notice, and amendment procedures relative to any petition. The Commission may consider and act upon any proposed use and site and development plan, approve the same in whole or in part, and impose additional development standards, requirements or conditions thereon at any public hearing of the Commission.

**(1) Design Consideration.** Evaluation of a project shall be based on the quality of its design and relationship to surroundings. Factors to be considered include, but are not limited to:

- a. Architectural Building Design. In reviewing the architectural design of buildings proposed to be built in the SZ-1 or SZ-2 districts, architectural style is not restricted. Aesthetics of the proposed building or other proposed structures, including:
  - 1. Color and materials.
  - 2. Scale and proportion;
  - 3. Suitability of building materials;
  - 4. Design in relation to surrounding buildings;
  - 5. Design in relation to proposed landscaping; and
  - 6. Use and materials for fencing.
- a. Buildings shall be harmonious with permanent, neighboring development.
- b. Materials shall have architectural character and shall be selected for harmony with adjacent buildings.
- c. Materials shall be suitable to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public rights-of-way.
- d. Materials shall be of durable quality.

- e. Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.
- f. Colors shall be harmonious with existing development and only the use of complementing accents shall be permitted.
- g. Exterior lighting shall be part of the architectural design. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
- h. Monotony of design in single or multiple building projects shall be avoided. Variation of detail and form shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.
- i. Signs shall be designed as an integral part of the architectural and landscaping plans. The colors, materials, and style of signs shall be architecturally compatible and accentuate the buildings and landscaping on the site. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.

**(2) Plan documentation and supporting information.** The site and development plan shall be dimensioned and include layout and elevation plans for all proposed buildings and structures, and shall indicate:

- a. Proposed uses.
- b. Any existing uses, buildings and structures; including any proposed to be demolished.
- c. Zoning and existing land uses of adjacent properties.
- d. Proposed buildings and structures.
- e. Elevations of all facades of each building.
- f. Proposed fencing.
- g. Proposed location of trash receptacles or storage.
- h. Off-street parking layouts.
- i. Circulation plan for vehicles and pedestrians.
- j. Vehicular entrances and exits and turnoff lanes.
- k. Setbacks.
- l. Landscaping, screens, walls, fences.
- m. Lighting plan.
- n. Signs, including location, size, design, and illumination.
- o. Sewage disposal facilities.
- p. Storm drainage facilities.
- q. Other utilities if aboveground facilities are needed.
- r. Sample color and materials palette for all proposed structures, including fences.
- s. Information related to the development's environmental impact (such as application for LEED certification, paving permeability, and other sustainable techniques).

**(3) Site and development plan requirements.** Land in the SZ-1 and SZ-2 Districts is subject to the following site and development requirements. In review of the proposed site and development plan, the Commission shall assess whether the site and development plan, proposed use, buildings and structures shall:

- a. Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana;
- b. Be in conformity with the Speed Zone Master Plan of the Town of Speedway, Indiana;
- c. Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the district and with adjacent uses;
- d. Utilize sustainable development techniques to both reduce the environmental impact and increase the intensity of development;
- e. Provide sufficient and adequate multi-modal access, parking and loading areas per the standards set forth in this Division;
- f. Integrate active and passive traffic control and multi-modal transportation network with existing and planned public streets and interior roads;
- g. Provide adequately for sanitation, drainage and public utilities;
- h. Provide for pedestrian connectivity and public transit accessibility; and
- i. Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed - logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana and the Speed Zone Master Plan of the Town of Speedway, Indiana.

The Commission may consider and act upon any such proposed use and site and development plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission.

**(4) Findings.** The Commission shall make written findings concerning any decision to approve or disapprove a site and development plan filed under this section. The written findings shall be based upon the requirements of subsection (c)(3) above (Site and development plan requirements). The president or secretary of the Commission shall be responsible for signing the written findings.

**(d) Public notice.** Public notice of the hearing regarding such petition shall be required to registered neighborhood organizations whose boundaries include all or part of the subject request, and otherwise in accordance with the Commission's rules of procedure.

**(e) Improvement Location Permit requirements.** No building or structure shall be established, constructed, altered, converted, expanded, enlarged, modified, reconstructed, relocated, or used in the SZ-1 or SZ-2 District without an Improvement Location Permit. Such permit shall not be issued until the site and development plan, including the proposed use or uses and plans for such building or structure, shall have been approved by the Commission. Applications for an Improvement Location Permit shall be made upon Department of Metropolitan Development forms and shall include all information specified by such forms.

**(f) Speedway District development standards.** Development shall be in accordance with the following development standards for the SZ-1 and SZ-2 Districts. The illustrations used in this section are only conceptual representations of the desired type of development and are not to be construed as a development standard.

**(1) Speedway Main Street District SZ-1 development standards.**

**a. Lot area.** There shall be no minimum or maximum lot area.

**b. Lot width.** Lot width shall be measured along the frontage of the lot. Minimum lot width shall be 20 feet. There shall be no maximum lot width.

**c. Front building setback and yard.**

1. No part of any building shall be located closer to the right-of-way line of any street than zero feet. The maximum distance between any right-of-way line of any street and any building located on the lot shall be 5 feet. A front yard of no less than zero feet in depth and no more than 5 feet in depth, measured from and parallel to the lot line, shall be provided along the entire lot width.
2. The composition of the surface area of the front yard shall be developed and maintained in a pedestrian-friendly manner.

**d. Side building setback and yard.** A side setback and side yard of no less than zero feet in depth, measured from and parallel to all side lot lines, shall be provided along all side lot lines.

**e. Rear building setback and yard.** A rear setback and rear yard of no less than three feet in depth, measured from and parallel to all side lot lines, shall be provided along all rear lot lines unless subject to the following transitional yard requirements:

1. Where a rear lot line abuts a lot line in an adjacent protected district, a required rear transitional yard and building setback of not less than twenty (20) feet in width, measured from and parallel to the lot line, shall be provided along such rear lot line.
2. Exceptions to the above subsection 735-760 (f)(1)e. 1.:
  - i. Where a dedicated alley separates such rear lot line from the protected district, such required rear transitional yard and building setback shall be not less than ten (10) feet in width.
  - ii. Where the ground area required for required transitional yards exceeds twenty (20) percent of the lot area, the width of the rear transitional yards may be reduced to ten (10) feet and shall provide planting areas, being six-foot in width minimally, and provide a six-foot tall opaque wooden fence or solid wall.
  - iii. Transitional yard requirements shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such property or abutting frontage property, although zoned as a protected district.

**f. Building height.**

1. The minimum building height shall be 24 feet or two stories, whichever is less.
2. The maximum building height shall be 52 feet or four stories, whichever is greater.
3. Maximum building height exceptions.
  - i. HVAC, mechanical equipment, stairwell enclosure, elevator equipment, and any required screening may extend above the maximum building height, but shall not be greater than 10 feet above the maximum building height.

Said structures shall be completely screened from view at any right-of-way and from any protected district.

- ii. Where a rear lot line abuts a lot line in an adjacent protected district, the building height of any structure within thirty (30) feet of the rear lot line shall not be greater than 35 feet or 3 stories, whichever is the lesser.

**g. Building use and form.**

1. The total floor area of any dwelling unit shall not be less than 600 square feet.
2. Drive-through service windows shall be permitted only if all of the following requirements are satisfied:
  - i. The lot on which the drive-through service window is located is a corner lot;
  - ii. The location of the building with the drive-through service window is at the corner with the intersecting public rights-of-ways and behind the front building line;
  - iii. Vehicular access from Main Street is prohibited; and,
  - iv. Adequate stacking for the drive-through service window is provided.
3. Roofs. Roof line, form and cornice shall be articulated with a treatment in scale with the building and shall be designed integral with the building. Mechanical equipment shall be placed to complement the building or screened with materials consistent with the building's design. Roofs shall not be pitched unless a parapet is provided that completely and effectively screens the pitch from view from any right-of-way. Alternative roof design may be approved at the discretion of the Commission.
4. Transparency of the building facade.
  - i. Minimum transparency of the ground floor shall be 40%.
  - ii. Maximum transparency of the ground floor shall be 85%.
  - iii. Minimum transparency of the floors above the ground floor shall be 25%.
  - iv. Maximum transparency of the floors above the ground floor shall be 60%.
5. Exterior Building Materials. The following standards apply to all buildings except public parking structures.
  - i. Walls on all sides of any building, exclusive of windows and doors, shall be a minimum 80% brick, stone, pre-cast concrete panels, tile, decorative block, wood or hardiplank lap siding, or ceramic. Materials shall be durable enough to last 50 years with low maintenance. Other materials may be approved if determined by the Commission that the materials meet the intent and purpose of the district.
  - ii. All sides of the building shall be of a similar design and complement each other.
  - iii. Trim and ornamentation shall be provided on all sides of any building and shall be metal, concrete, brick, stone, wood, or decorative concrete block.
6. Architectural features and façade requirements.
  - i. Base panel shall be provided. Base panel shall be between 18 and 30 inches tall.
  - ii. Sign band. A sign band, being between 12 and 24 inches tall, is recommended to accommodate wall signage.



- iii. Walls without windows shall not be permitted along or when facing a public right-of-way, public parking area, or park.
- iv. Articulation for walls located within 10 feet of a public right-of-way shall be, at a minimum, every 10 feet and shall wrap around the sides of the building, at a minimum, 3 feet.
- v. Proportion. If the building facades along a right-of-way comprise at least 50% of the frontage of a block, new construction or façade rehabilitation shall create or maintain horizontal and vertical spacing of façade elements of surrounding buildings such as windows, entries and rooflines as well as the rhythm of the bays, windows, and openings of the facades.
- vi. Windows.
  - 1. Ground floor window openings. The height of ground floor window openings shall be equal to or greater than the width of the opening.
  - 2. Upper floor window openings shall be rectangular. The vertical dimension of a window size shall be, at a minimum, two times the horizontal dimension.

**h. Parking.** Off-street parking within 50 feet of the right-of-way of Main Street or West 16<sup>th</sup> Street shall be prohibited. Off-street parking is discouraged; any off-street parking shall be designed to be unobtrusive to the pedestrian environment. Provisions for bicycle, scooter and motorcycle parking shall be provided in proximity to the primary entrance.

**i. Signs.** Except as modified by this division, the regulations of the following Sections shall apply: Sections 734-100 through 734-204, Sections 734-207, 734-300 and 734-303, Sections 734-400 through 734-701.

- 1. Permitted sign types and size. Permitted and prohibited sign types are identified in Diagram B 'Sign Types in Speedway Zoning Districts'. The following sign types may be permitted:
  - i. Canopy and awning signs. The recommended maximum of sign surface area of a canopy or awning sign shall be 20 square feet with a maximum vertical dimension of two feet.
  - ii. A-frame sign. The maximum of sign surface area per side of an A-frame sign shall be 12 square feet with a maximum horizontal dimension of three feet. A-frame signs shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. EST. A-frame signs shall be designed and placed in a secure manner in all weather conditions and shall not obstruct accessibility or visibility of pedestrians or vehicular movement.
  - iii. Projecting sign. The recommended maximum of sign surface area of a projecting sign is 8 square feet. In addition, it is recommended that horizontally oriented signs have a maximum vertical dimension of two feet and vertically oriented signs have a maximum horizontal dimension of two feet.
  - iv. Suspended sign. Suspended signs shall maintain a clearance of 8.5 feet.
  - v. Wall sign. The recommended placement of a wall sign is to be contained entirely within the sign band.
  - vi. Window sign. Window signs shall be permitted on the ground floor only and the maximum sign surface area shall not exceed 50% of the sign surface area of all ground-floor windows on that facade.

- vii. Sign affixed to the barrier of an approved outdoor seating area associated with a restaurant. Said sign shall be a maximum of 6 square feet in sign surface area with a maximum height of 4 feet. Such outdoor signs may remain in place from 7:00 a.m. to 10:00 p.m. EST.
  - viii. Exempt signs as listed and authorized in Chapter 734-201
2. Prohibited sign types. Off-premises (outdoor advertising) signs, ground signs, pole signs, pylon signs shall be prohibited. Portable signs, except for A-frame signs specifically described above, shall be prohibited.
  3. Sign types eligible for Special Consideration. Animated signs, roof signs, inflatable signs, marquee signs, message centers, and electronic variable message signs may be permitted after special consideration and the adoption of specific findings by the Commission that unique circumstances exist and that the specific design characteristics are appropriate for the district. Findings of fact shall be adopted.
  4. Number of signs.
    - i. Sign affixed to the barrier of an approved outdoor seating area associated with a restaurant. Two one-sided signs shall be permitted if the signs face different directions; or one two-sided sign shall be permitted.
    - ii. Wall Signs. One wall sign shall be permitted for each ground-floor entrance to the building.
    - iii. One of the following sign types shall be permitted for each ground-floor entrance to the building: One awning sign or one projecting sign or one canopy sign.
    - iv. Suspended sign. If attached to an awning sign or canopy sign, one suspended sign shall be permitted for each ground-floor entrance to the building.
    - v. A-frame sign. One A-frame sign shall be permitted for each ground-floor entrance to the building.
    - vi. Window sign. Two window signs shall be permitted for each ground-floor entrance to the building.
  5. Sign location. Sign shall be designed and placed in a secure manner for all weather conditions and shall not obstruct accessibility or visibility of pedestrians or vehicular movement. In accordance with Chapter 734, no sign or sign structure may be placed on or in the right-of-way of an alley or a street, except for the following sign types upon obtaining encroachment authorization from the appropriate governmental agency:
    - i. Sign affixed to the barrier of an approved outdoor seating area associated with a restaurant.
    - ii. A-frame sign.
    - iii. Projecting signs.
    - iv. Awning or canopy sign.
    - v. Suspended sign.
    - vi. Wall sign.
  6. Character. The colors, materials, and style of signs shall be architecturally compatible and accentuate the buildings and the district. Signs should be designed to reflect the small-town atmosphere of Main Street while fostering an exciting and festive atmosphere, enhancing a sporting event experience, or demonstrating a

unique approach to advertising. Box signs typically do not meet the desired character.

7. Sign illumination. The Commission may authorize the internal or external illumination of signs.

**j. Screening of trash receptacles and refuse areas.** No outside, unenclosed storage of recyclables or refuse containers exceeding 16 cubic feet in size shall be permitted on any lot. Any refuse or recyclable container, dumpster, or compactor exceeding 16 cubic feet in size shall be located within an area enclosed on all sides by a fence, wall, or similar means of enclosure. The enclosure does not require a roof. The height of the sides of the enclosure shall be the greater of six feet or two feet taller than the container, dumpster, or compactor that is being enclosed. All sides of the enclosure, including doors or gates, shall be opaque.

**k. Lighting.** Lighting shall be designed to minimize overflow light into the night sky, shield the light filaments from any right-of-way or protected district, prohibit hazardous glare perceptible from any point beyond the lot lines, and provide adequate light for safety.

**l. Fencing.** Except for use as described under subsection j., fences shall be constructed of materials that complement the design of the primary building. Chain-link fencing shall not be permitted. Barbed wire and razor wire shall be prohibited.

**m. Pedestrian Accessibility.**

1. Development shall provide sidewalks along eligible public streets, excepting interstate highways, expressways, freeways, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator; and, pedestrian accessibility to available public transit. Sidewalks shall consist of the walkway and any curb ramps or blended transitions. If required to be installed, the Administrator or the Commission shall be guided by the provisions of Sec. 732-214(c)(5) for the installation of sidewalks in the C-S District.
2. Internal accessibility. Within a lot or integrated center, walkways shall be provided in accordance with a pedestrian plan that shall include a walkway system that functionally connects all of the building's main front entrances with the sidewalk located in the public right-of-way of each of the lot or integrated center's eligible public streets. The walkways may be constructed of asphalt, concrete, pavers, or other materials meeting ADA guidelines. Such private walkways shall provide for identifiable pedestrian crossing treatments along functional pedestrian routes wherever the private walkways cross an interior access drive or interior access driveway.

**n. Streetscape.**

In order to create cohesiveness within the SZ-1 district, site furnishing elements have been delineated for public spaces along the Main Street Corridor in the Design Manual. For each of the site furnishings, substitutions that provide a similar style may be approved by the Commission. The site furnishings may include items appropriate to the site, such as, benches, trash receptacles, transit shelter, bollards, newspaper racks, trees, tree gates, bike lockers, bike racks, and public art.

**(2) Speedway Industrial District SZ-2 development standards.**

**a. Lot Coverage, Building Setbacks, and yards.**

1. No more than 60% of the lot area may be covered by impervious surfaces, including structures, parking, and other hard surfaces. This maximum lot coverage may be increased to 80% impervious surface coverage if appropriate methods for sustainability indicated in subsection j. below are utilized.
2. No part of any building shall be located closer to the right-of-way line of any street than 50 feet. A front yard of no less than 50 feet in depth, measured from and parallel to the lot line, shall be provided along the entire lot width.
3. A side setback and side yard of no less than 25 feet in depth, measured from and parallel to all side lot lines, shall be provided along all side lot lines.
4. A rear setback and rear yard of no less than 25 feet in depth, measured from and parallel to all side lot lines, shall be provided along all rear lot lines.

**b. Building height.**

1. The building height shall not be greater than 60 feet.
2. Building height exceptions.
  - i. HVAC, mechanical equipment, stairwell enclosure, elevator equipment, and any required screening may extend above the maximum building height, but shall not be greater than ten feet above the maximum building height. Said structures shall be completely screened from view at any right-of-way and from any protected district.
  - ii. Where a lot line abuts a lot line in a protected district, the building height of any structure within one hundred (100) feet of the lot line shall not be greater than 35 feet.

**c. Exterior building materials, Architectural features and Façade requirements.**

1. Walls on all sides of any building, exclusive of windows, shall be a minimum of 50% brick, stone, pre-cast concrete panels, tile, decorative block, wood or hardiplank lap siding, ceramic or glass. Other materials may be approved if determined that the materials meet the intent and purpose of the districts.
2. Walls without windows shall not be permitted when facing or along a public right-of-way, public parking area, or park.
3. Articulation on all walls shall not be less than every 75 feet.

**d. Parking.** The design, circulation, and amount of parking shall be in accordance with the standards in Article I, Section 733-211 of this ordinance. In addition, the following standards shall apply:

1. Provisions for adequate bicycle, scooter and motorcycle parking shall be provided in proximity to the primary entrance in accordance with the Design Manual.
2. Placement. No more than one single bay of parking shall be permitted between a public right-of-way and a building.
3. Interior parking lot landscaping. All parking lots, regardless of size, shall provide interior landscaping. Landscaping shall be provided in accordance with the standards in Section 732-214(g)(3)

- e. Signs.** Except as modified by this division, the regulations of the following Sections shall apply: Sections 734-100 through 734-204, Sections 734-207, 734-300 and 734-303, Sections 734-400 through 734-701.
1. Permitted sign types: ground sign, awning sign, wall sign, projecting sign, suspended sign, and window sign.
  2. Prohibited sign types: Off-premises (outdoor advertising) sign, pole sign, pylon sign, and portable sign shall be prohibited.
  3. Sign types eligible for Special Consideration. Animated sign, roof sign, marquee sign, message center, and electronic variable message sign may be permitted after Special Consideration and the adoption of specific findings by the Commission that unique circumstances exist and that the specific design characteristics are appropriate for the district.
  4. Number and size of signs by type.
    - i. Ground signs. One sign per building may be permitted in accordance with the following standards. The integration of signs, particularly the sharing of signs for multiple businesses, is encouraged.
      - (a) Maximum height of a ground sign shall be 10 feet.
      - (b) Maximum sign area of a ground sign shall be 200 square feet.
      - (c) Setback of a ground sign. Ground sign shall be located at least 10 feet from any right-of-way or property line.
      - (d) Separation. Ground sign shall be no closer than 300 feet to another ground sign.
      - (e) Ground sign shall not be located in any designated greenbelt or perimeter planting area.
    - ii. Awning signs, wall signs, projecting signs, suspended signs, and window signs may be located on any of the walls of a building. The total sign surface area of all signs shall not exceed 10% of the area of all facades.
    - iii. Coordinated Sign Plan. A coordinated sign plan for projects that contain five or more permitted signs may be submitted at the time of development plan submittal and approved by the Commission shall be eligible for a 20% increase in permitted sign surface area per permitted sign. Said plan shall indicate the size, design, illumination, and placement of all signs on the site.
    - iv. Sign illumination. The Commission may authorize the internal or external illumination of signs.
    - v. Character. The colors, materials, and style of signs shall be architecturally compatible and accentuate the buildings and landscaping on the site. Signs are recommended to be designed to reflect the small-town atmosphere of Speedway while professionally promoting the businesses that they represent. Box signs typically do not meet the desired character.

**f. Landscaping.**

1. General.
  - i. Landscaping shall be provided in accordance with the plan approved by the Commission in accordance with the guidance provided by the Design Manual.

- ii. All required landscaping in accordance with the approved plan shall be installed within one year of the date of issuance of an improvement location permit .
- iii. The landscaping shall be properly maintained at all times, upon installation and thereafter. Proper maintenance includes, but is not limited to, replacing dead plantings with identical varieties or a professionally acceptable substitute, proper pruning, provision of adequate water, and keeping the area free of refuse and debris.
- iv. An approved landscaping plan may not be altered, eliminated, or modified, without first obtaining approval by the Commission or their designee.

**2. Greenbelt. Landscaping along Street frontage.** A greenbelt shall be provided along each frontage. Greenbelts shall be landscaped and shall be otherwise unoccupied except for steps, walks, driveways, lighting, and similar structures. Parking areas shall not be permitted in a greenbelt.

i. Greenbelt along a Corridor Street.

(a) Minimum width shall be 20 feet.

(b) Plantings in the greenbelt along a Corridor Street shall be in accordance with the Design Manual.

ii. Greenbelt along an Interior Street.

(a) Minimum width shall be 10 feet.

(b) Plantings in the greenbelt along an Interior Street shall be in accordance with the Design Manual.

**3. Building perimeter plantings.** A minimum planting area equal to an area measuring an average of 10 feet in depth and extending along the entirety of each wall of the building shall be landscaped adjacent to that wall of the building. Sidewalks may be permitted in these areas, but shall not occupy more than 50% of the area on any side of the building. If an approach driveway or loading area cuts into a planting area adjacent to the building, additional planting area equal to the area displaced by the driveway shall be added to the building perimeter planting. These perimeter planting areas need not be rectangular in shape as long as the required total area is landscaped and dispersed on at least three different sides of the building.

**4. Property perimeter plantings.** A minimum property perimeter planting area shall be provided along the perimeter of the property except for frontage areas and shall be in accordance with the Design Manual.

**g. Screening of trash receptacles, recyclable receptacles, refuse areas, and outside material/equipment storage.**

- 1. No outside, unenclosed storage or display of materials or equipment shall be permitted on any lot. All materials and equipment shall be contained within an area enclosed in proximity on all sides by a solid fence, wall, mound, or similar means of enclosure. The enclosure is not required to have a roof. The sides of the enclosure shall be the greater of six feet or two feet taller than the assemblage of material or equipment that is being enclosed. All sides of the enclosure structure, including doors or gates, shall be opaque.
- 2. No outside, unenclosed storage of recyclables or refuse containers exceeding 16 cubic feet in size shall be permitted on any lot. Any refuse or recyclable container, dumpster, or compactor exceeding 16 cubic feet in size shall be located within an area enclosed on all sides by a fence, wall, or similar means of enclosure. The enclosure does not

require a roof. The height of the sides of the enclosure shall be the greater of six feet or two feet taller than the container, dumpster, or compactor that is being enclosed. All sides of the enclosure, including doors or gates, shall be opaque.

- h. Lighting.** Lighting shall be designed to minimize overflow light into the night sky, shield the light filaments from any right-of-way or protected district, prohibit hazardous glare perceptible from any point beyond the lot lines, and provide adequate light for safety.
- i. Fencing.** Except for use as described under subsection g., fences shall be constructed of materials that complement the design of the primary building. Chain-link fencing is strongly discouraged. Barbed wire and razor wire shall be prohibited.
- j. Sustainability.**

The purpose of this section is to promote health, safety, and welfare within the SZ-2 district and its environment by minimizing the harms and maximizing the benefits, through provisions designed to allow alternatives to the traditional building design and stormwater management. It is the intent of this section to encourage the use of Best Management Practices (BMPs) which are structural, vegetative, or managerial practices designed to treat, prevent, or reduce degradation of water quality due to stormwater runoff as well as the environmental impacts of building construction. All development projects subject to review under the requirements of this ordinance shall be designed, constructed, and maintained using BMPs to minimize environmental impacts while maintaining and contributing to the aesthetic values of the project.

1. Green Roof Construction. None of the building surface area under green roof construction shall be counted towards the impervious surface cover calculations.
2. Parking Lot and other surfaced elements. In order to break up or disconnect the flow of runoff over impervious surfaces, the use of pervious pavement materials is encouraged and includes, but is not limited to, pervious asphalt, pervious concrete, grid systems, or block pavers. Surface areas constructed with pervious techniques and materials, shall not be counted towards the impervious surface cover calculations.
3. The Commission may grant an increase in allowable impervious surface coverage for projects utilizing some or all of the following types of elements of sustainability:
  - i. Sustainable Architecture. Sustainable architecture design practice emphasizes efficiency of heating and cooling systems, alternative energy sources such as passive solar, appropriate building siting, reused or recycled building materials, on-site power generation (solar technology, ground source heat pumps, wind power), rainwater harvesting for gardening and washing, and on-site waste management such as green roofs that filter and control stormwater runoff.
  - ii. Nonstructural Stormwater Management Strategies. To the maximum extent practicable, the stormwater drainage standards adopted by the Town of Speedway shall be met by incorporating nonstructural stormwater management strategies into the site design. The nonstructural stormwater management strategies incorporated into the site design shall:
    - (a) Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
    - (b) Maximize the protection of natural drainage features and vegetation;
    - (c) Minimize the decrease in the "time of concentration" from preconstruction to post construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;

- (d) Minimize land disturbance including clearing and grading;
  - (e) Minimize soil compaction;
  - (e) Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;
  - (f) Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas.
- iii. Other sustainable strategies or practices that achieve the same intent outlined above.
- (G.O. 13, 2009, 2008-AO-02)