COTTAGE HOME NEIGHBORHOOD
IMPACTS OF ZONING ON AN INDIANAPOLIS NEIGHBORHOOD

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Introduction
Introduction

Background
"When first introduced, zoning promised to fulfill goals at once simple and majestic. Through its height and setback controls, zoning would ensure sufficient light and air at street level so cities would not be labyrinths of dark and dreary canyons. Through its use controls, zoning would prevent incompatible uses from locating cheek by jowl so residential neighborhoods would be protected from factories. Through its density controls, zoning would guarantee congestion-free central business districts and the ability of municipal infrastructure to keep pace with growth. In short, zoning would help create the City Beautiful." (Haar, 1989)

Why, in many cases, have these things not occurred? What has brought the problem of incompatible land uses and congestion about? Are these activities even considered problems to some? Would changes allow again a chance for the "City Beautiful"? Do people want the "City Beautiful"?

These questions are all puzzling and not exclusive to one geographical location or social group. Zoning originated, in part, as a means of protecting the health and safety of inhabitants of major cities. Since the introduction of height and setback restrictions, beginning at the turn of the last century, the question of how much control the governing body should have over development has never escaped analysis or debate.

Problem Statement
A review of the history of zoning, reveals that the process is not flawless. Today, in American cities, towns, villages, and neighborhoods, the problems with zoning are eminent. Fast food restaurants push their way into residential neighborhoods. Where the lower cost of land results from a declining neighborhood, industrial activity is often encouraged, which increases the potential for the neighborhood decline. Residents fight against a rezoning measure that could improve their neighborhood, because they fear property tax increases. Newly constructed houses are set back 25 to 30 feet from the street, while all other houses in the area are only set back 10 feet. These zoning related problems occur in different areas and in different forms, but they exist virtually everywhere. In spite of these occurrences, there are unfulfilled opportunities for zoning that can improve a community's quality of life. Currently a number of different ideas are being used in an attempt to solve the problem with zoning. Performance zoning, transfer of development rights, and planned unit developments are some of the alternatives to conventional zoning. Performance zoning attempts to combine good design with protection of the land and existing development. Transfer of development rights is a concept which evaluates each piece of property as having specified development rights, while considering these rights transferrable to another site. Planned unit developments attempt to combine all types of land use in the creation of mini-communities within a municipal or county area. These ideas are implemented in response to a particular situation in a particular area, while a traditional zoning ordinance follows the same form in many cities across the country. These alternatives match sound planning theory, because there are no generic solutions and no generic problems.
city. The variance application is assessed a fee of $300-$500. In addition to this financial burden, there are extreme time delays and annoyances associated with a variance application. Because of this, the appeal of constructing or even owning a house in the Cottage Home Neighborhood is diminished.

Hopefully, through this project, I have formulated a workable solution to this problem for the neighborhood. With a combination of research of effectively zoned communities and careful analysis of the area, four alternatives were designed to address the current situation. After thorough analysis of the alternatives, in consultation with the neighborhood, the “best” alternative was chosen for implementation.

When visiting the neighborhood, I met with the presidents of Cottage Home’s neighborhood association and the local business association. Through these meetings, I learned that, while there is some willingness for cooperation, each group wants what they believe is best for their organization. I believe the problems can be remedied. In analyzing the neighborhood, and eventually developing a solution to the problem, it was imperative to keep a good working relationship between these organizations. They have worked together in the past, and this will hopefully continue.

A situation such as this is difficult for both the residents and the businesses. Solutions that may be best for one group may create negative effects on the other. However, the major problem still remains: an area that is primarily residential is zoned industrial. Inherent to that, any type of residential development is subject to variance proceedings.

Significance of the Goal Addressed
The existence of the Cottage Home Neighborhood predates the zoning ordinance. In practice, the ordinance has a discriminatory effect upon the residents of the neighborhood. Manufacturing facilities can enter the neighborhood without going through the bureaucracy of a zoning variance. Residents, however, must apply for a variance even if they wish to build a garage. Besides the additional cost associated with a variance application, there are numerous trips back and forth to the City County Building, public meetings, and forms to be filled out. But, the residents and the industries are both components of the neighborhood. Solutions should be formulated that improve the situation for both components, while providing an equitable plan for new development. The research done will be used as the basis for formulating the solutions.

Before solutions could be formulated in the Cottage Home Neighborhood, zoning and its alternative techniques were researched. While different techniques were looked at, the emphasis of comparison and analysis was placed on performance zoning and conventional zoning. The conclusions of this comparison provided an understanding of how zoning techniques work, and why in certain situations, one method works better than another.

When zoning changes occur, it is imperative that the impacts of different scenarios are considered. The alternatives developed will look at all the the options which could be logically applied to the neighborhood. These alternatives were analyzed in terms of impacts, assets, and liabilities. After this, the “best” alternative was chosen for implementation. This decision will be based on input from the neighborhood and the results of a goals achievement matrix. A program for efficiently implementing the plan was then developed. It is important to to outline the governmental process which will have to be followed to enact the alternative. Finally, the entire process was reviewed, with the final goal being a problem solving scenario for areas experiencing zoning difficulties.
Examples of how performance zoning and other alternatives have positively affected communities today are evident in different areas, not only in the country, but throughout the world. It is through the success of these schemes that efficient alternatives for the Cottage Home Neighborhood were developed. The "best" alternative should be used as a tool to improve the quality of the neighborhood.
1. Zoning and Performance Zoning
Zoning and Performance Zoning

Zoning is the "basic means of land use control employed by local governments in the U.S. today." It "divides a community into districts (zones) and imposes different land use controls on each district, specifying the allowed uses of land and buildings, the intensity or density of such uses, and the bulk of buildings on the land." There are four basic land uses utilized by conventional zoning—residential, commercial, industrial, and agricultural. In most communities, attempts are made to keep these uses as separated as possible. There is a general belief that these uses are incompatible and would impose negative impacts on one another.

Zoning originated, in part, as a means of protecting the health and safety of inhabitants of major cities. The idea of protection was initiated in response to a problem in New York City. At the end of the nineteenth century, the size and bulk of buildings continued to increase encroaching upon the streets and urban inhabitants of the city. Through restrictive ordinances, in which local government exercised police power, buildings had to be in accordance with certain regulations, which were intended to protect the citizens from such encroachment. In 1916, the first recognized zoning ordinance in New York City went beyond what was necessary for health and safety, by segregating different housing types from each other and from other commercial areas.

The question of governments' legality in exercising police power through height and setback restrictions came to a climax in 1926 when the Supreme Court ruled in favor of the Village of Euclid, in the now famous Ambler v. Euclid case. The Court's decision legitimized comprehensive zoning. However, this landmark case did not alleviate the problems. Consideration and use of variances, exclusionary zoning, and aesthetics had not yet come to the forefront. A variance is an allowance to bypass regulation making a nonconforming use of zoned property. Exclusionary zoning is implemented in an area to keep out community racial minorities, poor people, or, in some cases additional population of any kind.

It was thought of as a way to solve the development issues of the early 1900's, such as height and bulk of downtown office towers. Eventually, it evolved into a way to protect residential areas and the single family home. Currently, zoning is a major factor in shaping community character.

The typical or conventional zoning ordinance establishes a hierarchy or pyramid of land uses, with single family residential at the top and industrial at the bottom. The basis for this stems from the belief that the single family home is the "American dream," and it should be protected from "unwanted land uses." This thinking filtered out to the suburbs where former urban dwellers had moved. Residential district regulations began to reflect homes and lots only found in the suburbs. These regulations made residential development impossible on urban lots that are generally more narrow than their suburban counterparts.

It is often wondered what type of development patterns would have occurred in communities, if zoning was never implemented. Would communities be better or worse off? While this could lead to an interesting discussion, zoning is with us, and it is apparent that it has not resolved all land use issues. If it had, residents would not flock to zoning board of appeals meetings to protest rezoning or variance applications. For that matter, if zoning were completely successful, variance proceedings would not even be part of a typical zoning ordinance.

The basic flaw with zoning lies in the "generic" qualities of a zoning ordinance. Throughout the country, zoning ordinances
follow the same basic outline, while cities, towns, and villages have obvious differences. There is some rationale to this thinking, however. There appears to be a basic development pattern which typifies most communities in this country, and without zoning, it is likely that communities would have been left open to more drastic effects. Nonetheless, it is unrealistic to believe communities are so similar that a template zoning ordinance could be successful everywhere.

There are more extensive zoning problems that go further than just the concept. Citizens help to escalate the difficulties of implementing solid zoning techniques. Many citizens' views can be classified by what is called the "pioneer mentality." People with this mindset believe that "ownership of land carries with it the right to do anything that the possessor of a deed wants to do, the government has no right to interfere, and that the concept of an increasingly complex society requiring adjustment of this attitude is the fictitious creation of a communistic conspiracy." With this type of attitude prevalent, acceptance of zoning principles is difficult.

Inherent to these flaws, zoning modifications are normally required before any major development takes place, because zoning can't "cope with the ever changing world of development." Initially land uses were intended to be separated, but after variances and rezonings, this separation has been less successful. When two land use districts are located adjacent to one another and the only regulation to keep development apart is a side yard setback, the idea of separation is lost. Transition zones are needed to allow incompatible land uses to function together. However, most zoning ordinances do not contain any transitional regulations. To further illustrate this idea, a land use development scenario was developed to represent some of the problems that arise with conventional zoning.
Land Use Development Scenario

Early Development Stage: Initially, the community is primarily residential with enough commercial development to support the residents. If present, industrial activities are not found in this area.

The community has little traffic on the streets, and development is not densely compacted.

Community Growth Stage: As the community grows, variances are required to support new development. Zoning pattern can be described as "spot zoning."

The development occurs in a more haphazard fashion than before. There is more congestion on the streets. Visual clutter dominates in the area. Original single family homes are less appealing. There is a strong tendency for these homes to be run-down and eventually abandoned.
Performance zoning is an alternative zoning technique. It was developed to be more successful in dealing with land use issues. As opposed to conventional zoning, "regulation of land uses is based not on use categories determined at the time zoning ordinances are adopted, but on their actual physical characteristics and functions-their "performance" measured against predetermined criteria. (Porter, 11) Performance zoning ordinances do not place a great deal of emphasis on separation of uses. These ordinances focus on what is required to make these uses compatible if situated together. In doing so, a more flexible approach is used, with less administrative work required for processing rezoning and variance applications. "Theoretically, through performance zoning, any use could locate next to any other, provided it satisfies criteria." (ibid)

Examples of how performance zoning and other alternatives have positively affected communities today are evident in different areas throughout the country. As a basis for later study in Cottage Home, some of these communities were analyzed. While subsequent reading was done, these findings were originally obtained from two sources: Performance Zoning by Lane Kendig and Flexible Zoning: How it Works by Douglas Porter.

Performance zoning has developed from a concept used for particular land use situations to a scheme used for regulation of land use development throughout an entire community. The initial intent of performance zoning was to provide better standards for industrial development. Then, it evolved into a modified form of "impact zoning." These early standards eventually led to the more sophisticated performance ordinances of today.

In 1973, Duxbury Massachusetts, a small New England town located near Boston, passed additional zoning legislation which created two new categories of development. "The zoning bylaw aimed to create incentives for developers to build more diverse, more environmentally sensitive housing. (Porter, 18)" The new development categories encompassed planned developments with a variety of housing types and cluster subdivisions of single-family houses. By 1983, however, developers avoided these categories in favor of the conventional districts because of the additional documentation and processing time associated with the performance categories.

From here, performance ordinances can be classified in two categories - a point system approach and the Kendig approach. A point system model assigns points to proposed development in regards to criteria ranging from infrastructure and environmental impacts to adjacent use and intensity of development. The Kendig approach is based on the philosophy that land is a natural resource, and sprawling development puts this resource in danger. Under this approach, sites for proposed development are analyzed in terms of site capacity, with the main emphasis placed on preserving the natural environment. In determining site capacity, density factors, floor area ratios, and open space ratios. The Kendig approach can be described as less performance based than the point system approach. This idea was first used in Bucks County Pennsylvania and later in Lake County, Illinois.

Fort Collins, Colorado adopted a land development guidance system in 1981 using the point system approach. It provides an alternative to conventional zoning in the form of performance criteria for planned unit developments. Property developers choose to use the alternative because it allows for any land use in any area. The system has spurred the development of many mixed-use projects in the area.

Breckenridge, Colorado, which is a resort village with a year-round population of 1340
people, adopted a point rating system in 1978. In this community, the performance standards
are used to determine the appropriateness of use and design of property to be developed.
Unfortunately, the criteria are quite general, and city officials are required to make broad
interpretations. This coupled with the complicated approval process has led to
criticism of the ordinance.

Hardin County, Kentucky is a mostly rural county located 45 miles southwest of
Louisville. In 1984, this county of 93,000 people adopted a performance ordinance that
incorporates both the point system approach and the Kendig approach. While using a point
system to approve development, the performance standards are similar to the ones
developed by Kendig. In attempts to preserve the land, agriculture and single family
residential are allowed by right, while any other development must meet the performance
criteria.

Buckingham Township, Pennsylvania, which is located within Bucks County, adopted
performance zoning in 1974. In doing so, they wanted to preserve open space and
maintain a semi-rural character. Public hearings were required before cluster subdivisions and other performance standard
development could be approved.

Bath Charter Township, Michigan is a small community with a population of 5800 located
outside of Lansing. In 1981, a greatly simplified ordinance based on the Kendig
approach was applied to Bath Charter. The ordinance established five zoning districts.
Two were districts which allowed typical rural, low-density residential development, while the other three applied to existing
development and expected corridor development. Depending on the development in these three zones, buffer yards or special
permits may be required.

Largo, Florida is a community of 60,000 people located in the Tampa/St. Petersburg
metropolitan area. In Largo, a performance ordinance was enacted based on the Kendig
model. This ordinance uses the land use plan to rationalize development of use districts and
densities. Two levels are used to determine what type of development can occur in
particular areas. The first level consists of four policy districts which include downtown,
environmental conservation, management, and redevelopment. The second level contains
fourteen land use categories. Within each
district, each land use category falls within
one of three classifications which are: 1) allowables as conforming to district standards,
2) allowables with special mitigating
circumstances, and 3) prohibited.

Developments, where mitigating circumstances are required, would contain
buffer yards or special building standards.

Again, all of these ordinances were implemented to create better results than
typical zoning. But no matter which form of zoning is used, it is important to remember
that the ordinance should be developed in
conjunction with a long range master plan. This foundation is critical in the success of a
zoning ordinance.
2. The Cottage Home Neighborhood

Location
Area Zoning
Neighborhood Zoning
Building Use
COTTAGE HOME NEIGHBORHOOD
IMPACTS OF ZONING ON AN INDIANAPOLIS NEIGHBORHOOD

Figure 1
Location
Location

The Cottage Home Neighborhood is located just east of downtown Indianapolis and northeast of the City Circle (Figure 1). It is bounded by rail lines and Interstate 65/70 to the west, 10th Street to the North, Oriental Avenue and Arsenal Technical High School to the east, and Michigan Street to the south. With its proximity to the highway and rail lines, the area is associated with industrial use.
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Figure 2
Area Zoning
Area Zoning

Zoning in the area surrounding Cottage Home primarily falls within three use classifications (Figure 2). The classifications are industrial, commercial, and residential.

Industrial

The Cottage Home Neighborhood is located within the industrial zone which runs linearly along the highway and rail lines. This zone extends both to the northeast and south of Cottage Home along the rail lines and I-65/70. In addition to this zone, there is a large industrially zoned area which continues east of the downtown, with Washington Street as the northern boundary. The land zoned for industrial use in this area is primarily classified as I-3-U, which is a medium intensity urban industrial district.

Commercial

Most of the commercial zoning in the area occurs within the downtown under the CBD zoning classification. This commercial core is extended north along Meridian Street. Commercially zoned areas extend east from Cottage Home along the north and south boundary streets, 10th Street and Michigan Street. Aside from the CBD district, much of the commercially zoned areas are C-2 or C-3.

Residential

A significant amount of land spanning from the northwest to the southeast of Cottage Home is zoned for residential use. Most of this land is zoned either D-5 or D-8. The districts address residential development in an urban setting. The D-8 district is more compatible with residential development in Cottage Home.

D-5 Regulations

Location: Urban developed areas. Areas of medium-high density single-family with urban services and utilities. Smallest single-family lot size permitted. Attachment to public or semi-public water and sanitary facilities mandatory. Two-family dwellings permitted on corner lots only.

Typical Density: 4.5 units/gross acre S.F. 5,000 sq. ft.
2-F corner lot 9,000 sq. ft.
Minimum Frontage: 30 ft.
Minimum Main Floor Area: 720 sq. ft.-one story (for each dwelling unit)
600 sq. ft.-higher than one story (for each dwelling unit)
Minimum Rear Yard: 20 ft.
Minimum Side Yards: 10 ft. total; no side less than 4 ft.

D-8 Regulations (Appendix 2,C)

Located in areas experiencing renewal either by public action or natural process. The D-8 district is a special district permitting a high-density low rise multi-family classification requiring all amenities of the D-7 district.

Typical Density: 20-26 units/gross a.
Floor Area Ratio: 0.60
Minimum Frontage: 30 ft.
Minimum Rear Yard: 15 ft.
Minimum Side Yard: lesser of 20% of project width or 15 ft., but not less than 4 ft.
Maximum Height: 35 ft.
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Figure 3
Neighborhood Zoning
Neighborhood Zoning

The neighborhood itself is zoned entirely for industrial use, except for three half blocks located at the northern end of the neighborhood (Figure 3). This area is zoned for commercial development.

The industry classification is I-3-U, a medium industrial urban district, which allows uses such as cabinet manufacturing, canning, and packaging. Normally, setbacks range from 10 to 40 feet. Different restrictions are applied when the development is within 300 feet of a residentially zoned area. When industrial development occurs adjacent to a residential district, even greater restrictions are applied.

I-3-U Regulations (Appendix 2.A)

Intermediate district located away from residential areas and buffered by lighter industrial districts
Permits I-3-U uses, I-2-U uses, and some I-4-U uses (as accessory or incidental uses not exceeding 25 percent of the gross floor area) subject to I-3-U standards
Entirely enclosed operations if within 300 feet of a residential district boundary
Outside storage—not to exceed 50 percent of gross floor area and completely screened if within 300 feet of a residential district boundary
50 feet maximum building height if within 300 feet of a residential district boundary

The commercial zone in the neighborhood is C-2, which is a high intensity office-apartment district.

C-2 Regulations (Appendix 2.B.i)

CBD peripheral use, inner city "uptown" location, adjacent to a regional shopping center or planned community, or along a few suitable arterial streets
Permits C-1 uses and multi-family dwellings subject to D-8, D-9, or D-10 standards
Minimum Frontage: 25 feet
No height limitation but subject to additional setback regulations if height exceeds 35 feet
Yards: side - 8 feet; rear - 10 feet
15 feet setback (side or rear) where adjacent to a residential district

While residential development is allowed in both of these districts, the setbacks and frontage required makes most lots unsuitable for single family development.
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Legend
- Industrial
- Commercial
- Residential
- Vacant

Figure 4
Building Use
Building Use

While zoned almost entirely industrial, over 80 percent of the buildings in the neighborhood are utilized residentially (Figure 4). Most of these structures were located in the area prior to the implementation of the current zoning ordinance. Most Cottage Home houses are historically significant and revitalization attempts are starting to take place. During the development of this report, the neighborhood gained listing on the National Register of Historic Places.

While some of the industrial activity is scattered throughout the neighborhood, the majority of this use is located at the western edge of the community. There are only three commercial uses in the neighborhood. The first is located at the corner of 9th Street and Polk Street and is a bar known as "The Hog". The other two uses are located at the southern edge of the neighborhood along Michigan Street. The uses include a used car dealership and a small candy store.
3. The Project

The Problem
Project Outline
Goals and Objectives
The Problem

Residents, the city, and even the industries have expressed concern in formulating an alternative to the zoning issue that is occurring currently in the Cottage Home Neighborhood. Both residents and businessmen are concerned with the neighborhood and its attempts to revitalize. If the neighborhood were to unify their ideas on zoning, the City/County Metropolitan Development Commission (MDC) will waive any fees involved in implementation of a new solution.

The Cottage Home Neighborhood Association (CHNA) initiated the activities to analyze the zoning situation. They believe that the current zoning classification is inequitable and discriminatory. Under the I-3-U classification, any "realistic" residential development must first be approved by the MDC through a variance proceeding which may cost anywhere between 300 and 500 dollars.

The Cottage Home Business Association was formed in response to the actions by the CHNA regarding the neighborhood's zoning. This group, while realizing the hardship of the residents, stands firm that the neighborhood is zoned I-3-U, and many may have moved to the neighborhood because of the classification. They believe the neighborhood should remain zoned for industry.

Both parties appreciate the uniqueness of the neighborhood and do not object to the mixed-use. They have stated that they would not be opposed to a mixed-use zone that adapts to the land use situation. The zone would allow for both industrial and residential development.

This project does not attempt to declare conventional zoning as invalid, but rather to determine whether conventional zoning is the best solution to the current situation in Cottage Home.

The Project

The project is broken into five steps which follow the rational planning process model. The five categories are:

1) Identify the problem: the situation was studied and analyzed and the problem was identified;

2) Goals and objectives: the goals of this project were formulated and a means (objectives) of accomplishing them was established;

3) Formulating alternatives: based on the goals, alternative solutions to the situation were developed and studied;

4) Choosing the best alternative: a matrix was developed to evaluate the alternatives in regard to the goals;

5) Implementation and maintenance: the process of implementing and maintaining the best alternative was developed.
Through analysis of the problem and interpretation of the neighborhood’s needs, goals and objectives were formulated. The list represents what I believe to be an accurate assessment of what both the businessmen and the residents want to accomplish with a possible solution. These goals are used as the basis to evaluate the alternative solutions. The list was prioritized and assigned points used later in the best alternative matrix.

**Goals**

1) Equity: The solution should result in an equitable situation for both the businessmen and the residents. In doing so, people involved in the neighborhood should be able to utilize their property to the highest and best use without infringing upon others. An inequity is in effect currently because of the zoning classification placed by the city. Inequities are not necessarily wrong but should not be imposed by government.

2) Probability of Implementation: It is imperative that the solution can be turned into reality.

3) Meets Long-Term Needs: The solution should work to provide harmony within the neighborhood for many years to come. It should anticipate change and be adaptable to such change.

4) Preserves Affordable Housing: Currently, the neighborhood provides quality housing at an affordable price. The solution should not alter the cost of living in the neighborhood (i.e. property taxes and rent).

5) Allows for Further Development of Existing Uses: The rehabilitation, renovation, expansion, and new development of current land uses should be accommodated for in the solution.

6) Allows for Development of Additional Land Uses: In addition to industrial and residential development, the future could bring about the need for other development. The solution should address the possibilities of such an occurrence.

7) Ease of Implementation: The solution should also be implementable with the greatest amount of ease (i.e. cost, time, and frustration).

**Objectives**

Solution should be workable with the Marion County Zoning Ordinance.

Solution should conform to goals and objectives of the Marion County Zoning Ordinance.

Solution should be formulated with the neighborhood association and business association.
4. **Alternatives**

A. Do Nothing

B. Rezoning
   - Rezoning Introduction
   - Alternative B1.

C. Performance Zoning - Mixed Use
   - Adjacent Land Use Criterion
   - Development in the Mixed-Use Zone
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Figure 5
Alternative A. Do Nothing
A. Do Nothing

The first alternative analyzed is the option of leaving the neighborhood zoning situation as it is (Figure 5). Allowing this would be admitting that the current zoning situation is better than any other alternative developed, or that the time and cost constraints of implementing one of the alternatives are too great to justify such an effort. The positive and negative aspects of this alternative were studied and used to evaluate the option in terms of the goals.

Positive

- Industry and businesses benefit (many of which located there because of the zoning)
- Residential structures can maintain small businesses within
- Industry can expand without a variance
- Industry has better resale opportunity
- Residents taxes are lower (according information obtained from residents)

Negative

- Variance required for residential development ($300-500)
- Home owners will have a lower resale value
- Integrity of neighborhood could deteriorate
- Home additions also require a variance

Under this option, there is a possibility that the residential aspect of the neighborhood could be pushed out by the industry. While it has not happened as of yet, the residential community is not solid. There are considerable number of vacancies and homes needing a significant amount of repair. If existing industry continue to expand and new industry moves in, the residents may be an "endangered species" in the Cottage Home.

However, things could also continue as they have in the recent past. The residential community seems to be getting stronger, through the efforts of the CHNA. Along with minimal new construction, rehabilitation efforts are taking place. It is possible that under this alternative both the industries and the residents could peacefully co-exist within the neighborhood. Still, there is the overriding hardship upon the residents or future residents requiring a variance for residential development.

In terms of the goals established, this alternative:

1) does not create an equitable situation for the residents, because a variance is still required for residential development.

2) is implementable, because nothing further needs to be done.

3) does not meet long-term needs.

4) preserves affordable housing.

5) allows for further industrial development, but makes no provisions for residential development.

6) allows for commercial development in the commercially zoned area located in the northern portion of the neighborhood.

7) is already implemented.

So, under this option, it is apparent that industrial activity has nothing to lose, while the residential community could eventually be moved out of the neighborhood by the pressures of industrial development.
B. Rezoning Introduction

Two of the alternatives analyzed involve rezoning portions of the neighborhood. These alternatives attempt to place zoning districts within the neighborhood to match the current land use. In attempting to do this, the zoning districts used would be I-3-U and D-8.

The illustrations on the subsequent pages represent how either industrial, commercial, or residential development may take place under the rezoning scheme. Accompanying each illustration is a description of the regulations and circumstances of the development. The illustrations analyze lots within the neighborhood, but are not intended as recommendations for development.

Under a rezoning scheme, excluding variances, industrial development can only occur within industrially zoned land. Residential development may only occur within a residential district. Commercial or any other type of development could not occur without a variance or rezoning.

Rezoning may help to promote the revitalization efforts currently taking place. People will be more willing to invest money in the existing homes if the land is zoned for residential use. Also, a variance will no longer be required to engage in rehabilitation efforts. Finally, banks will be more willing to finance such efforts if the rehabilitation is occurring on residentially zoned property.
Industrial Development: I-3-U District

1. This scenario represents how industrial development is regulated in an I-3-U zone. On a lot seventy-two (72) feet by one hundred and fifty-five (155), 6500 square feet of buildable area remains after setbacks.

2. The property being developed in this illustration is located adjacent to residentially zoned property. In this situation, a greater side yard setback is required, as well as vegetative screening. The maximum building height is fifty (50) feet. However, an additional one foot of setback is required for each one foot of height over thirty-five (35) feet.

3. Industrial development on a corner lot requires a greater side yard setback, as illustrated by this scenario. Also, if industrial development is occurring within three hundred (300) feet of a residential district, the maximum height of the structure is fifty (50) feet.

Additionally, all yards are required to be planted with grass or landscaped with other suitable ground cover materials.
Residential Development: D-8 District

4. This scenario depicts residential development on a typical lot within the neighborhood. The setbacks required allow for a buildable area that is greater than what is allowed through the open space ratio. Thus, the house can be located anywhere within the large rectangle.

5. A two story house would have even greater area to “slide” on the lot.

6. A one story house on a typical corner lot would be difficult to develop because of the additional side yard setback required. The total floor area allowed is unattainable because of the setback restrictions.

7. A two story house may be developed with less difficulty, but it is unlikely to occur because of the irregular buildable area left by the setbacks.
Commercial Development: C-2 District

8. Commercial development on a lot not abutting a residential district will allow for a buildable area of 6720 square feet on a lot that is seventy-two (72) feet wide and one hundred and fifty-five (155) feet in length.

9. When commercial development occurs adjacent to residential property, additional setbacks are required. Also, landscaping and wall screening is required. Additional regulations are enforced when parking or loading occurs adjacent to the residential district.

10. As illustrated, commercial development on a corner lot is subject to additional side yard setback requirements.

In addition, all commercial lots are required to have landscaped yards. Also, the height of a building may exceed thirty-five (35) feet, but for each additional one foot of height, the building must be set back an additional one foot. Finally, front setbacks are measured from the centerline of the street.
COTTAGE HOME NEIGHBORHOOD
IMPACTS OF ZONING ON AN INDIANAPOLIS NEIGHBORHOOD

Figure 6
Alternative B1: Rezoning
COTTAGE HOME NEIGHBORHOOD
IMPACTS OF ZONING ON AN INDIANAPOLIS NEIGHBORHOOD

Figure 7
Alternative B2: Rezoning
B1. Rezoning

The second alternative is a rezoning option which reflects current land use (Figure 6). To determine the areas that should be rezoned, current land use was analyzed. The areas where there is residential development are the areas recommended to be rezoned to D-8. This dwelling district classification is the most appropriate classification for residential development within the neighborhood. The remainder of the land would remain I-3-U. As is apparent through the illustration, the scheme looks haphazard and represents what could be described as "spot zoning". The positive and negative aspects of this alternative were studied and used to evaluate the option in terms of the goals.

Positive
- reflects current land use
- provides opportunity for minimal new development without requiring a variance
- residential resale value increased
- attempts to retain neighborhood integrity

Negative
- limits industrial expansion opportunity
- decreases industrial resale value
- unorganized zoning pattern
- residents can have businesses within, but are subject to greater restrictions

In terms of the goals established, this alternative:

1) provides for an equitable situation for both the residents and businessmen, by allowing for residential development without requiring a variance. Unfortunately, it restricts the businesses in terms of expansion and resale value.

2) has a strong possibility of being implemented if the residents organize in a collective effort.

3) is unlikely to solve all problems in the future. Problems could arise because the businesses lose their current advantage. If minor new development occurs, problems should be minimized.

4) would have little affect on affordable housing because property is assessed based on condition and not zoning classification.

5) allows for some future development of existing uses on vacant property.

6) does not address other land uses in the neighborhood. Variances would be required for any use other than industrial and residential.

7) would need to be passed by the City. All febe waived, however, if the neighborhood was unified in the proposal. Time constraints would arise. The MDC may be less willing to rezone in an noncontiguous pattern.

This alternative appears to meet the needs of the residents currently living there while providing a more equitable situation for the existing interests there. However, the solution does call for a compromise from the industry, because they lose their current advantage.
B2. Rezoning

This alternative also looks at rezoning, but it attempts to establish areas within the neighborhood where either residential or industrial activity have the chance to expand (Figure 7). To formulate this solution, current land use was analyzed and areas of major industrial activity were identified. Industrially zoned land would remain around these areas of major industrial activity. The zoning districts under this scheme would remain the same as in alternative B1. Residential districts would be classified as D-8, while industrial districts would be I-3-U. Although established based on different rationale, B1 and B2 are similar in their physical appearance and their impacts upon the neighborhood. The positive and negative aspects of this alternative were studied and used to evaluate the option in terms of the goals.

**Positive**
- provides opportunity for new development without requiring a variance
- residential resale value increased
- attempts to retain neighborhood integrity

**Negative**
- limits industrial expansion opportunity
- decreases industrial resale value
- unorganized zoning pattern
- residents can have businesses within, but are subject to greater restrictions

If compared to alternative B1, this alternative has a less restrictive effect on expansion of residential and industrial activity in the neighborhood. However through this scenario, in some areas where the land use is residential, the zoning remains industrial. The converse is also true for some of the industrial areas. Again, it appears that the residents could gain some benefits from this alternative. For the most part, the land that would be zoned residential is currently being used residentially. The alternative is effective in preserving, and probably increasing, the residential property value. It also increases the financial opportunity to resell. The industrial activities are, in some cases however, surrounded by residentially zoned property. This makes it difficult for them to expand in many areas without obtaining a variance, and it could make their property harder to sell.

In terms of the goals established, this alternative:

1) creates a more equitable situation by allowing industrial and residential development without a variance. Still, it is discriminatory to those properties that will remain I-3-U but are used residentially. The same holds true for residentially zoned land with an industrial use.

2) may not be implementable, because some industrial land would have to be rezoned to residential and vice versa.

3) is reasonably effective in meeting long-term needs, by allowing for moderate growth, with both residents and businesses having to compromise

4) while allowing for more expansion of existing uses, may have a slightly greater affect on the rise of property value in the neighborhood (as compared with B1) if significant expansion and new development occurs.

5) does allow for further development of existing land uses but is restrictive on those properties where land use conflicts with zoning classification.
6) does not address other land uses in the neighborhood. Variances would be required for any use other than industrial and residential.

7) may have greater difficulty in implementation because of the conflict of land use and zoning classification in certain areas. Time constraints will arise. Fees would be waived if the neighborhood was consolidated. Zoning pattern is not fully uniform, which may bring about problems with the MDC.

As opposed to B1, this alternative could provide for more success in the future. It attempts to establish more of a middle ground between the industrial and the residential activity in the neighborhood. Nonetheless, it still creates areas of residential enclosure by industrial activity. In addition, some industrial activity will be negatively impacted the same way. Finally, there is no guarantee that the areas provided for additional growth will be sufficient enough to meet the future needs of the neighborhood.

C. Performance Zoning - Mixed Use Zone

Alternative C was developed to provide the best possible zoning situation for both residential and industrial activity (Figure 8). It also allows for other development which may be needed in the neighborhood. It was developed from the study of other performance zoning ordinances, as well as research in the neighborhood used to determine what could be successful. The purpose of this zone is to allow for more than one land use in an area without requiring a variance. Not only is it important to allow for more than one use, but also, these uses should be compatible when situated on adjoining properties. While industrial and residential uses are not normally considered to be compatible, there are already signs in the neighborhood that these uses can be located in the neighborhood without harm.

With this in mind, the new zone should be workable within the Marion County Zoning Ordinance. For this reason, the regulations for this district resemble the order and style of the Marion County Zoning Ordinance. The district would need to be approved as a separate ordinance within the Indianapolis zoning structure (Appendix 3).

A description of the district will be presented on the following pages, along with sections of the original zoning ordinance for purposes of comparison. The zone was restructured from the D-8, I-3-U, and C-3 zoning districts of Marion County. These were the districts found to be most suited for the neighborhood. The Marion County Zoning Ordinance will be listed in the left column and the Mixed Use District will be in the right column. Bold faced type will be used when there are significant differences between the two columns. Footnotes will also be used to provide the rationale for certain decisions made when formulating the district.

Briefly described, the mixed-use district allows for residential, industrial, and commercial development, with special provisions for institutional uses. These uses can be located in the same neighborhood and even adjacent to one another without any repercussions as long as property regulations are applied to the development. With this rationale, the zone was developed utilizing transition yards when different uses will be located adjacent to each other. The zone also restricts the development of one use in an area that is predominantly developed by another use. This is facilitated through the Adjacent Use Activity Criterion. In addition, build-to lines were established to represent current residential patterns.

Finally, it should be noted that these are not typical performance zoning standards.
First, the district was established after analysis in one quantifiable neighborhood, not an entire community as is the case in most situations. Second, the neighborhood is already significantly developed, and the zone could be formulated by analyzing development patterns already in place.

In terms of the goals established, this alternative:

1) is an equitable solution, because both residential and industrial interests should be enhanced by its implementation.

2) has virtually no possibility of being implemented.

3) should resolve conflict in the neighborhood for a significant length of time in the future, by allowing for quality mixed-use development.

4) could increase property values with further development in the neighborhood.

5) allows for further development of existing land uses in many areas of the neighborhood (Figure 9).

6) allows for development of additional land uses in many areas of the neighborhood (Figure 9).

7) would be extremely difficult to implement, because a new zoning ordinance would need to be enacted.

While this is the best solution for the neighborhood as a whole, it is unfortunate that there is little chance it could ever be implemented. It creates a situation where both residents and industry could benefit, as well as additional uses.
PERFORMANCE ZONING

MIXED-USE PERFORMANCE ZONING DISTRICT
COTTAGE HOME NEIGHBORHOOD

This district was established to address the mixed-use activity currently occurring in the Cottage Home Neighborhood. The neighborhood is zoned I-3-U, which is an urban (medium intensity) industrial district. While zoned for industrial use, the neighborhood consists of approximately 150 residential structures. This zone allows for industrial, commercial, and residential development provided the lot to be developed meets the Adjacent Use Activity Criterion. By right, all property can be developed for residential use. The criterion is used to determine whether industrial or commercial development can occur on a particular lot. When considering such development, the criterion examines all property within three hundred (300) feet*, for industrial use, and one hundred and fifty (150) feet**, for commercial use, of the property lines from the lot to be developed. If the total of residential property exceeds fifty percent (50%)*** (based on square footage of property) within the area analyzed, only residential development may occur (Figure 10).

After a particular piece of property has met the criterion, development must then follow the following standards for each land use type.

I. RESIDENTIAL DEVELOPMENT

A. PERMITTED RESIDENTIAL USES

The following uses shall be permitted in the mixed-use district for lots approved for residential development. All uses shall conform to the residential development standards (section 1-B) and the Dwelling District Regulations of section 2.00.

*A in Marion County Zoning Ordinance, if industrial development is within three hundred (300) feet of a residential district then greater restrictions are applied.

**Same as above except for commercial development.

*** At fifty percent (50%), area is determined to be an established residential area.
1. URBAN DWELLING OR DWELLINGS, including one-family dwellings, two-family dwellings, attached multi-family dwellings, detached single-family cluster dwellings, Manufactured Homes as regulated in section 2.175, or any other form of residential dwelling.

2. GROUP HOMES, as regulated in section 2.18.

3. TEMPORARY USES, as regulated in section 2.14.

4. ACCESSORY USES, as regulated in section 2.15.

5. HOME OCCUPATIONS, as regulated in section 2.16.

B. D-8 DEVELOPMENT STANDARDS

1. MINIMUM LOT OR PROJECT AREA

There shall be no required project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3, and 5 of this subsection B.

Provided, further, attachment to public or semi-public water and sanitary sewer facilities shall be mandatory for development in this district.

2. MINIMUM PROJECT FRONTAGE

Each project shall have at least 30 feet of frontage on a public street and shall have a minimum width of 30 feet at the front setback line.

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1. URBAN DWELLING OR DWELLINGS, including one-family dwellings, two-family dwellings, attached multi-family dwellings, detached single-family clustered dwellings, Manufactured Homes as regulated in section 2.175, or any other form of residential dwelling. The density of residential development cannot exceed 24 dwelling units/acre.

2. GROUP HOMES, as regulated in section 2.18.

3. TEMPORARY USES, as regulated in section 2.14.

4. ACCESSORY USES, as regulated in section 2.15.

5. HOME OCCUPATIONS, as regulated in section 2.16.

B. RESIDENTIAL DEVELOPMENT STANDARDS

1. MINIMUM LOT OR PROJECT AREA

There shall be no required project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3, and 5 of this subsection B.

Provided, further, attachment to public or semi-public water and sanitary sewer facilities shall be mandatory for development in this district.

2. MINIMUM PROJECT FRONTAGE**

Each project shall have at least twenty (20) feet of frontage on a public street. No project will exceed thirty-five (35) feet of frontage on a public street.

*Any greater density development would destroy character of an urban neighborhood such as this.

**Requirements changed to match those of an urban neighborhood.
3. MINIMUM YARDS

a. Front: As required by section 2.17, A.

b. Rear: 15 feet

c. Side: 15 feet

d. In projects containing two or more buildings, minimum yards, (in addition to the other requirements of this paragraph) shall be provided between all buildings, in accordance with the following standards:

(1) The required minimum depth of such yards shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:

Wall Containing Windows

If the wall contains one or more windows, the minimum depth of its yard shall be ten (10) feet, plus two (2) feet for each story in height plus one foot for each fifteen (15) feet in length of such wall.

3. MINIMUM YARDS*

a. Front: 20 feet

b. Rear: 15 feet

c. Side: 4 feet

d. In projects containing two or more buildings, minimum yards, (in addition to the other requirements of this paragraph) shall be provided between all buildings, in accordance with the following standards:

(1) The required minimum depth of such yards shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:

Wall Containing Windows

If the wall contains one or more windows, the minimum depth of its yard shall be ten (10) feet, plus two (2) feet for each story in height plus one foot for each fifteen (15) feet in length of such wall.

*Minimum Yards changed to reflect context of an urban neighborhood.
Wall Containing No Windows

If the wall contains no windows, the minimum depth of its yard shall be (5) feet, plus one foot for each story in height, plus one foot for each fifteen (15) feet in length of such wall.

(2) The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.

(3) The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards. However, required yards may overlap provided such overlapping does not decrease the above minimum yard distances separating buildings.

(4) Walls forming interior courts and patio courts serving only one building shall be exempt from the provisions of this paragraph (4).

e. Open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in section 2.19) may project into minimum yards required by paragraphs b., c., and d. above. In addition, such yard areas may be used for parking areas, driveways and interior access roads. In no case, however, shall the facilities permitted by this paragraph e., be located closer than 4 feet to the project boundaries, unless an architectural or landscape wall or screen at least six feet in height, designed by an architect or landscape architect, is provided and maintained between the project boundaries and these facilities.

4. MAXIMUM HEIGHT

a. Primary building: 35 feet
b. Accessory building: 25 feet

5. DEVELOPMENT AMENITIES

a. Floor area, open space, livability space, recreation space and parking area shall be provided for each lot or project in accordance with the following required ratios (all as defined in section 2.19):

(1) Maximum Floor Area:
   floor area ratio (FAR) 0.60

Wall Containing No Windows

If the wall contains no windows, the minimum depth of its yard shall be (5) feet, plus one foot for each story in height, plus one foot for each fifteen (15) feet in length of such wall.

(2) The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.

(3) The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards. However, required yards may overlap provided such overlapping does not decrease the above minimum yard distances separating buildings.

(4) Walls forming interior courts and patio courts serving only one building shall be exempt from the provisions of this paragraph (4).

e. Open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in section 2.19) may project into minimum yards required by paragraphs b., c., and d. above. In addition, such yard areas may be used for parking areas, driveways and interior access roads. In no case, however, shall the facilities permitted by this paragraph e., be located closer than 4 feet to the project boundaries, unless an architectural or landscape wall or screen at least six feet in height, designed by an architect or landscape architect, is provided and maintained between the project boundaries and these facilities.

4. MAXIMUM HEIGHT

a. Primary building: 35 feet
b. Accessory building: 25 feet

5. DEVELOPMENT AMENITIES

a. Floor area, open space, livability space, recreation space and parking area shall be provided for each lot or project in accordance with the following required ratios (all as defined in section 2.19):

(1) Maximum Floor Area:
   floor area ratio (FAR) 0.60
(2) Minimum Open Space:
open space ratio (OSR) 1.18

(3) Minimum Livability Space:
livability space ratio (LSR) 0.56

(4) Minimum Major Livability Space:
major livability space ratio (MLSR) 0.11

(5) Minimum Parking Area:
total car ratio (TCR) 1.00

b. In addition: site plans, public streets, interior access roads or driveways, and off-street parking areas shall be provided in accordance with section 2.17.

C. ADDITIONS AND RENOVATION

Any additions and renovations to residential structures are permitted. Provided, they meet with the standards listed in 1A and 1B.

SECTION 2.07 1-3-U MEDIUM INDUSTRIAL URBAN DISTRICT REGULATIONS

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

A. PERMITTED 1-3-U USES

The following uses shall be permitted in the 1-3-U DISTRICT. All uses in the 1-3-U DISTRICT shall conform to the 1-3-U Development Standards (section 2.07, B hereof) and 1-3-U Performance Standards (section 2.07, C hereof).

The following 1-3-U uses may also include (as accessory or incidental uses thereto) any of the 1-4-U DISTRICT uses specified in section 2.08, A, provided that:

II. INDUSTRIAL USE

A. PERMITTED INDUSTRIAL USES

The following uses shall be permitted in the MIXED-USE DISTRICT. All industrial uses in the MIXED-USE DISTRICT shall conform to the Industrial Development Standards (section 2.07, B hereof) and Industrial Performance Standards (section 2.07, C hereof).

The following 1-3-U uses may also include (as accessory or incidental uses thereto) any of the 1-4-U DISTRICT uses specified in section 2.08, A, provided that:
(a) Not more than twenty-five (25) percent of the gross floor area of the building(s) (excluding that used for offices and/or storage) is devoted to said I-4-U uses.

(b) Said I-4-U uses shall conform with all I-3-U Development and Performance Standards, and

(c) Adequate operational techniques and safeguards shall be employed to insure performance control of noise, vibration, odor, glare, and heat to achieve operational characteristics consistent with light industry.

1. ANY USE PERMITTED IN THE I-2-U DISTRICT.

2. MANUFACTURE AND ASSEMBLY OF MARINE EQUIPMENT.

3. CANNING, BOTTLING, PROCESSING, AND PACKAGING OF FOOD. (Does not include slaughtering of animals or fowl.)

4. CAN AND CONTAINER MANUFACTURING.

5. COFFEE ROASTING.

6. CABINET MANUFACTURING; FURNITURE MANUFACTURING.

7. MANUFACTURE AND ASSEMBLY OF MAJOR ELECTRIC AND/OR GAS HOUSEHOLD APPLIANCES.

8. MANUFACTURE OF COLORS, DYE, PAINT, AND OTHER COATINGS, EXCLUDING TARP PRODUCTS.

9. MANUFACTURE AND ASSEMBLY OF COMMUNICATION EQUIPMENT.

10. ELECTROPLATING OPERATIONS.

11. MANUFACTURE OF TOOLS AND IMPLEMENTS, MACHINERY AND MACHINERY COMPONENTS.

12. MANUFACTURE OF OLEOMARGARINE.

13. MANUFACTURE AND ASSEMBLY OF OFFICE EQUIPMENT.

14. MANUFACTURE OF MUSICAL INSTRUMENTS.
15. STAMPING AND FABRICATING METAL SHOPS USING PRESS, BRAKES, AND ROLLS

16. MANUFACTURE OF MALT PRODUCTS, BREWING, DISTILLATION OF LIQUOR SPIRITS.

17. MACHINE, WELDING, TOOL AND DIE SHOPS.

18. THERMAL, ELECTRIC, STEAM AND/OR ATOMIC POWER PLANTS.

19. MANUFACTURE OF GLASS AND GLASS PRODUCTS.

20. MOTOR TRUCK TERMINALS LESS THAN TEN (10) ACRES IN TOTAL AREA AND SUBJECT TO THE REGULATIONS OF SECTION 2.11, B.3.

21. PAPER MANUFACTURING

22. GRANARIES, GRAIN PROCESSING, STARCH MANUFACTURE.

B. I-3-U DEVELOPMENT STANDARDS

1. USE

a. ENCLOSED OPERATIONS.

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

b. OUTSIDE STORAGE.

All storage of material or products within three hundred (300) feet of a residential district boundary shall be:

(1) within completely enclosed buildings, or

(2) effectively screened by a chain link, lattice or similar type fence, with ornamental nonsolid or chain link gates. (Canvas may be attached to gates for effective screening.) The height of said fence shall be at least six (6) feet and shall not exceed eight (8) feet. Said fence shall be surrounded by trees or an evergreen hedge of a height not less than the height of said fence. The storage of materials or products within the enclosure may not exceed the height of the fence.

15. STAMPING AND FABRICATING METAL SHOPS USING PRESS, BRAKES, AND ROLLS.

16. MANUFACTURE OF MALT PRODUCTS, BREWING, DISTILLATION OF LIQUOR SPIRITS.

17. MACHINE, WELDING, TOOL AND DIE SHOPS.

18. THERMAL, ELECTRIC, STEAM AND/OR ATOMIC POWER PLANTS.

19. MANUFACTURE OF GLASS AND GLASS PRODUCTS.

20. MOTOR TRUCK TERMINALS LESS THAN TEN (10) ACRES IN TOTAL AREA AND SUBJECT TO THE REGULATIONS OF SECTION 2.11, B.3.

21. PAPER MANUFACTURING

22. GRANARIES, GRAIN PROCESSING, STARCH MANUFACTURE.

B. I-3-U DEVELOPMENT STANDARDS

1. USE

a. ENCLOSED OPERATIONS.

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

b. OUTSIDE STORAGE.

All storage of material or products within three hundred (300) feet of a residential piece of property shall be:

(1) within completely enclosed buildings, or

(2) effectively screened by a chain link, lattice or similar type fence, with ornamental nonsolid or chain link gates. (Canvas may be attached to gates for effective screening.) The height of said fence shall be at least six (6) feet and shall not exceed eight (8) feet. Said fence shall be surrounded by trees or an evergreen hedge of a height not less than the height of said fence. The storage of materials or products within the enclosure may not exceed the height of the fence.
c. OUTSIDE OPERATIONS AND STORAGE AREA LIMITATION

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

2. REQUIRED FRONT YARD MINIMUM SETBACK

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

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

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

(2) Primary Thoroughfare or parkway: One hundred fifty (150) feet

(3) Secondary Thoroughfare: Ninety-five (95) feet

All storage of material on property that is adjacent to residential property shall be:

(1) Within completely enclosed buildings, or

(2) Effectively screened by an opaque fence. The height of said fence shall be at least six (6) feet and shall not exceed eight (8) feet. The storage of materials or products within the enclosure may not exceed the height of the fence.*

C. OUTSIDE OPERATIONS AND STORAGE AREA LIMITATION.

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

2. REQUIRED FRONT YARD MINIMUM SETBACK

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

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

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

(2) Primary Thoroughfare or parkway: Fifty-Five (55) feet

(3) Secondary Thoroughfare: Fifty-five (55) feet

*This measure was added to increase aesthetics and neighborhood character, as well as protect views from residential structures.
(4) or closer to the right-of-way line of all other streets (including but not limited to collector streets, local streets, cul-de-sacs and marginal access streets) than:

Twenty (20) feet

Except, in any block in which an existing yard depth and setback is established (by existing legally established structures within the same MIXED-USE DISTRICT) for more than twenty-five percent (25%) of the frontage of the block (or a distance of two hundred (200) feet in each direction, whichever is the lesser), the required build-to line for any new building shall be the average of such established yards. Provided, however, that in no case shall the build-to line be within ten feet of the property line.

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

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

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

3. REQUIRED CORNER SIDE YARD, MINIMUM SETBACK

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

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*Yard requirements changed to reflect character of an urban neighborhood.

**Same as above.
4. REQUIRED SIDE YARDS, MINIMUM SIDE SETBACK

A side yard and setback of not less than ten (10) feet in depth shall be provided along each side lot line.

Provided, however, if the side lot line abuts a railroad operating right-of-way, the building shall be permitted to abut the railroad operating right-of-way unless subject to the requirements for transitional yards of section 2.07, B 6.

5. REQUIRED REAR YARD, MINIMUM REAR SETBACK

A rear yard and setback of not less than ten (10) feet in depth, shall be provided along the rear lot line.

Provided, however, if the rear lot line abuts a railroad operating right-of-way, the building shall be permitted to abut the railroad operating right-of-way, unless subject to the requirements for transitional yards of section 2.07, B 6.

Except, in any block in which an existing yard depth and setback is established (by existing legally established structures within the same MIXED-USE DISTRICT) for more than twenty-five percent (25%) of the frontage of the block (or a distance of two hundred (200) feet in each direction, whichever is the lesser), the required build-to line for any new building shall be the average of such established yards. Provided, however, that in no case shall the build-to line be within ten (10) feet of the property line.
6. TRANSITIONAL YARDS

a. MINIMUM FRONT, SIDE AND REAR YARDS AND SETBACKS.

(1) Where a front lot line faces a residential district on the opposite side of the street, a front yard setback shall be provided not less than forty (40) feet in depth from the front lot line.

(2) Where a side lot line abuts a side or rear lot line in an adjacent residential district, a side yard and setback not less than forty (40) feet in depth shall be provided along such side lot line.

(3) Where a rear lot line abuts a side or rear lot line in an adjacent residential district a rear yard and setback not less than (40) feet in depth shall be provided along such rear lot line.

Provided, however, additional front, side and/or rear setback distances for transitional yards, as specified in section 2.07 B.8, shall be required to permit building heights exceeding thirty-five (35) feet (to a maximum height of fifty (50) feet).

b. SCREENING AND LANDSCAPING

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

6. TRANSITIONAL YARDS

a. MINIMUM FRONT, SIDE AND REAR YARDS AND SETBACKS.

(1) Where a front lot line faces residential property on the opposite side of the street, a front yard setback shall be provided not less than thirty (30) feet in depth from the front lot line.

(2) Where a side lot line abuts a side or rear lot line of adjacent residential property, a side yard and setback not less than twenty (20) feet in depth shall be provided along such side lot line.

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

Provided, however, additional front, side and/or rear setback distances for transitional yards, as specified in section II B.B, shall be required to permit building heights exceeding thirty-five (35) feet (to a maximum height of fifty (50) feet).

d. SCREENING AND LANDSCAPING

Where a side or rear lot line adjoins a residential district, a compact hedge, row of shrubbery or evergreen trees shall be provided along or within ten (10) feet of such lot line, and not less than six (6) feet in height. Such hedge, shrubbery or row of trees shall extend the full length of the lot line — except that it shall be omitted between the front lot line and a point five (5) feet greater than the required or established building setback line of the adjacent residential district. An opaque fence at the same scale may be substituted for the vegetative screening**. Any ground between such hedge, shrubbery or row of trees and the lot line shall be planted in grass and/or shrubbery. All screening and landscaping measures shall be maintained in good condition and kept free of litter.

*Transitional yards reduced to make development more feasible, while still allowing for enough protection of adjacent uses.

**Fence more appropriate in urban neighborhood.
Exception: Such hedge, row of shrubbery or evergreen trees shall not be required if:

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

7. USE OF REQUIRED YARDS

All required yards shall be planted with grass or landscaped with other suitable ground cover materials, except:

a. Required front yard may include:

(1) Pedestrian walks, driveways, entrance guard boxes, flag poles, directional signs and similar appurtenant uses.

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

b. Required side and rear yards may include:

(1) Pedestrian walks, driveways, entrance guard boxes, flag poles, directional signs and similar appurtenant uses.

(2) Off-street parking, subject to the off-street parking regulations of section 2.09.

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

8. HEIGHT OF BUILDINGS AND STRUCTURES

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

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

Thirty-five (35) feet; or
Fifty (50) feet if for each foot of height in excess of thirty-five (35) feet, to an absolute maximum height of fifty (50) feet, one (1) additional foot setback shall be provided beyond such required front, side or rear setback line.

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

(a) Parapet walls not exceeding two (2) feet in height.

(b) Roof structures for the housing of elevators, stairways, air conditioning apparatus, roof water tanks, ventilating fans, skylights, or similar equipment to operate and maintain the building.

(c) Chimneys, smokestacks, flag poles, radio and television antennae, and other similar structures.

(d) A monitor roof not exceeding twenty-five (25) percent of the total horizontal area of the roof.

9. SIGNS

Signs and advertising devices shall comply with the sign regulations of section 2.10.

10. OFF-STREET PARKING

Off-street parking facilities shall be provided in accordance with off-street parking regulations of section 2.09.

Fifty (50) feet if for each foot of height in excess of thirty-five (35) feet, to an absolute maximum height of fifty (50) feet, one (1) additional foot setback shall be provided beyond such required front, side or rear setback line.

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

(a) Parapet walls not exceeding two (2) feet in height.

(b) Roof structures for the housing of elevators, stairways, air conditioning apparatus, roof water tanks, ventilating fans, skylights, or similar equipment to operate and maintain the building.

(c) Chimneys, smokestacks, flag poles, radio and television antennae, and other similar structures.

(d) A monitor roof not exceeding twenty-five (25) percent of the total horizontal area of the roof.

9. SIGNS

Signs and advertising devices shall comply with the sign regulations of section 2.10.

10. OFF-STREET PARKING

Off-street parking facilities shall be provided in accordance with off-street parking regulations of section 2.09. These regulations are altered to prohibit entrances within ten (10) feet of the lot line. No access drives of said parking shall be located on the alley side of the lot line. In addition, the number of curb cuts is limited to one for the first fifty (50) linear feet of property line on which access is allowed. One additional curb cut is allowed for each additional one hundred (100) linear feet of property line on which access is allowed.*

*Streets cannot handle large amounts of traffic. This measure also protects potential adjacent residential uses. Same rationale for off-street loading.
11. OFF-STREET LOADING

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

11. OFF-STREET LOADING

Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 2.09. These regulations are altered to prohibit entrances within ten (10) feet of the lot line. No access drives of said loading shall be located on the alley side of the lot line. In addition, the number of curb cuts is limited to one for the first fifty (50) linear feet of property line on which access is allowed. One additional curb cut is allowed for each additional one hundred (100) linear feet of property line on which access is allowed.

C. I-3-U PERFORMANCE STANDARDS

1. SMOKE, PARTICULATE MATTER, NOXIOUS MATERIALS

The emission of smoke, particulate matter, or noxious or toxic gases shall conform to the standards and regulations of the Air Pollution Control Ordinance of the City of Indianapolis, Indiana, (a copy of which is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and which standards and regulations are hereby incorporated by reference and made a part hereof).

2. VIBRATION

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

3. ODOR

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

4. NOISE

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

C. I-3-U PERFORMANCE STANDARDS

1. SMOKE, PARTICULATE MATTER, NOXIOUS MATERIALS

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

3. ODOR

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

4. NOISE

No use shall emit sound beyond the lot lines in such a manner or intensity as to endanger the public health, safety or welfare, or cause injury to property.
5. GLARE AND HEAT

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

6. FIRE AND EXPLOSIVE HAZARDS

The storage, utilization or manufacture of all products or materials shall conform to the standards prescribed by the National Fire Protection Association (a copy of which is on file in the Office of Metropolitan Planning Department of Marion County, Indiana, and which standards are hereby incorporated by reference and made a part hereof). Such storage, utilization or manufacturing shall not produce a hazard or endanger the public health, safety or welfare.

7. DISCHARGE OF WASTE MATTER AND STORM DRAINAGE

No use shall accumulate or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of health; the stream Pollution Control Board of the State of Indiana; or in such a manner as to endanger the public health, safety or welfare, or cause injury to property.

Prior to improvement location permit issuance for industrial use:

a. plans and specifications for proposed sewage disposal facilities therefore (unless a connection is being made to a public sewer), and industrial waste treatment and disposal facilities shall be submitted to and written approval obtained from the Stream Pollution Control Board of the State of Indiana and the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana;

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

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

D. EXPANSION, RENOVATION, AND ADDITIONS

Any additions and renovations to industrial structures are permitted. Provided, they meet with the standards listed in II.A, II.B, and II.C.

Expansion by an industrial operation can occur, if the lot where expansion is to take place has an Adjacent Use Activity Criterion which does not exceed thirty-three and one-third (33 1/3) percent.

SECTION 2.03 C-3 NEIGHBORHOOD COMMERCIAL DISTRICT

PURPOSE OF C-3 DISTRICT

The DISTRICT is designed to permit the development of a complete range of retail sales and personal, professional and business services required to meet the maximum demand of a fully developed residential neighborhood - regardless of its size. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as department stores or theaters, or that require the outdoor display sale or storage of merchandise, outdoor services and operations, or outdoor consumption of food and beverages. In general, to achieve maximum flexibility of permitted land use, the C-3 DISTRICT makes possible a highly varied grouping of indoor retail and business functions.

A. PERMITTED C-3 DISTRICT USES

The following uses shall be permitted in the C-3 DISTRICT. All uses in the C-3 DISTRICT shall conform to the general regulations and performance standards of section 2.00, the C-3 DISTRICT development standards of section 2.03, B, and to any additional and/or restrictive requirements specified in this section.

III. COMMERCIAL DEVELOPMENT

A. PERMITTED COMMERCIAL USES

The following uses shall be permitted in the C-3 DISTRICT. All uses in the C-3 DISTRICT shall conform to the general regulations and performance standards of section 2.00, the C-3 DISTRICT development standards of section III, B, and to any additional and/or restrictive requirements specified in this section.

*Allows existing industry a better chance to expand than a criterion of fifty percent.
1. ANY USE PERMITTED IN THE C-1 DISTRICT (Except Convalescent Home, Nursing Home, Day Nursery and Kindergarten).

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

3. RETAIL CONVENIENCE GOODS AND/OR SERVICE ESTABLISHMENT, including:

   a. DRUG STORE, HARDWARE STORE, GROCERY, RETAIL BAKERY SALES, OR OTHER FOOD STORE, LUNCH COUNTER, TAVERN, DELICATESSEN OR RESTAURANT, including any restaurant or other food or alcoholic beverage service establishment in which food or alcoholic beverages are served or dispensed for consumption indoors or for carry-out.

Provided, however, that such outdoor establishments where food or alcoholic beverages may be carried out or may be likely to be consumed on the premises shall:

   (1) Provide adequate outdoor convenience trash containers.

   (2) Not provide outdoor tables and/or seats.

   (3) Where the rear lot line abuts a residential DISTRICT, meet the transitional yard requirements of section 2 03 B, 7.

   (4) Not be located within one hundred (100) feet of a residential DISTRICT on the same side of the street, unless such establishment is separated from said residential DISTRICT by and intervening street.

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

2. NEIGHBORHOOD SHOPPING CENTER OR COMPLEX (But not including department store or discount department store). A NEIGHBORHOOD SHOPPING CENTER OR COMPLEX provides neighborhood related retail convenience goods and services. No single center or complex shall exceed 25,000 square feet of gross floor area.

3. RETAIL CONVENIENCE GOODS AND/OR SERVICE ESTABLISHMENT, including:

   a. DRUG STORE, HARDWARE STORE, GROCERY, RETAIL BAKERY SALES, OR OTHER FOOD STORE, LUNCH COUNTER, TAVERN, DELICATESSEN OR RESTAURANT, including any restaurant or other food or alcoholic beverage service establishment in which food or alcoholic beverages are served or dispensed for consumption indoors or for carry-out.

Provided, however, that such outdoor establishments where food or alcoholic beverages may be carried out or may be likely to be consumed on the premises shall:

   (1) Provide adequate outdoor convenience trash containers.

   (2) Not provide outdoor tables and/or seats.

   (3) Where the rear lot line abuts a residential DISTRICT, meet the transitional yard requirements of section III, B, 7.

   (4) Not be located within one hundred (100) feet of a residential DISTRICT on the same side of the street, unless such establishment is separated from said residential DISTRICT by and intervening street.

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

*Development is at a more human and appropriate scale for an urban neighborhood.
(1) The sale, rental, display or storage of new or used motor equipment; or merchandise not related to the minor servicing of motor vehicles or for the immediate convenience of customers.

(2) Commercial parking of motor vehicles.

(3) Exterior display or storage of oil, anti-freeze, batteries, tires, and other merchandise or products, other than oil dispensing cabinets located on pump islands.

(4) Major servicing or motor or body repair such as, but not limited to, body or fender work, motor overhaul, major transmission repair, auto glass work, tire recapping, mechanical car washing.

(5) Dismantling or wrecking of motor or other vehicles, or the storage of inoperable, damaged or wrecked vehicles.

(6) A driveway so located and constructed that it permits traffic movement completely around or behind the service station structure (except where necessary to provide adequate access to the off-street parking area, building, storage tanks, trash containers, etc., or to adjacent commercial property, or in the case of a station designed to provide service on all sides).

4. PERSONAL SERVICE ESTABLISHMENT, including but not limited to: BARBER SHOP, BEAUTY SHOP, DRY CLEANING AND LAUNDRY PICK-UP STATIONS, LAUNDROMATS AND SELF-SERVICE DRY CLEANING, SHOE REPAIR, TAILOR OR SEAMSTRESS, RADIO AND TELEVISION SERVICE, PHOTOGRAPHY STUDIO, MAIL ORDER STORE.

5. POST OFFICE, provided no storage of delivery vehicles is maintained on the premises.

6. PROFESSIONAL SERVICE ESTABLISHMENT, including:

OPTICAL SERVICE; INTERIOR DECORATOR.

7. SHOPPING OR DURABLE GOODS ESTABLISHMENT, including:

WEARING APPAREL AND ACCESSORIES STORES, SHOE STORES, DRY GOODS, FABRIC SHOP, STATIONER, GIFT SHOP, FLORIST, PHOTOGRAPHIC SUPPLIES, HOBBY SHOP; PET SHOP, INCLUD-
B. OTHER USES SIMILAR AND COMPARABLE IN CHARACTER TO THE ABOVE PERMITTED USES.

9. ACCESSORY USES AND STRUCTURES, subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and located in the same building with the primary use, provided no exterior signage announcing such services shall be permitted.

10. TEMPORARY STRUCTURES, including temporary signs, fences, walls, buildings, barricades and similar temporary structures incidental to the development of land during constructions, to be included in the Improvement Location Permit for the primary use and to be removed concurrently with completion of construction of the primary use.

B. C-3 DISTRICT DEVELOPMENT STANDARDS

1. USE

a. No single establishment shall exceed thirty thousand (30,000) square feet in total gross floor area.

Provided however, uses which are integrated within a single structure (such as multi-merchandising operations) may contain up to 45,000 square feet gross floor area.

B. C-3 DISTRICT DEVELOPMENT STANDARDS

1. USE

a. No single establishment shall exceed ten thousand (10,000) square feet in total gross floor area*.

Provided however, uses which are integrated within a single structure (such as multi-merchandising operations) may contain up to 25,000 square feet gross floor area**.

*Development is at a more human and appropriate scale for an urban neighborhood

**Same as above.
b. All uses and operations (except off-street loading and off-street parking) shall be conducted within completely enclosed buildings, except where otherwise specifically permitted. Provided, however, gasoline service stations may dispense gasoline, oil, antifreeze and other similar products and perform other minor services outdoors for customers, subject to the limitations of section 2.03, A., 3b.

c. No outdoor storage shall be permitted other than trash containers provided that trash containers exceeding six (6) cubic feet shall be located within a solid-walled stall behind or beside the primary structure.

d. No vending machines shall be permitted on the exterior of any building on the premises.

2 REQUIRED FRONT YARD, MINIMUM SETBACK

a. A front yard, having at least twenty-five (25) feet width of frontage on a public street and having minimum depth in accordance with the following setback requirements, shall be provided along the street right-of-way line, unless subject to the ESTABLISHED SETBACK provisions of section 2.00, A., 2.

ESTABLISHED SETBACKS

In any block in which an existing yard depth and setback is established (by existing legally established structures within the same COMMERCIAL DISTRICT) for more than twenty-five percent (25%) of the frontage of the block (or a distance of two hundred (200) feet in each direction, whichever is the lesser), the required minimum yard depth and setback for any new building shall be the average of such established yards. Provided, however, that in no case shall such minimum required setback be less than ten (10) feet.

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

b. All uses and operations (except off-street loading and off-street parking) shall be conducted within completely enclosed buildings, except where otherwise specifically permitted. Provided, however, gasoline service stations may dispense gasoline, oil, antifreeze and other similar products and perform other minor services outdoors for customers, subject to the limitations of section 2.03, A., 3b.

c. No outdoor storage shall be permitted other than trash containers provided that trash containers exceeding six (6) cubic feet shall be located within a solid-walled stall behind or beside the primary structure.

d. No vending machines shall be permitted on the exterior of any building on the premises.

2. REQUIRED FRONT YARD, MINIMUM SETBACK

a. A front yard, having at least twenty-five (25) feet width of frontage on a public street and having minimum depth in accordance with the following setback requirements, shall be provided along the street right-of-way line, unless subject to the ESTABLISHED SETBACK provisions.

ESTABLISHED SETBACKS

In any block in which an existing yard depth and setback is established (by existing legally established structures within the same MIXED-USE ZONE) for more than twenty-five percent (25%) of the frontage of the block (or a distance of two hundred (200) feet in each direction, whichever is the lesser), the required build-to line for any new building shall be the average of such established yards. Provided, however, that in no case shall such build-to line be located within ten (10) feet of the property line.

Except as allowed under paragraph 6 below, no part of any structure (excluding canopies, eaves, cornices and/or any other laterally-supported extensions, any of which may extend into the required yard a maximum of four (4) feet) shall be built closer to the center line of the following streets (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than:
(1) Expressway: Eighty-five (85) feet
(2) Primary Thoroughfare or parkway: Seventy (70) feet
(3) Secondary Thoroughfare: Seventy (70) feet
(4) Collector Street: Sixty (60) feet
(5) Local Street and Cul-de-Sac: Fifty-five (55) feet

(1) Expressway: Eighty-five (85) feet
(2) Primary Thoroughfare or Parkway: Fifty-Five (55) feet
(3) Secondary Thoroughfare: Fifty-five (55) feet
(4) Collector Street: Twenty (20) feet
(5) Local Street and Cul-de-Sac: Twenty (20) feet

Except, in any block in which an existing yard depth and setback is established (by existing legally established structures within the same mixed-use district) for more than twenty-five percent (25%) of the frontage of the block (or a distance of two hundred (200) feet in each direction, whichever is the lesser), the required build-to line for any new building shall be the average of such established yards. Provided, however, that in no case shall the build-to line be within ten feet of the property line*.

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

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

Front roads immediately paralleling Federal Interstate routes (with a coinciding right-of-way boundary) shall be considered collector streets, requiring a front setback of twenty-

*Requirements changed to reflect urban neighborhood.
five (25) feet from the right-of-way of such front road unless such front road is designated otherwise on the Official Thoroughfare Plan of Marion County, Indiana, or on the recorded plat thereof as required by the Subdivision Control Ordinance of Marion County, Indiana.

3. REQUIRED CORNER SIDE YARD, DOUBLE FRONTAGE LOT MINIMUM SETBACK

In any case where the side or rear lot lines abut a street right-of-way line, there shall be provided a side or rear yard in which the setback of any structure shall comply with the MINIMUM FRONT SETBACK requirements of section 2.03, B, 2, unless subject to the ESTABLISHED SETBACK provisions of section 2.00, A, 2.

4. REQUIRED SIDE YARDS, MINIMUM SIDE SETBACK

No side yard or side setback is required unless subject to the requirements for transitional yards of section 2.03, B, 7.

5. REQUIRED REAR YARD, MINIMUM REAR SETBACK

No rear yard or rear setback is required unless subject to the requirements for transitional yards of section 2.03, B, 7.

five (25) feet from the right-of-way of such front road unless such front road is designated otherwise on the Official Thoroughfare Plan of Marion County, Indiana, or on the recorded plat thereof as required by the Subdivision Control Ordinance of Marion County, Indiana.

3. REQUIRED CORNER SIDE YARD, DOUBLE FRONTAGE LOT MINIMUM SETBACK

In any case where the side or rear lot lines abut a street right-of-way line, there shall be provided a side or rear yard in which the setback of any structure shall comply with the MINIMUM FRONT SETBACK requirements of section 3.03, B, 2, unless subject to the ESTABLISHED SETBACK provisions of section 3.00, A, 2.

4. REQUIRED SIDE YARDS, MINIMUM SIDE SETBACK*

A side yard and setback of not less than eight (8) feet in depth shall be provided along each side lot line.

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

5. REQUIRED REAR YARD, MINIMUM REAR SETBACK**

A rear yard and setback of not less than ten (10) feet in depth shall be provided along the rear lot line (unless subject to transitional yards requirements of section 3.03, B, 7).

*Regulations changed to match contextual setbacks of an urban neighborhood.

**Same as above.
6. USE OF REQUIRED YARDS

All required yards shall be landscaped, in grass and shrubbery, trees and/or hedge, or in combination with other suitable ground cover materials, except:

a. Required front yards may include:

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

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

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

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

Said rear yard, if separated therefrom by a dedicated alley, may be entirely used for off-street parking and/or driveway, unless subject to transitional yard requirements.

If said rear yard is adjacent to residential property, there shall be provided and maintained along the entire length of such lot line, a three (3) foot landscaped strip, extending the full length thereof.

6. USE OF REQUIRED YARDS

All required yards shall be landscaped, in grass and shrubbery, trees and/or hedge, or in combination with other suitable ground cover materials, except:

a. Required front yards may include:

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

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

Provided, however, a six (6) foot wide strip of the required front yard, paralleling and measured from the front line, and extending the full length thereof (except for walks, access cuts and driveways), shall be maintained as a landscaped portion of the front yard as required above, unless subject to the transitional yard requirements of section 3.03, B, 7.

Provided, however, in no event shall the gasoline service station canopy be located closer to the proposed right-of-way of any Expressway, Primary Thoroughfare or Secondary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than ten (10) feet, and if subject to the transitional yard requirements of section 3.03, B, 7, closer to the proposed right-of-way than twenty (20) feet, regardless of the street classification.
Except, however, for gasoline service station uses established before April 1, 1980, in no event shall its gasoline service station canopy be located closer to the existing right-of-way of any Expressway, Primary Thoroughfare or Secondary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than six (6) feet, and if subject to the transitional yard requirements of section 203, B, 7 closer to the existing right-of-way than twenty (20) feet, regardless of the street classification.

Provided, however, prior to the issuance of an Improvement Location Permit for any gasoline service station canopy located within ten (10) feet of the proposed right-of-way of any Expressway, Primary Thoroughfare or Secondary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana), or if subject to the transitional yard requirements of section 203, B, 7, located within twenty (20) feet of the proposed right-of-way, the owner of said real estate shall execute and deliver to the Metropolitan Development Commission, on the form prescribed by it, a written commitment to be recorded agreeing to remove said canopy at his expense upon acquisition of additional right-of-way by a governmental authority which would cause an existing gasoline service station canopy to be in non-conformance to these standards and waiving any and all claims to damages or compensation by reason of the existence or removal thereof.

Provided, however, after the effective date of this ordinance, legally established gasoline service station canopies, not in conformance with the requirements of section 203, B, 2, a, shall be amortized over a ninety (90) day period to begin when a gasoline service station ceases operation (as defined as when gasoline storage tanks are filled or removed per State Fire Marshal orders). Said gasoline service station canopies shall lose their legally established status after ninety (90) day period and shall be removed. Conformity within section 203, B, 2, a, shall be construed to mean conformity with such section without allowance for the exceptions contained in this paragraph (paragraph 6).

b. Except as prohibited by section 203, B, 7, b, required side and rear yards may include:

Provided, however, after the effective date of this ordinance, legally established gasoline service station canopies, not in conformance with the requirements of section 203, B, 2, a, shall be amortized over a ninety (90) day period to begin when a gasoline service station ceases operation (as defined as when gasoline storage tanks are filled or removed per State Fire Marshal orders). Said gasoline service station canopies shall lose their legally established status after ninety (90) day period and shall be removed. Conformity within section 203, B, 2, a, shall be construed to mean conformity with such section without allowance for the exceptions contained in this paragraph (paragraph 6).

b. Except as prohibited by section 203, B, 7, b, required side and rear yards may include:
(1) Pedestrian walks, access cuts, driveway, flag poles and similar appurtenant uses.

(2) Off-street parking subject to the requirements of section 2.03, B, 4, or 2.03, B, 7, as applicable and section 2.09

7. TRANSITIONAL YARDS

a. MINIMUM FRONT, SIDE AND REAR TRANSITIONAL YARDS AND SETBACKS

Yards Fronting Upon Or Abutting A Residential DISTRICT

(1) Where a front yard abuts a street on the opposite side of which is a residential DISTRICT, the minimum required front yard and setback shall be the same as the standard front yard and setback requirement of section 2.03, B, 2.

Provided however, the front yard use of such minimum required transitional front yard shall not include off-street parking if said abutting street is a Collector, Local or Marginal Access Street, Cul-de-Sac or Parkway. If the abutting street is an Expressway, Primary or Secondary Thoroughfare, the front yard may include off-street parking provided a twenty (20) foot wide strip of said required front yard, paralleling and measured from the front lot line and extending the full length thereof (except for walks, access cuts and driveways), shall be maintained in conformance with section 2.03, B, 2.

(2) Where a side or rear lot line abuts either a side or rear lot line in an adjacent residential DISTRICT, a side or rear yard end setback not less than twenty (20) feet in depth shall be provided along such side or rear lot line.

Provided however, where a dedicated alley separates such side or rear lot line from the residential DISTRICT, said side or rear yard and setback shall be not less than ten (10) feet.

(3) Transitional Yards Exception The transitional yard requirements of section 2.03, B, 7 shall not apply in those instances where commercial or industrial use, legally established

(1) Pedestrian walks, access cuts, driveway, flag poles and similar appurtenant uses.

(2) Off-street parking subject to the requirements of section 3.03, B, 4, or 3.03, B, 7, as applicable and section 2.09

7. TRANSITIONAL YARDS

a. MINIMUM FRONT, SIDE AND REAR TRANSITIONAL YARDS AND SETBACKS

Yards Fronting Upon Or Abutting Residential PROPERTY

(1) Where a front yard abuts a street on the opposite side of which is a residential piece of property, the minimum required front yard and setback shall be the same as the standard front yard and setback requirement of section 3.03, B, 2 or ESTABLISHED SETBACKS of section 2.00.

Provided however, the front yard use of such minimum required transitional front yard shall not include off-street parking if said abutting street is a Collector, Local or Marginal Access Street, Cul-de-Sac or Parkway. If the abutting street is an Expressway, Primary or Secondary Thoroughfare, the front yard may include off-street parking provided a ten (10) foot wide strip of said required front yard, paralleling and measured from the front lot line and extending the full length thereof (except for walks, access cuts and driveways), shall be maintained in conformance with section 3.03, B, 7.

(2) Where a side or rear lot line abuts either a side or rear lot line in an adjacent residential piece of property, a side or rear yard and setback not less than twenty (20) feet in depth shall be provided along such side or rear lot line.

Provided however, where a dedicated alley separates such side or rear lot line from the residential piece of property, said side or rear yard and setback shall be not less than ten (10) feet.
by permanent variance or lawful non-conforming use, exists upon such adjoining property or abutting frontage property, although residually zoned.

b. SCREENING AND LANDSCAPING OF TRANSITIONAL YARDS

Yards Fronting Upon Or Abutting A Residential DISTRICT

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

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

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

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

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

b. SCREENING AND LANDSCAPING OF TRANSITIONAL YARDS

Yards Fronting Upon Or Abutting A Residential PROPERTY

(1) Front transitional yards (fronting upon a residential piece of property) shall be landscaped in an open pattern, in grass and shrubbery, trees and/or hedge to provide a partial screening of the commercial use. An ornamental, decorative fence or masonry wall, not more than two and one-half (2-1/2) feet in height is also required*.

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

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

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

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

*Fence required to protect residential use. Height limit placed to protect residential views.
(2) Side and rear transitional yards (abutting residential DISTRICTS) shall be landscaped in grass and shrubbery, trees and/or hedge to form an effective screening of the commercial use. An ornamental, decorative fence or masonry wall may be used in conjunction with the landscaping.

(2) Side and rear transitional yards (abutting residential property) shall be landscaped in grass and shrubbery, trees and/or hedge to form an effective screening of the commercial use. In addition, there shall be provided and maintained along the side or rear line a buffer screen of either:

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

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

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

Provided however, driveways, off-street parking and loading areas shall not be permitted in the side and rear transitional yards. If any side or rear portion of a lot other than the transitional yards is to be used for a driveway, off-street parking area and/or loading area, there shall be provided and maintained along the length of the drive and/or parking or loading area at the lot line or up to a distance of fifteen (15) feet from the landscape screen, wall or fence of opaque landscape materials, ornamental block, or opaque landscape materials, ornamental block,

*Additional regulations used to protect aesthetic quality and neighborhood integrity
brick, solid wood fencing or combination thereof. Said screen, wall or fence shall be constructed to a height of six (6) feet and shall be designed and constructed to restrict any view therethrough. The yard shall be landscaped and maintained for its length in grass with shrubbery and/or trees planted and maintained at intervals of ten (10) feet on center and to a minimum height of thirty six (36) inches for shrubbery and six (6) feet for trees at time of planting, or comparable treatment.

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

8. HEIGHT OF BUILDINGS AND STRUCTURES

Maximum height of buildings and structures shall be thirty-five (35) feet.

9. SIGNS

Signs and advertising devices shall comply with the sign regulations of Ordinance 71-AO-4, SIGN REGULATIONS of Marion County, Indiana.

10. OFF-STREET PARKING

Off-street parking facilities shall be provided in accordance with the off-street parking regulation of section 2.09.

brick, solid wood fencing or combination thereof. Said screen, wall or fence shall be constructed to a height of six (6) feet and shall be designed and constructed to restrict any view therethrough. The yard shall be landscaped and maintained for its length in grass with shrubbery and/or trees planted and maintained at intervals of ten (10) feet on center and to a minimum height of thirty six (36) inches for shrubbery and six (6) feet for trees at time of planting, or comparable treatment.

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

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9. SIGNS

Signs and advertising devices shall comply with the sign regulations of Ordinance 71-AO-4, SIGN REGULATIONS of Marion County, Indiana.

10. OFF-STREET PARKING*

Off-street parking facilities shall be provided in accordance with the off-street parking regulation of section 2.09. These regulations are altered to prohibit entrances within ten (10) feet of the lot line. No access drives of said parking shall be located on the alley side of the lot line. In addition, the number of curb cuts is limited to one for the first fifty (50) linear feet of property line on which access is al-

*Streets cannot handle large amounts of traffic. This measure also protects potential adjacent residential uses. Same rationale for off-street loading.
11. OFF-STREET LOADING

Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 2.10.

Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 2.10. These regulations are altered to prohibit entrances within ten (10) feet of the lot line. No access drives of said loading shall be located on the alley side of the lot line. In addition, the number of curb cuts is limited to one for the first fifty (50) linear feet of property line on which access is allowed. One additional curb cut is allowed for each additional one hundred (100) linear feet of property line on which access is allowed.

D. EXPANSION, RENOVATION, AND ADDITIONS

Any additions and renovations to industrial structures are permitted. Provided, they meet with the standards listed in III A and III B.

Expansion by a commercial facility can occur, if the lot where expansion is to take place has an Adjacent Use Activity Criterion which does not exceed thirty-three and one-third (33 1/3) percent*.

*Gives existing commercial a better chance to expand than a criterion of fifty percent.