Chapter 743. Uses & Use-Specific Standards

Article I. GENERAL

Table 743-1: Use Table lists land uses and indicates whether they are permitted by right or with approval of a special exception, or prohibited in each Primary Zoning District. The Use Table also includes references to additional use-specific standards that may be applicable to that use. The Use Table does not include Development Plan districts (Section 742-108), Special Use districts (Section 742-109), Historic Preservation Districts (Section 742-110), or Secondary districts (Section 742-200).

Article II. USE TABLE[1256]

Section 01. Permitted uses

A "P" in a cell of the Use Table indicates that the land use is allowed by right in that Primary Zoning District, subject to compliance with the use-specific standards referenced in the final column of the Use Table and with all other applicable requirements of the Zoning Ordinance. All uses permitted by right in a Primary Zoning District are also permitted as an accessory use in that Primary Zoning District. Permitted uses are subject to all other applicable requirements of the Zoning Ordinance, including those set forth in Chapter 744 Development Standards.

Section 02. Special exception uses

An "S" in a cell of the Use Table indicates that the land use is allowed in that Primary Zoning District upon approval of a Special Exception as described in Section 740-705 and compliance with any use-specific standards referenced in the final column of the Use Table and with all other applicable requirements of the Zoning Ordinance. All land uses that were permitted as a use by right when it was established, but that is listed as an S use in the Zoning Ordinance, shall be deemed to have already obtained special exception approval, and the City will issue the requisite permit at the request of the property owner.

Section 03. Permitted where vacant[1257]

A "V" in a cell of the Use Table indicates that the land use may be permitted in that Primary Zoning District upon acknowledgement by the Administrator, provided that it takes place in an existing building that the applicant documents that the building has been vacant for a period of 5 consecutive years and that it complies with any use-specific standards referenced in the final column of Table 743-1: Use Table and with all other applicable requirements of the Zoning Ordinance. All uses that were permitted by right when it was established, but that is listed as a

[1256] This is a new article. The previous code version did not include a use table.
[1257] Removed reference to Special Exception section; indicated that the Administrator had to acknowledge the use of the V-option.

"V" use in the Zoning Ordinance will be deemed to have already obtained approval and the City will issue a permit at the request of the property owner.

Section 04. Accessory uses

An "A" in a cell of the Use Table indicates that the land use is allowed in that Primary Zoning District only if it is incidental and subordinate to a "P" use or an approved "S" or "V" use in that Primary Zoning District, provided that it complies with any use-specific standards referenced in the final column of Table 743-1: Use Table and with all other applicable requirements of the Zoning Ordinance. The Administrator shall determine whether a use is incidental and subordinate based on the amount of pedestrian or vehicle activity related to other uses on the site, the area of the site or building occupied by each use on the site, and the level of impact on surrounding properties generated by each use on the site. In addition, any use listed as a "P" use in a Primary Zoning District may also be conducted as an accessory use in that district.

Section 05. Temporary uses

A "T" in a cell of the Use Table indicates that the land use is allowed in that Primary Zoning District only at those times or at those periods indicated in the use-specific standards for that use and provided that it complies with any other use-specific standards referenced in the final column of Table 743-1: Use Table and with all other applicable requirements of the Zoning Ordinance.

Section 06. Prohibited uses

A blank cell in the Use Table indicates that the land use is prohibited in that Primary Zoning District. In addition, any use that is not listed in Table 743-1: Use Table is prohibited in all Primary Zoning Districts, unless the Administrator determines that it is substantially similar to a listed use as described in Section 743-210.

Section 07. Secondary district provisions govern

When a property is located within the boundaries of a Secondary Zoning District, the provisions for that Secondary Zoning District prevail over those in the Primary Zoning District. For example, if a use is prohibited in the Primary Zoning District where the property is located, but is a permitted use in a Secondary Zoning District applicable to the same property, then the use is allowed on that property. On the other hand, if a use is listed as a permitted use in the Primary Zoning District but is listed as a special exception use in a Secondary Zoning District applicable to the same property, then the use is a special exception use for that property. If a property is located in more than one Secondary Zoning District, then the most restrictive use provision in those Secondary Zoning Districts shall apply to the property.

Section 08. Uses restricted to a special use district

The following uses require rezoning to the Special Use District (Section 742-109) shown in the following Table 743-208-1, and may not be interpreted as a Permitted or Special Exception use in any other primary or secondary zoning district.[1258]

[1258] Revised to clarify that some uses may only be approved through rezoning to an SU district. Other SU district cover uses that are also Permitted or Special Exception uses in other base zoning districts.

TABLE 743-208-1: USES PROHIBITED IN NON-SU DISTRICTS	
DISTRICT	**USES**
SU-8	Correctional or penal institution, diversion center
SU-10	Cemetery
SU-13	Sanitary landfill
SU-18	Light or power station
SU-23	Permanent gravel or sand processing plant, rock crushing, grinding or milling and stockpiling
SU-28	Petroleum refinery and petroleum products storage
SU-35	Telecommunication receiving or broadcasting tower and associated accessory buildings
SU-39	Water tank, water pumping station and similar structures not located on buildings

Section 09. Use-specific standards

When a land use is allowed by right or by special exception in a zoning district, there may be additional standards that apply to that specific use. Those additional standards are cross-referenced in the last column of the Use Table (use-specific standards). The cross-referenced standards appear in Chapter 743, Article III Use-Specific Standards, immediately following the Use Table. In some cases, accessory and temporary uses are required to comply with the same standards applicable to a similar primary use of land. In other cases, similar primary and accessory uses are subject to different standards. All uses must comply with the use-specific standards applicable to that use category and use regardless of how the use is permitted or approved, unless a variance is obtained pursuant to Section 740-800 Improvement Location Permits. All accessory uses must also comply with Section 743-306.A through C. [1259]

Section 10. Unlisted uses

A. When a proposed land use is not explicitly listed in the Use Table, the Administrator shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics and external impacts of a listed use that it should be treated as the same use. All such interpretations shall be made available to the public and shall be binding on future decisions of the City until the Administrator makes a different interpretation.

B. The Administrator may approve accessory uses not listed in the Use Table if the Administrator determines that they are similar in nature to one or more accessory uses listed in the table and will have no more adverse impacts on the surrounding properties than those accessory uses listed in the table.[1260]

[1259] Deleted "Some use-specific standards apply to entire categories of uses and are listed in the gray shaded headings for those use categories; others apply to individual uses." Added reference to general accessory use standards.
[1260] New provision to add the same degree of flexibility allowed to the Administrator in other permitted use determinations.

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Table 743-1: USE TABLE

P = Permitted use
S = Special exception use
V = 'P' if Vacant for 5 consecutive years

A = Accessory use
T = Temporary use

Zoning District / LAND USE CATEGORY	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4[1261]	C-5	C-7[1262]	MU-1[1263]	MU-2[1264]	MU-3[1265]	MU-4[1266]	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards
RESIDENTIAL USES[1267]																																
Household Living[1268]																																
Single-Family Detached Dwelling[1269]	P	P	P	P	P	P	P	P				P				V	V	V	V				P									Article III.Section 02.A
Manufactured Home on a lot platted before 7-1-81[1270]	S	S	S	S	S	S	S	S				S																				Article III.Section 02.B
Manufactured Home on a lot platted on or after 7-1-81[1271]	S	S	S	S	P	P	P	P				S																				Article III.Section 02.B

[1261] The C-4 district is a consolidated district of C-4 and C-6. C-6 uses were already permitted uses in the C-4.
[1262] The C-7 district is a consolidated district of C-7 and C-ID. C-ID uses were rolled into C-7 with the exceptions identified in footnotes below.
[1263] Renamed from C-2 to MU-1.
[1264] Renamed from C-3C to MU-2.
[1265] New proposed district for urban village or "Broad Ripple" type development with form-based components. Because this is a new district, any permitted uses in this district are considered "new uses".
[1266] New proposed district for transit-oriented/high-density development with form-based components. Because this is a new district, any permitted uses in this district are considered "new uses".
[1267] Per discussions in the Residential Task Force, the former "attached multifamily dwelling" use has been divided into "single-family attached dwellings" (defined to include side-by-side townhouses)," triplex or fourplex" (defined to include both side-by-side and divided mansion dwelling units) and "multifamily dwellings" (defined to include more than four vertically stacked dwelling units – i.e. apartment buildings). The previous "dwelling unit" use has been replaced by these uses, as its difference from attached or multifamily dwelling units was not clear.
[1268] The former code allows 'dwelling units' as a permitted use in C-7 through an incorrect cross-reference to the C-3C district, and that error has been corrected.
[1269] Permitted in the C-1, C-3, C-4, and C-5 districts if the existing building has been vacant for a period of 5 consecutive years.
[1270] Permitted in the C-1, C-3, C-4, and C-5 districts if the existing building has been vacant for a period of 5 consecutive years. V removed from C districts because only vacant buildings (not vacant lots) are eligible for V uses.
[1271] Permitted in the C-1, C-3, C-4, and C-5 districts if the existing building has been vacant for a period of 5 consecutive years. V removed from C districts because only vacant buildings (not vacant lots) are eligible for V uses.

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T = Temporary use

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Two-Family Dwelling[1272]				P	P	P	P	P	P	P	P	P				V	V	V	V				P									Article III.Section 02.C
Triplex or Fourplex[1273]									P	P	P	P				V	V	V	V			P	P									Article III.Section 02.D
Single-Family Attached Dwellings (a/k/a Townhouses or Rowhouses)[1274]								P	P	P	P	P				V	V	V	V			P	P							P	P	Article III.Section 02.E
Multifamily Dwellings (five or more units)[1275]									P	P	P	P	P	P		V	V	V	V		P	P	P	P					P	P	P	
Live/Work Unit[1276]																V	V	V	V		P	P	P	P					P	P	P	Article III.Section 02.F
Mobile Dwelling[1277]															P																	See Chapter 742.Article I.Section 03.P
Group Living																																

[1272] Use-specific standard states that in D-2 andD-3, this use is only permitted on corner lots; the former code requires corner lots in D-2, D-3, and D-4. This use is new to the D-6, D-6II, and D-7 zoning districts. Permitted in the C-1, C-3, C-4, and C-5 districts if the existing building has been vacant for a period of 5 consecutive years.
[1273] This is a new use. Permitted in C-1, C-3, C-4, and C-5 if the existing building has been vacant for a period of 5 consecutive years. Removed from MU-1.
[1274] Because "dwelling units" are currently allowed in the C-3C district, both "attached" and "multifamily" dwellings are now allowed in that district. We added C-3C to the list of districts where attached/multifamily dwellings are allowed (because "dwelling units" were allowed in that district (now renamed MU-2). D-5II and MU-3 added to list of districts where single-family attached dwellings are permitted. Permitted in the C-1, C-3, C-4, and C-5 districts if the existing building has been vacant for a period of 5 consecutive years. Removed from D-9, D-10 and MU-1.
[1275] Revised definition to include "five or more units." Permitted in the C-1, C-3, C-4, and C-5 districts if the existing building has been vacant for a period of 5 consecutive years.
[1276] This is a new use. Permitted in the C-1, C-3, C-4, and C-5 districts if the existing building has been vacant for a period of 5 consecutive years. This use was added since the residential task force meeting in June 2013. Removed from multi-family districts.
[1277] Revised terminology. Previously referred to as *mobile dwelling projects*.

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Assisted Living Facility[1278]									P	P	P	S	P	P		P					P	P	P	P								Article III.Section 02.G
Emergency Shelter, Daily[1279]																	P	P	P	P										S		Article III.Section 02.H
Group Home[1280]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	V	V	V	V		P	P	P							P	P	Article III.Section 02.I
Nursing Home[1281]									P	P	P	S	P	P		P	P					P										Article III.Section 02.J
Transitional Living Quarters[1282]									P	P	P	S	P	P							A		A	A								Article III.Section 02.K
PUBLIC, INSTITUTIONAL, RELIGIOUS AND CIVIC USES[1283]																																
Community, Cultural and Educational Facilities[1284]																																

[1278] Use now permitted in the D-6, D-6II, D-7, D-9, and D-10 districts. Added as special exception to the D-8 district. Use no longer permitted within the C-7 district, which includes consolidated C-ID district. V removed from C districts because only vacant buildings (not vacant lots) are eligible for V uses.
[1279] Previously called "emergency shelter." Added as a special exception in the CBD-2 district. Definition specifies that these are intended for temporary relief from social issues (ex. Homeless).
[1280] Use required by Indiana law in all residential districts. Definition and use specific standards are consistent with Indiana law and extended to all groups protected by the FHAA. Permitted in the C-1, C-3, C-4, and C-5 districts if the existing building has been vacant for a period of 5 consecutive years.
[1281] Includes convalescent care. Use now permitted in the D-6, D-6II, D-7, D-9, D-10, and MU-2districts. Added as special exception in the D-8 district.
[1282] This is a new use. Definition limits these to residents that are not required to leave during the day (for work, or otherwise forced to leave residence for other reasons). Added to MU-1, MU-3, MU-4.
[1283] Does not include "*government offices*", which are included in offices within the commercial uses category. The "City Market Place" was not carried over because those activities are covered by "farmers' market" in the agricultural category and "general retail" and "eating establishments."
[1284] "Automobile owner's association or club"; "condominium association"; "contractor's association"; "farm bureau or grange"; "homeowner's association"; "manufacturers institute"; "tenant association" and "fraternity/sorority" offices are now included in commercial offices category.. The previous "public and semipublic

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Business, art, or other post-secondary proprietary school[1285]																P	P	P	P	P	P	P	P	P	V	V			V	P	P	
Club or Lodge[1286]																P	P	P	P	P	P	P									P	Article III.Section 03.A
Community Center[1287]											S		S	S		P	P	P	P		P	P	P						P	P	P	Article III.Section 03.B
Day Care Center or Nursery School[1288]									S	S	S	S	A	A	A	P	P	P	A	A	A	P	P	P	P	P	A	A	P	P	P	Article III.Section 03.C
Greenway[1289]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Article III.Section 03.E[1290]
Museum, Library, or Art Gallery[1291]																P	P	P	P	P	A	P	P	P	V	V	V	V	P	P	P	Article III.Section 03.D[1292]

structures, parks, and open spaces" use – allowed only in the CBD-1, 2, and 3 districts has been deleted and all of its included uses integrated into the uses listed in this table. "Governmental office complex" is not carried over, since private offices are also allowed in the CBD districts.

[1285] Consolidates art school; barber college/school; beauty or cosmetology college/school; business and secretarial school; clerical school, correspondence school; dance school; data processing school; karate or martial arts school; language school; music school; and photography school. "Art school"; "barber school"; "beauty or cosmetology college/school"; "dance school"; "karate or martial arts school"; and "photography school" were previously not permitted in the C-1 (now MU-1), C-2, C-3C (now MU-2), or CBD districts. Permitted in the I-1, I-2, and CBD-1 districts if the existing building has been vacant for a period of 5 consecutive years.

[1286] Includes "fraternal lodge"; "singing society"; and "social club, membership." "Fraternal lodge" was previously not permitted in C-3 district. Use not previously permitted in the CBD-3 district. Definition confirms that this is a nonresidential facility.

[1287] Consolidates "athletic club"; "assembly hall"; and "community, multiservice, neighborhood, or senior citizens' center." Recreation facilities now included in this category. These uses not previously permitted in the CBD-1, CBD-2, or CBD-3 districts. Use was previously permitted in the C-7 district. Added as a special exception in the D-7, D-9, and D-10 districts.

[1288] Definition revised to include both child and adult day care. Use was modified to include nursery school. Use was previously permitted in the I-3 and I-4 districts. Use was added in the C-3, C-4, MU-2 (old C-3C), CBD-1, CBD-2, and CBD-3 districts. Added as a special exception in the D-6, D-6II, D-7, and D-8 districts. Added as an accessory use to the D-11, C-5, C-7, I-3, and I-4 districts. Changed from SE to Accessory in the D-9, D-10 districts and MU-1.

[1289] New use. Split from Park and Playground which are accessory uses; added as a primary use to the D-A district.

[1290] New standards limit the size in the mixed-use districts.

[1291] Consolidates "art gallery"; "library"; "museum"; and "planetarium." Added as V use in I districts. Added as accessory in MU-1.

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Public Safety Facility or Post Office[1293]																	P	P	P	P	A	P	P		P	P	P	P	P	P	P	Article III.Section 03.F
Religious Uses[1294]	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	S	P	P	P	S	S	S	S	P	P	P	Article III.Section 03.G[1295]
Schools: Elementary, Middle, or High Schools[1296]																P	P	P				P							P	P	P	
Vocational, technical or industrial school or training facility[1297]																		P	P	P					P	P	P	P				
Health Care Facilities																																
Hospital																	P	P	P	P												
Medical or Dental Offices, Centers, or Clinics[1298]																P	P	P	P	P	P	P	P	P	P	A	A	A	P	P	P	
Medical or Dental Laboratories[1299]																P	P	P	P	P		P	P	P	P	P	P	P				
Methadone Clinic or Treatment Facility[1300]																		S	S	S										S		Article III.Section 03.H

[1292] New standards limit size to fit into context.
[1293] Consolidates "fire station"; "post office"; and "police station." "Fire station" was previously not permitted in C-3 district. None of these uses were previously permitted, and have been added to the MU-1 (old C-2), MU-2 (old C-3C), I-1, I-2, I-3, I-4, CBD-1, CBD-2, or CBD-3 districts. Changed to accessory in MU-1.
[1294] Moved from "personal services" category in "commercial uses" section. Added to all dwelling districts per the Religious Land Use and Institutionalized Persons Act (RLUIPA) requirement. Also added to the CBD-1, CBD-2, and CBD-3 districts. Revised to reflect availability of this use in all zoning districts.
[1295] Standards limit the total non-worship space to less than two times the worship space in the MU-3 and MU-4 districts.
[1296] New use. Removed from MU-1.
[1297] Previously called "vocational or technical school." Examples include masonry, truck driving, carpentry, welding, machining.
[1298] Consolidates "blood donor stations", "chiropractor offices and clinics", "dentist offices and clinics", "immediate care facilities", "optometrist offices and clinics", "osteopathic physician offices and clinics", "outpatient clinics" physician (MD) offices and clinics", and "podiatrist offices and clinics." Use added to I-1, CBD-1, CBD-2, and CBD-3 districts. Definition includes laboratories as an accessory use to medical offices. Added as an accessory in the I districts.
[1299] Use added to MU-2 (old C-3C), I-1, I-2, I-3, and I-4 districts.
[1300] Use added to CBD-2 as a special exception.

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Plasma (Blood) Center[1301]																	S	P	P	P			S	S						S	S	
Substance Abuse Treatment Facility[1302]																		P	P	P										P		Article III.Section 03.I
AGRICULTURAL, ANIMAL RELATED, and FOOD PRODUCTION USES[1303]																																
Agricultural Machinery and Equipment Sales, Rental, or Repair[1304]																				P							P	P				
Agricultural Uses, Buildings and Structures[1305]	P																		V	V					P	P	P	P				Article III.Section 04.A
Animal Care, Boarding, Veterinarian Services[1306]	P																P	P	P	P	A	P	P	P	P	P				P		Article III.Section 04.B

[1301] Added as a special exception in the C-3, CBD-2, and CBD-3 districts. Removed from C-1, C-2 (now MU-1), C-3C (now MU-2) districts.
[1302] Excludes "*methadone clinic or treatment facility*." Use added to the CBD-2 district.
[1303] "Agricultural, animal related, and food production" uses has been elevated to its own use category outside the "commercial uses" and "industrial uses categories," because of the large amount of agricultural land and uses in the city.
[1304] Replaces "farm equipment." This use was listed in previous version under vehicle-related category in commercial uses section. Use added to I-3, and I-4 districts.
[1305] Including associated dwellings. Existing farms may lawfully continue, change, and expand, in other districts. Definition includes the exclusion of CFO and CAFO, using terminology from state. Added V option in C5 and C7 in anticipation of aquaculture, hydroponics and other Ag uses that require enclosure.
[1306] Consolidates "animal daycare", "kennel", "pet shop", "animal grooming", and "obedience school". Added as a permitted use to the D-A, C-2 (now MU-1), C-3, C-3C (now MU-2), I-1, I-2, and CBD-2 districts. Use-specific standards address size limitation (large vs. small animal). Use specific standards establish a minimum distance from a dwelling district for outdoor runs in the D-A district; and limit outdoor runs and kennels to the C-4, C-5, C-7, I-1, and I-2 districts. Changed to accessory use in MU-1.

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Artisan Food and Beverage[1307]																	P	P	P	P	A	P	P	P	V	V			P	P	P	Article III.Section 04.C
Farmers' Market[1308]	A																P	P	P			P	A	A					P	T	T	Article III.Section 04.D
Garden as a Primary Use[1309]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	A	A	P	P	P	P	A	P	P	Article III.Section 04.E
Processing, and Packaging of Food and Beverages[1310]																									S	P	P	P				
Stock Yards and Processing of Stock[1311]																												S				
COMMERCIAL and INDUSTRIAL USES[1312]																																

[1307] This is a new use. Retail sales of goods produced permitted as an accessory use. Permitted in the I-1 and I-2 districts if the existing building has been vacant for a period of 5 consecutive years. Moved from Manufacturing category. Changed to accessory use in MU-1.
[1308] New use added following discussions with Residential Task Force. Includes "city market place" from CBD-1 district.
[1309] New use following discussion with residential task force. Since initial meeting with Task Force to review the use table, community garden was removed from the C-5, C-7, and MU-3 districts; added to the I-1, I-2, I-3, I-4, CBD-2, and CBD-3 districts; and included as an accessory use in the C-5, C-7, MU-3, MU-4 and CBD-1 districts. Use-specific standards limit this use in the MU-4 and CBD-1 districts to rooftops or within a courtyard. Changed to accessory in MU-1 & MU-2.
[1310] Includes packaging, repackaging, processing, or production of an edible substance, ice, beverage, or ingredient for use or for sale in whole or in part for animal or human digestion such as the following former industrial uses: "bakery, industrial (not for direct sale on the premises to household consumers)"; "bottling of alcoholic or nonalcoholic beverages"; "canning, bottling, processing, and packaging of food (does not include slaughtering)"; "coffee roasting"; "food products (secondary processing and packaging of food products initially processed off the premises)"; "oleomargarine"; and "malt products, brewing and distillation of liquor and spirits"; "milk/dairy products (including processing)"; and "tobacco products". Definition confirms that this use may not include direct sale on premises to household customers and does not include slaughtering of animals or fowl. "Bakery"; "canning, bottling, processing, and packaging of food"; "coffee roasting"; "oleomargarine"; "malt products, brewing and distillation of liquor and spirits"; and "tobacco" were previously special exception uses in the I-2 districts and are now permitted by-right.
[1311] Revised terminology. Previously called stock yards for shipping, holding, and the sale of animals.

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Zoning District / LAND USE CATEGORY	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4[1261]	C-5	C-7[1262]	MU-1[1263]	MU-2[1264]	MU-3[1265]	MU-4[1266]	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards
Business, Home, and Personal Services or Repair[1313]																																
Auctioneering and Liquidating Services[1314]																				P					P	P	P					
Check Cashing or Validation Service[1315]																	P	P	P	P		P	P	P								Article III.Section 05.K

[1312] Commercial and Industrial categories combined to eliminate the need to draw the line between commercial and industrial uses. For example, mini-warehouses (self-storage) may be perceived as a commercial use to one code user and an industrial use to another. Grouping the use categories together reduces the potential for confusion.
[1313] This category includes uses from the former "home or business services"; "laundry services"; "personal services"; and "repair services" categories.
[1314] Renamed from the former "liquidators of merchandise" use. Added as a permitted use in the I-1 and I-2 districts. Added to I-3 district.
[1315] Use specific standards confirm that this use is not permitted in portions of the Regional Centers and North Meridian Street area; and add spacing requirements as follows: facilities must be at least 3,000 feet from another facility and 1,000 feet from a protected district.

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Consumer Services or Repair of Consumer Goods [1316]													A	A		A	P	P	P	P	A	P	P	P	P	P	P		P	P	P	Article III.Section 05.L[1317] Article III.Section 05.HH
Crematorium[1318]																											S	P				
Dry Cleaning Plant or Industrial Laundry[1319]																				P					P	P	P	P				Article III.Section 05.M

[1316] "Consolidates uses previously listed in "home or business services" category and "commercial sales and services" from former "research and services" category, but would be differentiated by size through use-specific standards. The large use would be limited to facilities above 10,000 sq. ft. of gross floor area (gfa). Uses would include but not be limited to: "cleaning and maintenance services," "coupon or trading stamp redemption"; "hat cleaning and blocking shop"; "interior decorator"; "key duplicating shop"; "locksmith"; Kinkos-type printing services ("copy centers and document preparations"); "parcel packing/mailing service" (excluding industrial); pick-up station for dry cleaning or laundry, "music distribution and recording studios"; "photo finishing"; "photography studio"; "plumbing sales and service" (excluding contractor); "radio or television service"; "security system services"; "tailor, seamstress or dressmaker"; "garment pressing", "typesetting"; "upholstery" (note, cleaning of upholstery is only permitted in C-7 when limited to non-industrial use). This use also includes uses from the previous repair category: "air conditioning service or repair"; "antennas, antique repair or restoration"; "bicycles"; "cameras"; "ice dealers," "household, clocks, watches, or jewelry"; "computers"; "dental instruments"; "drafting instruments"; "furniture reupholstery or refinishing"; "gas appliances"; "laboratory instruments"; "lawn mowers"; "leather goods"; "musical instruments"; "optical goods"; "radio or television"; "shoes"; "surgical instruments"; "sewing machines, typewriters". Some of these items and uses are listed in the definition of the use. The following uses were not previously permitted in the C-2 (now MU-1), C-3C (now MU-2), I-1, I-2, I-3, I-4. CBD-1, CBD-2, and CBD-3 districts: "coupon or trading stamp redemption service"; "interior decorator"; "key duplicating shop"; "parcel packing/mailing service (excluding industrial)"; "radio or television service"; "laboratory instruments"; "sewing machines"; "Small scale music distribution and recording studios"; "plumbing sales and service (excluding contractors)" and "surgical instruments". "Repair of household antennas" would now be permitted in the C-4 district. "Photography studio" now permitted in the I-1, I-2, I-3, I-4. CBD-1, CBD-2, and CBD-3 districts. *Consumer Services or Repair of Consumer Goods* also includes "glass installation and repair (excluding auto glass repair and installation)" and "locker rental", which were previously only permitted in the C-7 district. Added as accessory in D9 and D10 to support urban hi-rise living; removed from I4. Changed to accessory use in MU-1.

[1317] Use-specific standards clarify that "*Consumer Services or Repair of Consumer Goods*" is limited to 8,000 sq. ft. in the C-3, MU-1, MU-2, MU-3, MU-4, and all CBD districts.

[1318] New use.

[1319] Consolidates "rug cleaning or repair service"; "carpet or upholstery"; "dry cleaning plant"; "industrial launderers"; "industrial laundry or dry cleaning plant"; "power laundry"; and "linen supply". "Industrial laundry or dry cleaning plant" was not previously permitted in C-7 district. "Power laundry" was previously

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Financial and Insurance Services[1320]																P	P	P	P	P	P	P	P	P					P	P	P	
Hair and Body Care Salon or Service[1321]													A	A		P	P	P	P	P	A	P	P	P	A	A	A	A	P	P	P	
Laundromats[1322]													A	A			P	P	P	P		P	P	P	V	V						
Mortuary, Funeral Home[1323]																P	P	P	P													
Outdoor Advertising Off-Premise Sign																	P	P	P	P		P	P	P	P	P	P	P				Article III.Section 05.AA
Printing Services[1324]																	P	P	P	P		P	P	P	P	P	P	P	P	P	P	Article III.Section 05.FF

permitted in the C-3, C-4, and C-5 districts. All uses added to the I-1, I-2, I-3, and I-4 districts. Use-specific standards excludes this use from a wellfield or flood area.

[1320] This is a new use. Includes "bank"; "savings and loan"; "credit union"; "financial"; and adds insurance to that list. Definition excludes check cashing or validation services.

[1321] Consolidates "barber shop"; "beauty shop"; "tanning salon"; and "massage parlor". "Massage parlor" consolidated in this use category since the meeting with the residential task force in June 2013. In 2011, the Indiana state legislature set regulations and licensure requirements for legitimate therapeutic massage and massage therapists, and those are included in this category. "Licensed massage therapists are now a permitted use (previously special exception) in the C-4, C-5, C-7, MU-3, and MU-4 districts (limited through use-specific standards). All other uses in this category were added as a permitted use in the C-1, C-2 (now MU-1), CBD-1, CBD-2, and CBD-3 districts. Added as an accessory use in the D-9, D-10, I-1, I-2, I-3, and I-4 districts. Use-specific standards have been deleted, since they were aimed at restricting adult-oriented massage parlors in ways that are no longer necessary in light of Indiana's new licensing requirements for Massage Therapists. Changed to accessory use in MU-1.

[1322] Definition includes coin-operated laundries. Does not include dry cleaning or processing with solvents. Added as permitted use in the C-3, C-4, and C-5 districts. Permitted in the I-1 and I-2 districts if the existing building has been vacant for a period of 5 consecutive years. Added as accessory to D9 and D10 districts.

[1323] Moved from "personal services" category. Removed as permitted use from C-7, C-2 (now MU-1), and C-3C (now MU-2).

[1324] Consolidates "printing services" use (previously only permitted in the CBD-1, CBD-2, and CBD-3 districts) "newspaper publishing and printing" and "blueprinting and engraving" uses. Added as permitted use in the C-3, C-4, C-5, C-7, C-3C (now MU-2), I-1, I-2, I-3, and I-4 districts.

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Tattoo Parlor[1325]																	S	P	P	P			S	S								Article III.Section 05.KK
Food, Beverage, and Indoor Entertainment																																
Adult Entertainment Business[1326]																		P	P	P												Article III.Section 05.A
Bar or Tavern[1327]																	P	P	P	P	A	P	P	P					P	P	P	Article III.Section 05.H
Eating Establishment or Food Preparation[1328]													A	A		A	P	P	P	P	A	P	P	P	A	A	A	A	P	P	P	Article III.Section 05.N
Indoor Recreation & Entertainment[1329]																A	A	P	P	P	A	A	P	P	V	V			P	P	P	Article III.Section 05.T
Indoor Spectator Venue[1330]																		P	P				P	P					P	P	P	Article III.Section 05.U

[1325] Use changed from special exception to permitted by-right in the C-5 and C-7 districts. *Tattoo parlor* previously permitted as special exception in the C-3, C-4, C-5, and C-7 districts. Use-specific standards include a 1,000 separator requirement from any protected district as defined by former code. Added as permitted by right in C4 district.

[1326] Use specific standards confirm that this use is not permitted anywhere in the Regional Centers and North Meridian Street area.

[1327] Consolidates "drinking place: bar"; and "drinking place: tavern". Added as permitted use in the C-2 (now MU-1), C-3C (now MU-2), CBD-1, CBD-2, and CBD-3 districts. Definition clarifies that this use does not include dancing or entertainment. Changed to accessory use in MU-1.

[1328] Combines "eating place, any type of restaurant"; "caterer"; and "commissary restaurant". "Caterer" and "commissary restaurants" were previously only permitted in C-5 and C-7 districts. Added as permitted use in the CBD-1, CBD-2, and CBD-3 districts. This is a new accessory use in Industrial and MU-1.

[1329] Consolidates "amusement arcade"; "commercial facilities including ballroom"; "bathhouse"; "bingo establishment"; "bowling alley"; "firing (gun) range"; "instruction in baseball, basketball, gymnastics"; "miniature golf"; "shooting gallery/range"; "billiard parlor"; "ice or roller skating rink", "slot-car race track"; "trampoline center" "indoor commercial amusement/recreation establishment"(currently limited to the CBD-1 and CBD-2 districts). "Billiard parlors" and "ice/roller skating rinks" are currently prohibited in the Regional Centers/North Meridian Street area, but these restrictions are accomplished through use-specific standards rather than listing these as separate uses. Added as an accessory use in the C-1, C-3, C-2 (now MU-1), and the C-3C (now MU-2) districts. Permitted in the I-1 and I-2 districts if the existing building has been vacant for a period of 5 consecutive years. Added as accessory use in MU-1.

[1330] New use, split from Indoor Recreation & Entertainment, due to peak characteristics. Includes "legitimate theater"; "theaters, auditorium"; "theatre: motion picture"; "dinner theater," but not "adult entertainment theater." Includes conventions space, exhibition space.

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Night Club or Cabaret[1331]																		P	P	P	A		P	P					P	P	P	Article III.Section 05.Z
Heavy Services[1332]																																
Commercial and Building Contractors[1333]																				P					P	P	P	P				
Heavy Equipment Sales, Service or Repair[1334]																				P					P	P	P	P				
Lodging																																
Bed and Breakfast [1335]	S	S	S	S	S	S	S	S	S	S	S	S				P	P	P			A	P	P	P						P	P	Article III.Section 05.I
Hotel, Motel, or Hostel[1336]																		P	P		P		P	P					P	P	P	

[1331] Consolidates "drinking place: cabaret"; and "drinking place: night club". Added as permitted use in the CBD-1, CBD-2, and CBD-3 districts. Added as accessory use in MU-1.
[1332] Renamed from Industrial Services use category.
[1333] Includes all contractors previously listed: air conditioner; awning; building/construction; carpentry work; concrete; decorating; demolition; electrical; excavation; extermination/disinfection; fence; flooring; heating; home remodeling; landscaping; masonry/stonework/tile/setting; painting; pest control; plastering/drywall; plumbing; pool; roofing; septic system; sheet metal; siding; sign; storm door; window; construction companies, contractors, lumber yards; swimming pool installation, and home remodeling companies (includes material and equipment storage but not retail commercial activities). Lumber yards previously special exception in the I-1, I-2, and I-3 districts. All uses added as permitted use in C-7 district. All contractor uses now permitted in I-1, I-2, I-3, and I-4 districts.
[1334] Consolidates "tire recapping, transmission reconditioning, crane repair, and other large equipment repairs" and "heavy/construction equipment leasing." Use added as permitted use, instead of special exception, in the I-1, I-2, and I-3 districts.
[1335] Bed and Breakfast no longer permitted by-right in the C-5 or C-7 districts. Added as a permitted use in the C-1, C-3, C-2 (now MU-1), C-3C (now MU-2), CBD-2, and CBD-3 districts. Added as Special Exception use in D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II, D-6, D-6II, D-7, and D-8 districts. Use-specific standards require owner/purveyor to take permanent on-site residence in order to operate a B&B in any zoning district. Changed to accessory in MU-1.
[1336] Previously called "hotel, motel, or tourist court". Removed tourist court and added new term – "hostel". Use no longer permitted in the C-7 district.

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Manufacturing[1337]																																
Artisan Manufacturing[1338]																			V	V	V	P	P	P	P	P	P	P		P		Article III.Section 05.C
Manufacturing, Light[1339]																						P	P	P	P	P	P	P		P		
Manufacturing, Medium[1340]																									S	P	P	P				

[1337] Consolidates "manufacturing uses" and processing. Manufacturing is no longer classified by the end product but rather by the processes used to create the product. As the processes used to make the product become more dangerous or have more potential negative impacts, the classification increases from light manufacturing to medium manufacturing to heavy manufacturing. The processes that involve inherently hazardous or dangerous are further called out as hazardous materials manufacturing.

[1338] This is a new use. Definition and use-specific standards limit the use to 10,000 sf, and because of the scale and small quantities, some uses can be included that are otherwise not permitted in these zoning districts (such as welding; other medium manufacturing uses). Permitted in the C-5, C-7, and MU-1 districts if the existing building has been vacant for a period of 5 consecutive years.

[1339] Includes packaging, repackaging, fabrication, and assembly of non-edible items by means of physically assembling solid parts such as the following former industrial uses: "carpets and rugs"; "clocks, watches"; "cloth products (finished from cloth, including apparel, curtains, towels, bedding)"; fabricated steel metal products; "leather products (from finished leather)"; "light component parts of products"; "paper box and paper products"; "pre-manufactured parts, subassemblies, or components"; "prefabricated wood buildings or structural members"; and "upholstering shops". "Carpets and rugs"; "upholstering shops"; and "paper box and paper products" are now permitted by-right (were previously permitted as a special exception) in the I-1 districts. "Fabricated steel metal products" are now permitted by-right in the I-1 and I-2 districts, where they were previously special exception uses. "Prefabricated wood buildings or structural members" are now permitted by-right in the I-1, I-2, and I-3 districts, where they were previously special exception uses.

[1340] Includes manufacturing of a non-edible item that includes some transformation by way of mechanical reshaping, such as the following former industrial uses: "jewelry"; "optical, ophthalmic goods"; "unfinished cabinets"; "cutlery"; "engraving (nonretail)";" optical instruments"; and "mattresses". "Jewelry"; "optical, ophthalmic goods"; and "engraving (nonretail)" were previously permitted as a use by-right in the I-1 and are now by special exception.

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Manufacturing, Heavy[1341]																											S	P				
Manufacturing, Hazardous Materials or Objectionable Substances[1342]																												S				Article III.Section 05.W

[1341] Consolidates manufacturing processes that involve heating, chilling, adding a liquid, coating, or chemical or biological alteration, such as the following former industrial uses: "appliances, light portable household"; "bicycles, motorcycles, and parts"; "biological products"; "boats"; "bottled gas"; "ceramic and clay products"; "communication equipment"; "computers, computer equipment", "electric lighting and wiring equipment"; "electrical components, motors, and subassemblies"; "electroplating operations"; "ice or dry ice"; "laboratory apparatus"; "cosmetics, perfumes"; "glass or glass products"; "leather curing and tanning"; "machinery and machinery components"; "marine equipment"; "major household appliances"; "medicines"; "musical instruments"; "office machinery or equipment"; "phonograph, tape, compact disc, or other A/V products or equipment"; "photographic equipment"; "recording instruments"; "printing/publishing (any type except those primarily engaged in providing photocopying services)"; "pharmaceutical products"; "guidance aeronautical and nautical systems"; "signs"; "sporting and athletic goods"; "surgical, medical, and dental instruments and supplies"; "tools and implements, electrical or nonelectrical"; "toys, dolls, or games" "construction machinery and equipment"; "processing of forest products"; "boiler tanks"; "detergents and soaps"; "railroad equipment"; and "engines and turbines". "Appliances, light portable household"; "phonograph, tape, compact disc, or other A/V products or equipment"; "photographic equipment"; and "recording instruments" were previously permitted by-right in all Industrial districts. "Bicycles, motorcycles, and parts"; "biological products"; "bottled gas"; "computers, computer equipment"; "electric lighting and wiring equipment"; "electrical components, motors, and subassemblies"; "ice or dry ice"; "laboratory apparatus"; "cosmetics, perfumes"; "medicines"; "musical instruments"; "office machinery or equipment"; "printing/publishing"; "pharmaceutical products"; "guidance aeronautical and nautical systems"; "signs"; "sporting and athletic goods"; "surgical, medical, and dental instruments and supplies"; "tools and implements, electrical or nonelectrical"; and "toys, dolls, or games" were previously permitted as a special exception in the I-1, and as a use by-right in the I-2 and I-3 districts. "Boats"; "ceramic and clay products"; "communication equipment"; "electroplating operations"; "glass or glass products"; "machinery and machinery components"; "marine equipment"; "major household appliances"; and "construction machinery and equipment" were previously permitted as special exception uses in the I-1 and I-2 districts, and permitted by-right in the I-3 district. "Leather curing or tanning" was previously only permitted as a special exception use in the I-4 districts – it was added as a special exception use in the I-3 and as a permitted use in the I-4 district. "Processing of forest products"; "boiler tanks"; "detergents and soaps"; "railroad equipment"; and "engines and turbines" were previously permitted as a special exception use in the I-1 and I-2 districts.

[1342] Consolidates any light, medium, or heavy manufacturing operation that stores materials on-site or produces materials on-site in sufficient enough quantities to create an immediate risk of impacts beyond the boundaries of the facility. These risks of impacts include those resulting from explosion, fire, migration to waterways, toxic gas release or release of radioactive gases, such as the following currently listed uses: "fireworks display services"; "fuel dealers (other than gasoline service station or convenience market)"; "production of emulsified asphalt and paving material"; "abrasive, asbestos, and metallic and nonmetallic mineral products"; "batching plant"; "batteries"; "cement, lime, and gypsum"; "chemicals and gases"; "colors, dyes, lacquers, paints, varnishes and other coating, excluding tar products"; "creosote"; "explosives, matches, and fireworks"; "fertilizer"; "oil (including refining and processing)"; "plastic materials and synthetic resin"; "rubber, rubber products"; "steel and iron production"; "structural steel fabrication"; "tires and inner tubes"; "smelting (primary) and refining of nonferrous metals"; "tar, tar paper, and tar products"; "foundries"; "open hearths and blast furnaces"; "scrap metal"; "granaries, grain processing, milling"; and "coke ovens, blast furnaces, and

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Processing of Extracted Materials[1343]																												S				See Chapter 742.Article II.Section 06
Offices																																
Office: Business, Professional or Government[1344]																P	P	P	P	P	P	P	P	P	V	V	V	V	P	P	P	
Outdoor Recreation and Entertainment[1345]																																
Marina[1346]																				P						P	P		P	P	P	

iron production". "Fireworks display services"; "fuel dealers (other than gasoline service station or convenience market)" were previously permitted in the C-ID district (now C-7) and added as a special exception to the Industrial districts. "Production of emulsified asphalt and paving material"; "batteries"; "cement, lime, and gypsum"; "chemicals and gases"; "creosote"; "explosives, matches, and fireworks"; "fertilizer"; "oil (including refining and processing)"; "plastic materials and synthetic resin"; "smelting (primary) and refining of nonferrous metals"; "tar, tar paper, and tar products"; "foundries"; "open hearths and blast furnaces"; "scrap metal"; and "coke ovens, blast furnaces, and iron production" were previously only permitted as a special exception use in the I-4 districts. "Abrasive, asbestos, metallic, and nonmetallic mineral products"; "batching plant"; "rubber and rubber products"; "structural steel fabrication"; and "tires and inner tubes" were previously permitted as a use by-right in the I-4 district. "Colors, dyes, lacquers, paints, varnishes, and other coating, excluding tar products"; and "granaries, grain processing, and milling" were previously permitted as a use by-right in the I-3 and I-4 districts.

[1343] Includes former "sand, gravel, and aggregate washing, screening or processing" but expanded to include other extraction related uses. Revised changing screening to sorting and sizing.

[1344] Consolidates "fraternity and sorority" offices; "business or personal service"; "professional offices"; "governmental office complex"; "automobile owner's association or club"; "condominium association", "contractor's association"; "data processing and analysis center," "farm bureau or grange"; "governmental offices (including social services)"; "homeowner's association"; "radio and television stations" (but not antennas, which are an accessory use, or towers which is an SU); "tenant association"; and "manufacturer's institute", some of which are currently listed in the "community and cultural facilities" category. "Data processing and analysis centers" were previously listed in the industrial/utilities category and were limited to industrial zoning districts. "Governmental offices" are still permitted in the CBD-1, -2, and -3 (where they are currently allowed as part of the "public and quasi-public building category"); "radio and television stations" is also now permitted in the CBD-1, -2, -3, and S districts (but not antennas, which are an accessory use). All types of offices are now permitted in CBD-S (currently limited to "governmental office complexes"). Permitted in the I-1, I-2, I-3, and I-4 districts if the existing building has been vacant for a period of 5 consecutive years.

[1345] Slot car race tracks are currently mistakenly listed in this category; they now appear in the Indoor Recreation & Entertainment category.

[1346] Currently included in "Public and semipublic structures, parks, and open spaces" use. Includes "boat and canoe rentals". Added as permitted use in the C-7, I-2, and I-3 districts.

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Zoning District / LAND USE CATEGORY	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4[1261]	C-5	C-7[1262]	MU-1[1263]	MU-2[1264]	MU-3[1265]	MU-4[1266]	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards
Outdoor Recreation and Entertainment, General[1347]																			P	P										P		
Sports Stadium[1348]																													P	P	P	
Research and Development[1349]																																
Agricultural Sciences R&D	P																		P	P					P	P	P	P				
Clean Energy R&D	S																		P	P			P	P	P	P	P	P				
Information Technology R&D																P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Life Sciences R&D																			P	P			P	P	P	P	P	P	P	P	P	
Logistics R&D																P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Research and Development, Other[1350]																			V	V					P	P	P	P				
Retail Sales																																
Adult Entertainment Business: Retail[1351]																		P	P	P												Article III.Section 05.B
Department Store[1352]																	P	P	P	P			P	P					P	P	P	

[1347] Consolidates former "fishing lake operation (commercial or private)"; "go cart raceways"; "golf uses"; "scenic railroads"; and "drive-in theater". Definition includes boat and canoe rentals as accessory to a fishing lake operation.
[1348] Includes "sports stadium, professional or semi-professional". Removed from permitted uses in the C-5 and C-7 districts.
[1349] Previously had several uses within a "research and services" use category that included commercial sales and services, professional, public and semi-public uses; dental laboratory; engineering or research laboratories; industrial park; industrial schools or training facilities; and printing and publishing. This is an entirely new category aimed at distinguishing and promoting Indianapolis' targeted industries.
[1350] Includes "engineering and research laboratories". Permitted in the C-5 and C-7 districts if the existing building has been vacant for a period of 5 consecutive years.
[1351] New proposed use parallel to "adult entertainment business" in food, beverage, and indoor entertainment use category. All use-specific standards carried over and confirm that this use is not permitted anywhere in the Regional Centers and North Meridian Street Corridor.
[1352] Added as permitted use in the CBD-1, CBD-2, and CBD-3 districts. Definition includes combination of light, retail sales and service in a single facility on a large scale.

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Firearm Sales[1353]																		P	P	P			P		P				P	P	P	
Fireworks Sales, On-going																		P	P	P												[1354]Article III.Section 05.O
Grocery Store[1355]													A	A		A	P	P	P	P	A	P	P	P					P	P	P	Article III.Section 05.Q
Liquor Store[1356]																		P	P	P		P	P	P					P	P	P	Article III.Section 05.V
Pawn Shop[1357]																	P	P	P	P			S	S								Article III.Section 05.DD
Retail, Light General [1358]													A	A		A	P	P	P	P	A	P	P	P	A	A	A	A	P	P	P	Article III.Section 05.HH

[1353] Added as permitted use in the I-1, CBD-1, CBD-2, and CBD-3 districts.
[1354] Definition limits this use to permanent firework sales facilities and excludes temporary holiday tents.
[1355] Consolidates former "food store: bakery"; "food store: candy, nut, or confectionary stores"; "food store: deli"; "food store: grocery store"; and "food store: produce, fruit, fish, or meat markets". Added as a permitted use in the CBD-1, CBD-2, and CBD-3 districts. Accessory use in D-9, D-10, MU-1.
[1356] Added as permitted use in the C-3C (now MU-2), CBD-1, CBD-2, and CBD-3 districts. Removed from permitted uses in the C-3 district. Use specific standards confirm that this use is not permitted in portions of the Regional Centers and North Meridian Street area.
[1357] Use-specific standards confirm that this use is not permitted anywhere in the Regional Centers and North Meridian Street Corridor.
[1358] Consolidates "shoe store"; "luggage and leather"; "clothing, apparel, and accessories"; "computers or computer software"; "medical equipment"; "antique store"; "religious goods"; "tobacco"; "variety store"; "music, recorded"; "instrument, sheet"; "camera store"; "bait and tackle"; "bike"; "book store"; "card store"; "stationer and scrapbooking"; "trophy shop"; "paint, wallpaper, window coverings"; "hardware"; "plumbing sales and service (excluding contractors"; "pool or billiard tables"; "sporting goods store"; "second hand store"; "office supply store"; "office machines"; "optical goods"; "drapery or fabric"; "florist"; "gift shop"; "hobby/toys/games"; "jewelry"; "telephone store"; "videotape store"; "videotape rental or sales"; "radio, TV, or consumer electronics store"; "drug store"; "food store: convenience market"; and "trading stamp center". Added as a permitted use in the C-2 (now MU-1), C-3C (now MU-2), CBD-1, CBD-2, and CBD-3 districts. Extends "medical equipment sales/leasing" to C-3, CBD-1, CBD-2, and CBD-3 districts. Extends "shoe store"; "sporting goods stores"; and "video tape rental or sales" to C-3, C-4, C-5, CBD-1, CBD-2, and CBD-3 districts. Extends "food store: convenience markets" to C-2 (now MU-1), C-3C (now MU-2), CBD-1, CBD-2, and CBD-3 districts. Use-specific standards limit the size of the retail business (by size of the use, not building footprint if multiuse building). This is a new accessory use in D-9, D-10, MU-1.

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Retail, Heavy General [1359]																		P	P	P					P				P	P		Article III.Section 05.II
Utilities																																
Power Generating Facility, Local[1360]																		P	P	P					P	P	P	P				Article III.Section 05.EE
Power Generating Facility, Major[1361]																											S	P				
Substations and Utility Distribution Nodes[1362]																P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	Article III.Section 05.JJ[1363]
Wireless Communications Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Article III.Section 05.OO
Vehicle-Related Operations[1364]																																

[1359] Includes "model home, garage, and outbuilding sales"; "gravestones and monuments"; "furniture"; "flea market"; "tool leasing"; "appliance store"; "flooring"; " playground equipment"; "air conditioner sales"; "hot tub sales"; "gymnasium equipment sales"; "swimming pool sales"; "building materials and garden supplies"; "hospital and sick room sales"; "lumber and other building materials"; "garden shop/nursery"; and "lawn and garden supply store. Appliance store, flooring store, furniture store, and hospital and sick room sales are no longer permitted in the C-3 district. Appliance store, flooring store, and furniture store no longer permitted in the C-3C (now MU-2) district. Use-specific standards limit outdoor flea markets to the C-5 and C-7 districts. Use-specific standards exclude model home, garage, and outbuilding sales; and gravestones and monuments from the C-4, CBD-1, and CBD-2 districts. Use-specific standards also limit the size of the business (by use, not building footprint if multiuse building).

[1360] New use. Includes CNG conversion, solar, wind, geothermal as a primary use of property (accessory uses are listed in the accessory use section of the table below). Use specific standards address location, height, setbacks.

[1361] Currently includes electric, steam, and thermal plants; the definition is expanded to include biomass facilities. Removed as special exception use from the I-1 and I-2 districts. Changed from permitted to special exception use in the I-3 district.

[1362] Previously called Transmission and Distribution Facilities. Added as permitted use, instead of special exception, in the I-1 and I-2 districts. Added as a permitted use in the CBD-1, CBD-2, and CBD-3 districts. NOTE: Basic transmission lines are permitted in all districts.

[1363] Use-specific standard defining high-tension power lines limited to SU-43 district. Definition includes hub activity and substations of physically connected systems such as cable, fiber, telephone, gas, and electric.

[1364] "Vehicle sales, service, or repair" and "vehicle wash" are included in the former code only for purposes of limiting them in the Regional Centers/North Meridian Street areas (i.e. they are not P or S uses in any of the other C or I districts), so they have not been carried over. Use standards confirm that similar uses in the revised table are not allowed in portions of the Regional Centers/North Meridian Street area.

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Automobile and Light Vehicle Wash[1365]																		P	P	P					V	V				P		Article III.Section 05.D
Automobile and Vehicle Storage or Auction[1366]																				P						P	P	P				
Automobile Fueling Station[1367]																		P	P	P			S		P	P	P	P		P		Article III.Section 05.E
Automobile, Motorcycle, and Light Vehicle Sales or Rental[1368]																			P	P										P		Article III.Section 05.F[1369]
Automobile, Motorcycle, and Light Vehicle Service or Repair[1370]																		P	P	P							P	P		P		Article III.Section 05.G

[1365] Permitted in the I-1 and I-2 districts if the existing building is vacant for a period of 5 consecutive years.
[1366] Consolidates former "towing"; "recovery service"; "repossession service"; and "vehicle storage (new or operable only)". The definition clarifies that this does not include surface parking lots or parking structures where the primary use is the short term (not long term) parking of vehicles.
[1367] Previously called "gasoline service station". Added as a permitted use in the I-1, I-2, I-3, and I-4. Added as a special exception in the C-3C (now MU-2) district. Includes gas, ethanol, compressed natural gas, hydrogen, and other alternative fuels. Use-specific standards confirm that this use is not permitted in portions of the Regional Centers and North Meridian Street area. Sales of convenience food items and auto accessories are permitted as an accessory use. Use-specific standard also excludes a fueling station from anywhere within one-half (1/2) mile from a Transit Station (type of Transit Station to be further defined based on information from MPO – does not include typical bus stops). Use-specific standard added for CNG facilities (noise, outdoor storage, etc.). Removed from C-3 as a permitted use. Removed as a SE in MU2.
[1368] Consolidates former "automobile dealers"; "tractors; and truck or bus dealers (one ton load capacity or less)"; "automobile leasing, passenger"; "automobile rental, passenger motorcycle dealers"; "motorcycle paint shop"; "motorcycle rental"; and "motorcycle repair shop". Repair uses are allowed as accessory uses to all vehicle sales/leasing uses.
[1369] Use standards increase the threshold between light and heavy trucks and busses, to reflect the increasing use of three-quarter ton vehicles for commercial and contracting uses.
[1370] Consolidates former uses listed in the former code in the context of auto repair: "automobile oil change or lubrication shop"; "air conditioning equipment"; "automobile body repair/paint shop"; "brake system repair or service"; "detailing/ trim shop"; "exhaust system (muffler) repair shop"; "glass replacement shop"; "rust proofing"; "speed shop"; "supply store"; "tire: alignment, dealers, retreading, or repair shop"; "transmission repair shop, parts, and service". "Glass replacement" and "transmission repair shop" was not previously permitted in the C-4, I-3, or I-4 districts. "Rust proofing" was not previously permitted in the C-4, C-5, I-3, or I-4 districts.

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Fleet Terminals[1371]																											P	P				Article III.Section 05.P
Heavy Vehicle Wash[1372]																				P							P	P				
Heliport or Helistop[1373]																									P	P	P	P	A	P	A	Article III.Section 05.S
Motorsports Industry[1374]																				P					P	P	P	P				Article III.Section 05.Y
Other Vehicle Sales, Rental or Repair[1375]																				P						V	P	P				
Parking Lot, Commercial[1376]																A	A	P	P	P	S	S	S	S	A	A	A	A	P	P	P	Article III.Section 05.BB
Parking Garage, Commercial[1377]																A	A	P	P	P	S	S	S	S	A	A	A	A	S	P	P	Article III.Section 05.CC
Transit Center[1378]																P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

[1371] Definition clarifies that these are intended for large fleet services. Includes "motor truck terminals"; and "armored car services. "Armored car services" was previously permitted in the C-7 district, and was added as a permitted use in the I-3 and I-4 districts. "Motor truck terminals" (under ten acres) were previously permitted as a special exception use in the I-1 and I-2 districts.
[1372] Added as permitted use in the I-3 and I-4 districts
[1373] Moved from "utilities" category. Added as permitted use in the CBD-2 district. Added Heliports as an accessory use in the CBD-1 and CBD-3 districts.
[1374] New proposed use. Definition includes racing industry uses like research and development, engine testing, and race team facilities. Use standards define which districts this use may include engine testing, which can generate significant noise. Added as a permitted use in the C-7 district.
[1375] Consolidates former "boat dealers"; "recreational vehicle dealers" and "mobile home dealers". "Mobile home dealers" would now be allowed in C-7, I-3, and I-4 districts. "Boat dealers"; "farm equipment"; and "recreational vehicle dealers" are added to the I-3 and I-4 districts. Permitted in the I-2 district if the existing building is vacant for a period of 5 consecutive years.
[1376] Added as a special exception in the C-2 (now MU-1) and C-3C (now MU-2) districts. Use-specific standards confirm that this use is not permitted in portions of the Regional Centers and North Meridian Street area; that the use is limited to 5 years in the CBD districts.
[1377] Added as a special exception in the C-2 (now MU-1) and C-3C (now MU-2) districts. Use -specific standards clarify that parking structures accessible from specific streets (per 735-202(b)(3)) are permitted by right in the CBD-1 district. Added as an accessory use in the C-1, C-3, I-1, I-2, I-3, and I-4 districts.
[1378] New use.

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Truck or Heavy Vehicle Sales, Rental, or Repair[1379]																				P							P	P				
Truck Stop[1380]																				P						P	P	P				Article III.Section 05.LL
Waste and Recycling																																
Recycling Station[1381]																		P	P	P					P	P	P	P				Article III.Section 05.GG
Waste or Recycling Transfer Facility[1382]																										S	P	P				Article III.Section 05.NN
Wrecking or Salvage Facility[1383]																												S				Article III.Section 05.PP
Wholesale Distribution or Storage																																
Bulk Storage of Commercial or Industrial Liquids[1384]																												P				Article III.Section 05.J

[1379] Consolidates former "trailer, truck, or bus rental"; "truck or bus rustproofing"; "truck or bus maintenance garage"; truck or bus dealer (of any load capacity). Repair and sales of these vehicles would now be allowed in C-7, I-3, and I-4 districts. All mentioned uses added to I-3 and I-4 districts.

[1380] Previously called "truck or bus stops". Added as permitted use in the I-2, I-3, and I-4 districts.

[1381] Replaces the former "bottle exchanges" use to cover a broader range of recycling activity. Added as permitted use in the C-4, I-1, I-2, I-3, and I-4 districts. Use-specific standards provide that the facility must be attended. Definition clarifies that this is a primary use of land; kiosks or collection bin-type collection/exchange equipment have been addressed in the accessory use section.

[1382] Proposed new use for the temporary storage, aggregation, sorting, or onward shipment of waste or recyclables prior to processing. Definition does not include recycling of automotive or construction materials, which are included in wrecking and salvage. Recycling facility removed as special exception from the I-1 district. Use-specific standards clarify that outdoor facilities are only permitted in the I-3 and I-4 districts. Use-specific standard excludes this use from a well-field or flood district.

[1383] Consolidates former "junk or salvage storage or operation"; "vehicle wrecking and salvage operation"; "shredder"; and "vehicle storage (wrecked or inoperable)". Use-specific standard excludes this use from a well-field or flood district.

[1384] Includes "propane gas storage" and "oil and gas storage". Propane Storage previously permitted in the I-3, and permitted as a special exception in the I-1 and I-2 district. Oil and gas storage was previously permitted as a special exception in the I-1, I-2, and I-3. Bulk storage of commercial and industrial liquid products was previously permitted as a special exception use in the I-4. Use-specific standard excludes this use from a well-field or flood district.

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Heavy Outdoor Storage[1385]																										S	P	P				Article III.Section 05.R
Mini-Warehouses (Self-Storage Facility)[1386]																			V	P					P	P	P	P				Article III.Section 05.X
Warehousing, Wholesaling and Distribution[1387]																			V	P					P	P	P	P	P	P		Article III.Section 05.MM
ACCESSORY and TEMPORARY USES[1388]																																
Amateur Radio Antenna[1389]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III.Section 06.D
Antenna, Radio or Television Broadcasting[1390]																											A	A	A	A	A	Article III.Section 06.E

[1385] Consolidates former "storage of heavy equipment"; "railroad equipment (previously special exception in I-3-S and I-3-U)"; "rail yard/terminal" and "utility pole yards and pipe yards" (currently special exception in I-3-S and I-3-U districts). Use removed as special exception in the I-1 district. Use-specific standard excludes this use from a well-field or flood district.

[1386] Permitted in the C-5 district if the existing building is vacant for a period of 5 consecutive years.

[1387] Consolidates former "distribution operation"; "mail order store"; "storage and transfer establishments"; and "distribution from truck yards". "Storage and transfer establishments" would now be permitted in the C-7, I-1, I-2, I-3, I-4, and CBD-1 districts. Use-specific standards carry over the former requirement that operations (except loading and unloading) be completely enclosed within a building. Permitted in the C-5 district if the existing building is vacant for a period of 5 consecutive years.

[1388] CBD-3 lists "banks, savings, and loan offices" as accessory uses, but those were not carried over because they are also allowed as primary uses. Accessory and temporary uses that are were also listed as primary uses were consolidated in the primary use sections of this land use table. Temporary Parking lot (for up to five years) was removed as a temporary use in the CBD districts. These uses are unenforceable in our experience, and create potential issues when trying to increase density but allowing for open surface parking.

[1389] From former Sec. 731-219(a)5. Added as accessory use in the D-11, C-1, C-3, C-4, C-5, C-7, C-2 (now MU-1), C-3C (now MU-2), I-1, I-2, I-3, I-4, CBD-1, CBD-2, and CBD-3 districts.

[1390] This is a new use. These uses are typically separate from the physical location of the radio or television studio. Use-specific standards limit the use of free-standing towers to industrial districts.

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Automated Teller Machine (ATM)[1391]													A	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III.Section 06.F [1392]
Bicycle Sharing[1393]									A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Child Care Home[1394]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A						A	A	A	A					A	A	A	Article III.Section 06.G
Drive-Through[1395]																A	A	A	A	A	A	A			A	A	A	A		A		Article III.Section 06.H
Employee Living Quarters [1396]	A	A	A	A	A	A	A	A	A	A	A	A	A	A							A	A	A	A					A	A	A	Article III.Section 06.I
Game Courts[1397]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III.Section 06.J
Home Occupations	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A																	Article III.Section 06.K
Minor Mobile Home Structures															A																	Article III.Section 06.L
Minor Residential Structures[1398]	A	A	A	A	A	A	A	A	A	A	A	A	A	A								A	A									Article III.Section 06.M

[1391] Use added as accessory in the D-9, D-10, C-3, C-4, C-5, C-7, I-1, I-2, I-3, I-4, CBD-1, CBD-2, and CBD-3 districts.
[1392] Use-specific standards limit these to within a primary structure, and does not permit ATMs on undeveloped parcels.
[1393] This is a new use. Added to accommodate bike-sharing kiosks.
[1394] From former Section 731-219(a)(10) and 731-215(a)(5)h. References to Indiana regulations and licensing are being updated. Use-specific standards require provider to live in the home, regardless of district.
[1395] Includes goodwill drop-off centers. Use specific standards confirm that this use is not permitted in portions of the Regional Centers and North Meridian Street area. Use-specific standards address stacking and location on the site in the MU and CBD districts.
[1396] From former Section 731-219(a)(8). Definition clarifies this is for employees employed in the dwelling where the quarters are located.
[1397] Added as accessory use to the D-11, C-1, C-2 (now MU-1), C-3C (now MU-2), I-1, I-2, I-3, I-4, CBD-1, CBD-2, and CBD-3 districts. Use-specific standards limit the use in the MU-4 and CBD districts to those on rooftops or within courtyards. Added as A use in C-3, C-4, C-5, and C-7.
[1398] This is a new use, consolidated from a list of permitted minor structures listed in 731-219 (a)(1). Does not include mobile home structure.

Table 743-1: USE TABLE

P = Permitted use
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A = Accessory use
T = Temporary use

Zoning District / LAND USE CATEGORY	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4[1261]	C-5	C-7[1262]	MU-1[1263]	MU-2[1264]	MU-3[1265]	MU-4[1266]	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards
Mobile Home Display[1399]															A					A												Article III.Section 06.N
Model Home	T	T	T	T	T	T	T	T				T											T									Article III.Section 06.O
Outdoor Display and Sales, On-going[1400]																		A	A	A			A	A						A		Article III.Section 06.P
Outdoor Display and Sales, Temporary[1401]	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Article III.Section 06.Q
Outdoor Seating or Patio (nonresidential)[1402]																A	A	A	A	A	A	A	A	A	A				A	A	A	Article III.Section 06.R
Outdoor Storage and Operations[1403]																			A	A					A	A	A	A				Article III.Section 06.S
Personal Garden[1404]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III.Section 06.T
Personal Livestock[1405]	A	A	A	A	A	A	A	A	A	A	A	A																				Article III.Section 06.U

[1399] From former Section 731-215(a)(5)f. Added to the C-7 district.
[1400] Added as accessory use to the C-4, C-5, and C-7 districts. Use specific standards address "clear passage" requirements and securing/storage of outdoor equipment.
[1401] This is a new use. Consolidates former "recreational and amusement events", "carnivals", "concerts", "car washes", "block parties", and "sidewalk sales", and expands this temporary use to all districts. Renamed from "Temporary Event or Sales"; separated Events.
[1402] This is a new accessory use. Definition does not include a sidewalk café in the right-of-way. Use-specific standards address fencing and waste receptacles.
[1403] Use specific standards confirm that this use is not permitted in portions of the Regional Centers and North Meridian Street area. Use-specific standards also limit size and location of outdoor storage. Changed name from "Outdoor storage." Removed from D-A as an accessory use since the outside operations (farming) covered under the primary function.
[1404] Personal garden is from former Section 731-219(b)(2)(b);
[1405] New accessory use; previously grouped with personal garden. Use specific standards clarify that this must be accessory to 1 or 2-famiy dwelling unit as the principal use on the lot.

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T = Temporary use

Zoning District / LAND USE CATEGORY	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4[1261]	C-5	C-7[1262]	MU-1[1263]	MU-2[1264]	MU-3[1265]	MU-4[1266]	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards
Pick-up Station for Dry Cleaning or Laundry[1406]									A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	ArticleIII.Section 06.V
Portable Storage[1407]	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Article III.Section 06.W
Produce Sales[1408]	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Article III.Section 06.X
Recycling Collection Point[1409]									A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III.Section 06.Z[1410]
Recreational Vehicle Parking[1411]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A																	Article III.Section 06.Y
Renewable Energy Facility, Solar and Geothermal[1412]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III.Section 06.AA
Renewable Energy Facility, Wind[1413]	A								A	A	A		A	A	A				A	A					A	A	A	A				Article III.Section 06.BB

[1406] This is a new accessory use. Unique due to its frequent repeated use, requiring no other deliveries or materials. Use-specific standards limit the use to inside multifamily dwellings in the residential districts; limits the total area; and prohibits exterior signage.
[1407] This is a new temporary use. Includes PODS, SAMS, portable storage units. Use-specific standards limit the use to 30-days; does not include storage in the right-of-way; and limits extensions by the planning administrator to one (1) in extenuating circumstances.
[1408] Produce sales is a new use and a change from the former code, which provides that gardening be not-for-profit. Use specific standards limit days per week and hours per day; and size of tent/structure.
[1409] This is a new use.
[1410] Use-specific standards address donation kiosks. Only permitted in MF projects in the dwelling districts, with appropriate size and placement.
[1411] From former Section 731-219(a)(11). "Outdoor storage" was struck as a permitted accessory use from the D-11 district, which addressed RV's, and was consolidated with this use instead (From 731-215(a)(5)c.). Removed "A" from C-7, I-3 and I-4 since this is permitted as a primary use in these districts.
[1412] New accessory use to include solar and geothermal equipment added after discussion with nonresidential task force. Use specific standards limit equipment to side and rear yards, and rooftops. Solar fixtures are allowed to encroach 18 inches into height requirements.
[1413] New accessory use to include wind generation power, added after discussion with nonresidential task force. Use-specific standards limit equipment to no more than 10' higher than permitted primary use, and limited to rear yards and rooftops only.

Table 743-1: USE TABLE

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T = Temporary use

Zoning District / LAND USE CATEGORY	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4[1261]	C-5	C-7[1262]	MU-1[1263]	MU-2[1264]	MU-3[1265]	MU-4[1266]	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards
Residential Support Facility or Amenity[1414]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A																	Article III.Section 06.CC
Satellite Dish Antenna[1415]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III.Section 06.DD
Secondary Dwelling Unit[1416]	A	A	A	A	A	A	A	A				A										A	A									Article III.Section 06.EE
Sidewalk Café[1417]																A	A	A	A	A	A	A	A	A					A	A	A	Article III.Section 06.FF
Sign[1418]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III.Section 06.GG
Swimming Pool or Hot Tub[1419]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III.Section 06.HH
Temporary Construction Yard, Office, or Equipment Storage[1420]	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Article III.Section 06.II
Temporary Fireworks Sales[1421]																T	T	T	T	T					T	T	T	T				Article III.Section 06.KK

[1414] From former Section 731-219(a)(6) and 731-215(a)(5)a. Includes coin-operated machines; does not include dry cleaning or processing with solvents. Added as accessory use to the C-2 (now MU-1), C-3C (now MU-2), CBD-1, CBD-2, and CBD-3 districts. Retitled from "Multifamily support facility or amenities" and added as A use in D-A through D-5II districts. Removed "A" from MU and CBD districts since these facilities would be permitted as a primary use in these districts.
[1415] Definition accounts for exemptions under federal law.
[1416] New use added following discussions with Residential Task Force & Steering Committee. Use-specific standards limit use to one per lot, location inside/outside primary structure, requirement for property owner to occupy either primary or accessory unit, parking, visibility of entrances, etc.
[1417] This is a new accessory use. Added as an A use in C-3, C-4, C-5, and C-7.
[1418] Added with adoption of 2015-AO-04.
[1419] From former Section 731-219(a)(4). Use-specific standards require fences around in-ground pools. If there is a perimeter fence, then an additional poolside fence is not required unless the pool is more than 50 feet from all property lines.
[1420] Includes the following equipment and structures currently listed in the context of construction: "fences"; "walls"; "buildings"; and "barricades," and definition expanded to include temporary construction offices and real estate offices. Expands this use to all districts.
[1421] Use-specific standards incorporate ATF regulations through Indiana law. Added to the C-7, I-3, and I-4 districts.

Table 743-1: USE TABLE

P = Permitted use
S = Special exception use
V = 'P' if Vacant for 5 consecutive years
A = Accessory use
T = Temporary use

Zoning District / LAND USE CATEGORY	D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3	C-4[1261]	C-5	C-7[1262]	MU-1[1263]	MU-2[1264]	MU-3[1265]	MU-4[1266]	I-1	I-2	I-3	I-4	CBD-1	CBD-2	CBD-3	Use-Specific Standards
Temporary Outdoor Event[1422]	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Article III.Section 06.KK
Transportation Facilities and Accessories (Ground)[1423]							A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Article III.Section 06.LL
Underground Storeroom or Safe Room[1424]	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A																	Article III.Section 06.MM
Vending Machine or Self-serve Kiosk (outside)																	A	A	A	A		A	A	A	A	A	A	A		A		Article III.Section 06.NN
Walk-up Window[1425]																	A	A	A	A	A	A	A	A					A	A	A	Article III.Section 06.OO

[1422] This is a new use. Consolidates former "recreational and amusement events", "carnivals", "concerts", "car washes", "block parties", and "sidewalk sales", and expands this temporary use to all districts.
[1423] Including waiting rooms, bus and other transit stops, storage and associated commercial uses. Added as accessory use in the D-6, D-6II, D-7, D-9, D-10, D-11, C-1, C-3, C-4, C-5, C-7, C-2 (now MU-1), C-3C (now MU-2), I-1, I-2, I-3, I-4, and CBD-3 districts.
[1424] From former Section 731-219(a)(7). Added as A use in D-11.
[1425] This is a new use. Includes walk-up pharmacy windows and walk-up eating establishments (e.g. Dairy Queen, Starbucks.).Added to C districts.

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Article III. USE-SPECIFIC STANDARDS

Section 01. Spacing of uses[1426]

Table 743-301-1: Required Spacing for Specific Uses			
Use Type	**Minimum Distance from Same Use Type (Existing or Approved)**	**Minimum Distance from Other Use Types or Districts (Existing or Approved)**	**Reference to Standards in this Article III.**
Adult Entertainment Businesses	500 feet	500 feet from the following: • church • church zoning district • public, private or parochial school for K-12 • school zoning district • park • park zoning district • locally designated historic preservation area • area under jurisdiction of Meridian Street Preservation Commission[1427] • day care center • day care home • any existing dwelling zoning district	Section 05.A Section 05.B
Agricultural Uses, involving confinement operations for cattle, hogs or poultry[1428]		500 feet from any dwelling units located on a lot of less than 3 acres	Section 04.A
Animal Care, Boarding, Veterinarian Services		• 100 feet from all dwelling districts other than the D-A district • 500 feet between any area devoted to confinement operations for cattle, hogs or poultry and any dwelling unit located on a lot less than 3 acres in size	Section 04.A Section 04.B
Automobile and Light Vehicle Wash		100 feet from any protected district	Section 05.D
Automobile Fueling Station		½ mile from any Transit Station	Section 05.E

[1426] New section consolidating all use separation standards in a single table. Use-specific standards for those uses listed in the table repeat the spacing requirement. Format made consistent.
[1427] Reference to Meridian Street Preservation Commission added.
[1428] Revised to clarify that this applies only to confined feeding operations.

Table 743-301-1: Required Spacing for Specific Uses			
Use Type	**Minimum Distance from Same Use Type (Existing or Approved)**	**Minimum Distance from Other Use Types or Districts (Existing or Approved)**	**Reference to Standards in this Article III.**
Bar or Tavern		• 100 feet from any protected district • 500 feet from any Indoor Recreation & Entertainment that caters to, or markets itself predominantly to, persons under 21-years of age	Section 05.H
Bulk Storage of Commercial or Industrial Liquids		1,000 feet from any protected district	Section 743-305.J
Check Cashing or Validation Service[1429]	500 feet	500 feet from any protected district	Section 05.K
Crushing or Shredding of Motor Vehicles		3,000 feet from any protected district	Section 05.PP
Drive-Through		25 feet from any protected district	Section 06.H
Expolsives manufacturing or storage		500 feet from any protected district or commercial district	Section 743-305.W
Group Home	1000 feet		Section 02.G
Heliport		200 feet from any protected district	Section 05.S
Indoor Recreation & Entertainment that caters to, or markets itself predominantly to, persons under 21-years of age		500 feet from the following: • Substance abuse treatment facility • Bar or tavern, liquor store, night club, or such establishment where alcoholic beverages may be carried out (except drug stores or grocery stores)	Section 05.T
Liquor Store		• 100 feet from any protected district • 500 feet from any Indoor Recreation & Entertainment that caters to, or markets itself predominantly to, persons under 21-years of age	Section 05.V
Manufacturing, Hazardous Materials or Objectionable Substances		500 feet from any protected district or commercial district	Section 05.W

[1429] Distance of separation reduced to keep in line with other separation distances.

Table 743-301-1: Required Spacing for Specific Uses			
Use Type	**Minimum Distance from Same Use Type (Existing or Approved)**	**Minimum Distance from Other Use Types or Districts (Existing or Approved)**	**Reference to Standards in this Article III.**
Methadone Clinic or Treatment Facility		500 feet from the following: • Dwelling district • Historic preservation district • PK-1 Park district • University quarter district • SU-1 District (church) • SU-2 District (school) • SU-37 District (library) • SU-38 District (community center) • A lot or parcel containing an elementary, junior high, or high school	Section 03.H
Mini-Warehouses (Self-Storage Facility)		Public access to any storage unit within 100 feet of any dwelling district shall be limited to the period between 6:00 a.m. and 10:00 p.m.	Section 05.X
Motorsports Engine Testing		• 2,000 feet of any protected district	Section 743-305.Y
Night Club or Cabaret		• 100 feet from any protected district • 500 feet from any Indoor Recreation & Entertainment that caters to, or markets itself predominantly to, persons under 21-years of age	Section 05.Z
Recycling Collection Point		100 feet from any Protected district	Section 06.Y
Parking Garage, Commercial		Off-street parking garage entrances or exits shall be located a minimum distance of seventy-five feet (75') from the nearest point of 2 intersecting street right-of-way lines under specified circumstances	Section 744-404.B
Power Generating Facility, Local		100 feet from any dwelling district	Section 05.EE
Sidewalk Café		8 feet from any building standpipe, hydrant, crosswalk, driveway, alley, access ramp, parking meter, landscape beds, street tree, sign post, utility pole, or similar obstacle	Section 06.FF

Table 743-301-1: Required Spacing for Specific Uses			
Use Type	**Minimum Distance from Same Use Type (Existing or Approved)**	**Minimum Distance from Other Use Types or Districts (Existing or Approved)**	**Reference to Standards in this Article III.**
Substance Abuse Treatment Facility		500 feet from the following: • Protected district • Indoor Recreation & Entertainment that caters to, or markets itself predominantly to, persons under 21-years of age	Section 03.I
Tattoo Parlor		In the C-4, C-5 and C-7 districts, 1000 feet from any Protected District. In the C-3, MU-3, and MU-4 districts, 500 feet from the following: • Dwelling district • Historic preservation district • PK-1 Park district • University quarter district • SU-1 District (church) • SU-2 District (school) • SU-37 District (library) • SU-38 District (community center)[1430]	Section 05.KK
Temporary Outdoor Sales by Dealers of Motor Vehicles		500 feet from any protected district	Section 06.Q
Wireless Communication Facility	½ mile[1431]	½ mile from any Dwelling district[1431]	Section 05.OO.6

[1430] Revised for clarity.
[1431] Not prohibited, but additional action is required before approval.

Section 02. Residential Uses

A. Single-family Detached Dwelling[1432]

Each unit with an attached garage established after the first day of the month that is six months after the date of adoption may, but are not required, incorporate the following components:

1. At least one means of entering the dwelling unit through a doorway with at least 34 inches of clearance width without a vertical step between that doorway and the perimeter sidewalk, driveway, or garage floor; and
2. At least one toilet on the ground floor with a doorway with at least 34 inches of clearance width.

B. Manufactured Home

Manufactured homes must comply with the following requirements:

1. All manufactured homes, except those located in the D-11 district, shall be set onto a permanent foundation and comply with the set-up, utility connection and underfloor space requirements set forth in IC 25-23.7, which is incorporated herein by reference. [1433]
2. When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and upon the Board's determination that: [1434]
    a. The manufactured home will be in harmony with the character of the surrounding neighborhood, use siding and roofing materials that are aesthetically compatible with the surrounding neighborhood.[1435]

C. Two-Family Dwelling[1436]

1. In D-2 and D-3 districts, two-family dwellings are only permitted on corner lots. The orientation (front doors, driveways) of each unit in a two-family dwelling shall be toward a different street frontage.
2. Each unit with an attached garage established after the first day of the month that is six months after the date of adoption shall incorporate the following components:

[1432] New standard to promote visitation, aging in place, and increase housing choices for handicapped people. Clarified that both doors must be 34 inches. Added that this applies only to newly constructed units. Council made optional.
[1433] Updated citation to correct state statute: IC 25-23.7 Manufactured Home Installers.
[1434] The process and all of the common language shared by all Special Exceptions was moved to the Special Excpetion section in 740-705. The unqiue considerations that the Board should consider for Special Exception for a Manufactured Home are retained here using the language carried forward from 731-222.
[1435]The words “and constitute a land use authorized in the zoning district” were deleted as unnecessary, since the application will only be accepted if the manufactured home is a Permitted or Special Exception use in the district.
[1436] Previous 731-204(a)(1)b, 731-205(a)(1)b, 731-206(a)(1)b, 731-204(b)(2)c, 731-205(b)(2)c, and 731-206(b)(2)c. D-4 district removed from corner lot provision since the residential task force meeting in June 2013. Standard 3 is new to promote visitation, aging in place, and increase housing choices for handicapped people. Added that this applies only to newly constructed units.

a. At least one means of entering the dwelling unit through a doorway with at least 34 inches of clearance width without a vertical step between that doorway and the perimeter sidewalk, driveway, or garage floor; and

b. At least one toilet on the ground floor with a doorway with at least 34 inches of clearance width.

D. Triplex or Fourplex[1437]

In MU-1, MU-2, and MU-3 districts, the primary entrance of every dwelling unit shall be oriented to and clearly visible from a public street frontage.[1438]

E. Single-Family Attached Dwellings[1439]

1. Each dwelling unit shall be located on its own lot or as a condominium as defined in Chapter 551 of the Revised Code of the Consolidated City and County.[1440]
2. No more than two abutting townhouse units may have front facades in the same vertical plane. Where a variation in front façade plane is necessary, the variation shall be a minimum of 3 ft.
3. In the D-5II district, no more than 8 dwellings may be constructed in a structure in which individual dwelling units share a common wall.

F. Live/Work Units[1441]

1. The nonresidential use must be owned or operated by a resident of the live-work dwelling unit.
2. The nonresidential use is limited to the nonresidential uses otherwise permitted in the district.

G. Assisted Living Facility

When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and upon the Board's determination that: [1442]

1. The design of the assisted living facility will be in harmony with the character of the surrounding neighborhood, use materials that are aesthetically compatible with the surrounding neighborhood.
2. The orientation and entrance placement of the assisted living facility will be compatible with the surrounding neighborhood, and the scale and location of the vehicle areas and service areas of the assisted living facility are located and designed in harmony with the surrounding residential uses.

[1437] New standards for new use; for safety and convenience purposes.
[1438] Crime prevention technique of natural access control: “obvious and celebrated entrances”.
[1439] New standards.Deleted lot width standard as it is addressed in the Dimensional Table in Chapter 744.
[1440] Individual lots is for townhouses or rowhouses; condo requirement is for flats.
[1441] New standards. Deleted references to dwelling districts since they are not a permitted use; limited commercial activity to that of the district.
[1442] The process and all of the common language shared by all Special Exceptions was moved to the Special Excpetion section in 740-705. The unqiue considerations that the Board should consider for Special Exception for an assisted living facility in the D-8 are listed here.

H. Emergency Shelter, Daily[1443]

When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and upon the Board's determination that: [1444]

1. The facility will be adequately separated from residential uses.

I. Group Home[1445]

1. No group home in a Dwelling District shall be located within 1,000 feet of another group home, as measured between the closest points on their respective lot lines, unless the two properties are separated by a river, creek, railroad track or street with 4 or more travel lanes. (See Section 740-308 and Section 743-301)
2. No group home in a D-A, D-S, D1, D2, D3, D4, D5, D5II, or D-8 district shall provide housing for more than 8 residents.[1446]
3. Group homes in dwelling districts shall be designed to be residential in character.
4. Group homes housing for persons with developmental disabilities shall obtain, comply with, and maintain a license from the Indiana Division of Disability and Rehabilitative Services.
5. Group homes housing those living with psychiatric disorders or addictions shall obtain, comply with, and maintain a license from the Indiana Division of Mental Health and Addictions.

J. Nursing Home[1447]

1. Nursing homes shall be licensed by the Indiana State Department of Health and obtain, comply with, and maintain any required license from the Marion County Public Health Department.
2. Nursing homes in dwelling districts shall be designed to be residential in character.
3. Nursing homes shall be designed with appropriate access and maneuverability for emergency vehicles.

[1443] Added Special Exception standards to ensure it fits within the neighborhood context.
[1444] The process and all of the common language shared by all Special Exceptions is in 740-705. The unqiue considerations that the Board should consider for Special Exception in the CBD is to ensure adequate separation in the complex urban environment.
[1445] Revised to apply a standard 1,000 ft. spacing distance for all types, which is an increase from the former regulations for homes for the developmentally disabled (for which there is no spacing requirement) and a decrease from the former regulations for homes for the mentally ill (which currently have a 3,000 ft. spacing requirement). Limit on housing to eight residents is a common standard to ensure that the facility is not out of scale with a neighborhood in which single-family homes for extended families might contain a similar number of persons. Licensing authorities established for community residential facilities for individuals living with disabilities; or psychiatric disorders or addiction. Added residential design.
[1446] D-8 district added to this list
[1447] New standards.

K. Transitional Living Quarters[1448]

When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and upon the Board's determination that: [1449]

1. The facility will be in harmony with the character of the surrounding neighborhood, and use materials that are aesthetically compatible with the surrounding neighborhood.

[1448] Added Special Exception standards to ensure it fits within the neighborhood context.
[1449] The process and all of the common language shared by all Special Exceptions is in 740-705. The unqiue considerations that the Board should consider for Special Exception for Transitional Living Quarters in the D-8 are listed here.

Section 03. Public, Institutional, Religious, and Civic Uses

A. Club or Lodge[1450]

In the C-1 and C-3 districts, vehicle-related clubs or groups that gather members on site for activities and meetings shall be prohibited.

B. Community Center[1451]

When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and upon the Board's determination that:

1. The design of the facility will be in harmony with the character of the surrounding neighborhood, using materials that are aesthetically compatible with the surrounding neighborhood.
2. Adequate parking facilities will be provided and the scale and location of the vehicle areas and service areas are located and designed in harmony with the surrounding residential uses.
3. The location, size, and features of any outdoor recreational areas will be compatible with the surrounding neighborhood and any lighting or noise will not negatively impact the surrounding neighborhood.

C. Day Care Center or Nursery School[1452]

When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and upon the Board's determination that:

1. The design of the facility will be in harmony with the character of the surrounding neighborhood, using materials that are aesthetically compatible with the surrounding neighborhood.
2. Adequate parking, loading, and drop-off facilities will be provided and the scale and location of these areas are in harmony with the surrounding residential uses.

D. Museum, Library, or Art Gallery[1453]

1. In the MU-1, and MU-4 districts, this use is limited to 12,000 square feet of gross floor area.
2. In the MU-2 and MU-3 districts, this use is limited to 15,000 square feet of gross floor area.

E. Greenway[1454]

Greenways must be constructed in accordance with the Indy Greenways Full Circle 2014-2024 Master Plan.

[1450] New standard.
[1451] New standard; was erroneously omitted as the Use Table indicates that a Special Exception is required.
[1452] New standard; was erroneously omitted as the Use Table indicates that a Special Exception is required.
[1453] New standards. Removed size limitation on C1.
[1454] New standards. Removed Parks and Playgrounds as they would be accessory or zoned PK1; added reference to new greenways plan.

F. Public Safety Facility or Post Office[1455]

In the MU-3 and MU-4 districts, police stations shall not include police stations where more than 5 police vehicles are parked regularly.[1456]

G. Religious Uses[1457]

1. When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and upon the Board's determination that: [1458]
    a. Any adverse impact on the public health, safety, morals or general welfare caused by the grant does not outweigh the restriction on the petitioner's right to religious worship and peaceful assembly.
    b. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property.
2. If applicable, a request for modification of development standards may also be filed indicating any development standard of the applicable district to be modified in connection with the grant of a Special Exception.
    a. The Board, in connection with the granting of any Special Exception, may modify any development standard of the applicable district, if requested by the landowner petitioner, but the Board need not modify any development standard if it finds that the benefit to the public health, safety or general welfare derived from such development standard outweighs any restriction on the right of freedom of worship and peaceful assembly caused by such development standard.
    b. The Board may impose reasonable restrictions or conditions in connection with the grant of any Special Exception, including restrictions and conditions that are more restrictive than the applicable development standards, if the Board finds that such restrictions or conditions benefit the public health, safety or general welfare, and such benefit outweighs any restriction on the right of freedom of worship and peaceful assembly caused by the imposition of such restrictions or conditions.
3. In the MU-3 and MU-4 districts, the total non-worship space shall not be more than 50% of the total worship space.[1459]

[1455] New standards.
[1456] Revised standard avoids the term “roll-call” facilities, which is not a generally used term.
[1457] Language carried forward from 731-224, except as noted.
[1458] The process and all of the common language shared by all Special Exceptions was moved to the Special Excpetion section in 740-705. The unqiue considerations that the Board should consider for Special Exception for a Religious Use are listed here with language carried forward from 731-224.
[1459] New standard. Intended to ensure high activity in the MU districts all-week long.

H. Methadone Clinic or Treatment Facility[1460]

Notwithstanding the provisions of the Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and shall not be located within 500 feet (See Section 740-308 and Section 743-301) of the following;

1. Dwelling districts;
2. HP-1 district;
3. PK-1 district;[1461]
4. University quarter districts;
5. SU-1 District (church);
6. SU-2 District (school);
7. SU-37 District (library);
8. SU-38 District (community center); or
9. A lot or parcel containing an elementary school, junior high school or high school, as defined in IC 20-10.1-1, regardless of zoning classification. If the elementary, junior high or high school use is included within an integrated center, the perimeter of the part of the lot, parcel, or building occupied by the elementary, junior high, or high school use shall be deemed the perimeter of the lot for purposes of the 500-foot spacing requirement.[1462]

I. Substance Abuse Treatment Facility[1463]

In the C-4, C-5, and C-7 districts, substance abuse treatment facilities shall not be located within 500 feet, measured in any direction, of any protected district or any Indoor recreation & entertainment establishment that caters to, or markets itself predominantly to, persons under 21-years of age. (See Section 740-308 and Section 743-301)

[1460] This language carried forward from former Section 732-215, with minor grammatical changes to match wording in other sections. Purpose statement was deleted as unnecessary. References to Market Square district have been deleted, since it no longer exists.
[1461] Refined to PK-1 only since some PK-2 districts actually have hospitals and clinics and heavy commercial uses.
[1462] From former Section 732-215(a).
[1463] Language carried over from sections 732-205, 206, and 208.

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Section 04. Agricultural, Animal Related, and Food Production Uses

A. Agricultural Uses, Buildings, and Structures

1. An inherent characteristic of this use is the outside operations, such as plowing, harvesting, storage of equipment, and is considered a primary facet of the use; therefore the buildings and structures, such as barns and silos, are not considered as accessory outdoor storage and operation, but rather part of the primary activity.
2. All area devoted to the concentration of cattle, swine or poultry shall be a minimum of 500 feet from any dwelling unit located on a lot of less than 3 acres, other than the principal homestead. (See Section 743-301 and Section 740-308)
3. This use does not include any operation meeting the definition of a Confined Feeding Operation or Concentrated Animal Feeding Operations as defined under IC Title 13 Article 11.[1464]

B. Animal Care, Boarding, Veterinarian Services[1465]

1. Care of large animals is only permitted in the D-A, C-7, I-1, and 1-2 districts.
2. Outdoor runs and kennels are only permitted in the D-A, C-4, C-5, C-7, I-1, and I-2 districts.
3. No portion of an outdoor animal exercise or boarding area shall be located within 100 feet of any dwelling district other than the D-A district. (See Section 743-301 and Section 740-308)
4. In the D-A district, any area devoted to the concentration of cattle, hogs or poultry shall be a minimum of 500 feet from any dwelling unit that is located on a lot of less than 3 acres, other than the principal homestead. (See Section 743-301 and Section 740-308)
5. Kennels, pet shops, and commercial stables must obtain, comply with and maintain a license as prescribed under Chapter 836 of the Revised Code of the Consolidated City and County.[1466]

C. Artisan Food and Beverage[1467]

1. In the MU districts, this use shall not exceed 10,000 square feet of gross floor area.
2. Retail sales of food and beverages produced on-site shall be permitted as an accessory use.

[1464] Added this exclusion of CFOs IC 13-11-2. and CAFOs IC 13-11-2-38.3 (40 CFR 122.23) from definitions to use-specific standards. Currently, only one CAFO permit is active in Marion County and that operation can continue indefinitely.
[1465] New standards.
[1466] Added upon request of DCE to ease enforcement.
[1467] New standards for new use.

D. Farmers' Market[1468]

1. Food, food products, arts, and crafts prepared on- or off-site may be offered or sold. However, at least 75% of the vendors must exclusively offer or sell goods in which the good's principle production, ingredients or components are created or grown within Indiana.[1469]
2. The Farmers' Market may operate no more than 3 days in a one week period (Monday through Sunday).
3. If the Farmers' Market is conducted in a parking lot, it may not occupy more than 25% of the parking required by the other uses on the site. Further, an agreement with the property owner must be provided that existing parking may be used by farmers' market vendors and patrons during the hours the farmers' market is in operation.[1470]

E. Garden as a Primary Use[1471]

1. The maximum size is 3 contiguous acres. Larger primary uses are classified as an agricultural use.
2. Personal beekeeping is permitted in accordance with the use-specific standards identified under Personal Garden. [1472] Keeping of other livestock or animals is prohibited.[1473]
3. If any boundary of the Garden as a Primary Use is adjacent to, or across the street or alley from, a dwelling district, the garden must be registered with the City as an Urban Garden, or the perimeter of the garden site must be enclosed by a fence at least 36 inches in height, with at least 50% transparency, and in accordance with the fence standards applicable to the dwelling district. [1474]
4. Garden structures, such as greenhouses, hoop houses, storage sheds, gazebos, shelters, cold frames, are limited to a maximum height of 15 feet and shall meet the setback requirements of the district. However, the area for compost, refuse, equipment and facilities shall also be setback at least 20 feet from the front lot line.[1475]
5. In the dwelling districts, the size of all enclosed storage buildings and facilities shall be limited to 600 square feet and not on a permanent foundation. However, the size of structures housing cultivated plant materials, such as greenhouses and hoop houses, shall be limited by the open space and setback requirements of the district.[1476]
6. Composting shall be located or designed and constructed to prevent the composting material and compost from sitting in ponded surface water. Area for compost must

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[1468] New standard.
[1469] Location requirement changed from Marion County and adjacent counties. Amended to include products created in Indiana; 75% of the vendors must offer Indiana goods.
[1470] Clarified that the application is for parking lot that serves other uses; added that the property owner must consent.
[1471] New standard for new use. Name changed from Community Garden.
[1472] Personal Garden standards referenced instead of listed again here to avoid inconsistencies.
[1473] Added beekeeping since bees are needed for pollination and are somewhat self-sustaining.
[1474] Added option to register in the city's gardening program; fencing changed to 50% transparency, not opacity.
[1475] Raised to 15 feet; eliminated unique setbacks and defaulted to the districts setbacks.
[1476] Raised to 600 sq. ft. for storage facilities; Greenhouses, etc limited by the district standards.

be enclosed solid at ground level for at least 6 inches above grade level and completely around the base or composting conducted in-vessel. Refuse must be removed from the site at least once a week.[1477]

7. Operation of power equipment or generators may occur between sunrise, but no earlier than 7 a.m., and sunset, but no later than 10 p.m.[1478]
8. Herbicides, pesticdes, fertilizer or other chemicals shall not be kept outside and shall be locked when not in use. The site drainage and maintenance must prevent water, herbicides, pesticdes, or fertilizer from draining onto adjacent property or into a right-of-way.[1479]
9. Sales of products grown on the site is permitted on the site, provided that any structure used for sales is no larger than 100 square feet, not on a permanent foundation and is not located in a required yard area.
10. Food products may be grown in soil native to the site if:
    a. A composite sample of the native soil, consisting of no less than five individual samples, has been tested for lead content and the lead content in the soil is determined to be at or below the Indiana direct-contact standards for lead; and either:
        1. The City determines through maps, deeds, prior permits or a combination of those sources that the site has only been put to residential or agricultural use in the past; or
        2. A composite sample of the soil native to the site, consisting of no less than five individual samples, has been tested for metal content using the US EPA 3050B, 3051, or a comparable method and that (i) the metals arsenic, cadmium, mercury, molybdenum, Nickel, selenium, and zinc are determined to be at or below the thresholds listed in the tables in number 11 below, as amended, food products may only be grown in raised beds filled with clean top soils.
    b. As an alternative to meeting the standards in subsection a.1 or a.2 above, food products may be grown in clean soil 6 inches deep brought to the site without completing a soil test of the native soil.
11. **Soil testing requirements**. Clean soil is soil that has less than 200ppm of lead content. At least 5 samples of the native soil from the proposed planting area shall be tested for lead content and heavy metals. If the site has been determined through maps, aerial photography, deeds, prior permits or a combination of those sources that it has only been used for residential or agricultural purposes in the past, the gardening activities indicated in Table 743-304-1: Lead Limits may be conducted based upon the lead content test results.[1480]

Table 743-304-1: Lead Limits	
Lead content	**Permitted Activity**

[1477] Specified to what level the base is to be enclosed.
[1478] Consistent with noise ordinance Chapter 391.
[1479] Added security for chemicals.
[1480] Standards taken from Purdue Extension, Marion County office and Dept. of Earth Sciences, IUPUI, "Garden Safe, Garden Well" 2012. **Free and low-cost testing is available**.

Less than 200ppm	Soil native to the site may be used.
200ppm to 400ppm	Soil native to the site shall not be used for gardening. Raised beds are required using clean soil.
400ppm to 600ppm	Soil native to the site shall not be used for gardening. Raised beds are required using clean soil. Water source for cleaning produce shall be provided on site.
600ppm and higher	Gardening as a primary use is prohibited.

If the site has been determined through maps, aerial photography, deeds, prior permits or a combination of those sources that it has been used for purposes other than residential or agricultural in the past, soil shall be tested for metal content using the US EPA 3050B, 3051, or a comparable method. Food production may be conducted if the test results for the following chemicals are below the levels identified in the following Table 743-304-2: Chemical Limits.[1481]

Table 743-304-2: Chemical Limits

Chemical Name	CASRN [1]	Soil Exposure Direct Contact Residential Maximum (mg/kg)
Arsenic, Inorganic	7440-38-2	5.5
Cadmium (Diet)	7440-43-9	98
Mercuric Chloride (and other Mercury salts)	7487-94-7	32
Lead and Compounds	7439-92-1	400
Mercury (elemental)	7439-97-6	3.1
Molybdenum	7439-98-7	550
Nickel Soluble Salts	7440-02-0	2100
Selenium	7782-49-2	550
Zinc and Compounds	7440-66-6	32000

Note:
[1] CASRN means Chemical Abstracts Service Registry Number[1482]

[1481] Source of standards: IDEM, Remediation Closure Guide, effective on March 22, 2012, Table A-6: Screening Level Summary Table, Residential – 2012 [http://www.in.gov/idem/files/remediation_closure_guide_apndx_a.pdf]
[1482] CASRN is an unique numerical identifier assigned to every chemical substance; it is listed so that it is clear what compounds are covered.

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Section 05. Commercial and Industrial Uses[1483]

A. Adult Entertainment Business[1484]

1. **Purpose**. It is the purpose of this Section 743-305.A to regulate adult entertainment businesses and related activities, to promote the health, safety, morals, and general welfare of the citizens of Marion County, and to establish reasonable and uniform provisions to prevent the deleterious effects of adult entertainment businesses within Marion County. The provisions of this Section 743-305.A have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this Section 743-305.A to restrict or deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. It is not the intent or effect of this Section 743-305.A to condone or legitimize the distribution of obscene materials. It is not the intent or effect of this Section 743-305.A to limit or restrict the lawful activities permitted under Indiana Code 7.1.

2. **Findings**. Based on evidence concerning the adverse secondary effects of adult entertainment businesses on the community presented in hearing(s) and in reports made available to the City-County Council, and on findings incorporated in the cases of City of Renton v. Playtime Theatres, Inc., 475 U.S.41 (1986), Young v. American Mini Theatres, 426 U.S.50 (1976), Barnes v. Glen Theatre, Inc., 501 U.S.560 (1991), Arcara v. Cloud Books, Inc., 478 U.S.697 (1986), California v. LaRue, 409 U.S.109 (1972), Iacobucci v. City of Newport, KY, 479 U.S.92 (1986), United States v. O'Brien, 391 U.S.367 (1968), City of Erie v. Pap's A.M., 120 S.Ct. 1382 (2000), City of Los Angeles v. Alameda Books, Inc., 122 S.Ct. 1728 (2002), Broadway Books, Inc. v. Roberts, 642 F. Supp. 486 (E.D. Tenn. 1986), DLS, Inc. v. City of Chattanooga, 107F.3d403 (6th Cir. 1997), Pleasureland Museum, Inc. v. Beutter, 2002 WL 818791 (7th Cir. 2002), Kev, Inc. v. Kitsap County, 793F.2d1053 (9th Cir. 1986), Hang On, Inc. v. City of Arlington, 65F.2d1248 (5th Cir. 1995), South Florida Free Beaches, Inc. v. City of Miami, 734F.2d608 (11th Cir. 1984), and Mitchell et al v. Commission on Adult Entertainment Establishments of the State of Delaware et al, 10F.3d123 (3rd Cir. 1993), Ellwest Stereo Theatre, Inc. v. Boner, 718 F. Supp. 1553 (M.D. Tenn. 1989), City of Lincoln Nebraska v. ABC Books, Inc., 470 N.W. 2d 760 (Neb. 1991), Berg v. Health & Hosp. Corp. of Marion County, 865 F.2d 797 (7th Cir. 1989), Shultz v. Cumberland, 228 F.3d 831 (7th Cir. 2000), as well as studies conducted in communities including, but not limited to Indianapolis, Indiana; Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; findings reported in the Final Report of the Attorney General's Commission on

[1483] commercial and industrial use categories were consolidated in the use table and use-specific standards. Standards for amusement arcades were deleted as outdated. Standards for Massage or Tattoo Parlor and Methadone Clinic in former Section 732-215 were not carried over in this section. Statements of purpose were moved to Chapter 740 and consolidated with other purpose statements. Materials on procedures and findings required for special exception approval for these uses were consolidated in Section 740-705 Special Exceptions. Use Specific Standards for Research and Development Park have been deleted, since all of those issues are addressed by other zoning and subdivision standards and Research and Development Park is no longer a use in Table 743-1: Use Table.
[1484] Language carried forward from former Section 732-216 and prohibition in Regional Center from former Section 735-604. Parking standards now appear in the Chapter 744, Article IV Parking, Loading and Drive-Through.

Pornography (1986), the Report of the Attorney General's Working Group On the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and statistics of the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, the City-County Council finds:

a. Adult entertainment businesses lend themselves to ancillary unlawful and unhealthy activities that are presently insufficiently controlled by the operators of the establishments.

b. Crime statistics show that all types of crimes, especially sex-related crimes, occur with more frequency in neighborhoods where adult entertainment businesses are located.

c. Sexual acts, including masturbation, oral sex and anal sex, occur at adult entertainment businesses, especially those that provide booths or cubicles for viewing films, videos, or live sex shows.

d. Acts of prostitution commonly occur at adult entertainment businesses.

e. Persons frequent certain adult theaters and other adult entertainment businesses for the purpose of engaging in sex within the premises.

f. At least 50 communicable diseases may be spread by activities that occur in adult entertainment businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, salmonella infections and shigella infections.

g. Prostitution, sexual assaults and other criminal activity occur at adult entertainment businesses.

h. Prostitution is connected to the spread of sexually transmitted diseases.

i. Adult entertainment businesses have operational characteristics that should be reasonably regulated in order to protect those substantial governmental concerns.

j. The general welfare, health, morals and safety of the citizens of the city will be promoted by the enactment of this chapter.

3. **Prohibitions**.

a. The establishment, enlargement, reconstruction, resumption or structural alteration of any adult entertainment business is prohibited if such business is within 500 feet of another such business or within 500 feet of any existing church, church zoning district, public, private or parochial school for kindergarten through twelfth grade, school zoning district, park, park zoning district, locally designated historic preservation area established by, and under the jurisdiction of the Indianapolis Historic Preservation Commission or the Meridian Street Preservation Commission, day care center, day care home or any existing dwelling zoning district within Marion County, Indiana. (See Section 743-301)[1485]

b. No adult entertainment business shall be established, enlarged, reconstructed, resumed or structurally altered unless the site or proposed site is located in a C-4

[1485] Reference to Meridian Street Preservation Commission added.

(Community-Regional Commercial) Zoning District, C-5 (General Commercial) Zoning District, or C-7 (High Intensity Commercial) Zoning District.[1486]

c. No adult entertainment business shall be established, enlarged, reconstructed, resumed or structurally altered in a C-4 (Community-Regional Commercial) Zoning District unless the site or proposed site is located within an integrated center.

4. **Measurement of distances**. The distance between one adult entertainment business and another adult entertainment business shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of each such business. The distance between an adult entertainment business and any church, church zoning district, public, private or parochial school for kindergarten through twelfth grade, school zoning district, park, park zoning district, locally designated historic preservation area established by, and under the jurisdiction of, the Indianapolis Historic Preservation Commission, day care center, day care home or dwelling zoning district shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of the adult entertainment business to the nearest property line of the church, church zoning district, public, private or parochial school for kindergarten through 12th grade, school zoning district, park, park zoning district, locally designated historic preservation area established by, and under the jurisdiction of, the Indianapolis Historic Preservation Commission, day care center, day care home or dwelling zoning district. If an adult entertainment business is part of or included within an integrated center, only the portion of such center or leased space occupied by such adult entertainment business shall be included in determining the closest exterior structural wall of such establishment.

5. **Exterior display**

a. No adult entertainment establishment shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public view.

b. *Number of signs*. Not more than one business wall sign shall be permitted for an adult entertainment business and such sign shall be permitted only on the front facade. In addition to the one permitted business wall sign, an adult entertainment business not located within an integrated center shall be permitted not more than one pole or ground sign structure if it is an entity of commercial development held in either private ownership or long-term lease, and that meets all of the requirements of the zoning district in which it is located. Such requirements shall include direct access to a public street from that property and a full amount of required parking on the site with the use. All other sign structures are prohibited.

c. *Sign surface area*. The sign surface areas of a business wall sign for an adult entertainment business shall not exceed an amount equal to 5% of the front building facade of the first floor elevation (first 10 feet) of the premises occupied by the adult entertainment business, or 100 square feet, whichever is the lesser. The maximum sign surface area of a ground or pole sign structure, where

[1486] Struck reference to C-ID and C-6

permitted, shall not exceed one square foot for each lineal foot of frontage of the lot, or 36 square feet, whichever is the lesser.

d. *Lighting*. Signs and sign structures may be illuminated, provided, however, such illumination shall not be by way of exposed neon, exterior lighting (e.g., spot or floodlights), or any flashing or animated lights (either interior to the sign, on the exterior of the sign, or as a border to the sign).

6. **Parking**. Parking for an adult entertainment business shall be provided on the site with the use. There shall be at least one parking space for each 285 square feet of floor area or one parking space for every 2 seats of seating capacity, whichever standard results in the higher requirement.[1487]

7. **Continuation of nonconforming use**. The lawful use of land or buildings existing at the time of the adoption of this Section 743-305.A may continue although such use does not conform to the regulations specified in this section, subject to the provisions set forth in this Section 743-305.A.

B. Adult Entertainment Business, Retail

See Adult Entertainment Business use-specific standards.

C. Artisan Manufacturing[1488]

1. In the MU and CBD districts, this use shall not exceed 8,000 total square feet.
2. Retail sales of goods manufactured on-site shall be permitted as an accessory use.

D. Automobile and Light Vehicle Wash[1489]

1. In the Regional Center and North Meridian Street Corridor district, this use of any type, such as, completely indoors wash, self-service wash, automatic or semi-automatic wash, shall not be permitted on any lot with frontage on Meridian Street, Washington Street, Market Street, or located on any lot within the Mile Square.[1490]
2. No drying, cleaning, polishing, dispensing of fuel, or other comparable operation shall be conducted within any required yard or required transitional yard.
3. The use shall not be located within 100 feet, measured in any direction, of a protected district. (See Section 743-301 and Section 740-308)
4. The exit drive as measured from the vehicle exit of the washing mechanism or activity to the pavement edge of the street shall be a minimum of 100 feet in length.
5. The surface and drainage treatment at the exit drive shall be designed so that no water accumulates on the surface or flows onto the public right-of-way as a result of the vehicle wash operations.

[1487] Parking standards are repeated in Section 744-402.
[1488] New standards for new use; modified to 8K to match existing commercial standard.
[1489] Revised based on language carried forward from former Section 732-205(b)(1)h, 732-206(b)(1)h, 732-208(b)(1)k, and 735-604(l).
[1490] Language carried forward from former Section 735-604(l). Also covers the prohibition standard in former Section 735-202(a)15 and 735-203(a)15.

E. Automobile Fueling Station[1491]

1. In the Regional Center and North Meridian Street Corridor district, automobile fueling stations are prohibited on any lot with frontage on Meridian Street, Market Street, Pennsylvania Street, Washington Street, or on any lot located within the Mile Square.[1492]
2. The sale of convenience food items, incidental automobile supplies or accessories may be provided as an accessory use to an automobile fueling station.
3. Exterior display and sale may be permitted in accordance with the limitations and standards of Section 743-306.P Outdoor Display and Sales.[1493]
4. Outdoor waste and recycling receptacles for customer use shall be provided, conveniently located, regularly serviced, and maintained.
5. Automobile fueling stations are prohibited within ½-mile of a Transit Station (See Section 743-301).[1494]
6. After the first day of the month that is six months after the date of adoption, new automobile fueling stations shall have the primary cash register area located so there is an unobstructed view between an area along the property frontage and any attendant at the cash register area.[1495]
7. Storage of compressed natural gas or associated CNG facilities shall not be located within 100 feet of an occupied dwelling unit on the same side of the street.[1496]
8. In the C-4 district, automobile fueling stations shall not include the following:[1497]
   a. Any outdoor service operations (other than the dispensing or installation of gasoline, oil, antifreeze, headlights, wiper blades and other similar products and the performance of minor services for customers as related to such dispensing or installation);
   b. The sale, rental, display or storage of vehicles, trailers, tractors, machinery or other similar equipment;
   c. Commercial parking of vehicles;
   d. Major servicing or motor or body repair such as, but not limited to, body or fender work, motor overhaul, major transmission repair, auto glass work, tire recapping, muffler repair or installation, auto body painting or trim shops; or
   e. Dismantling or wrecking of any vehicles, or the storage of inoperable, damaged or wrecked vehicles, other than those awaiting immediate repair.[1498]

[1491] Revised and simplified from former Sec. 732-203, 735-202, and 735-604 with changes as noted.
[1492] Language carried forward from 735-604(d). Also covers the prohibition standard in 735-202(a)15 and 735-203(a)15.
[1493] Standard carried forward from 732-203(b)(1)f, 732-205(b)(1)g, 732-208(b)(1)j.
[1494] This is a new standard. Transit Station defined by the MPO as identified in the "Indy Connect: The 10 Year Transit Plan for Central Indiana".
[1495] Added per comments of IMPD. Revised; applies to main registers but ancillary registers may be elsewhere; visible from the frontage but not necessarily the entire frontage.
[1496] This is a new standard.
[1497] District-specific controls from the former code have been consolidated and simplified. Reference to C-3, C-5, C-7 removed.
[1498] Language carried forward from 732-203(b)(1)f; 732-205(b)(1)g; 732-206(b)(1)g; and 732-208(b)(1)j.

9. There shall be no exterior displays that restrict traffic visibility in any way or that impede the movement of any vehicles on the station or center driveways or public rights-of-way, or located in or in any way conflicting or interfering with walks, off-street parking areas or required landscaping yards. All exterior displays shall be maintained in an orderly manner.
10. When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and upon the Board's determination that: [1499]
    a. The facility will not detract from the pedestrian experience and walkability of the area.
    b. The facility is efficiently designed and appropriately-sized so as not to inhibit or detract from the long-term purpose of the district in which it is located.
    c. The facility maximizes crime prevention techniques and security measures to ensure safety of employees, customers, and neighbors.

F. Automobile, Motorcycle, and Light Vehicle Sales or Rental[1500]

In the Regional Center and North Meridian Street Corridor district, vehicle sales (new or used) are prohibited on any lot with frontage on Meridian Street, Pennsylvania Street, Washington Street, Market Street, or on any lot located within the Mile Square. And further, used vehicle sales are prohibited within the Regional Center or North Meridian Street Corridor except as an accessory use to new vehicle sales.

G. Automobile, Motorcycle, and Light Vehicle Service or Repair[1501]

1. All servicing, motor repair, or body repair shall be conducted within an enclosed building.
2. In the Regional Center and North Meridian Street Corridor district, vehicle service or repair is prohibited on any lot with frontage on Meridian Street, Pennsylvania Street, Washington Street, Market Street, or on any lot located within the Mile Square.

H. Bar or Tavern[1502]

1. The use shall not be located within 100 feet, measured in any direction, of a protected district. (See Section 743-301 and Section 740-308.)
2. The use shall not be located within 500 feet, measured in any direction, of any indoor recreation & entertainment establishment that caters to, or markets itself predominantly to, persons under 21-years of age. (See Section 743-301 and Section 740-308.)

[1499] The process and all of the common language shared by all Special Exceptions was moved to the Special Exception section in 740-705. The unique considerations that the Board should consider to approve a Special Exception for this are listed here.
[1500] Language carried forward from 735-604(k). Also covers the prohibition standard in 735-202(a)15 and 735-203(a)15.
[1501] Language carried forward from 735-604(k). Also covers the prohibition standard in 735-202(a)15 and 735-203(a)15.
[1502] Language simplified and generalized from 732-203(b)(1)e, 732-205(b)(1)d, and 732-206(b)(1)d, 732-208(b)(1)g, 735-202(b)(1)c, 735-203(b)(1)d, and 735-204(b)(1)d. District-specific provisions related to trash containers and outdoor seating areas were deleted because outdoor seating is now covered as an accessory use.

3. the facility shall include a camera mounted inside the facility to view pedestrian entry-exit doors, the camera shall make recordings of pedestrian entry/exit during hours when the facility is open for business due to the high incidence of gun violence in these uses, and the operator shall be required to maintain recordings from the camera for a period of 48 hours after recording.[1503]

I. Bed and Breakfast[1504]

1. The owner of the Bed and Breakfast shall reside on site as their permanent residence.
2. The use shall be located in a primary building with at least 1,500 sq. ft. of gross floor area.
3. The use shall have no more than 6 bedrooms.
4. Guest stays shall be limited to a maximum of 21 consecutive days.
5. If located in a dwelling district:
   a. The use shall outwardly appear to be residential in character, giving no appearance of a business use other than allowed signs.
   b. In addition to resident guests, only guests of resident guests shall be permitted to dine in a bed and breakfast; or guests participating in meetings or other private events hosted by the facility when other overnight guests are not present, not to exceed the approved design capacity of the facility.
   c. Events on the premises that involve a total number of participants in excess of the approved design capacity of the dining area shall be limited to 6 days per year.
6. When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and upon the Board's determination that: [1505]
   a. The facility will be in harmony with the character of the surrounding neighborhood, in terms of siding and roofing materials that are aesthetically compatible, and building placement, entrance location, vehicle and service areas design that are comparable and compatible with the surrounding neighborhood.

J. Bulk Storage of Commercial or Industrial Liquids

1. The use is not permitted in a wellfield protection district or flood control zoning district.
2. The use shall not be located within 1,000 feet of any protected district. (See Section 743-301 and Section 740-308.)[1506]

[1503] New standard added at request of IMPD due to the high incidence of gun violence in and around these uses.
[1504] New standards. A revised signage standard will be developed as part of the revised sign code. Removed distinction between for-profit and not-for-profit events.
[1505] The process and all of the common language shared by all Special Exceptions was moved to the Special Exception section in 740-705. The unique considerations that the Board should consider to approve a Special Exception for this are listed here.
[1506] Separated into two.

K. Check Cashing or Validation Service[1507]

1. This use is not permitted within the Regional Center and North Meridian Street Corridor District, except as a part of an integrated commercial center with a gross floor area of 10,000 square feet or more.
2. This use is not permitted within 500 feet from any protected district. (See Section 743-301 and Section 740-308.)
3. This use is not permitted within 500 feet of any other Check Cashing or Validation Service. (See Section 743-301 and Section 740-308.)
4. After the first day of the month that is six months after the date of adoption, new uses shall have the primary cash register area located so there is an unobstructed view between an area along the property frontage and any attendant at the cash register area.[1508]

L. Consumer Services or Repair of Consumer Goods [1509]

1. Consumer Services or Repair of Consumer Goods shall be limited to a maximum of 8,000 gross square feet in the MU-1, MU-2, MU-3, MU-4, CBD-1, CBD-2 and CBD-3 districts.[1510]
2. Outdoor storage or outdoor display associated with this use is prohibited.

M. Dry Cleaning Plant or Industrial Laundry

This use is not permitted in a wellfield protection district or flood control zoning district.

N. Eating Establishment or Food Preparation[1511]

1. Drive-through facilities are only permitted in the C-3, C-4, C-5, C-7, and MU-1 districts and must meet the requirements of Section 744-406.
2. Establishments that are permitted as accessory only must be within the same building as the primary use.

O. Fireworks Sales, On-Going[1512]

This use must comply with all applicable requirements of the Indiana Department of Homeland Security in I.C. 22-11.14.

[1507] Subsection 1 is carried forward from 735-604(h), subsections 2 and 3 are new; spacing reduced to keep in line with other spacing requirements.
[1508] Added per comments of IMPD. Revised; applies to main registers but ancillary registers may be elsewhere; requires visibility from at least one point along the frontage but not necessarily the entire frontage.
[1509] Text from 733-212(a)3 was not carried over because now covered by the use table. Text from 732-212(b)1 not carried over because now covered by the parking standards. Prohibition on outdoor display is new.
[1510] This is a new standard.
[1511] Replaces text in former Sec. 732-203(b)(1)e, 732-205(b)(1)e, 732-206(b)(1)e, and 732-207(b)(1)b. District-specific provisions related to trash containers, outdoor seating, and spacing from a protected district were deleted because they are now covered elsewhere (accessory uses, USS, landscaping and screening). Provisions on drive-through facilities are new. Accessory use standard added.
[1512] New standard.

P. Fleet Terminals

1. Fleet terminals shall be no larger than 10 acres in total area, except in the I-4 districts.[1513]
2. The parking of trucks or trailers shall not be defined or construed as outdoor storage in computing permitted outdoor storage and operations.[1514]

Q. Grocery Store[1515]

1. In the MU-1, MU-2, MU-3, MU-4, CBD-1, CBD-2, and CBD-3 districts, no single grocery store shall exceed 50,000 square feet of gross floor area. This standard only applies to the portion of the building used as a grocery store, not the total square footage of the building itself.
2. An accessory grocery store shall be within a building that contains a permitted primary use.
3. In the D-9, D-10 and C-1 districts, an accessory grocery store shall not exceed the ground-floor square footage of the primary building containing the use.

R. Heavy Outdoor Storage[1516]

1. This activity is not permitted in a wellfield protection district or flood control zoning district.
2. When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705.

S. Heliport or Helistop[1517]

1. Minimum heliport or helistop size shall be 200 feet by 400 feet.
2. No heliport or helistop shall be located within 200 feet of a protected district. (See Section 743-301 and Section 740-308.)
3. A clear zone (which no structures shall penetrate) shall be provided. The clear zone shall be described by a projected imaginary surface, the base of which encompasses the landing area, extends upward and outward at a slope equal to one foot of vertical elevation to 8 feet of horizontal distance, and extends to a vertical projection of the heliport boundary.
4. A clean landing surface shall be provided free of dust, loose gravel, and debris that may be blown about by the downwash of the helicopter's rotors.
5. The landing area shall be well drained.
6. If a roof top is used as a landing area, it shall be located on a building not more than 4 stories or 50 feet in height, whichever is the lesser, and the same obstruction clearance as required under paragraph 3 above shall apply.

[1513] Language carried forward from former Sec. 733-201(c)10. Exception for I-4 district is new.
[1514] Language carried forward from former Sec. 733-204(a)(1)e,733-205(a)(1)c, 733-208(a)(1)e, and 733-209(a)(1)c.
[1515] These are new standards; added D9, D10, C1 restriction.
[1516] New standard; added Special Exception language as per the Use Table.
[1517] Language carried forward from 733-200(a)(6). Materials on prohibited uses, height limits, and performance standards removed for inclusion in Airspace Secondary Zoning District section.

7. The minimum setbacks applicable to the zoning district shall apply to all structures and the landing area associated with such heliport.
8. A fence or other suitable barrier, not less than 3 feet in height, shall be erected at least 75 feet from all landing surfaces.

T. Indoor Recreation & Entertainment [1518]

1. Billiard parlors and ice or roller skating rinks are prohibited in the Regional Center and North Meridian Street Corridor district on any lot with frontage on Meridian Street.[1519]
2. All indoor recreation & entertainment establishments that cater to, or markets itself predominantly to, persons under 21-years of age shall not be located within 500 feet of any substance abuse treatment facility, bar or tavern, liquor store, night club establishment, or such establishment where alcoholic beverages may be carried out (except drug stores or grocery stores). (See Section 743-301 and Section 740-308.)[1520]
3. All indoor recreation & entertainment establishments that cater to, or markets itself predominantly to, persons under 21-years of age shall not utilize the Permitted Where Vacant ("V") option pursuant to Table 743-1: Use Table until a Dance Hall license for the property has been obtained in accordance with Chapter 881 of the Revised Code for the Consolidated City and County.[1521]
4. In the C-1 and C-3 districts, any indoor recreation & entertainment establishment that includes live entertainment as an accessory use shall not permit the amplification of music.[1522]
5. Sound associated with any indoor recreation & entertainment establishment shall not be audible outside of the building in which the activity is occurring.[1523]

U. Indoor Spectator Venue[1524]

1. In the MU-1, and MU-4 districts, this use is limited to a maximum design capacity of 2,500.
2. In the MU-2, and MU-3 districts, this use is limited to a maximum design capacity of 5,000.

V. Liquor Store[1525]

1. The use shall not be located within 100 feet, measured in any direction, of a protected district. (See Section 743-301 and Section 740-308.)

[1518] References to Market Square district have been deleted, since it no longer exists.
[1519] Language carried forward from 735-604(b). 500 foot separation requirement for CBD districts in former Sec. 735-202(b)(1)d was not carried over. Simplified language and added citation.
[1520] Standard generalized from former application to C-4, C-5, and C-7 districts.
[1521] New standard added due to high incidence of violence associated with this use. Clarified application to V-option.
[1522] New standard added at the request of the Prosecutor's office; clarified. Spacing requirements from former Section 732-215(a) deleted.
[1523] Added to address current problems.
[1524] New standards. Changed seating capacity to design capacity (set by fire code) since not all facilities have permanent seats.
[1525] Language carried forward from former Section 735-202(b)(1)c, 735-203(b)(1)d, and 735-204(b)(1)d. Text decorative fencing were not carried over; prohibition on drive-through uses was added.

2. The use shall not be located within 500 feet, measured in any direction, of any indoor recreation & entertainment establishment that caters to, or markets itself predominantly to, persons under 21-years of age. (See Section 743-301 and Section 740-308.)[1526]
3. Liquor stores, except as a part of an integrated commercial center that exceeds a gross floor area of 10,000 square feet, are prohibited within the Regional Center and North Meridian Street Corridor district.[1527]
4. Outdoor waste and recycling receptacles shall be provided, conveniently located, regularly serviced and maintained.
5. The use may not include a drive-through or walk-up window.
6. After the first day of the month that is six months after the date of adoption, new uses shall have the primary cash register area located so there is an unobstructed view between an area along the property frontage and any attendant at the cash register area.[1528]
7. The facility shall include a camera mounted inside the facility to view pedestrian entry-exit doors, the camera shall make recordings of pedestrian entry/exit during hours when the facility is open for business, and the operator shall be required to maintain recordings from the camera for a period of 48 hours after recording.[1529]

W. Manufacturing, Hazardous Materials or Objectionable Substances

1. Storage, utilization, or manufacture of explosives may be permitted in any industrial district only upon the approval of a Special Exception in accordance with Section 740-705, provided all development standards and performance standards of such district shall be met.[1530]
2. Explosives shall not be stored, utilized, or manufactured within 500 feet of a protected district or commercial district boundary, measured from the building in which the explosives are located.[1531] (See Section 743-301 and Section 740-308.)
3. This use shall not be located in a Wellfield Protection zoning district.[1532]

X. Mini-Warehouses (Self-Storage Facility)[1533]

1. All storage shall be within enclosed buildings except in the C-7, I-3 and I-4 districts.
2. Security fencing shall not include razor wire or barbed wire within 10 feet of a front lot line or transitional yard.
3. Doors to individual storage units shall not face any abutting street frontage, or, if the site is located on a corner parcel, shall not face the primary street frontage.

[1526] Language carried forward from former Section 735-202(b)(1)c, 735-203(b)(1)d, and 735-204(b)(1)d.
[1527] Revised language carried forward from former Sec. 735-604(h).
[1528] Added per comments of IMPD. Revised; applies to main registers but ancillary registers may be elsewhere; visible from the frontage but not necessarily the entire frontage.
[1529] New standard added at request of IMPD due of high incidence of gun violence in these uses. This provides for at least one point of visibility along a frontage.
[1530] Language carried forward from former Sec. 733-212(a)(4).
[1531] Language carried forward from former Sec. 733-212(b)(2).
[1532] Cross-reference to Wellfield district added.
[1533] New standards.

4. A landscaped or naturally vegetated buffer at least 50 feet in width shall be provided along any lot line that abuts a protected district.
5. Exterior access to any storage units within 100 feet, measured in any direction, of any dwelling district shall be limited to the period between 6:00 a.m. and 10:00 p.m. (See Section 743-301 and Section 740-308.)

Y. Motor Sports Industry[1534]

In the C-7, I-1, and I-2 districts, engine testing is prohibited within 2,000 feet of any protected district.

Z. Night Club or Cabaret[1535]

1. The use shall not be located within 100 feet, measured in any direction, of a protected district. (See Section 743-301 and Section 740-308.)
2. The use shall not be located within 500 feet, measured in any direction, of any indoor recreation & entertainment establishment that caters to, or markets itself predominantly to, persons under 21-years of age. (See Section 743-301 and Section 740-308.)

AA. Outdoor Advertising Off-Premise Sign

This use shall comply with Chapter 744, Article IX Signs.

BB. Parking Lot, Commercial

1. Access from Monument Circle is prohibited.
2. Notwithstanding Table 743-1: Use Table, off-street parking facilities obtaining access from any street within the CBD-1 District shall only be permitted upon the approval of a Special Exception by the Board of Zoning Appeals in accordance with 740-705 and upon the Board's determination that:
   a. The parking facility and the location of entrances and exits will not unduly inhibit traffic; and
   b. The parking facility and the location of entrances and exits will not hinder or compromise the pedestrian traffic or walkability.
3. This use may be limited by restrictions in the Regional Center and North Meridian Street Corridor district (See Section 742-202) and Chapter 931 of the Revised Code of the Consolidated City and County.[1536]

CC. Parking Garage, Commercial[1537]

1. Access from Monument Circle is prohibited.

[1534] New standard developed in response to significant noise generated from engine testing activities.
[1535] Language carried forward from former Sec. 732-205(b)(1)d, and 732-206(b)(1)d, and 732-208(b)(1)g, 735-202(b)(1)c (CBD-2 and CBD-3 districts matched language from 735-202.) Standards on trash containers and decorative fences were not carried over.
[1536] Added for clarity.
[1537] Conditions in former Sec. 735-202(b)(3)a and district specific standards in the CBD districts were consolidated and now appear in Chapter 744, Article IV Parking, Loading and Drive-Through. Prohibition on alley access except for emergencies in former Sec. 735-202(b)(3)a was deleted. Criteria for Special Exception added to guide Board in focusing on the specific issue to be addressed by the SE.

2. Notwithstanding Table 743-1: Use Table, off-street parking facilities obtaining access from any street within the CBD-1 District shall only be permitted upon the approval of a Special Exception by the Board of Zoning Appeals in accordance with 740-705 and upon the Board's determination that:
   a. The parking facility and the location of entrances and exits will not unduly inhibit traffic; and
   b. The parking facility and the location of entrances and exits will not hinder or compromise the pedestrian traffic or walkability.
3. This use may be limited by restrictions in the Regional Center and North Meridian Street Corridor district (See Section 742-202) and Chapter 931 of the Revised Code of the Consolidated City and County.[1538]

DD. Pawn Shop

1. In the Regional Center and North Meridian Street Corridor district, pawn shops are prohibited.[1539]
2. After the first day of the month that is six months after the date of adoption, new uses shall have the primary cash register area located so there is an unobstructed view between an area along the property frontage and any attendant at the cash register area.[1540]
3. When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705.[1541]

EE. Power Generating Facility, Local[1542]

1. All primary use aboveground facilities and equipment that are not fully enclosed within a building shall be located at least 100 feet, measured in any direction, from any Dwelling district. (See Section 743-301)
2. Any accessory use aboveground facilities or equipment that are not fully enclosed within a building and are located within 100 feet, measured in any direction, of a dwelling district, a vegetated buffer at least 25 feet in width, measured from and paralleling the lot line, shall be provided along such lot line.
3. In Commercial and Mixed-Use districts, all facilities shall be subject to the height regulations applicable in the district.
4. In the Industrial districts, wind generation facilities may exceed the maximum height applicable in the district by up to 30 feet.

[1538] Added for clarity.
[1539] Revised language carried forward from 735-604(i).
[1540] Added per comments of IMPD. Revised; applies to main registers but ancillary registers may be elsewhere; visible from the frontage but not necessarily the entire frontage.
[1541] The process and all of the common language shared by all Special Exceptions was moved to the Special Exception section in 740-705.
[1542] These are new standards.

FF. Printing Services[1543]

This use is not permitted within a wellfield protection district or flood control zoning district.

GG. Recycling Station[1544]

1. Facilities that accept hazardous materials or objectionable substances are not permitted within a wellfield protection district or flood control zoning district.
2. Recycling collection or exchange centers or facilities shall be attended during operating hours.[1545]
3. This use may include kiosks or bin-type collection facilities as an accessory use.[1546]
4. Materials, such as aluminum cans, plastics, paper products, tin and metal cans, glass containers household scrap and minor automobile parts made of aluminum, brass, copper, or steel may be collected. All materials collected for delivery to the center of facility shall be in amounts that allow delivery by vehicles having a Gross Vehicle Weight Rating of 14,000 pounds or less (i.e. light duty pickup or passenger automobile). All deliveries that necessitate the use of vehicles in excess of this size shall be required to deliver the recyclable materials to a recycling facility.
5. This use may include the crushing or compacting of aluminum recyclable materials, such as cans, in order to facilitate their handling and transport, provided that in C-4 and C-5 districts all crushing or compacting takes places indoors. This processing step shall be an incidental aspect of the center.
6. A sign shall be posted indicating that hazardous materials or objectionable substances shall not be left after hours or at any time an attendant is not present.
7. This use may require a license per Section 951-402 of the Revised Code of the Consolidated City and County.

HH. Retail, Light General [1547]

1. In the MU-1, MU-3, and MU-4 districts, no single light general retail use shall exceed 15,000 square feet. This standard only applies to the portion of the building used for that retail establishment, not the total square footage of the building itself.
2. In the MU-2 district, no single light general retail use shall exceed 8,000 square feet. This standard only applies to the portion of the building used for that retail establishment, not the total square footage of the building itself.
3. An accessory retail use shall be within a building that contains a permitted primary use.
4. In the D-9, D-10 and C-1 districts, an accessory retail use shall not exceed the ground-floor square footage of the primary building containing the use.

[1543] This is a new standard.
[1544] New simplified standards replace detailed standards in former Sec. 732-214(d). Title changed from Recycling Exchange Center.
[1545] This is a new standard.
[1546] This is a new standard.
[1547] New standards, some based on C-3C limit in 732-204(b)(1)a. Area-specific use prohibitions on specific auto-oriented uses in the CBD-1 and CBD-2 districts now appear as use standards to auto-oriented uses. Added accessory retail use standards.

II. Retail, Heavy General [1548]

1. In the CBD-1 and CBD-2 districts, no single use shall exceed 25,000 square feet of gross floor area. This standard only applies to the portion of the building used for retail, not the total square footage of the building itself.
2. In the C-4, CBD-1, and CBD-2 districts, outdoor retail, including sales of model homes, garages, outbuildings, gravestones, and monuments are prohibited.
3. Outdoor flea markets are only permitted in C-5 and C-7 zoning districts.[1549]

JJ. Substations and Utility Distribution Nodes[1550]

1. High-tension power transmission lines shall only be permitted in industrial districts or in SU-43 district for power transmission lines.
2. After the first day of the month that is six months after the date of adoption, new uses shall include motion-activated lighting that complies with Chapter 744, Article VI Street and Exterior Lighting.
3. After the first day of the month that is six months after the date of adoption, new uses shall comply with landscaping and buffering standards applicable to freestanding wireless communication facilities.

KK. Tattoo Parlor[1551]

1. In the C-4, C-5 and C-7 districts, the use shall not be permitted within 1,000 feet of any protected district[1552] (See Section 743-301 and Section 740-308).
2. This use shall be permitted in the C-3, MU-3, and MU-4 districts only upon approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and shall not be located within 500 ft. of the following (See Section 743-301 and Section 740-308):
   a. Dwelling districts;
   b. Historic preservation districts;
   c. PK-1 Park district;[1553]
   d. University quarter districts;
   e. SU-1 District (church);
   f. SU-2 District (school);
   g. SU-37 District (library);
   h. SU-38 District (community center); or

[1548] New standards Area-specific use prohibitions on specific auto-oriented uses in the CBD-1 and CBD-2 districts now appear as use standards to auto-oriented uses.
[1549] This is an existing standard from the district permitted use lists.
[1550] Standards 2 and 3 added per comments by IMPD
[1551] The statement of purpose has been consolidated with other statements of purpose. Requirement for a Special Exception approval, and required findings of fact for that approval from former Sec. 732-215, are now located in Chapter 740, Section 740-705 Special Exceptions. References to Market Square district have been deleted, since it no longer exists.
[1552] New standard to replace previous requirement for Special Exception.
[1553] Refined to PK-1 only since some PK-2 districts actually have heavy commercial uses.

i. All portions of the perimeter of a lot containing an elementary school, junior high school or high school, as defined in IC 20-10.1-1, regardless of zoning classification.[1554]

LL. Truck Stop

The parking of trucks or trailers shall not be defined or construed as outdoor storage in computing permitted outdoor storage and operations.[1555]

MM. Warehousing, Wholesaling, and Distribution

1. Any operations, servicing or processing (except storage and off-street loading) shall be conducted within completely enclosed buildings except in the I-2, I-3, and I-4 districts.[1556]
2. In the I-2 and I-3 districts, all operations, servicing or processing located within 500 feet of a protected district boundary (except storage and off-street loading) shall be conducted within completely enclosed buildings. (See Section 743-301 and Section 740-308.)[1557]

NN. Waste or Recycling Transfer Facility[1558]

1. The use is not permitted in a wellfield protection district or flood control zoning district.
2. Outdoor waste or recycling transfer facilities are only permitted in the I-3 and I-4 districts.
3. In the I-4 districts, the parking of trucks or trailers shall not be defined or construed as outdoor storage in computing permitted outdoor storage and operations.[1559]
4. When indicated as requiring a Special Exception in Table 743-1: Use Table, this use shall only be permitted after approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705.[1560]

OO. Wireless Communications Facility [1561]

1. Statement of purpose

a. This article creates the framework for wireless communications regulations, so that wireless communications facilities can be sited in a manner that provides comprehensive service to the community, which protects the community from clutter and design, which is compatible with existing and future land use, and which reinforces the need for an urban landscape that contributes to a sense of place and sense of community. These regulations have been developed in accordance with the technological considerations known at this time, with some anticipation for future changes in the wireless communications industry. Changes

[1554] From former Section 732-215(a).
[1555] Language carried forward from former Sec. 733-204(a)(1)e,733-205(a)(1)c, 733-208(a)(1)e, and 733-209(a)(1)c.
[1556] Language carried forward from former Sec. 733-202(a)(1)a.
[1557] Language carried forward from former Sec. 733-203(a)(1)a and 733-204(a)(1)a.
[1558] There are new standards, except as noted.
[1559] Language carried forward from former Sec. 733-205(a)(1)c and 733-209(a)(1)c.
[1560] The process and all of the common language shared by all Special Exceptions was moved to the Special Exception section in 740-705.
[1561] Language carried forward from former Sec. 735-IX.

to the industry that were not anticipated will be considered in future amendments to this article.

b. The purpose of the wireless communications regulations set forth in this article shall be to: encourage facilities to be located in areas least disruptive to residential, park and greenway uses and functions, including wildlife habitats, and to be as unobtrusive and invisible as reasonably possible; encourage designs and use of colors that are compatible with the adjacent land uses; retain current residents and attract new residents to the city; encourage and facilitate installation of necessary and desirable wireless communications infrastructure; preserve and improve the appearance of the city as a place in which to live and work as an attraction to nonresidents who come to visit or trade; safeguard and enhance property values; protect public and private investment in buildings and open spaces; supplement and be a part of the regulations imposed and the plan set forth under the Comprehensive Plan for Marion County; and promote the public health, safety, morals and general welfare.

2. Wall-mounted and roof-mounted facilities[1562]

a. When permitted in D-A, D-S, D-1, D-2, D-3, D-4, D-5 and D-5II districts, wall-mounted and roof-mounted Wireless Communications Facilities (WCF) shall be in compliance with the following requirements:

1. WCF shall be no greater than 3 square feet in area and no more than 6 inches deep (excluding antennas).
2. Antennas may extend no more than 24 inches from the wall or other surface to which they are mounted.
3. WCF shall be compatible with the colors of the wall on which they are located.
4. WCF shall be located in a place least obtrusive to public view.
5. Administrator's approval is required for all wall-mounted and roof-mounted WCF.

b. In all other districts, where permitted by this article, wall-mounted WCF shall be in compliance with the following requirements:

1. Wall-mounted WCF may extend a maximum 24 inches from the side of the building on which the WCF is located. The distance shall be measured from the point on the wall where the WCF is attached, at right angles from the wall, to the furthermost extension of the WCF.
2. Wall-mounted WCF shall be compatible with the colors of the wall on which they are located.
3. Wall-mounted WCF shall be designed to be compatible with the design and materials of the building on which the WCF will be attached, and located in a place least obtrusive to public view.

[1562] From former Section 735-903.

4. The total area of all wall-mounted WCF located on a building side shall not exceed 2% of the area of the side of the building on which the structure is located.
5. Wall-mounted WCF may extend a maximum of 10 feet above the wall on which they are located.
6. Administrator's approval is required for all wall-mounted WCF.

3. **Landscaping**[1563]

a. Landscape yard shall be provided around the entire perimeter of a tower site to screen the fence and the equipment structure, exclusive of vehicular or pedestrian entrances. This yard shall be planted to provide a continuous landscape screen around the site. This may be done by one of the following methods:

1. Shrubs. Shrubs shall have a minimum height of 4 feet and shall be planted at a maximum of 4 feet on center. The shrubs shall be evergreen shrubs or densely twigged deciduous shrubs.
2. Deciduous ornamental trees or multi-stemmed trees. Deciduous ornamental trees or multi-stemmed trees shall have a dense branching pattern that extends to the ground and shall be a minimum size of 1½ caliper inches at time of planting and shall be planted at a maximum of 10 feet on center.
3. Evergreen trees. Evergreen trees shall have a dense branching pattern and shall be planted at a maximum of 12.5 feet on center.
4. Existing trees and shrubs. Existing trees and shrubs may be used to screen the site. If the existing vegetation does not form a continuous screen around the site or does not extend from the ground to a height of 6 feet, it shall be supplemented with additional vegetation.
5. Combination. A combination of the above methods may be used, provided that the vegetation forms a continuous screen around the site or extends from the ground to a height of 6 feet.
6. Maintenance. Where multiple users of a site are involved, the owner of the site shall be responsible for the installation and maintenance of all landscaping.

b. The landscape yard shall be a minimum of 10 feet in width. If using method (3), the yard shall be 20 feet in width to accommodate the larger width of the vegetation.

c. The minimum size of all required landscape plant materials, at the time of planting, including replacement trees and shrubs, shall be as required in Section 744-503.E.

d. The required landscaping shall be maintained at all times and replaced if it dies, for as long as the use remains.

[1563] From former Section 735-904. Revised to clearly indicate that standards apply to tower structures, not wall and roof mounted facilities.

e. The Administrator shall have the power to modify or waive any of the foregoing landscape requirements and approve alternatives for those requirements as long as the alternative plan is appropriate for the site and its surroundings and is compatible and consistent with the intent of the stated standards.

f. After the first day of the month that is six months after the date of adoption, new uses shall include motion-activated lighting that complies with Chapter 744, Article VI Exterior Lighting.[1564]

4. **Guy anchorages**[1565]

No guy anchorages shall be located within any front, side or rear transitional yard, and shall be set back at least 30 feet from any lot line.

5. **Provisions for more than one user**[1566]

a. Sufficient land shall be secured by the initial WCF tower provider to reserve adequate area for more than one equipment structure.

b. All towers shall be designed and constructed so that more than one wireless communications company may attach equipment to the tower. When applying for an Improvement Location Permit, the owner of the tower shall provide assurance that the tower is available for use by other wireless communications providers.

6. **More than one tower in a half mile**[1567]

a. If any tower is proposed within ½-mile radius of another tower, prior to obtaining an Improvement Location Permit, the entity requesting the new tower must:

1. Identify all towers within one-half-mile radius of the proposed tower; and

2. Provide information to the Administrator outlining the reasons those towers cannot be used for additional WCF.

b. If there is space available for additional WCF on any of those towers, as required by Section 743-305.RR.5 above, or by previous variance condition or commitment, or if the reasons are found by the Administrator not to be justified, the Improvement Location Permit for the new tower shall not be granted.

7. **Existing towers**[1568]

All towers that are legally established on August 2, 1999[1569] may be used for WCF, as long as the height is not increased, nor the location of the tower changed.

8. **Signs prohibited**[1570]

No lettering, symbols, images, trademarks, signs or advertising of any kind shall be placed on, or affixed to, any part of a tower or structure, other than as required by the Federal Aviation Administration, by Federal Communications Commission or other agency regulations, or as required to protect public health and safety.

[1564] Standard f. added per comments by IMPD.
[1565] From former Section 735-905.
[1566] From former Section 735-906.
[1567] From former Section 735-907.
[1568] From former Section 735-908.
[1569] Date of originating ordinance inserted
[1570] From former Section 735-909.

9. Where permitted[1571]

a. Wireless communication facilities may be located in the zoning districts indicated on the following chart, subject to the standards referenced on the chart. Sites located within a locally designated historic district are also subject to the requirements of IC 36-7-11.1, and sites located within the Meridian Street Preservation Area are subject to the requirements of IC 36-7-11.2. This Section 743-305.RR.9 is not intended to alter or affect the authorities of the Indianapolis Historic Preservation Commission (IHPC) or the Meridian Street Preservation Commission (MSPC), or the foregoing Indiana statutes.

b. Wireless communications facilities may also be located:

1. On signs as regulated by Section 743-305.RR.13;
2. In high-power electric transmission line easements or rights-of-way as regulated by Section 743-305.RR.12.a); and
3. In public rights-of-way, as regulated by Section 743-305.RR.12.

Table 743-305-1: Summary of Wireless Communication Location Standards[1572]

Zone	Wall-Mounted WCF	Roof-Mounted WCF	Monopole Tower for WCF	All Other Towers for WCF	Height Category
D-A	Yes	Yes	No	No	5
D-S	Yes	Yes	No	No	5
D-1	Yes	Yes	No	No	5
D-2	Yes	Yes	No	No	5
D-3	Yes	Yes	No	No	5
D-4	Yes	Yes	No	No	5
D-5	Yes	Yes	No	No	5
D-5II	Yes	Yes	No	No	5
D-6	Yes	Yes	No	No	4
D-6II	Yes	Yes	No	No	4
D-7	Yes	Yes	No	No	4
D-8	Yes	Yes	No	No	4
D-9	Yes	Yes	No	No	4
D-10	Yes	Yes	No	No	4
D-11[1573]	Yes	Yes	No	No	5
D-P	(Note 1)	(Note 1)	(Note 1)	(Note 1)	(Note 1)
C-1	Yes	Yes	No	No	4
C-3	Yes	Yes	No	No	4
C-4[1574]	Yes	Yes	Yes	No	3

[1571] From former Section 735-910. Table revised to reflect consolidation of existing districts and addition of new Mixed-Use districts.
[1572] Development Plan districts have been removed from this table, since these issues are addressed during the Development Plan process and separate standards may need to apply to these large and unique facilities.
[1573] The D-11 district was skipped in the original Wireless ordinance; standards that match the D-5II were inserted.
[1574] Now includes land currently zoned C-6, which is currently in height category 2.

Table 743-305-1: Summary of Wireless Communication Location Standards[1572]

Zone	Wall-Mounted WCF	Roof-Mounted WCF	Monopole Tower for WCF	All Other Towers for WCF	Height Category
C-5	Yes	Yes	Yes	No	3
C-7	Yes	Yes	Yes	No	2
C-S	Yes	Yes	(Note 2)	(Note 2)	(Note 2)
MU-1	Yes	Yes	No	No	4
MU-2	Yes	Yes	No	No	4
MU-3	Yes	Yes	No	No	4
MU-4	Yes	Yes	No	No	4
CBD-1	Yes (Note 3)	Yes (Note 3)	Yes (Note 3)	No	1 (Note 3)
CBD-2	Yes (Note 3)	Yes (Note 3)	Yes (Note 3)	No	1 (Note 3)
CBD-3	Yes (Note 3)	Yes (Note 3)	No	No	4
CBD-S	(Note 4)	(Note 4)	(Note 4)	(Note 4)	(Note 4)
I-1	Yes	Yes	No	No	4
I-2	Yes	Yes	Yes	No	2
I-3	Yes	Yes	Yes	Yes	2
I-4	Yes	Yes	Yes	Yes	2
SU-1	Yes	Yes	(Note 6)	(Note 6)	(Note 6)
SU-2	Yes	Yes	(Note 6)	(Note 6)	(Note 6)
SU-3	Yes	Yes	(Note 6)	(Note 6)	(Note 6)
SU-5	Yes	Yes	Yes	Yes	1
SU-9	Yes (Note 5)	Yes (Note 5)	(Note 8)	(Note 8)	(Note 8)
SU-10	Yes	Yes	(Note 6)	Note 6)	(Note 6)
SU-13	Yes	Yes	Yes	Yes	1
SU-18	Yes	Yes	Yes	Yes	1
SU-23	Yes	Yes	Yes	Yes	1
SU-28	Yes	Yes	Yes	Yes	1
SU-35	Yes	Yes	Yes	Yes	1
SU (all other)	Yes	Yes	No	No	4 (Note 7)

Notes:
1. Provisions for wireless communications must be provided in the D-P development statement.
2. Provisions for wireless communications shall be provided in the C-S rezoning ordinance. If no specific provisions were listed, wall- and roof-mounted WCF are subject to height Category 4.
3. The appropriateness of the request will be evaluated in the regional center review process.
4. Provisions for wireless communications must be provided in the CBD-S rezoning ordinance.
5. The appropriateness of the request will be evaluated in the special districts review process.
6. Requires approval of special exception by Board of Zoning Appeals.
7. Requires Administrator's approval.
8. If proposed tower is within 500 feet of a dwelling district, requires special exception, where height will be determined. Wall- and roof-mounted WCF subject to height Category 4. Towers over 500 feet from a dwelling district subject to height Category 1.

10. Height regulations[1575]

a. ***Category 1***. No height restrictions.

b. ***Category 2***[1576]

1. In the C-7 districts, no height restrictions for freestanding WCF located 500 feet or more from a protected district or a greenway. In the I-2, I-3 and I-4 districts, no height restrictions for freestanding WCF located 300 feet or more from a protected district or a greenway.
2. Within 500 feet of a protected district or a greenway, in the C-7 districts, the height for a freestanding WCF is limited to a maximum of 25 feet higher than the building height permitted by the district where the WCF is located. Within 300 feet of a protected district or a greenway, in the I-2, I-3 and I-4 districts, the height for a freestanding WCF is limited to a maximum of 25 feet higher than the building height permitted by the district where the WCF is located.
3. Roof-mounted WCF subject to the following:
   i. Height may be 10 feet greater than the existing building height.
   ii. Height may be increased to 20 feet greater than the existing building height, if the height increase is approved by the Administrator.
4. Wall-mounted WCF may extend a maximum of 10 feet above the wall on which they are located.

c. ***Category 3***[1577]

1. Maximum height of 90 feet allowed for freestanding WCF located 500 feet or more from a protected district or a greenway.
2. Within 500 feet of a protected district or a greenway, the height for a freestanding WCF is limited to a maximum of 5 feet higher than the building height permitted by the district where the WCF is located.
3. Roof-mounted WCF subject to the following:
   i. Height may be 10 feet greater than the existing building height.
   ii. Height may be increased to 20 feet greater than the existing building height, if the height increase is approved by the Administrator.
4. Wall-mounted WCF may extend a maximum of 10 feet above the wall on which they are located.

d. ***Category 4***[1578]

1. Roof-mounted WCF subject to the following:
   i. Height may be 10 feet greater than the existing building height.

[1575] From former Section 735-911. Revised to reflect consolidation of existing districts and addition of new Mixed-Use districts.
[1576] C-ID district was merged into C-7, but are still subject to Category 2 height limits.
[1577] C-6 district was merged into C-4, and former C-6 lands are now subject to a Category 3 height limit.
[1578] New and renamed MU districts are included in this category; no change for former C-2 and C-3C lands.

ii. Height may be increased to 20 feet greater than the existing building height, if the height increase is approved by the Administrator.

2. Wall-mounted WCF may extend a maximum of 10 feet above the wall on which they are located.

e. ***Category 5.*** Wall-mounted and roof-mounted WCF antennas may extend a maximum of 2 feet above the wall or roof on which they are located.

11. Equipment structures for WCF[1579]

a. *Commercial, mixed-use, industrial, and dwelling districts*. Equipment structures shall be located in compliance with the specific accessory structure requirements for the district in which the site is located.[1580]

b. *Central business districts*. Equipment structures are subject to the regional center approval process requirements.

c. *Hospital districts, university quarter districts, and park districts*. Equipment structures are subject to the special district approval process requirements for HD-1, HD-2, UQ-1 UQ-2 and PK-2, or special exception process as required for PK-1.

d. *Special Use Districts*.

1. Equipment structures shall not exceed 300 square feet in area, with a maximum height of 15 feet.

2. The location of equipment structures shall be subject to Administrator's approval.

12. Transmission line easements and public rights-of-way[1581]

a. Wireless communications facilities may be located in high-power electric transmission line and substation easements or rights-of-way and public rights-of-way, under the following circumstances.

1. High-power electric transmission line easements or rights-of-way

i. Existing utility structures. WCF may be located on existing utility structures, as long as the height of the WCF and the structure together is not more than 110% of the height of the existing structure.

ii. New WCF structures. New WCF structures shall only be located within the footprint of an existing utility structure (except in PK-1, where the location is subject to a special exception). WCF may be located on new structures, as long as the height of the WCF and the new structure together is not more than one 110% of the height of the existing utility structure.

iii. Each WCF provider shall obtain written consent of the owner of the electric transmission line structure and submit a copy of such consent along with all plans to the Administrator, and shall have its WCF design

[1579] From former Section 735-912.
[1580] New and renamed MU districts are subject to this provision; no change for former C-2 and C-3C lands.
[1581] From former Section 735-913.

package approved by the Administrator, prior to installation of any WCF on utility structures.

iv. Equipment structures for WCF. Equipment structures shall not exceed 300 square feet in area for each structure, with a maximum height of 15 feet.

2. Public rights-of-way that are local and collector streets (any streets not indicated in the Official Thoroughfare Plan).

   i. Wireless communications facilities may be located on utility poles, as long as the pole is not increased in height.

   ii. Extension from poles: WCF shall extend no more than 4 feet from the pole, measured from the pole to the furthest point of the WCF from the pole.

   iii. Equipment structures for WCF: Equipment structures shall not exceed 8 square feet in area, with a maximum projection of 2 feet from the utility pole, and shall be attached to the same utility pole as the WCF.

   iv. Design: Each WCF provider shall obtain written consent of the owner of the utility pole and submit a copy of such consent along with all plans to the Administrator, and shall have its WCF design package approved by the Administrator, prior to installation of any WCF on utility poles.

3. Other public rights-of-way (all streets indicated in the Official Thoroughfare Plan).

   i. WCF may be located on utility poles, as long as the height of the WCF and the pole together is not more than 110% of the height of the existing pole.

   ii. Extension from poles: WCF shall extend no more than 4 feet from the pole, measured from the pole to the furthest point of the WCF from the pole.

   iii. Equipment structures for WCF:

      a. Freeways and Expressways: Equipment structures in rights-of-way of freeways and expressways shall not exceed 300 square feet in area, with a maximum height of 15 feet.

      b. All other streets: Equipment structures shall not exceed 8 square feet in area.

4. Each WCF provider shall obtain written consent of the owner of the utility pole and submit a copy of that consent along with all plans to the Administrator, and shall have its WCF design package approved by the Administrator, prior to installation of any WCF on utility poles.

13. Signs[1582]

Sign-mounted wireless communications facilities may be located on legally established signs under the following circumstances:

[1582] From former Section 735-914.

a. WCF may be incorporated into a sign face, or located on a sign structure, as long as the sign face and structure are in compliance with all aspects of Chapter 744, Article IX. If the WCF is located on the outside of the sign face and structure, and is visible, the area of the antenna shall be included in the measurement of the sign area permitted by Chapter 744, Article IX.

b. Administrator's approval is required prior to installation of WCF on any sign or sign structure.

c. Equipment structures for WCF shall not exceed 200 square feet in area, with a maximum height of 10 feet. Equipment structures shall be in compliance with Section 743-305.RR.11.

d. Where signs have been approved by variance, WCF may be integrated into the sign or sign structure, only if all parameters and conditions of the variance are met.

14. Special exception[1583]

Where wireless communications facilities are permitted only upon approval of a Special Exception by the Board of Zoning Appeals in accordance with Section 740-705, and the following:

a. The grant will assure that the design of the WCF is compatible with the surrounding environment, by camouflage, integration with existing structures, or other design-related solution;

b. The grant is consistent with the 1996 Telecommunications Act; and

c. The grant is consistent with the statement of purposes for WCFs.

15. Tower removal[1584]

a. All towers that cease to be used for a period of more than one year shall be removed.

b. Before obtaining an Improvement Location Permit for a tower, an applicant that is not also the owner of the property must provide recordable evidence of a written agreement (a lease, a memorandum of lease, an affidavit or other recordable instrument) between the WCF operator and the property owner that the WCF operator has agreed to remove the tower as required by this Section 743-305.RR.15 and further granting a right of access to the Department of Metropolitan Development to enforce this section and cause removal of the tower. If the Department of Metropolitan Development causes the removal of the tower pursuant to this Section 743-305.RR.15, the WCF operator, its successors, all other past users of the tower and the owner of the property upon which the tower is located shall be jointly and severally liable for the costs incurred by the Department of Metropolitan Development in accomplishing the removal.

c. Within 30 days after use of a tower has ceased, the last user shall notify the Administrator of the discontinued use.

[1583] From former Section 735-915.
[1584] From former section 715-916.

16. Improvement Location Permit[1585]

An Improvement Location Permit application for a WCF shall include the following:

a. Site and landscape plans, drawn to scale;

b. A description of the WCF and its design;

c. Documentation, establishing the structural integrity of the WCF;

d. A statement that the WCF meets the standards of the American National Standards Institute;

e. A statement regarding the availability of another WCF provider to use a tower, as required in Section 743-305.RR.5;

f. Proof of ownership of the proposed site, or property owner's consent to use the site for WCF;

g. Copies or other evidence of any necessary easements;

h. A map indicating the existing topography of the site; and

i. For a variance or special exception, a graphic or photographic representation shall be submitted that shows the height of the WCF, in relation to its surroundings.

17. Standards of Administrator's approval[1586]

a. Where the Administrator has been given the authority to review and approve certain aspects of WCF, the following standards shall be considered:

   1. The visual impact of the proposed WCF on the adjacent properties, and the community as a whole;

   2. The recommendations of the comprehensive plan or the most recently adopted neighborhood plan for the site in question;

   3. Current trends in the WCF industry and their potential impact on the community;

   4. Consistency with other designs approved in other areas of the city;

   5. Compliance with the Telecommunications Act of 1996; and

   6. Necessary or desirable infrastructure requirements of the community.

b. The Administrator's decision may be appealed in accordance with the provisions of the rules of procedure of the Board of Zoning Appeals.

18. Excluded cities[1587]

Prior to applying for an Improvement Location Permit (ILP) for a WCF in an excluded city, the WCF provider shall provide a written letter to the excluded city, indicating their intent. The letter shall be mailed at least 5 days prior to applying for the ILP, and shall include the proposed location, type, and design of the WCF, and a contact

[1585] From former Section 735-917.
[1586] From former Section 735-919.
[1587] From former Section 735-920.

person for the WCF provider. The WCF provider shall submit a copy of the letter, and proof of mailing with the application for the ILP.

PP. Wrecking or Salvage Facility

1. The use is not permitted in a wellfield protection district or flood control zoning district.
2. The crushing or shredding of motor vehicles, in whole or in part, is prohibited within 3,000 feet of a protected district. (See Section 743-301 and Section 740-308.)
3. Crushing or shredding is prohibited before 8:00 a.m. and prohibited after 6:00 p.m.[1588]

[1588] New standard.

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Section 06. Accessory and Temporary Uses[1589]

A. General Conditions in the Dwelling Districts

1. Accessory uses in all dwelling districts shall comply with the following requirements:
    a. Any accessory use shall be customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot.
    b. Any accessory use shall be operated and maintained under the same ownership and on the same lot as the primary use.
    c. Accessory uses or structures shall not be permitted on a lot prior to the erection of the primary building.
2. Accessory buildings and minor residential structures in all dwelling districts shall comply with the following requirements:[1590]
    a. The horizontal land area covered by the primary building and all accessory buildings and all game courts and all minor residential structures must cumulatively meet the required open space requirement of the district.
    b. The horizontal land area covered by any one accessory building or minor residential structure must be less than the horizontal land area covered by the primary building.
    c. The height of any accessory building or minor residential structure shall be less than the height of the primary building.
3. In the D-A district on lots in which an agricultural use is being conducted, the height of buildings and structures, except for the primary dwelling unit, shall not be limited if used for agricultural purposes, such as barns, silos, or equipment sheds.[1591]
4. On lots in the D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II and D-8 dwelling districts improved with a Single-family detached dwelling, Single-family atttached dwelling, or Two-family dwelling, minor residential structures:
    a. Shall not be located closer to any front or side lot line than the required minimum front and side yard setbacks of the dwelling district, or, in the case of a front yard, the established front yard setback on the lot, whichever is greater;
    b. Shall not be located closer to any rear lot line than 5 feet;
    c. Shall comply with the minimum side yard requirements of the district independently of the side yards established by the primary building; and
    d. Shall not encroach upon, as the primary building shall not encroach upon, any platted easement.

[1589] Accessory and temporary use categories were consolidated in the use table and use-specific standards. Standards for “Indoor Recreation & Entertainment” from former Section 735-204(b)(1)e. regarding spacing from specific uses were not carried over. Standards for “Temporary Parking Lot (For Up to 5 Years), Primary Use” from former sections 735-202(a)(8), 735-203(a)(8), and 735-204(b)(3)b were not carried over because the time period for those temporary uses has expired.

[1590] Changed the former 75% limit on size of accessory buildings to each accessory structure must have a smaller footprint than the house and the total of all footprints must meet the open space standard. Added game courts into the calculation.

[1591] Separated agricultural activities so there is no height limit.

5. In the D-6, D-6II, D-7, D-8, D-9 and D-10 dwelling districts, minor residential structures and residential support facilities or amenities:
   a. Shall not be located closer to any front, rear or side lot line than the required minimum perimeter yard setback of the dwelling district, or, in the case of a front yard, the established front yard setback on the lot, whichever is greater; and
   b. Shall not encroach upon, as the primary building shall not encroach upon, any platted easement.

B. Prohibited Activities in the Dwelling Districts

The following activities are prohibited in all Dwelling districts, and may not be approved by the Administrator.[1592]

1. Dismantling, repairing or restoring of vehicles: No person shall dismantle, repair, restore or otherwise perform any work on any vehicle, machine, motor, or similar device not owned or leased by that person or a member of that person's family, on any property in a Dwelling district. In addition, any work beyond basic maintenance performed shall be:
   a. Incidental to a permitted use and completely within a garage or carport; or
   b. Completely within an area wholly enclosed from the view of surrounding properties and rights-of-way by a solid structural barrier (either a wall or fence of ornamental block, brick, wood, or combination of those materials) of 6 feet in height.
2. Storing of inoperable vehicles in dwelling districts: No inoperable vehicle shall be stored, maintained or kept on any property in a Dwelling district unless such vehicle is:
   a. Owned or leased by the resident of the property on which it is stored or by a member of that person's family; and
   b. Completely within an accessory building.
3. Storing of commercial motor vehicles in dwelling districts: No commercial motor vehicle or trailer shall be parked, stored, maintained or kept on any property in a Dwelling district unless:
   a. The vehicle has a gross vehicle weight rating (GVWR) of 14,000 pounds or less;[1593] and
      i. Serves as the sole vehicular transportation of a resident of the property upon which it is parked, stored, maintained or kept; or
      ii. Such vehicle is within a garage or carport.
   b. Commercial motor vehicles that are in the course of making normal and reasonable service calls are exempt from this provision.

[1592] From former Sec. 731-219(c). Excepted out basic maintenance so it could be done at one's home.
[1593] Replaces the ton rating of vehicles, which is outdated. GVWR is the maximum total weight of the vehicle, passengers, and cargo that the vehicle can safely handle. GVWR can be found on every vehicle inside the driver's door. 14,000 lbs. includes all passenger vehicles and light duty pick-up trucks.

C. General Conditions for All Accessory Uses & Buildings in Commercial and Mixed-Use Districts

1. Accessory uses, buildings and structures shall not be located in any transitional yard or edge buffering area or required landscape area.
2. The total square footage of all accessory buildings shall not exceed the maximum limit indicated in the Table 743-306-1 below:[1594]

Table 743-306-1: Maximum Accessory Square Footage Total

Zoning District[1595]	Maximum square footage of all accessory buildings
C-1, MU-3, and MU-4 districts	10% of the total gross floor area of all primary buildings.[1596]
C-3, C-4, C-5, MU-1, and MU-2 districts	25% of the total gross floor area of all primary buildings.[1597]
C-7 district	50% of the total gross floor area of all primary buildings.[1598]

D. Amateur Radio Antenna

1. The height including masts shall not exceed 75 feet measured from grade level at the base of the antenna.
2. The antenna shall not be located in the front yard as established by the building line of the existing primary building.

E. Antenna, Radio or Television Broadcasting[1599]

1. In the Regional Center and North Meridian Street Corridor district, the antenna shall not be located on a freestanding tower. It may be mounted on rooftops or attached to a building.[1600]
2. In the Industrial districts, the antenna may be located on a freestanding tower, subject to the height requirements of the district.

F. Automated Teller Machine (ATM)

1. Automated teller machines are not permitted on undeveloped parcels or lots without a primary building.[1601]
2. Automated teller machines must be located within or incorporated into a primary building or as a drive-through facility.
3. After the first day of the month that is six months after the date of adoption, new ATMs accessible after hours or accessible from the outside shall be located so there is an unobstructed view from a property frontage.[1602]

[1594] Changed "use: to "buildings" for ease of calculation; use limitations of specific accessory functions are handled in the use-specific standards.
[1595] Table revised to include new Mixed-Use districts.
[1596] Standard carried forward from 732-201(a)(1)g
[1597] Standard carried forward from 732-203(a)(1)g, 732-205(a)(1)j, 732-206(a)(1)j,
[1598] Standard carried forward from 732-208(a)(1)m,
[1599] New use & standard to distinguish from other types of antennae; these must be located hundreds of feet in the air.
[1600] Changed to match the Regional Center district.
[1601] Clause regarding lots without a primary building is new.

G. Child Care Home[1603]

1. A child care home is only permitted as an accessory use to a dwelling unit. It is not considered a Home Occupation.
2. The child care provider shall reside on site as their permanent residence.
3. Child Care Homes must be licensed and shall comply with all provisions of Indiana Code Title 12.[1604]

H. Drive-Through[1605]

1. Drive-through including lanes must be located at least 25 feet from the boundary of any protected district. Impacts along the boundary with those districts shall be buffered in accordance with the standards of Section 744-506.B.
2. Any drive-through in which a portion of the drive through is located between the primary structure and a property boundary with a Dwelling district, the noise from speakers shall be limited to 70 decibels at the property line with the Dwelling district.
3. No service unit[1606] shall be located on a façade that is adjacent to or faces a public right-of-way that exceeds 30 feet in width. No off-street stacking space shall be located in a front yard that is along a public right-of-way that exceeds 30 feet in width. In all instances, service units shall be screened from all public rights-of-way that exceed 30 feet in width regardless of proximity.
4. In the MU-1, MU-2 and CBD-2 districts, no vehicle lane or stacking space may be located in the front yard except for a driveway extending along the shortest, most direct route.

I. Employee Living Quarters[1607]

1. The occupancy by the employee shall occur within the primary building or secondary dwelling unit.
2. No alteration shall be made to the primary building to create a room or rooms that are only accessible from the exterior of the primary building.

J. Game Courts[1608]

1. Game Courts may be used by the occupants and guests of the primary use, and shall not be made available for use by the public with or without a fee.[1609]
2. Game courts shall not be located closer to any front, side or rear lot line than the required minimum front, side and rear yard setbacks of the dwelling district, nor shall any part of a game court project into the front yard as established by the existing primary building, except as stated in subsection 3 below.

[1602] Added per comments of IMPD.
[1603] New standard to reflect current practice.
[1604] Clause reading "[as that title may be amended]" was deleted since successor agencies and laws will be addressed in Chapter 740.
[1605] New standards.
[1606] Update term "Service Window" to "Service Unit"
[1607] From former Section 731-219(a)(8).
[1608] Revised from former Section 731-219(b)(6).
[1609] Content moved from definition.

3. Basketball goals may be located along a driveway in any yard area, however may not encroach onto a public right-of-way.[1610]
4. Game courts shall not be considered as building area.
5. Game court lighting shall be subject to the exterior lighting standards in Section 744-603 (Required Lighting).[1611]
6. Lights for game courts in the D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II, and D-8 districts shall not be higher than 15 feet above grade level.[1612]
7. No loud speakers, public address systems or other noise producing devices shall be permitted in association with a game court.[1613]
8. Fences that are a component of a regulation game court shall not be subject to the fence height limitations of Section 744-511.A.2. Fences that are components of game courts shall not exceed 10 feet in height.

K. Home Occupations[1614]

1. The primary use of the dwelling unit shall remain residential.
2. The dwelling unit shall not be a mobile dwelling unit.
3. The operator of the home occupation shall make the dwelling unit within which the home occupation is conducted his legal and primary place of residence, and shall also carry out more of the activities such as sleeping, eating, entertaining and other functions and activities normally associated with home life in the dwelling unit where the home occupation is being conducted than are carried out at any other place.
4. The home occupation shall be clearly incidental and subordinate to the primary residential use of the dwelling. No more than 600 square feet or 30% of the total square footage of the dwelling unit, whichever is less, shall be used in connection with the home occupation. If more than one home occupation operates in the dwelling unit, these limits shall apply to all of the home occupations combined, not to each home occupation individually.
5. The area used for the home occupation shall be finished in accordance with the Building Code as habitable space.[1615]
6. Food preparation facilities and bathing facilities shall not be removed.[1616]
7. No structural additions, enlargements or exterior alterations changing the residential appearance of the dwelling or lot shall be permitted, and no additional or separate exterior entrance shall be constructed for the purpose of conducting the home occupation.

[1610] Specific reference to encroachment onto right-of-way added.
[1611] Revised since to cross-reference standard lighting controls.
[1612] Revised standard, former code says these cannot be lighted.
[1613] New standard.
[1614] From former Section 731-220, with wording simplified and definition moved to definitions section of code. After discussions with the Task Force & Steering Committee, requirement that home occupations only occur in the primary structure have been deleted to allow use of permitted outbuildings. Text limiting the one nonresident assistant to certain roles was deleted as unnecessary and difficult to enforce.
[1615] New provision to address noise concerns particularly from detached buildings. Revised to habitable space.
[1616] New standard

8. No provision for off-street parking or loading facilities, other than requirements of the applicable Dwelling district, shall be permitted. No part of the minimum required yard shall be used for such off-street parking or loading purposes. No additional driveway to serve the home occupation shall be permitted.
9. The home occupation shall not regularly attract more than 4 individuals simultaneously onto the premises for reasons related to the home occupation and shall not generate significantly greater traffic volume than would normally be expected in the residential area in which the home occupation is conducted.
10. No display of goods or external evidence of the home occupation shall be permitted other than one window or wall sign not exceeding 2 square feet in area.[1617]
11. No goods, commodities or stock in trade shall be received, retained, used, stored on or physically transferred from the premises except for:
    a. A reasonable number of samples needed in the home occupation, or
    b. Those goods, commodities or stock in trade, a substantial portion of the value of which is or will be attributable to work or services performed by the operator of the home occupation on the premises as a part of the operation of the home occupation. These materials may include, but are not limited to:
        1. Equipment or devices, such as medical instruments in the case of a physician, necessary to the conduct of the home occupation;
        2. Materials, such as paint and canvas in the case of an artist, needed to produce a finished product or perform a service in the operation of the home occupation on the premises;
        3. Items of tangible property, such as legal documents in the case of an attorney, transferred in connection with the performance of personal services by the operator of the home occupation; or
        4. Items of tangible property, such as clothing in the case of a tailor, to be repaired, altered, or serviced by the operator of the home occupation on the premises.
12. No electrical or mechanical equipment shall interfere with local radio, television, or wireless internet connections.
13. No aspect of a home occupation, including but not limited to its hours of operation, shall interfere with the reasonable use and enjoyment of adjacent residential properties.
14. No one in addition to the operator may participate in or assist with the conduct or operation of a home occupation from a secondary dwelling unit.[1618]
15. No one may participate in or assist with the conduct or operation of a home occupation except:[1619]

[1617] After discussion with the Residential Task Force, the sign provisions were revised to include a single maximum size limit, instead of tying signs to those permitted for nonresidential uses in residential districts, which could allow signs up to 3% of wall area or 300 sq. ft.
[1618] New provision.
[1619] Text limiting the one nonresident assistant to certain roles was initially deleted as unnecessary and difficult to enforce, but added and modified at the request of the Task Force.

a. Individuals who meet the same residence requirements, set forth in paragraph 3. above, that must be met by the operator of home occupation;

b. 2 nonresident assistants, subject to the following requirements and limitations:

1. Nonresident assistant activity shall be limited to 45 hours per week per assistant.

2. If more than one home occupation is conducted in the same dwelling unit, only one of the home occupations may utilize nonresident assistance.

16. The following are not permitted as home occupations:[1620]

a. The storage or parking of non-passenger vehicles not owned by the property owner;

b. All uses involving the storage or use of hazardous materials, such as petroleum or fertilizers, or the outdoor storage of nonresidential equipment or supplies;

c. Home based food production or brewing of alcoholic beverages for sale; and

d. Repair of motor vehicles or heavy equipment.

17. Permitted home occupations shall not operate between 10:00 p.m. and 7:00 a.m.[1621]

18. Permitted home occupations shall comply with all performance standards set forth in Section 740-401.B.[1622]

19. For purposes of the Zoning Ordinance, a child care home shall be considered an accessory use, and not a home occupation.

L. Minor Mobile Home Structures[1623]

1. The height of minor accessory structures shall not exceed 12 feet measured from the finished mobile dwelling site grade level.

2. Floors of carports, patios, storage rooms and porches shall be of concrete or other permanent pavement.

M. Minor Residential Structures[1624]

1. Minor residential structures shall comply with all applicable provisions of Section 744-200 (Dimensional Standards), unless an exception is specifically stated in the Zoning Ordinance.

N. Mobile Home Display[1625]

1. A mobile dwelling project owner/operator may not display more than 6 model mobile dwellings on mobile dwelling sites in the interior of the project.

2. The model units shall not be displayed for sale or removal outside the project.

[1620] New section.
[1621] New section.
[1622] New provision to reflect current practice.
[1623] From former Section 731-215(a)(5)e with height adjusted to 12 feet to accommodate commonly available sheds.
[1624] From introduction to former Section 731-219, 731-219(b)(1)(g), and 731-219(b)(7). Exceptions have been moved and are covered in Sec 744-203.
[1625] From former Sec. 731-215(a)(5)f and g, reworded for clarity.

3. An incidental model home sign as regulated in Chapter 744, Article IX shall be permitted for each model home, but no sign relative to the model units shall be installed so as to be visible to the public outside the project.
4. Except as listed in subsections 1 and 2 above, wholesale and retail sales of mobile dwellings conducted as a business by dealers of mobile dwelling project owners/operators are prohibited. This shall not restrict the right of any individual owner of a mobile dwelling unit to sell or lease that unit.

O. Model Home

1. This use must be incidental to and necessary for the sale, rental, lease of, or construction of, real property or premises in the zoning district and located in the same subdivision under development.
2. The use shall have operational plumbing prior to use.[1626]
3. No public address systems or other noise producing devices shall be permitted.
4. All floodlights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
5. The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.
6. Adequate access and parking area shall be provided, which shall not interfere with traffic movement on adjacent streets.
7. A temporary Improvement Location Permit is required, and no temporary Improvement Location Permit shall be issued for a model home until a preliminary plat, site or landscape plan, if required, has been approved by the Administrator.
8. A temporary Improvement Location Permit for a model home shall be valid for a maximum of 18 months. An extension of time, not to exceed 180 days, may be granted by the Administrator for good cause shown. The request for extension shall be filed with the Administrator prior to the termination date of the temporary Improvement Location Permit.
9. No later than 30 days after the termination date of the temporary Improvement Location Permit, the site shall be returned as nearly as reasonably possible to its condition prior to the issuance of the temporary Improvement Location Permit, or a permanent Improvement Location Permit shall be obtained for any improvements that are to remain.

P. Outdoor Display and Sales, On-going[1627]

1. The use or structure must comply with all setback requirements for a primary building on the site.
2. Outdoor Display and Sales must not be located in any transitional yard or edge buffering area or required landscape area.
3. There shall be no outdoor displays that restrict traffic visibility in any way or impede the movement of vehicles on the site, curb cuts, or rights-of-way.

[1626] New standard.
[1627] New standards as noted. MU-3 and MU-4 districts are now treated similarly to CBD districts.

4. There shall be no outdoor displays located in or in any way conflicting with or interfering with sidewalks, walkways, off-street parking areas or required landscaping yards.
5. Outdoor displays shall be on a hard-surfaced area, such as concrete, asphaltic pavement, brick, flagstone or comparable material, and maintained in good condition.[1628]
6. All exterior displays shall be maintained in an orderly manner.[1629]
7. After the first day of the month that is six months after the date of adoption, new uses that remain outdoors at night shall include motion-activated lighting that complies with Section 744-604 (Lighting Standards).[1630]
8. After the first day of the month that is six months after the date of adoption, new uses shall be located so that an unobstructed view from the lot frontage or an adjacent property is available.[1631]
9. Unless indicated otherwise, outdoor displays and sales shall be located abutting a building exterior wall and shall not be located within a required yard or required transitional yard.[1632]
10. In the C-4 district, outdoor display and sales shall not be located in a front yard unless the display is located abutting a building exterior wall and is less than 8 feet in depth. However, automobile fueling stations in the C-4 district may have outdoor display and sales in the front yard if located on the pump island.[1633]
11. In the MU-3 and MU-4 districts, outdoor display and sales shall not be located in a front yard and any outdoor display and sales must be located abutting a building exterior wall and must be less than 8 feet in depth.[1634]
12. In the CBD-2 district, outdoor display and sales shall not exceed 25% of the gross floor area of the ground floor of the primary building.[1635]
13. Outdoor display and sales in the CBD-1 and CBD-3 districts shall only be the retail sales of beverages, flowers and food. In the CBD-1, CBD-2, and CBD-3 districts, retail sales of beverages, flowers and food may be carried out on a portion of the sidewalk abutting the same business premises provided:[1636]
    a. Regional center approval is obtained.
    b. Permission is secured from the appropriate governmental unit to use the right-of-way.
    c. The depth of the sales area shall not be greater than 50% of the depth of right-of-way extending between the back of curb (or pavement edge) to the lot line.

[1628] Language carried forward from 732-206(b)(1)b
[1629] Language carried forward from 732-208(b)(1)j
[1630] Clarified that it applies to display areas left out over night.
[1631] Standards 8 and 9 added per comments by IMPD; crime prevention technique.
[1632] Standard from 732-203 (b)(1), 732-205 (b)(1)
[1633] Replaced 200 sq.ft. limitation with locational constraints.
[1634] Added front yard restriction in MU districts.
[1635] Carried forward from 735-203(b)(1)a.3.
[1636] Language carried forward from 735-202(b)(1)b; 735-203(b)(1)c; and 735-204(b)(1)c.This pertains to an actual sales area not a seating area.

d. In no instance shall the width of the sidewalk available for use outside the sales area be less than 8 feet in the CBD districts.

e. Sales area is located at least eight feet from any building standpipe, hydrant, crosswalk, driveway, alleyway, access ramp, parking meter, landscape bed, street tree, sign post, utility pole, or similar obstacle.

f. The sales area shall not contain any sidewalk utility vault.

g. Outside of the immediately abutting primary business's hours of operation, all furniture, equipment, and goods shall be removed from the sidewalk area or otherwise secured to prevent movement by natural elements or by unauthorized persons.[1637]

Q. Outdoor Display and Sales, Temporary[1638]

1. In the Dwelling districts, any Temporary Outdoor Display and Sales shall meet the standards of Chapter 987, Article II (Garage Sales).[1639]
2. Temporary Outdoor Display and Sales by transient merchants are permitted if licensed under Chapter 987, Article I (Transient Merchant Activity).
3. Temporary Outdoor Display and Sales must not be located in any transitional yard or edge buffering area or required landscape area.
4. Unless otherwise regulated, Temporary Outdoor Display and Sales are limited to:[1640]
   a. 30 days and no more than 3 times a calendar year;
   b. Using no more than 10% of the required on-site parking spaces and maintaining vehicle maneuverability on the site;
   c. Maintaining a setback of at least 5 feet from any lot line and any sidewalk;
   d. Not obstructing any clear sight triangular area.
5. In the C-3, CBD and MU districts, Temporary Outdoor Display and Sales shall only be permitted once each month for a 3-day period provided the outdoor display and sales area is limited to 200 square feet or less.[1641]
6. In the C-4 district, Temporary Outdoor Display and Sales shall only be permitted once each month for a 3-day period provided the Temporary Outdoor Display and Sales is limited to 200 square feet or less. In addition, Temporary Outdoor Display and Sales for dealers of motor vehicles shall be permitted if the temporary outdoor display and sales:
   a. Meets the requirements of IC 9-23-2-6 and IC 9-23-2-7;
   b. Limited in duration to a total of 10 calendar days per event, and no more than two events per calendar year per site or integrated center;
   c. Limited to vehicles with GVWR of less than 14,000 pounds;

[1637] Replaced Admin approval of site plan with actual standards.
[1638] Based upon language carried over from section 733-211(d). Separated from "Outdoor Displays and Sales or Event, Temporary."
[1639] New standard.
[1640] New standards.
[1641] New standard.

d. Not located within 500 feet, measured in any direction, of any protected district. (See Section 743-301) The measurement shall be taken from the perimeter of the display or operations area of the Temporary Outdoor Display and Sales to the zoning boundary of the protected district;

e. Complies with all setback requirements for a parking area on the site;

f. Does not encroach upon any interior access drive or parking maneuvering area or otherwise inhibit the internal circulation of the remaining vehicle areas.[1642]

R. Outdoor Seating or Patio (Nonresidential)[1643]

1. A decorative fence or wall or similar barrier shall be erected and maintained between any outdoor seating or patio area and a right-of-way. The fence, wall or barrier shall be at least 3 feet in height.
2. Outdoor waste and recycling receptacles for customers shall be provided, conveniently located, regularly serviced and maintained.

S. Outdoor Storage and Operations[1644]

1. Outdoor storage and operations shall not be permitted in the Regional Center and North Meridian Street Corridor district.[1645]
2. Outdoor storage and operations must be screened in accordance with Section 744-508.C.[1646]
3. Outdoor storage and operations shall not be located in any transitional yard or edge buffering area or required landscape area.
4. Maximum height of outdoor storage shall be 10 feet with solid screening required and no storage higher than the screening if located within 500 feet of a protected district in the Metro Context Area or within 300 feet of a protected district in the Compact Context area. However, in the I-1 district, the maximum height of outdoor storage shall be the height of the screening.
5. Outdoor storage and operations is permitted in the following districts as indicated in the Table 743-306-2 and shall not exceed the maximum limits indicated in Table 743-306-2 below:

Table 743-306-2: Maximum Outside Storage and Operations Permitted

Zoning District	Outside Operations	Outside Storage	Maximum square footage of all outdoor storage and operations	Maximum height of storage near protected district [1]

[1642] Language carried forward from 732-205(b)(1)k.
[1643] Standards from 735-202. Note:Sidewalk Cafes are in the ROW; Outdoor seating or patio is outside of the ROW.
[1644] Term expanded to cover both operations and storage; added C-5 and C-7 to the table.
[1645] Standard from 735-60(f)
[1646] Language carried forward from 733-206(a)(1)b. Text simplified and solid fence requirement clarified.

Table 743-306-2: Maximum Outside Storage and Operations Permitted				
Zoning District	**Outside Operations**	**Outside Storage**	**Maximum square footage of all outdoor storage and operations**	**Maximum height of storage near protected district [1]**
C-5	Permitted	Only storage of inoperable vehicles awaiting repair is permitted	Storage limited to 25% of the total gross floor area of enclosed buildings; Outside operations not limited	10 feet with solid screening required and no storage higher than the screening
C-7	Permitted	Permitted	No limit	10 feet with solid screening required and no storage higher than the screening
I-1[1647]	Not permitted	Not permitted within 500 ft. of a protected district	Storage and operations limited to 25% of the total gross floor area of enclosed buildings	10 feet with solid screening required and no storage higher than the screening
I-2[1648]	Not permitted within 500 ft. of a protected district	Not permitted within 500 ft. of a protected district	Storage and operations limited to 25% of the total gross floor area of enclosed buildings	10 feet with solid screening required and no storage higher than the screening
I-3[1649]	Permitted	Permitted	No limit	10 feet with solid screening required and no storage higher than the screening
I-4[1650]	Permitted	Permitted	No limit	20 feet
Note: [1651] [1] In the Metro Context Area, within 500 feet; in the Compact Context Area, within 300 feet.				

T. Personal Garden[1652]

1. Personal beekeeping of domesticated honeybees is permitted in all districts. Without a personal livestock license, the number of bee hives on a site shall be limited to 8 hives. No bee hive shall be larger than 16 cubic feet.

[1647] Standard from 733-202(a)(1)b-c; and 733-206(a)(1)a-c
[1648] Standard from 733-203(a)(1)b-c; and 733-207(a)(1)a-c
[1649] Standard from 732-204(a)(1)b-c; and 733-208(a)(1)a-c
[1650] Standard from 732-205(a)(1)a; and 733-209(a)(1)a
[1651] Added distinction between Metro and Compact areas, which reflects existing differences between the “S” and “U” districts.
[1652] Added upon consultation with local beekeeping organizations.

2. Bee hives may be located on the ground or on the roof of a building with a permanent foundation.
3. If the opening of any bee hive located on the ground opens toward an area on-site or another lot that is an activity area, such as a walkway, play area, patio, then a barrier must be provided to cause the bee flight path to be directed at least six feet above the area.

U. Personal Livestock[1653]

The following standards govern the keeping of Personal Livestock as an accessory use in all zoning districts except Agricultural Uses and lots in the D-A district over three acres in size.

1. This use must be accessory to a single-family detached or two-family dwelling as the principal use on the same lot or parcel and shall be for personal use only.
2. The caretaker or owner of the animal must reside on the same lot as the animal.
3. The following domesticated adult animals are permitted outside in accordance with Table 743-306-3 without a Personal Livestock License pursuant to Chapter 838 of the Revised Code of the Consolidated City and County.[1654] All Category One animals may be present on a lot so long as any required minimum lot size is met. However, only a maximum of four Category Two animals may be present on a lot so long as the minimum lot size is met.
4. The number of domesticated adult animals may be increased or kept on a smaller lot if the owner maintains a valid Personal Livestock License and the conditions of that license are maintained.[1655]

Table 743-306-3: Permitted Personal Livestock

Domesticated Animal	Category	Maximum Number of Adult Animals on a Lot [1]	Minimum Lot Size
Rabbits	One	8	No minimum
Chickens, Quail, Pigeons and Ducks	One	12	No minimum
Miniature / Dwarf / Pygmy Goats that are female, or neutered male goats[1656]	One	3	1/4 acre
Sheep and Goats that are female or neutered male goats	Two	4	1 acre
Miniature Equine (horses, donkeys, mules) and Lamoids (alpacas, llamas)[1657]	Two	2	1 acre

[1653] This use and these Use-specific Standards have been separated from Personal Garden, and standards 1 and 2 has been added to clarify the intent.
[1654] Quantities apply to adult animals, which are 8-months and older; this affords time to wean and accommodate offspring until they are either slaughtered or rehomed.
[1655] New; option to have more animals with a license, which allows provisions to be made that are more context-sensitive. Cumulative amounts set.
[1656] Separated standard-sized from Miniature/ Dwarf breeds of goats.
[1657] Separated standard-sized from Miniature breeds of equine and combined lamoids into this standard.

Equine (horses, donkeys, mules)	Two	2	2 acres
Note: [1] Adult animals are those animals 8-months of age and older.			

5. Roosters are limited to one per lot and between dusk to dawn the rooster must be kept inside an enclosed coop or similar fully-enclosed structure.[1658]
6. Bee-keeping is permitted in accordance with the use-specific standards identified under Personal Garden. [1659]
7. Outside exercise area and pasture must be fenced and must not be located in the front yard. Pen, shelter, coop, roost, hutch, or other shelter for animals must not be located in a front yard and must meet setbacks required in the district. Animals must at all times be confined to the lot.
8. Reasonable care of the animals must be afforded in all aspects including proper handling, restraining, sheltering, exercise, grooming, nutrition, watering, parasite and waste management, and veterinary care for the species of animal kept. Industry or breed standards for the breed and type of animal may be used to determine whether reasonable care is being provided. Poor condition or health in the absence of veterinary supervision is prima facie evidence of a violation.[1660]
9. Clean water must at all times be present and available for the animals. Feed must be animal-appropriate and stored in such a manner as to prohibit contamination by moisture, mold, and insects and to restrict access by rodents.[1661]
10. Odors from the animals or from animal waste must not be discernible at any property line.[1662]
11. Waste must be collected and removed or composted regularly.
12. Slaughter must be limited to personal livestock, must not be conducted in the front yard, and must be conducted within a completely screened area. Remains must be disposed of and removed from the site within 24 hours.[1663]
13. Domesticated dogs and cats are not regulated by this Section 743-306.U. Refer to Kennels.

V. Pick-Up Station for Dry Cleaning or Laundry[1664]

In the D-6, D6-II, D-7, D-8, D-9, and D-10 districts:

1. This use is limited to structures where the primary use is multifamily dwellings.
2. The use shall be conducted completely within an enclosed building.
3. The area occupied by this use, including any accessory structures containing this use, shall not exceed 10% of the gross floor area of the primary building in which the use is located.

[1658] New standard; roosters inside the roost at night eliminates many noise issues.
[1659] Personal Garden standards refereneced instead of listed again here to avoid inconsistencies.
[1660] New standard; basic animal husbandry standard added.
[1661] New standard
[1662] New standard
[1663] New standard
[1664] New standards except as noted.

4. No freestanding sign related to this use shall be erected.[1665]

W. Portable Storage[1666]

1. Portable storage is limited to 30 consecutive days.
2. Under extenuating circumstances, an extension may be granted by the Administrator; but no more than one 30 day extension shall be permitted.[1667]
3. Portable storage units as a temporary use shall not include location in the right-of-way.

X. Produce Sales[1668]

1. In the Metro Context Area, 2 off-street parking spaces must be available.
2. The number of produce stands on one lot shall be limited to one (1).
3. In the Dwellling Districts except for the D-A district, any produce stand or structure used for produce sales located in the front yard must be removed when not in use.[1669]
4. Size of the area used for produce sales shall not exceed 200 square feet. Area used for produce sales shall not be located in a Clear Sight Triangular Area.
5. In the Dwelling districts, produce sales may occur between sunrise, but no earlier than 7:00 am, and sunset, but no later than 10:00 p.m.

Y. Recreational Vehicle Parking[1670]

1. Recreational vehicles may be parked inside permitted buildings or outside provided that:
   a. No part of any such vehicle shall project into any required side or rear yard;
   b. No part of any such vehicle shall be parked outside in the front yard other than on the hard-surfaced area of the driveway or interior access drive; and
   c. Parking in the side yard shall be hard-surfaced.
2. In the D-S, D-1, D-2, D-3, D-4, D-5, D-5II and D-8 districts, not more than 2 recreational vehicles shall be permitted to be parked outside on the same lot at any one time.[1671]
3. Parked recreational vehicles shall not be occupied or used for living, sleeping or housekeeping purposes for more than 14 consecutive days per month.[1672]

[1665] From 732-202(a)(4) and 732-202(b)(1)g – the former C-2 district – extended to apply to the Dwelling districts. Restrictions on outdoor signs may be revised or moved to the sign subchapter of the Zoning Ordinance. Changed to exclude freestanding sign.
[1666] New standards.
[1667] Time limit on extension added.
[1668] New standards. per week has been deleted.
[1669] Changed the one day per week limitation on sales to simply removing any physical structure used for sales when not in use.
[1670] Language from 731-219(b)(5). Hard-surface requirement added for side yard parking.
[1671] D-8 added to this list.
[1672] This standard has been extended from dwelling districts to apply to all districts.

Z. Recycling Collection Point[1673]

1. In the D-6, D6-II, D-7, D-8, D-9, and D-10 districts, the use is limited to lots where the primary use is multifamily dwellings.
2. A recycling collection point shall not accept hazardous materials or objectionable substances.
3. All recycling containers at the recycling collection point shall be placed on a hard surface.
4. All recycling containers at the recycling collection point shall be equipped with and use a lid covering or be in a roofed enclosure, and shall be designed so that stormwater runoff does not reach storm drain inlets or stormwater treatment units.[1674]
5. All recycling containers shall be constructed and maintained with durable waterproof and rust-resistant materials or coating. Recycling containers shall be emptied or exchanged with a new container at or before the time the existing container becomes completely filled.
6. Required labeling. Labeling shall be affixed to the front of the recycling container, near the deposit opening, and with lettering that is sized to be clearly legible to the user, indicating:
   a. Acceptable materials for deposit, and operating instructions.
   b. Identity and telephone number of the operator or responsible person to contact in the event that the unit is inoperative or full.
   c. If the recycling container operator is approved by the U.S. Internal Revenue Service as a 501(c)(3) entity and if the donation is tax deductible under IRS regulations.[1675]
   d. Prohibition of hazardous or objectionable substances at any time.
   e. Prohibition of the depositing of materials outside of the container.
7. Total capacity of all containers at the recycling collection point shall not exceed 52 cubic yards for the site and no more than 5 containers are permitted per lot or project.[1676]
8. Recycling containers, individually or in the aggregate, shall occupy no more than 5 parking spaces, not including the space necessary for material removal or transfer, whether or not the parking spaces are required or in excess of the minimum parking requirements for the primary use. No additional parking spaces shall be required for the recycling collection point.
9. With the exception of recycling collection points located within a protected district, no recycling collection point shall be located closer than 100 feet of a protected district. (See Section 740-308 and Section 743-301).
10. All recycling containers shall meet the minimum setback requirements for the district, and located so as not to obstruct pedestrian and vehicular traffic flows on-site.

[1673] New standards for new use.
[1674] Added lid or roof requirement.
[1675] Added NFP disclosure and legibility requirement.
[1676] This size accommodates roll-off collection bins. Added maximum number of bins per site.

11. No recycling containers shall be located within any required yard, transitional yard, drive, maneuvering aisle, and landscaped island or within any street right-of-way. In the C-1, C-3, and MU districts, recycling containers must be located against a building exterior wall. [1677]
12. Signs may be placed on the recycling container, provided the surface area of each sign does not exceed 4 square feet, provided there are not more than one sign per side of the recycling container.

AA. Renewable Energy Facility, Solar and Geothermal[1678]

1. Accessory renewable energy facilities for solar and geothermal shall only be located in side and rear yards or on rooftops.
2. Accessory renewable energy facilities for solar may exceed the maximum height requirement by a maximum of 18 inches.

BB. Renewable Energy Facility, Wind[1679]

1. Accessory renewable energy facilities for wind shall only be located in rear yards or on rooftops.
2. Accessory renewable energy facilities for wind shall not exceed the maximum building height by more than 10 feet.

CC. Residential Support Facility or Amenity[1680]

Any residential support facility or amenity must meet the development standards of the district.

DD. Satellite Dish Antenna[1681]

The requirements of this Section 743-306.DD shall apply to any antenna that is greater than one meter (39.37 inches) in diameter or diagonal measurement. No requirement contained in this Section 743-306.DD shall be enforced to the extent it (i) unreasonably delays or prevents installation, maintenance or use of an antenna; or (ii) unreasonably increases the cost of installation, maintenance, or use of an antenna; or (iii) precludes reception of an acceptable quality signal by an antenna.

1. Installations shall comply with all front, side and rear yard setback requirements specified within the district; except, however, no installation shall be located in such a manner that any part of any such antenna shall project into the front yard as established by the building line of the existing primary building.
2. The maximum height for a ground-mounted antenna shall not exceed the maximum height of an accessory structure permitted by that district (see Section 743-306.A).
3. In any dwelling district, roof-mounted antennas may be permitted, subject to demonstration by the applicant that compliance with Section 743-306.DD.1 and 2[1682]

[1677] Added requirement to be against wall in neighborhood areas and MU districts.
[1678] New standards.
[1679] New standards.
[1680] New standards. (1) is new to reflect the intent of former Section 731-219(a)(6); (2) is from 731-219(a)(6); (3) is from 732-202(a)(4) and 732-202(b)(1)g – the former C-2 district – extended to apply to the Dwelling districts.
[1681] From former Section 731-219(b)(8). Statements of purpose and objectives were not carried over, since they are not included for other uses, and the legislative history of these amendments will retain those statements.

would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant.

4. The height of the proposed installation does not exceed the maximum height restriction imposed upon primary uses within the district.
5. All applications for Structural Permits shall include certification by a registered engineer that the proposed installation complies with those standards listed in Section 623.0 and 624.0 of the BOCA Basic Building Code. Furthermore, written documentation of such compliance, including load distribution within the building's support structure, shall be furnished.
6. All roof-mounted installations shall be contained within the area of the roof.

EE. Secondary Dwelling Unit[1683]

1. Limited to one secondary dwelling unit per lot per single-family detached dwelling.
2. Secondary dwelling unit that is detached from the primary structure shall count toward the total allowable square footage allocated for accessory buildings unless it is above an existing detached accessory building.
3. In the Compact Context Area, a secondary dwelling unit can only be separate from the primary building within a permitted accessory building.
4. A dwelling unit owner shall occupy either the primary dwelling unit or secondary dwelling unit on the lot as their permanent residence.
5. The maximum size of a secondary dwelling unit is 720 sq. ft.[1684]
6. One additional off-street parking space shall be provided for the secondary dwelling unit.
7. The secondary dwelling unit shall have a separate entrance from the primary dwelling unit.
8. For any secondary dwelling unit within or attached to a primary dwelling unit, a separate entrance from the primary dwelling unit must be provided that is distinguished by either a) location on a different side of the building than the primary dwelling's entrance; or b) use of materials or a change in plane of at least 3 feet if located on the same side of the building. Secondary dwelling units within or attached to a primary dwelling unit must be designed and constructed of materials compatible with the primary dwelling unit.
9. For detached secondary units, the entrance must be visible from a right-of-way.[1685]

FF. Sidewalk Cafe[1686]

1. The gross floor area of the ground floor of the immediately abutting primary use shall be greater than the area of the sidewalk café.

[1682] Former reference is to 731-219(b)(8)c. a. and b.
[1683] New standards for a new use. Modified to be allowed only in the Compact area and only detached.
[1684] Raised from 600 sq.ft. to 720 sq.ft. to fit over a 24' by 30' garage.
[1685] Safety provision added.
[1686] New standards. Maximum fence/wall height of 4 feet added per IMPD. Note: Sidewalk Cafes are in the ROW; Outdoor seating or patio is outside of the ROW.

2. The sidewalk café shall be accessory only to the immediately abutting primary use. The beverages or food sold for consumption in the sidewalk café area shall also be sold in the immediately abutting primary use.
3. An encroachment license for the sidewalk café or an associated awning or canopy that extends beyond the lot line into the right-of-way shall be obtained.
4. A decorative fence or wall or similar barrier shall be erected and maintained along the perimeter of the sidewalk café and outdoor seating or patio area. The fence, wall, or barrier shall be between 3 and 4 feet in height. If the fence, wall, or barrier includes a gate, including any means of entering or exiting the sidewalk café area, the gate shall not open into the public sidewalk area except when a person is entering or exiting the sidewalk café area.
5. A sidewalk café enclosed by a fence, wall, or barrier shall be at least eight feet from any building standpipe, hydrant, crosswalk, driveway, alleyway, access ramp, parking meter, landscape bed, street tree, sign post, utility pole, or similar obstacle.
6. The depth of the sidewalk café as enclosed by a fence, wall, or barrier shall not be greater than 50% of the depth of right-of-way extending between the back of curb (or pavement edge) to the lot line.
7. In no instance shall the width of the sidewalk available for use outside the sidewalk café area be less than 8 feet in the CBD districts and 5 feet in the Commercial and MU districts.
8. The sidewalk café area enclosed by a fence, wall, or barrier shall not contain any sidewalk utility vault.
9. Outdoor waste and recycling receptacles for customers shall be provided, placed in a convenient location, and regularly serviced and maintained.
10. Outside of the immediately abutting primary business's hours of operation, all furniture, equipment, and goods shall be removed from the sidewalk area or otherwise secured to prevent movement by natural elements or by unauthorized persons.
11. The sidewalk café shall not include any open flames or other safety or health hazards, with the exception of properly shielded tabletop candles.
12. Sales of beverages or food shall not be made to a person in or on any motorized vehicle or to passersby not seated in the café area unless an accessory walk-up window is permitted in Table 743-1: Use Table, and has been incorporated into the design of the primary structure.[1687]

GG. Sign[1688]

This use shall comply with Chapter 744.Arrticle IX Signs.

[1687] Revised to prohibit sales to passersby per comments of IMPD.
[1688] Added with adoption of 2015-AO-04

HH. Swimming Pool or Hot Tub[1689]

1. No pool or hot tub that has more than 200 square feet in water surface area shall be installed before an Improvement Location Permit has been obtained.[1690]
2. The pool or hot tub shall not be located in nor on any front yard or closer to any side lot line than the required minimum side yard setbacks of the dwelling district and in no case shall the pool or hot tub be located closer to any rear lot line than 5 feet.
3. The pool or tub area shall be enclosed by either:
   a. A safety pool cover, as defined by, and meeting the specifications of 675 IAC 20-4-27(c); or
   b. A fence or other structural barrier, which shall be adequate to prevent persons, children or animals from danger or harm, and shall be equipped with a self-closing, self-latching gate. The fence or structural barrier shall be a chain link fence, ornamental fence, solid fence, solid wall, or combination thereof. The height of the fence or structural barrier shall be no less than: 5 feet if fence or structural barrier is erected at grade level; or, 36 inches if fence or structural barrier is erected on the raised deck or top of the pool wall of an aboveground pool or hot tub. In no instance, shall the combined height of fence or structural barrier and pool be higher than 10 feet.
4. Properties that contain a perimeter fence preventing the public from entering the yard where the pool or hot tub is located shall not be required to install a pool security fence unless the perimeter property fence is more than 50 feet from the pool or hot tub.
5. Each pool or hot tub shall provide adequate distance from overhead electrical wires is provided in accordance with the current editions of the National Safety Code, and the National Electrical Code.
6. Each pool or hot tub that has a walkway or platform more than 24 inches above grade level that provides access to the water shall have a handrail on the outer edge of the platform except at those points where stairs or other features provide access from the ground to the platform.[1691]
7. Pools or hot tubs that are less than 18 inches above grade level shall not be considered as part of the building area, as defined in Chapter 740, Article II Definitions and Construction of Language.
8. Abandoned or unused swimming pools or hot tubs that are not occupied for periods of 30 days or more shall be drained or equipped with a cover adequate to prevent persons, children or animals from danger or harm.

[1689] From former Sec. 731-219(b)(3), with wording revisions for clarity. Subsection 6 and clarification that ILP is required are new.
[1690] Added the size in which a permit is required.
[1691] New provision.

II. Temporary Construction Yard, Office, or Equipment Storage[1692]

1. Temporary use structures are permitted in all industrial districts under a temporary Improvement Location Permit issued by the Administrator. A temporary Improvement Location Permit for a temporary use structure shall be valid for a maximum of 18 months. An extension of time not to exceed 180 days may be granted by the Administrator for good cause shown. The request for extension must be filed with the Administrator prior to the termination date of the temporary Improvement Location Permit.
2. The temporary use structure must be incidental to and necessary for the sale, rental, lease of, or construction of, real property or premises in the zoning district that permits the use and located within 300 feet of the lot or project.
3. Temporary use structures shall comply with all setback requirements for a primary building on the site, provided, however, that temporary construction trailers are permitted within the required front, side, or rear yards if they do not encroach into any Clear Sight Triangular Areas.
4. No public address systems or other noise producing devices are permitted.
5. All site lighting shall comply with Chapter 744, Article VI Street and Exterior Lighting.
6. The site shall be enclosed by temporary fencing to prevent construction materials, debris, or trash from leaving the site.[1693]
7. All structures, buildings, appurtenances, trash or debris associated with the temporary use structure shall be removed from the site immediately upon completion or cessation of the temporary use.
8. Adequate access and parking area shall be provided, and shall not interfere with traffic movement on adjacent streets.

JJ. Temporary Outdoor Event[1694]

1. Any civic sponsored special event that has obtained a permit for a Special Event under Chapter 986 of the Revised Code of the Consolidated City and County is exempt from the standards of this Zoning Ordinance. [1695]
2. Any special event that has obtained a permit for a Special Event under Chapter 986 of the Revised Code of the Consolidated City and County is exempt from the standards of this Zoning Ordinance. [1696]
3. The applicant shall be responsible for ensuring that waste or debris related to the event does not leave the site.[1697]

[1692] Text has been reordered for clarity and to avoid repetition. Standards on lighting have been replaced with a cross-reference to general lighting standards. Several standards are based on those in section 733-211(d) or were previously proposed for the temporary office category. Provisions for temporary use structures in commercial districts in section 733-214(d) have not been carried over.
[16931693] Standard 6 added per comments of IMPD.
[1694] Separated from "Outdoor Displays and Sales or Event."
[1695] New standard; Special Event ordinance is for the very large events and standards are addressed in that Chapter.
[1696] New standard; Special Event ordinance is for the very large events and standards are addressed in that Chapter.
[1697] Standard added per comments of IMPD.

KK. Temporary Fireworks Sales[1698]

1. This use shall comply with all applicable requirements of the Indiana Department of Homeland Security in I.C. 22-11-14.
2. Sales shall be permitted from June 1 through July 15 only.
3. Temporary structure must be outside of any Clear Sight Triangular Area.

LL. Transportation Facilities and Accessories (Ground)[1699]

1. All facilities except bicycle lockers and bus shelters must be contained entirely within an enclosed building.
2. This use shall not exceed more than 10% of the gross floor area of the building within which it is located, or, if in a freestanding structure, the structure shall not exceed 4,000 square feet of gross floor area.

MM. Underground Storeroom or Safe Room[1700]

1. An underground storeroom or safe room shall not be located in or on any front yard or closer to any side or rear lot line than the required minimum side and rear yard setbacks of the district.
2. No underground storeroom or safe room shall be erected or constructed until an Improvement Location Permit has been obtained.
3. Underground storeroom or safe room space shall not be included in calculations of the gross square footage of primary or accessory structures on the lot.[1701]

NN. Vending Machine or Self-serve Kiosk

1. Vending machine or self-serve kiosks located outside shall be covered by a roof, awning, or similar structure.[1702]
2. Vending machine or self-serve kiosks must be located abutting a building exterior wall and must be less than 8 feet in depth.[1703]

OO. Walk-up Window[1704]

1. Walk-up windows shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
2. Waste receptacles shall be provided and regularly emptied during hours of operation.

[1698] Time limit on temporary sales added. Fireworks as a primary use are allowed year-round. Added clear sight triangular area provision.
[1699] These are new standards. Requirement that lockers be attended was deleted, and 4,000 sf limit was added to standards 1, and bicycle lockers have been excluded from the enclosure requirement.
[1700] From former Section 731-219(b)(4).
[1701] New standard.
[1702] Standard from 732-203 (b)(1), 732-205 (b)(1), 732-206 (b)(1) .
[1703] Moved this standard from “Outdoor Display and Sales, Temporary” to here.
[1704] New standards.

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