

CITY-COUNTY GENERAL ORDINANCE NO. 79, 1976  
METROPOLITAN DEVELOPMENT COMMISSION  
DOCKET NO. 75-AO-3

COMMERCIAL ZONING ORDINANCE  
OF  
MARION COUNTY, INDIANA  
AS AMENDED  
ORDINANCE 75-AO-3

FILED

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METROPOLITAN DEVELOPMENT COMMISSION

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COMMERCIAL ZONING ORDINANCE  
OF  
MARION COUNTY, INDIANA

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CITY-COUNTY GENERAL ORDINANCE NO. \_\_\_\_\_, 1976

METROPOLITAN DEVELOPMENT COMMISSION  
DOCKET NO. 75-AO-3

AN ORDINANCE to amend Marion County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County, Indiana, and fixing a time when the same shall take effect.

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

Section 1. That Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council on March 28, 1957, and the COMMERCIAL ZONING ORDINANCE of Marion County, Indiana (Ordinance 62-AO-1), adopted as an amendment thereto, as amended, pursuant to Chapter 283 of the Indiana Acts of 1955 and Chapter 173 of the Indiana Acts of 1969, be amended as follows:

That said COMMERCIAL ZONING ORDINANCE of Marion County, Indiana (Ordinance 62-AO-1) be amended to read as follows:

SECTION 1.00 ESTABLISHMENT OF COMMERCIAL ZONING DISTRICTS

The following primary COMMERCIAL ZONING DISTRICTS for Marion County, Indiana, are hereby established, and land within said County zoned to said district classifications shall be designated on the applicable zoning maps by the following zoning district symbols, respectively (which maps are a part of said Ordinance No. 8-1957, as amended, and are hereby incorporated by reference and made a part of this ordinance):

COMMERCIAL ZONING DISTRICTS

SYMBOL

C-1	OFFICE - BUFFER DISTRICT
C-2	HIGH INTENSITY OFFICE - APARTMENT DISTRICT
C-3	NEIGHBORHOOD COMMERCIAL DISTRICT
C-3C	CORRIDOR COMMERCIAL DISTRICT
C-4	COMMUNITY - REGIONAL COMMERCIAL DISTRICT
C-5	GENERAL COMMERCIAL DISTRICT
C-6	THOROUGHFARE SERVICE DISTRICT
C-7	HIGH INTENSITY COMMERCIAL DISTRICT
C-ID	COMMERCIAL - INDUSTRIAL DISTRICT
C-S	SPECIAL COMMERCIAL DISTRICT

SECTION 2.00 COMMERCIAL ZONING DISTRICT REGULATIONS

The following regulations and performance standards shall apply to all land within the COMMERCIAL ZONING DISTRICTS.

A. GENERAL REGULATIONS

1. CONFORMANCE

After the effective date of this ordinance:

- a. With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance.
- b. No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this ordinance.

Provided, however, legally established nonconforming uses may be reconstructed if damaged or partially destroyed by fire or other disaster when such damage or destruction does not exceed two-thirds (2/3) of the value of the structures or facilities affected.

2. ESTABLISHED SETBACKS

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

3. INTEGRATED CENTER

Land uses permitted in each of the COMMERCIAL DISTRICTS established by this ordinance may be grouped together in integrated centers in those DISTRICTS. Such groupings may be comprised of either:

- a. a number of individual, non-related and separately operated uses in one building sharing common site facilities; or
- b. one or more buildings containing non-related and separately operated uses occupying a common site, which utilize one or a combination of common site facilities, such as driveway entrances, driving lanes, parking areas, maintenance and similar common services; or
- c. one or more buildings containing non-related and separately operated uses occupying individual sites, which are interrelated by the utilization of one or a combination of common facilities, such as driveway entrances, public or private street network, parking areas, maintenance and other services.

4. PERIMETER TREATMENT PLAN

A detailed perimeter treatment plan shall be submitted with a petition for commercial rezoning of any parcel which is proposed to be developed for multiple land uses and/or structures, or which is of such size as to afford this possibility. The perimeter treatment plan shall be filed in triplicate and to a scale not to exceed 100' = 1", and shall include all parts of the petitioned area within one hundred (100) feet of the project boundary unless a larger area is required by the Administrator of the Division of Planning and Zoning. The perimeter treatment plan shall include details of building locations, parking, signs, landscaping and screening where required for transitional yard purposes. Where the development will involve transitional yards and/or screening for residential use, the development standards of the applicable COMMERCIAL DISTRICT shall apply.

B. PERFORMANCE STANDARDS

All uses established or placed into operation after the effective date of this ordinance shall comply with the following performance standards. No use in existence on the effective date of this ordinance shall be so altered or modified as to conflict with these standards.

1. VIBRATION                    No use shall cause earth vibration or concussions detectable beyond the lot lines without the aid of instruments.
2. SMOKE, DUST  
AND PARTICU-  
LATE MATTER                    Smoke, dust, particulate matter and any other airborne material shall be subject to the standards and regulations of General Ordinance No. 109, 1967, Air Pollution, City of Indianapolis, which ordinance is on file in the office of the Division of Planning and Zoning, Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof.
3. NOXIOUS  
MATTER                         No use shall discharge across the lot lines noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
4. ODOR                         No use shall emit across the lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
5. SOUND                        No use shall produce sound in such a manner as to endanger the public health, safety or welfare, or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.
6. HEAT AND GLARE             No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
7. WASTE MATTER                No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health, the Stream Pollution Control Board of the State of Indiana and the Department of Public Works of Indianapolis, Indiana, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

SECTION 2.01 C-1 OFFICE BUFFER DISTRICT

PURPOSE OF C-1 DISTRICT:

*The C-1 DISTRICT is designed to provide specific areas where office functions, compatible office-type businesses, and certain public and semi-public uses may be developed with the assurance that retail and other commercial uses with incompatible characteristics will not impede or disrupt this type of use in its location as a buffer. Since these office and public and semi-public structures are typically much less commercial in appearance and architecturally more harmonious with residential structures, this DISTRICT can serve as a buffer between residential areas and the more intense commercial uses. This DISTRICT with its offices and other buffer-type functions also is designed for use along certain thoroughfares where a gradual transition from existing residential use should occur.*

A. PERMITTED C-1 DISTRICT USES

The following uses shall be permitted in the C-1 DISTRICT. All uses in the C-1 DISTRICT shall conform to the general regulations and performance standards of section 2.00, the C-1 DISTRICT development standards of section 2.01, B and to any additional and/or more restrictive requirements specified in this section.

1. ANY OFFICE USE OR COMPLEX, including PROFESSIONAL, BUSINESS AND GOVERNMENTAL OFFICES, BANKS, SAVINGS AND LOAN OFFICES.
2. PUBLIC AND SEMI-PUBLIC USES such as LIBRARIES, MUSEUMS, COMMUNITY CENTERS, GALLERIES, CIVIC CLUBS.
3. EDUCATIONAL INSTITUTION, including PROFESSIONAL, BUSINESS OR CLERICAL SCHOOL, KINDERGARTEN, DAY NURSERY.
4. NURSING AND CONVALESCENT HOMES, MEDICAL OR DENTAL CLINICS AND LABORATORIES, MORTUARIES.
5. ACCESSORY USES AND STRUCTURES, subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and in the same building with the primary use, provided no exterior signage announcing such services or advertising to the public shall be permitted. Such permitted supportive services shall include pharmacy accessory to building medical offices, cafeteria, tobacco/ candy/ newspaper counter and similar uses designed and operated principally for service to building occupants, provided the total area occupied by such accessory uses shall not exceed ten (10) percent of the gross leasable area of the building.
6. TEMPORARY STRUCTURES, including temporary signs, fences, walls, buildings, barricades and similar temporary structures incidental to the development of land during construction, to be included in the Improvement Location Permit for the primary use and to be removed concurrently with completion of construction of the primary use.

B. C-1 DISTRICT DEVELOPMENT STANDARDS

1. USE
  - a. All uses and operations (except off-street parking and drive-in customer service windows) shall be conducted within completely enclosed buildings. On-site vehicular circulation and traffic patterns for all drive-in facilities

shall be subject to the approval of the Metropolitan Development Commission or the Administrator of the Division of Planning and Zoning of the Department of Metropolitan Development if so authorized by said Commission, prior to the issuance of an Improvement Location Permit.

b. No merchandise shall be produced, stored or handled on the premises for purposes of delivery or for sale at retail, wholesale or discount to the public or other businesses unless minor and incidental to the primary office function.

c. No show windows or other exterior display, displaying, promoting, or advertising products, merchandise or services retailed, offered, promoted or advertised by the use occupying the premises shall be permitted.

2. REQUIRED FRONT  
YARD, MINIMUM  
FRONT SETBACK

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

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

- |                                      |                       |
|--------------------------------------|-----------------------|
| (1) Expressway:                      | Eighty-five (85) feet |
| (2) Primary Thoroughfare or Parkway: | Seventy (70) feet     |
| (3) Secondary Thoroughfare:          | Seventy (70) feet     |
| (4) Collector Street                 | Sixty (60) feet       |
| (5) Local Street and Cul-de-Sac:     | Fifty-five (55) feet  |

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

b. No part of any structure shall be built closer to the right-of-way line of a Federal Interstate

route than ten (10) feet, except:

Front roads immediately paralleling Federal Interstate routes (with a coinciding right-of-way boundary) shall be considered a collector street, requiring a front setback of twenty-five (25) feet from the right-of-way of such front road unless such front road is designated otherwise on the Official Thoroughfare Plan of Marion County, Indiana, or on the recorded plat thereof as required by the Subdivision Control Ordinance of Marion County, Indiana.

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

In any case where the side or rear lot line abuts a street right-of-way line, there shall be provided a side or rear yard in which the setback of any structure shall comply with the MINIMUM FRONT SETBACK requirements of section 2.01, B, 2, unless subject to the ESTABLISHED SETBACK provisions of section 2.00, A, 2.

4. REQUIRED SIDE  
YARDS, MINIMUM  
SIDE SETBACK

A side setback and landscaped side yard of not less than eight (8) feet in depth shall be provided along each side lot line, (unless subject to the additional setback requirements of section 2.01, B, 8, for building or structural heights in excess of thirty-five (35) feet, or transitional yards requirements of section 2.01, B, 7).

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

5. REQUIRED REAR  
YARDS

A rear yard and setback of not less than ten (10) feet in depth shall be provided along the rear lot line (unless subject to additional setback requirements of section 2.01, B, 8, for building or structural heights in excess of thirty-five (35) feet or transitional yards requirements of section 2.01, B, 7).

Said rear yard, whether abutting an adjacent property or separated therefrom by a dedicated alley, may be entirely used for off-street parking and/or driveway.

6. USE OF REQUIRED  
YARDS

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

a. Required front yards may include:

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

(2) Off-street parking, provided, however, a six (6) foot wide strip of the required front yard, paralleling and measured from the front lot line, and extending the full length thereof (except for walks, access cuts and driveways), shall be maintained as a landscaped portion of the front yard as required above, unless subject to the transitional yard requirements of section 2.01, B, 7.

b. Except as prohibited by section 2.01 B, 7, required side and rear yards may include:

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

(2) Off-street parking, subject to the requirements of section 2.01, B, 4, or 2.01, B, 7, as applicable and section 2.09.

## 7. TRANSITIONAL YARDS

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

#### Yards Fronting Upon or Abutting A Residential DISTRICT

(1) Where a front yard abuts a street on the opposite side of which is a residential DISTRICT, the minimum required front yard and setback shall be the same as the standard front yard and setback requirement of section 2.01, B, 2.

Provided, however, the front yard use of such minimum required transitional front yard shall not include off-street parking if said abutting street is a Collector, Local or Marginal Access Street, Cul-de-Sac or Parkway. If the abutting street is an Expressway, Primary or Secondary Thoroughfare, the front yard may include off-street parking provided a fifteen (15) foot wide strip of said required front yard, paralleling and measured from the front lot line, and extending the full length thereof (except for walks, access cuts and driveways) shall be maintained as a landscaped portion of the yard in conformance with section 2.01, B, 7, b, (1).

(2) Where a side or rear lot line abuts either a side or rear lot line in an adjacent residential

DISTRICT, a side or rear yard and setback not less than fifteen (15) feet in depth shall be provided along such side or rear lot line.

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

(3) Transitional Yards Exception The transitional yard requirements of section 2.01, B, 7 shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although residentially zoned.

b. SCREENING AND LANDSCAPING OF TRANSITIONAL YARDS

Yards Fronting Upon or Abutting A Residential DISTRICT

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

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

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

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

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

part hereof).

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

Provided however, driveways, off-street parking and loading areas shall not be permitted in the side and rear transitional yards. If any side or rear portion of a lot other than the transitional yards is to be used for a driveway, off-street parking area and/or loading area, there shall be provided and maintained along the length of the drive and/or parking or loading area at the lot line or up to a distance of ten (10) feet from the lot line, and to the front setback line, a landscape screen, wall or fence of opaque landscape materials, ornamental block, brick, solid wood fencing or combination thereof. Said screen, wall or fence shall be constructed to a height of six (6) feet and shall be designed and constructed to restrict any view therethrough. The yard shall be landscaped and maintained for its length in grass with shrubbery and/or trees planted and maintained at intervals of ten (10) feet on center and to a minimum height of thirty six (36) inches for shrubbery and six (6) feet for trees at time of planting, or comparable treatment.

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



SECTION 2.02 C-2 HIGH INTENSITY OFFICE-APARTMENT DISTRICT

PURPOSE OF C-2 DISTRICT:

*The C-2 DISTRICT is designed to permit, in certain areas within the inner city, along a few suitable arterial streets and in association with regional commercial complexes in the suburbs, the development of high-rise offices and/or apartments intermixed, grouped in varying combinations or provided in the same building. The structural similarity and the possible functional interrelationship of living and working space can create an unusual compatibility of land use -- especially in locations where access is particularly good. This type of DISTRICT may represent a subordinate development to and near the central business district, the dominant function of an "uptown" location within the inner city or a major feature of a suburban, regional commercial focal point or planned community.*

A. PERMITTED C-2 DISTRICT USES

The following uses shall be permitted in the C-2 DISTRICT. All uses in the C-2 DISTRICT shall conform to the general regulations and performance standards of section 2.00, the C-2 DISTRICT development standards of section 2.02, B, and to any additional and/or more restrictive requirements specified in this section.

1. ANY USE PERMITTED IN THE C-1 DISTRICT.
2. ATTACHED OR DETACHED MULTI-FAMILY DWELLINGS, subject to all standards, requirements and regulations of section 2.09, (D-8 DWELLING DISTRICT EIGHT REGULATIONS FOR INNER-CITY RENEWAL FOR MULTI FAMILY DWELLINGS) section 2.10 (D-9 DWELLING DISTRICT NINE REGULATIONS FOR SUBURBAN HIGH-RISE APARTMENTS) or section 2.11 (D-10 DWELLING DISTRICT TEN REGULATIONS FOR CENTRAL AND INNER-CITY HIGH-DENSITY MULTI FAMILY) of Ordinance No. 66-AO-2, DWELLING DISTRICTS ZONING ORDINANCE of Marion County, Indiana, as amended.
3. ACCESSORY USES AND STRUCTURES, subordinate, appropriate and incidental to the above permitted primary uses, including ACCESSORY CONVENIENCE RETAIL STORES AND SERVICES in office structures, multi-family residential structures or other C-2 DISTRICT permitted use structures, subject to the requirements of section 2.02, B, 1.
4. TEMPORARY STRUCTURES, including temporary signs, fences, walls, buildings, barricades and similar temporary structures, incidental to development of land during construction, to be included in the Improvement Locaton Permit for the primary use and to be removed concurrently with completion of construction of the primary use.

B. C-2 DISTRICT DEVELOPMENT STANDARDS

1. USE:
  - a. All uses and operations (except off-street loading and off-street parking) shall be conducted within completely enclosed buildings.
  - b. No merchandise shall be produced, stored or handled on the premises for purposes of delivery or for sale at retail, wholesale or discount to the public or other businesses unless

incidental to the primary office function. Except, however, accessory use convenience retail sales and service establishments shall be permitted in office structures, multi-family residential structures or other C-2 DISTRICT permitted use structures, provided such establishments:

- (1) are for the primary purpose of serving the occupants and/or employees of the primary use structure,
- (2) have no exterior signs or display windows advertising or identifying the business, and
- (3) are in no way designed or facilities provided to specifically encourage or attract automotive customers.

c. No show windows or other exterior display, advertising promoting products, merchandise or services retailed, offered, promoted or advertised by the use occupying the premises shall be permitted.

2. REQUIRED FRONT  
YARD, MINIMUM  
SETBACK

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

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

- |                                      |                       |
|--------------------------------------|-----------------------|
| (1) Expressway:                      | Eighty-five (85) feet |
| (2) Primary Thoroughfare of Parkway: | Seventy (70) feet     |
| (3) Secondary Thoroughfare:          | Seventy (70) feet     |
| (4) Collector Street:                | Sixty (60) feet       |
| (5) Local Street & Cul-de-Sac        | Fifty-five (55) feet  |

Provided however, in no event shall the required minimum front setback be located closer to the proposed right-of-way of any Expressway, Primary Thoroughfare or Secondary Thoroughfare (as designated on the Official Thoroughfare Plan of

Marion County, Indiana) than ten (10) feet.

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

Front roads immediately paralleling Federal Interstate routes (with a coinciding right-of-way boundary) shall be considered collector streets, requiring a front setback of twenty-five (25) feet from the right-of-way of such front road unless such front road is designated otherwise on the Official Thoroughfare Plan of Marion County, Indiana, or on the recorded plat thereof as required by the Sub-division Control Ordinance of Marion County, Indiana.

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

In any case where the side or rear lot lines abut a street right-of-way line, there shall be provided a side or rear yard in which the setback of any structure shall comply with the MINIMUM FRONT SETBACK requirements of section 2.02, B, 2, unless subject to the ESTABLISHED SETBACK provisions of section 2.00, A, 2.

4. REQUIRED SIDE  
YARDS, MINIMUM  
SIDE SETBACK

A side yard and setback of not less than eight (8) feet in depth shall be provided along each side lot line (unless subject to additional setback requirements of section 2.02 B, 8, for building or structural heights in excess of thirty-five (35) feet, or transitional yard requirements of section 2.02, B, 7).

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

5. REQUIRED REAR  
YARD, MINIMUM  
REAR SETBACK

A rear yard and setback of not less than ten (10) feet in depth shall be provided along the rear lot line (unless subject to additional setback requirements of section 2.02, B, 8, for building or structural heights in excess of thirty-five (35) feet, or transitional yards requirements of section 2.02, B, 7).

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

6. USE OF REQUIRED YARDS

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

a. Required front yards may include:

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

(2) Off-street parking, provided however, a six (6) foot wide strip of the required front yard, paralleling and measured from the front lot line, and extending the full length thereof (except for walks, access cuts and driveways), shall be maintained as a landscaped portion of the front yard as required above, unless subject to the transitional yard requirements of section 2.02, B, 7.

b. Except as prohibited by section 2.02, B, 7, required side and rear yards may include:

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

(2) Off-street parking, subject to the requirements of section 2.02, B, 4, or 2.02, B, 7, as applicable and section 2.11.

7. TRANSITIONAL YARDS

MINIMUM FRONT, SIDE AND REAR TRANSITIONAL YARDS AND SETBACKS

Yards Fronting Upon Or Abutting A Residential DISTRICT

(1) Where a front yard abuts a street on the opposite side of which is a residential DISTRICT, the minimum required front yard and setback shall be the same as the standard front yard and setback requirement of section 2.02, B, 2.

Provided however, the front yard use of such minimum required transitional front yard shall not include off-street parking if said abutting street is a Collector, Local or Marginal Access Street, Cul-de-Sac or Parkway. If the abutting street is an Expressway, Primary or Secondary Thoroughfare, the front yard may include off-street parking provided a twenty (20) foot wide strip of said required front yard, paralleling and measured from the front lot line and extending the full length thereof (except for walks, access cuts and driveways), shall be maintained as a landscaped portion of the front yard in conformance with section 2.02, B, 7.

(2) Where a side or rear lot line abuts either a side or rear lot line in an adjacent residential DISTRICT, a side or rear yard and setback not less than fifteen (15) feet in depth shall be provided along such side or rear lot line.

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

(3) Transitional Yards Exception The transitional yard requirements of section 2.02, B, 7 shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful non-conforming use, exists upon such adjoining property or abutting frontage property, although residentially zoned.

b. SCREENING AND LANDSCAPING OF TRANSITIONAL YARDS

Yards Fronting Upon Or Abutting A Residential DISTRICT

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

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

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

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

Ground area between such wall, fence or hedge and the front lot line shall be planted and maintained in grass, other suitable ground cover, shrubbery and/or trees. All shrubs and trees shall be planted or transplanted with a ball of earth and shall meet the standards of the American Association of Nurserymen, (a copy of which is on file in the office of the Division of Planning and Zoning

of the Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof).

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

Provided however, driveways, off-street parking and loading areas shall not be permitted in the side and rear transitional yards. If any side or rear portion of a lot other than the transitional yards is to be used for a driveway, off-street parking area and/or loading area, there shall be provided and maintained along the length of the drive and/or parking or loading area at the lot line or up to a distance of ten (10) feet from the lot line, and to the front setback line, a landscape screen, wall or fence of opaque landscape materials, ornamental block, brick, solid wood fencing or combination thereof. Said screen, wall or fence shall be constructed to a height of six (6) feet and shall be designed and constructed to restrict any view therethrough. The yard shall be landscaped and maintained for its length in grass with shrubbery and/or trees planted and maintained at intervals of ten (10) feet on center and to a minimum height of thirty six (36) inches for shrubbery and six (6) feet for trees at time of planting, or comparable treatment.

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

8. HEIGHT OF BUILDINGS AND STRUCTURES
- There shall be no height limitation of buildings and structures provided:
- a. Minimum required side and rear yard setbacks shall be increased by one (1) foot for each three (3) additional feet, or part thereof, of building or structural height above thirty-five (35) feet to a maximum side or rear building setback requirement of twenty (20) feet.
- b. Transitional minimum required side and rear yard setbacks shall be increased by one (1) foot for each three (3) feet, or part thereof, of building or structural height above thirty-five (35) feet to a maximum side or rear building setback requirement of twenty-five (25) feet.
9. SIGNS
- Signs and advertising devices shall comply with the sign regulations of Ordinance 71-A0-4, SIGN REGULATIONS of Marion County, Indiana.
10. OFF-STREET PARKING
- Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 2.09.
11. OFF-STREET LOADING
- Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 2.10.

## PURPOSE OF C-3 DISTRICT:

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

A. PERMITTED C-3 DISTRICT USES

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

1. ANY USE PERMITTED IN THE C-1 DISTRICT (Except Convalescent Home, Nursing Home, Day Nursery and Kindergarten).
2. NEIGHBORHOOD SHOPPING CENTER OR COMPLEX (But not including department store or discount department store). A NEIGHBORHOOD SHOPPING CENTER OR COMPLEX provides neighborhood related retail convenience goods and services. No single center or complex shall exceed 90,000 square feet of gross floor area.
3. RETAIL CONVENIENCE GOODS AND/OR SERVICE ESTABLISHMENT, including:
  - a. DRUG STORE, HARDWARE STORE; GROCERY, RETAIL BAKERY SALES, OR OTHER FOOD STORE, LUNCH COUNTER, TAVERN, DELICATESSEN OR RESTAURANT, including any restaurant or other food or alcoholic beverage service establishment in which food or alcoholic beverages are served or dispensed for consumption indoors or for carry-out. Provided, however, taverns and such carry-out establishments, where food or alcoholic beverages may be carried out or may be likely to be consumed on the premises shall:
    - (1) Provide adequate outdoor convenience trash containers.
    - (2) Not provide outdoor tables and/or seats.
    - (3) Where the rear lot line abuts a residential DISTRICT, meet the transitional yard requirements of section 2.03 B, 7.

- (4) Not be located within one hundred (100) feet of a residential DISTRICT on the same side of the street, unless such establishment is separated from said residential DISTRICT by an intervening street.
- b. GASOLINE SERVICE STATION, limited to not more than three service bays, indoors only. Provided, however, that the service station function, services, operation and sales shall not include the following:
- (1) The sale, rental, display or storage of new or used motor vehicles, trailers, tractors, machinery or other similar equipment; or merchandise not related to the minor servicing of motor vehicles or for the immediate convenience of customers.
  - (2) Commercial parking of motor vehicles.
  - (3) Exterior display or storage of oil, antifreeze, batteries, tires, and other merchandise or products, other than oil dispensing cabinets located on pump islands.
  - (4) Major servicing or motor or body repair such as, but not limited to, body or fender work, motor overhaul, major transmission repair, auto glass work, tire recapping, mechanical car washing.
  - (5) Dismantling or wrecking of motor or other vehicles, or the storage of inoperable, damaged or wrecked vehicles.
  - (6) A driveway so located and constructed that it permits traffic movement completely around or behind the service station structure (except where necessary to provide adequate access to the off-street parking area, building, storage tanks, trash containers, etc., or to adjacent commercial property, or in the case of a station designed to provide service on all sides).
4. PERSONAL SERVICE ESTABLISHMENT, including but not limited to: BARBER SHOP, BEAUTY SHOP, DRY CLEANING AND LAUNDRY PICK-UP STATIONS, LAUNDROMATS AND SELF-SERVICE DRY CLEANING, SHOE REPAIR, TAILOR OR SEAMSTRESS, RADIO AND TELEVISION SERVICE, PHOTOGRAPHY STUDIO, MAIL ORDER STORE.
  5. POST OFFICE, provided no storage of delivery vehicles is maintained on the premises.
  6. PROFESSIONAL SERVICE ESTABLISHMENT, including:  
OPTICAL SERVICE; INTERIOR DECORATOR.
  7. SHOPPING OR DURABLE GOODS ESTABLISHMENT, including:  
WEARING APPAREL AND ACCESSORIES STORES, SHOE STORES, DRY GOODS, FABRIC SHOP, STATIONER, GIFT SHOP, FLORIST, PHOTOGRAPHIC SUPPLIES, HOBBY SHOP; PET SHOP, INCLUDING GROOMING SHOP AND OBEDIENCE SCHOOL; MUSIC, RECORDS, MUSICAL INSTRUMENT STORES; SPORTING GOODS, BICYCLE STORES; PAINT AND WALLPAPER, FLOOR COVERINGS, ANTIQUES; VARIETY STORES (but not including department store or discount department store).
  8. OTHER USES SIMILAR AND COMPARABLE IN CHARACTER TO THE ABOVE PERMITTED USES.

9. ACCESSORY USES AND STRUCTURES, subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and located in the same building with the primary use, provided no exterior signage announcing such services shall be permitted.
10. TEMPORARY STRUCTURES, including temporary signs, fences, walls, buildings, barricades and similar temporary structures incidental to the development of land during construction, to be included in the Improvement Location Permit for the primary use and to be removed concurrently with completion of construction of the primary use.

B. C-3 DISTRICT DEVELOPMENT STANDARDS

1. USE
  - a. No single establishment shall exceed thirty thousand (30,000) square feet in total gross floor area.  
  
 Provided, however, uses which are integrated within a single structure (such as multiple-merchandising operations) may contain up to 45,000 square feet gross floor area.
  - b. All uses and operations (except off-street loading and off-street parking) shall be conducted within completely enclosed buildings, except where otherwise specifically permitted. Provided, however, gasoline service stations may dispense gasoline, oil, antifreeze and other similar products and perform other minor services outdoors for customers, subject to the limitations of section 2.03, A., 3b.
  - c. No outdoor storage shall be permitted other than trash containers, provided that trash containers exceeding six (6) cubic feet shall be located within a solid-walled stall behind or beside the primary structure.
  - d. No vending machines shall be permitted on the exterior of any building on the premises.
2. REQUIRED FRONT YARD, MINIMUM SETBACK
  - a. A front yard, having at least twenty-five (25) feet width of frontage on a public street and having a minimum depth in accordance with the following setback requirements, shall be provided along the street right-of-way line, unless subject to the ESTABLISHED SETBACK provisions of section 2.00, A, 2.  
  
 No part of any structure (excluding an eave or cornice overhang not exceeding four (4) feet or a canopy at an entrance) shall be built closer to the center line of the following streets (as designated on the Official Thoroughfare Plan of Marion County, Indiana) than:

- |   |                       |
|---|-----------------------|
| (1) Expressway:                         | Eighty-five (85) feet |
| (2) Primary Thoroughfare<br>or Parkway: | Seventy (70) feet     |
| (3) Secondary Thorough-<br>fare:        | Seventy (70) feet     |
| (4) Collector Street:                   | Sixty (60) feet       |
| (5) Local Street and<br>Cul-de-Sac:     | Fifty-five (55) feet  |

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

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

Front roads immediately paralleling Federal Interstate routes (with a coinciding right-of-way boundary) shall be considered collector streets, requiring a front setback of twenty-five (25) feet from the right-of-way of such front road unless such front road is designated otherwise on the Official Thoroughfare Plan of Marion County, Indiana, or on the recorded plat thereof as required by the Subdivision Control Ordinance of Marion County, Indiana.

- |  |   |
|--|---|
| 3. REQUIRED CORNER<br>SIDE YARD, DOUBLE<br>FRONTAGE LOT<br>MINIMUM SETBACK | In any case where the side or rear lot line abuts a street right-of-way line, there shall be provided a side or rear yard in which the setback of any structure shall comply with the MINIMUM FRONT SETBACK requirements of section 2.03, B, 2, unless subject to the ESTABLISHED SETBACK provisions of section 2.00, A, 2. |
| 4. REQUIRED SIDE<br>YARDS, MINIMUM<br>SIDE SETBACK                         | No side yard or side setback is required unless subject to the requirements for transitional yards of section 2.03, B, 7.   |
| 5. REQUIRED REAR<br>YARD, MINIMUM<br>REAR SETBACK                          | No rear yard or rear setback is required unless subject to the requirements for transitional yards of section 2.03, B, 7.   |
| 6. USE OF REQUIRED<br>YARDS  | All required yards shall be landscaped, in grass and shrubbery, trees and/or hedge, or in combination with other suitable ground cover materials, except:   |

a. Required front yards may include:

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

(2) Off-street parking, gasoline service station pumps and/or open canopies (attached or detached).

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

b. Except as prohibited by section 2.03 B, 7, b, required side and rear yards may include:

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

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

## 7. TRANSITIONAL YARDS

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

### Yards Fronting Upon or Abutting a Residential DISTRICT

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

Provided however, the front yard use of such minimum required transitional front yard shall not include off-street parking if said abutting street is a Collector, Local or Marginal Access, Cul-de-Sac or Parkway. If the abutting street is an Expressway, Primary or Secondary Thoroughfare, the front yard may include off-street parking provided a twenty (20) foot wide strip of said required front yard paralleling and measured from the front lot line, and extending the full length thereof (except for walks, access cuts and driveways) shall be maintained as a landscaped portion of the yard in conformance with section 2.03, B, 7.

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

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

(3) Transitional Yards Exception The transitional yard requirements of section 2.03, B, 7 shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although residentially zoned.

b. SCREENING AND LANDSCAPING OF TRANSITIONAL YARDS

Yards Fronting Upon or Abutting a Residential DISTRICT

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

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

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

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

Ground area between such wall, fence or hedge and the front lot line shall be planted and maintained in grass, other suitable ground cover, shrubbery and/or trees. All shrubs and trees shall be planted or transplanted with a ball of earth and shall meet the standards of the American Association of

Nurserymen, (a copy of which is on file in the office of the Division of Planning and Zoning, Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made part hereof).

(2) Side and rear transitional yards (abutting a residential DISTRICT) shall be landscaped in grass and shrubbery, trees and/or hedge to form an effective screening of the commercial use. An ornamental, decorative fence or masonry wall may be used in conjunction with the landscaping.

Driveways, off-street parking and loading areas shall not be permitted in the side and rear transitional yards. If any side or rear portion of a lot other than the transitional yards is to be used for a driveway, off-street parking area and/or loading area, there shall be provided and maintained along the length of the drive and/or parking or loading area at the lot line or up to a distance of fifteen (15) feet from the lot line, and to the front setback line, a landscape screen, wall and/or fence of opaque landscape materials, ornamental block, brick, solid wood fencing or combination thereof. Said screen, wall or fence shall be constructed to a height of six (6) feet and shall be designed and constructed to restrict any view therethrough. The yard shall be landscaped for its length in grass with shrubbery and/or trees planted and maintained at intervals of ten (10) feet on center and to a minimum height of thirty six (36) inches for shrubbery and six (6) feet for trees at time of planting, or comparable treatment.

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

8. HEIGHT OF  
BUILDINGS AND  
STRUCTURES

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

9. SIGNS Signs and advertising devices shall comply with the sign regulations of Ordinance 71-AO-4, SIGN REGULATIONS OF MARION COUNTY, INDIANA.
10. OFF-STREET PARKING Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 2.09.
11. OFF-STREET LOADING Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 2.10.

## PURPOSE of C-3C DISTRICT:

*This DISTRICT is designed for a function similar to that of the C-1 DISTRICT. However, it provides for a more intensive use of frontage along selected portions of extremely high-volume primary thoroughfares where a low-density residential area is in a pattern of transition through obsolescence. The orderly development of this more intensive use shall be permitted only after recognition of such need by policy resolution of the Metropolitan Development Commission. Offices and neighborhood commercial uses are permitted with sufficient development standards to protect abutting residential districts. As a buffer district, fences or walls are required for screening and separation of these uses from residential development. In addition, floor areas are restricted, heights of buildings are lowered and similar amenities are required for optimum compatibility of this DISTRICT with the adjacent residential areas.*

A. PERMITTED C-3C DISTRICT USES

The following uses shall be permitted in the C-3C DISTRICT. All uses in the C-3C DISTRICT shall conform to the general regulations and performance standards of section 2.00, the C-3C DISTRICT development standards of section 2.035, B, and to any additional or more restrictive requirements specified in this section.

1. ANY USE PERMITTED IN THE C-1 DISTRICT (except Convalescent Home, Nursing Home, Day Nursery and Kindergarten).
2. RETAIL CONVENIENCE GOODS AND/OR SERVICE ESTABLISHMENT, including:  
     DRUG STORE, HARDWARE STORE, GROCERY, RETAIL BAKERY, DELICATESSEN,  
     RESTAURANT (indoor service only).
3. PERSONAL SERVICE ESTABLISHMENT, including:  
     BARBER SHOP, BEAUTY SHOP, DRY CLEANING AND LAUNDRY PICK-UP STATION,  
     SELF-SERVICE DRY CLEANING AND LAUNDROMAT, SHOE REPAIR, TAILOR,  
     SEAMSTRESS, RADIO AND TELEVISION SERVICE, PHOTOGRAPHIC STUDIO.
4. SHOPPING GOODS ESTABLISHMENT, including:  
     ANTIQUES, BICYCLE STORE, DRY GOODS, FABRIC SHOP, FLORIST, GIFT SHOP,  
     HOBBY SHOP, MUSIC STORE (including records, instruments), PET SHOP  
     PAINT AND WALLPAPER STORE, SHOE STORE, SPORTING GOODS STORE,  
     STATIONER, WEARING APPAREL AND ACCESSORIES STORES.
5. OTHER USES SIMILAR AND COMPARABLE IN CHARACTER TO THE ABOVE PERMITTED USES.
6. ACCESSORY USES AND STRUCTURES, subordinate, appropriate and incidental to the above permitted primary uses.
7. TEMPORARY STRUCTURES, including temporary signs, fences, walls, buildings, barricades and similar temporary structures incidental to the development of land during construction to be included in the Improvement Location Permit for the primary use and to be removed concurrently with completion of construction of the primary use.

B. C-3C DISTRICT DEVELOPMENT STANDARDS

1. USE
  - a. No use shall exceed eight thousand (8000) square

feet in total gross floor area.

- b. All uses and operations (except off-street loading and off-street parking) shall be conducted within completely enclosed buildings.
- c. No outdoor storage shall be permitted.
- d. No retail establishment of a "drive-in" character shall be permitted.
- e. No show windows or other exterior display, promoting products, merchandise or services retailed or offered by the use occupying the premises shall be permitted. Pole signs shall not be permitted. Ground signs and wall signs on the street facade only shall be permitted, subject to the regulations of Ordinance 71-AO-4 SIGN REGULATIONS of Marion County, Indiana.

2. REQUIRED FRONT YARD,  
MINIMUM SETBACK

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

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

- |   |                       |
|---|-----------------------|
| (1) Expressway:                         | Eighty-five (85) feet |
| (2) Primary Thoroughfare<br>or Parkway: | Seventy (70) feet     |
| (3) Secondary Thoroughfare:             | Seventy (70) feet     |
| (4) Collector Street:                   | Sixty (60) feet       |
| (5) Local Street &<br>Cul-de-Sac:       | Fifty-five (55) feet  |

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

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

Front roads immediately paralleling Federal Interstate routes (with a coinciding right-of-way boundary) shall be considered collector streets, requiring a front setback of twenty-five (25) feet from the right-of-way of such front road unless such front road is designated otherwise on the Official Thoroughfare Plan of Marion County, Indiana, or on the recorded plat thereof as required by the Subdivision Control Ordinance of Marion County, Indiana.

3. REQUIRED CORNER SIDE YARD, DOUBLE FRONT-AGE LOT MINIMUM SETBACK  
In any case where the side or rear lot line abuts a street right-of-way line, there shall be provided a side or rear yard in which the setback of any structure shall comply with the MINIMUM FRONT SETBACK requirements of section 2.035 B, 2, unless subject to the ESTABLISHED SETBACK provisions of section 2.00, A, 2.
4. REQUIRED SIDE YARDS, MINIMUM SETBACK  
A side yard and setback of not less than eight (8) feet in depth shall be provided along each side lot line unless subject to transitional yards requirements of section 2.035, B, 7.  
  
If any portion of a side yard is used for a driveway or off-street parking area, there shall be provided and maintained along the entire length of such lot line, a three (3) foot landscaped strip, extending the full length thereof; provided however, that where a dedicated alley separates a side yard from the adjacent property, the entire required side yard may be used for off-street parking and/or driveway.
5. REQUIRED REAR YARD, MINIMUM REAR SETBACK  
A rear yard and setback of not less than ten (10) feet in depth shall be provided along the rear lot line unless subject to transitional yards requirements of section 2.035, B, 7.  
  
Said rear yard, whether abutting an adjacent property or separated therefrom by a dedicated alley, may be entirely used for off-street parking and/or driveway, unless subject to transitional yard requirements.
6. USE OF REQUIRED YARDS  
All required yards shall be landscaped, in grass and shrubbery, trees and/or hedge, or in combination with other suitable ground cover materials, except:
  - a. Required front yards may include:
    - (1) Pedestrian walks, access cuts, driveways, flag poles and similar appurtenant uses.
    - (2) Off-street parking, provided, however, a six (6) foot wide strip of the required front

yard, paralleling and measured from the front lot line, and extending the full length thereof (except for walks, access cuts and driveways), shall be maintained as a landscaped portion of the front yard as required above, unless subject to the transitional yard requirements of section 2.035 B, 7.

b. Except as prohibited by section 2.035 B, 7, required side and rear yards may include:

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

(2) Off-street parking, subject to the requirements of section 2.035, B, 4, or 2.035 B, 7, as applicable and section 2.11.

## 7. TRANSITIONAL YARDS

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

#### Yards Fronting Upon Or Abutting A Residential DISTRICT

(1) Where a front yard abuts a street on the opposite side of which is a residential DISTRICT, the minimum required front yard and setback shall be the same as the standard front yard and setback requirement of section 2.035, B, 2.

Provided however, the front yard use of such minimum required transitional front yard shall not include off-street parking if said abutting street is a Collector, Local or Marginal Access Street, Cul-de-Sac or Parkway. If the abutting street is an Expressway, Primary or Secondary Thoroughfare, the front yard may include off-street parking provided a twenty (20) foot wide strip of said required front yard, paralleling and measured from the front property lot line and extending the full length thereof (except for walks, access cuts and driveways), shall be maintained as a landscaped portion of the front yard in conformance with section 2.035, B, 7.

(2) Where a side or rear lot line abuts either a side or rear lot line in an adjacent residential DISTRICT, a side or rear yard and setback not less than fifteen (15) feet in depth shall be provided along such side or rear lot line.

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

(3) Transitional Yards Exception The transitional yard requirements of section 2.035, B, 7 shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful

nonconforming use, exists upon such adjoining property or abutting frontage property, although residentially zoned.

b. SCREENING AND LANDSCAPING OF TRANSITIONAL YARDS

Yards Fronting Upon Or Abutting A Residential DISTRICT

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

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

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

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

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

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

Provided however, driveways, off-street parking and loading areas shall not be permitted in the side and rear transitional yards. If any side or rear portion of a lot other than the transitional yards is to be used for a driveway, off-street parking area and/or loading area, there shall be provided and maintained along the length of the drive and/or

parking or loading area at a distance of fifteen (15) feet from the lot line, and to the front setback line, a wall or fence of ornamental block, brick, solid wood fencing or combination thereof. Said wall or fence shall be constructed to a height of six (6) feet and shall be constructed to restrict any view therethrough. The fifteen (15) foot yard shall be landscaped for its length in grass with shrubbery and/or trees planted and maintained at intervals of ten (10) feet on center and to a minimum height of thirty six (36) inches for shrubbery and six (6) feet for trees at time of planting, or comparable treatment.

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

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| 8. HEIGHT OF BUILDINGS AND STRUCTURES | Maximum height of buildings and structures shall be thirty-five (35) feet.   |
| 9. SIGNS                              | Signs and advertising devices shall comply with the sign regulations of Ordinance 71-AO-4, SIGN REGULATIONS of Marion County, Indiana. |
| 10. OFF-STREET PARKING                | Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 2.09.                 |
| 11. OFF-STREET LOADING                | Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 2.10.                 |

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SECTION 2.04 C-4 COMMUNITY-REGIONAL COMMERCIAL DISTRICT

PURPOSE OF C-4 DISTRICT:

*The C-4 DISTRICT is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community of neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as department stores, bowling alleys and theaters. Even the smallest of such freestanding uses in this DISTRICT as well as commercial centers require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.*

A. PERMITTED C-4 DISTRICT USES

The following uses shall be permitted in the C-4 DISTRICT. All uses in the C-4 DISTRICT shall conform to the general regulations and performance standards of section 2.00, the C-4 DISTRICT development standards section 2.04, B, and to any additional and/or more restrictive requirements specified in this section.

1. ANY USE PERMITTED IN THE C-1 or C-3 DISTRICT (except Convalescent Home, Nursing Home, Day Nursery and Kindergarten).
2. COMMUNITY OR REGIONAL SHOPPING CENTER OR COMPLEX:
  - COMMUNITY SHOPPING CENTER OR COMPLEX (90,000 - 275,000 square feet of gross floor area) providing, in addition to the convenience goods and services of the neighborhood shopping center or complex, a wider range of retail shopping facilities and personal services, and typically including a major tenant, such as a junior department store.
  - REGIONAL SHOPPING CENTER OR COMPLEX (over 275,000 square feet of gross floor area) providing a full range of retail shopping facilities and services, including durable goods and professional services, and typically including one or more full-line department stores.
3. RETAIL CONVENIENCE GOODS AND/OR SERVICE ESTABLISHMENTS, including:
  - a. DRIVE-IN RESTAURANT, CUSTARD STAND, ROOT BEER STAND OR ANY PLACE OR PREMISES USED FOR THE SALE, DISPENSING OR SERVING OF FOOD OR BEVERAGES OUTDOORS, OR WHERE CUSTOMERS MAY SERVE THEMSELVES OR CARRY OUT AND CONSUME THE FOOD, REFRESHMENTS OR BEVERAGES ON THE PREMISES. PROVIDED, HOWEVER, SUCH ESTABLISHMENTS SHALL:
    - (1) Provide adequate outdoor convenience trash containers.
    - (2) Construct and maintain a decorative fence or wall of not less than 42 inches in height along the rear lot line and side lot lines to the required front setback line. Where the rear lot line abuts a residential DISTRICT, the transitional yard requirements of section 2.03 B, 7 shall apply.
    - (3) Not be located within one hundred (100) feet of a residential DISTRICT on the same side of the street, unless such establishment is separated from said residential DISTRICT by an intervening street.

- b. GASOLINE SERVICE STATION, TIRE AND AUTO SERVICE CENTER, limited to indoor service bays only. Provided however, that the service station and center functions, services, operation and sales shall not include the following:
- (1) Outdoor operations other than the dispensing of gasoline, oil, antifreeze and other similar products and the performing of minor services for customers.
  - (2) The sale, rental, display or storage of new or used motor vehicles, trailers, tractors, machinery or other similar equipment; or merchandise not related to the minor servicing of motor vehicles or for the immediate convenience of customers.
  - (3) Commercial parking of motor vehicles.
  - (4) Major exterior displays of merchandise.
  - (5) Motor or body repair such as, but not limited to, body or fender work, motor overhaul, major transmission repair, auto glass work, tire recapping.
  - (6) Dismantling or wrecking of motor or other vehicles, or the storage of inoperable, damaged or wrecked vehicles.
  - (7) A driveway so located and constructed that it permits traffic movement completely around or behind the service station or service center structure (except where necessary to provide adequate access to the off-street parking area, building, storage tanks, trash containers, etc., or to adjacent commercial property, or in the case of a station or service center structure designed to provide service on all sides).
4. BLUEPRINTING, PHOTOCOPYING, JOB PRINTING.
5. SHOPPING OR DURABLE GOODS ESTABLISHMENT, including:  
DEPARTMENT STORE, DISCOUNT STORE, MAJOR APPLIANCES, FURNITURE AND FLOOR COVERING STORES.
6. INDOOR COMMERCIAL AMUSEMENT, RECREATION AND ENTERTAINMENT, including:  
THEATER, BOWLING ALLEY, BILLIARD PARLOR, GYMNASIUM, TENNIS FACILITIES, ROLLER OR ICE SKATING RINK, NIGHT CLUB, PRIVATE CLUB OR LODGE.
7. AUTOMOBILE SALES, NEW OR USED, SERVICE AND REPAIR, AUTO PARTS SALES provided that the total activity is conducted within enclosed buildings.
8. CAR WASH COMPLETELY INDOORS, SELF-SERVICE CAR WASH, AUTOMATIC OR SEMI-AUTOMATIC CAR WASH. Provided however, self-service, automatic or semi-automatic car wash establishments shall:
- a. Provide not less than five (5) auto waiting spaces at the entrance and three (3) outdoor drying and finishing spaces at the exit to each wash bay of a self-service car wash establishment.
  - b. Provide not less than twenty (20) auto waiting or storage spaces at

the entrance and six (6) outdoor drying and finishing spaces at the exit of each wash bay of an automatic or semi-automatic car wash establishment.

- c. Not conduct any drying, cleaning, polishing, dispensing of gasoline or other comparable operation within the required minimum front yard.
- d. Meet the transitional yard requirements of section 2.04 B, 7.
- e. Not be located within two hundred (200) feet of a residential DISTRICT fronting on the same side of the street.

9. COMMERCIAL PARKING LOTS AND STRUCTURES.

- 10. TEMPORARY SEASONAL USES SUCH AS CHRISTMAS TREE SALES, NURSERY PLANTS, FRUIT STAND COMPLETELY UNDER SHELTER; provided however, such uses and accessory off-street parking space therefor shall not reduce or encroach upon the minimum required off-street parking area of any commercial use. Provided further that the location of such use(s) on the lot shall be subject to approval by the Administrator of the Division of Planning and Zoning.
- 11. POST OFFICE, including storage of delivery vehicles, provided such storage area is screened by a solid decorative fence or wall not less than six (6) feet in height.
- 12. VETERINARIAN.
- 13. SCHOOLS TEACHING PHOTOGRAPHY, DANCE, MUSIC, ART, LANGUAGE, TRADES, including BARBER and BEAUTY SCHOOLS.
- 14. MASS TRANSIT TERMINALS.
- 15. OTHER USES SIMILAR AND COMPARABLE IN CHARACTER TO THE ABOVE PERMITTED USES.
- 16. ACCESSORY USES AND STRUCTURES, subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and located in the same building with the primary use, provided no exterior signage announcing such services shall be permitted.
- 17. TEMPORARY STRUCTURES, including temporary signs, fences, walls, buildings, barricades and similar temporary structures incidental to the development of land during construction, to be included in the Improvement Location Permit for the primary use and to be removed concurrently with completion of construction of the primary use.

B. C-4 DISTRICT DEVELOPMENT STANDARDS

- 1. USE
  - a. All uses and operations shall be conducted within enclosed buildings except:
    - (1) Off-street parking and loading.
    - (2) Those uses expressly permitting outdoor activities as specified in section 2.04, A.

(3) Minor displays of merchandise may be placed outdoors provided such displays are:

- (a) Accessory to the primary use.
- (b) Located immediately adjacent to the primary structure, but not within a required minimum front yard.
- (c) Not more than two hundred (200) square feet in total area.
- (d) Maintained in an orderly manner.

b. No vending machines shall be permitted on the exterior of any building on the premises except where contained in a shelter or stall, attached to the side of the building and so located as not to interfere materially with the use of adjacent properties.

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

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| 2. REQUIRED FRONT YARD, MINIMUM SETBACK                            | Same as C-3 DISTRICT regulations of section 2.03, B, 2.  |
| 3. REQUIRED CORNER SIDE YARD, DOUBLE FRONT-AGE LOT MINIMUM SETBACK | Same as C-3 DISTRICT regulations of section 2.03, B, 3.  |
| 4. REQUIRED SIDE YARDS, MINIMUM SIDE SETBACK                       | Same as C-3 DISTRICT regulations of section 2.03, B, 4.  |
| 5. REQUIRED REAR YARD, MINIMUM REAR SETBACK                        | Same as C-3 DISTRICT regulations of section 2.03, B, 5.  |
| 6. USE OF REQUIRED YARDS   | Same as C-3 DISTRICT regulations of section 2.03, B, 6.  |
| 7. TRANSITIONAL YARDS  | Same as C-3 DISTRICT regulations of section 2.03, B, 7.  |
| 8. HEIGHT OF BUILDINGS AND STRUCTURES                              | Maximum height of buildings and structures shall be sixty-five (65) feet. Provided however, that within two hundred (200) feet of any residential DISTRICT, the maximum height shall be thirty-five (35) feet. |

9. SIGNS

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

10. OFF-STREET PARKING

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

11. OFF-STREET LOADING

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

SECTION 2.05 C-5 GENERAL COMMERCIAL DISTRICT

PURPOSE OF C-5 DISTRICT:

*The C-5 DISTRICT is designed to provide areas for those retail sales and service functions whose operations are typically characterized by outdoor display, storage and/or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this DISTRICT tend to be out-door functions, brightly lighted, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, they should be grouped on heavy commercial thoroughfares and should never be located adjacent to residential DISTRICTS.*

A. PERMITTED C-5 DISTRICT USES

The following uses shall be permitted in the C-5 DISTRICT. All uses in the C-5 DISTRICT shall conform to the general regulations and performance standards of section 2.00, the C-5 DISTRICT development standards of section 2.05, B, and to any additional and/or more restrictive requirements specified in this section.

1. ANY USE PERMITTED IN THE C-1, C-3 or C-4 DISTRICTS (except Convalescent Home, Nursing Home, Day Nursery and Kindergarten).
2. AUTO RENTAL.
3. AUTO AND/OR TRUCK (1/2 ton or less) SALES AND REPAIR, NEW OR USED, provided:
  - a. Any major repair and service is conducted within enclosed buildings.
  - b. Auto or truck storage is incidental to the primary function.
  - c. Not more than fifty (50) percent of the developed area of the premises is used for outdoor display, storage and/or sales.
  - d. Outdoor storage shall be screened by a solid decorative fence or wall not less than six (6) feet in height, and to a distance from the front lot line not less than the front building line of the primary structure.
  - e. Outdoor display of vehicles shall be located not less than twenty (20) feet from the front line. Provided, a twenty (20) foot wide strip of the required front yard, paralleling and measured from the front line, and extending the full length thereof (except for walks, access cuts and driveways) shall be landscaped in grass and shrubbery, trees and/or hedge.
  - f. Any lighting used to illuminate an outdoor display area or an out-door area where any service or activity is conducted shall comply with the requirements of section 2.09, C8, e.

4. AUTO REPAIR GARAGE, provided any major repair and service is conducted within enclosed buildings and does not include:
  - a. The dismantling or wrecking of motor or other vehicles, either indoors, or outdoors, or
  - b. The storage of inoperable or damaged vehicles (except temporarily while awaiting repair).
5. AUTO PARTS SALES.
6. COMMISSARY, CATERING SERVICE AND OTHER SIMILAR RETAIL FOOD PREPARATION.
7. FOOD LOCKER PLANT.
8. GARDEN AND LAWN MATERIALS, SUPPLIES AND EQUIPMENT SALES, including outdoor display; LAWN MOWER AND EQUIPMENT SERVICE AND REPAIR, conducted within enclosed buildings.
9. MINIATURE GOLF, ARCHERY, TRAMPOLINE CENTER, GOLF DRIVING RANGE, DRIVE-IN THEATER AND SIMILAR RECREATION FACILITIES.
10. MOTORCYCLE OR BICYCLE SALES, SERVICE AND/OR REPAIR, conducted within enclosed buildings. Outdoor display shall be permitted provided such use is not located within one hundred (100) feet of a residential DISTRICT.
11. TOOL RENTAL.
12. GASOLINE SERVICE STATION, TIRE AND AUTO SERVICE CENTER, provided:
  - a. Any display, sale or rental of motor vehicles or trailers conducted in association with a service station shall be located in a specific area, not located in or in any way conflicting or interfering with pedestrian walks, off-street parking area, driveways, required landscaped yards, or public rights-of-way.
  - b. There shall be no commercial parking of motor vehicles.
  - c. There shall be no exterior displays which restrict traffic visibility in any way or which impede the movement of any vehicles on the service 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 landscaped yards. All exterior displays shall be maintained in an orderly manner.
  - d. Any major servicing or motor or body repair work shall be conducted within an enclosed structure, and shall not include:
    - (1) The dismantling or wrecking of motor or other vehicles, or
    - (2) The storage of inoperable or damaged vehicles (except temporarily while awaiting repair).

3. No driveway shall be so located and constructed that it permits traffic movement completely around or behind the service station or service center structure (except where necessary to provide adequate access to the off-street parking area, building, storage tanks, trash containers, etc., or to adjacent commercial property, or in the case of a station or service center structure designed to provide service on all sides).
13. HOTELS, APARTMENT - HOTELS, MOTOR - HOTELS, MOTELS.
14. OTHER USES SIMILAR AND COMPARABLE IN CHARACTER TO THE ABOVE PERMITTED USES.
15. ACCESSORY USES AND STRUCTURES, subordinate, appropriate and incidental to the above permitted uses, including supportive services directly related to and located in the same building with the primary use, provided no exterior signage announcing such services shall be permitted.
16. TEMPORARY STRUCTURES, including temporary signs, fences, walls, buildings, barricades and similar temporary structures incidental to the development of land during construction, to be included in the Improvement Location Permit for the primary use and to be removed concurrently with completion of construction of the primary use.

B. C-5 DISTRICT DEVELOPMENT STANDARDS

1. USE

a. DISPLAY AND STORAGE:

- (1) The outdoor display of goods or materials shall not include the storage of materials or equipment as a primary use, or wholesaling, warehousing or distribution operations, but shall include the outdoor display of merchandise for sale, lease or rental.
- (2) Outdoor displays shall not be located in any required yards or off-street parking or loading areas.
- (3) Display areas shall be of concrete, asphaltic pavement, brick, flagstone or comparable material and shall be maintained in good condition.
- (4) Outdoor displays shall be maintained in an orderly manner.
- (5) Vehicular display areas shall be provided with bumper or wheel guards along any minimum required yard line or public right-of-way.
- (6) No outside storage shall be permitted, other than trash containers, provided that trash containers exceeding six (6) cubic feet shall be located within a solid-walled stall behind or beside the primary structure.
- (7) Vending machines on the exterior of any building on the premises shall be contained in a

shelter, stall or other area so located as not to interfere materially with the use of adjacent properties.

b. LIGHTING OF DISPLAY AND SERVICE AREAS:

Any lighting used to illuminate an outdoor display area or an outdoor area where any service or activity is conducted shall comply with the requirements of section 2.09, 8, c.

Further, it shall be prohibited to:

(1) Light an area by the use of stringers of unshielded incandescent lamps in which the entire lamp envelope is designed to function as a light emitter.

(2) Make use of attention attracting lighting from apparatus of a type used by emergency vehicles.

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| 2. REQUIRED FRONT YARD, MINIMUM SETBACK                           | Same as C-3 DISTRICT regulations of section 2.03, B, 2.  |
| 3. REQUIRED CORNER SIDE YARD, DOUBLE FRONTAGE LOT MINIMUM SETBACK | Same as C-3 DISTRICT regulations of section 2.03, B, 3.  |
| 4. REQUIRED SIDE YARDS, MINIMUM SIDE SETBACKS                     | Same as C-3 DISTRICT regulations of section 2.03, B, 4.  |
| 5. REQUIRED REAR YARD, MINIMUM REAR SETBACK                       | Same as C-3 DISTRICT regulations of section 2.03, B, 5.  |
| 6. USE OF REQUIRED YARDS  | Same as C-3 DISTRICT regulations of section 2.03, B, 6.  |
| 7. TRANSITIONAL YARDS   | Same as C-3 DISTRICT regulations of section 2.03, B, 7.  |
| 8. HEIGHT OF BUILDINGS AND STRUCTURES                             | Same as C-3 DISTRICT regulations of section 2.03, B, 8.  |
| 9. SIGNS  | Signs and advertising devices shall comply with the sign regulations of Ordinance 71-AO-4, SIGN REGULATIONS of Marion County, Indiana. |
| 10. OFF-STREET PARKING  | Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 2.09.                 |
| 11. OFF-STREET LOADING  | Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 2.10.                 |

## PURPOSE OF C-6 DISTRICT:

*The C-6 DISTRICT is designed to permit development of limited service uses relating to freeway, expressway or other thoroughfare interchanges and other controlled access locations along major arterial thoroughfares. This DISTRICT is provided at locations where more concentrated forms of commercial use would conflict with other uses in the vicinity.*

*Food, lodging and automotive services can be made conveniently available to the thoroughfare user without creating the traffic congestion and hazards associated with interchanges or intersections where large commercial districts have developed. The limited land area and limited land usage permitted provide for maximum compatibility with adjacent DISTRICTS.*

A. PERMITTED C-6 DISTRICT USES

The following uses shall be permitted in the C-6 DISTRICT. All uses in the C-6 DISTRICT shall conform to the general regulations and performance standards of section 2.00 and the C-6 DISTRICT development standards of section 2.06, B.

1. GASOLINE SERVICE STATION, subject to the same regulations are required in the C-4 DISTRICT.
2. MOTEL, HOTEL, MOTOR-HOTEL.
3. RESTAURANT, including DRIVE-IN AND CARRY-OUT RESTAURANTS.
4. ACCESSORY USES AND STRUCTURES, subordinate, appropriate and incidental to the above permitted uses, including supportive services directly related to and located in the same building with the primary use, provided no exterior signage announcing such services shall be permitted.
5. TEMPORARY STRUCTURES, including temporary signs, fences, walls, buildings, barricades and similar temporary structures incidental to the development of land during construction, to be included in the Improvement Location Permit for the primary use and to be removed concurrently with the completion of construction of the primary use.

B. C-6 DISTRICT DEVELOPMENT STANDARDS

1. USE
  - a. No outside storage shall be permitted, other than trash containers, provided that trash containers exceeding six (6) cubic feet shall be located within a solid-walled stall behind or beside the primary structure.
  - b. Any lighting used to illuminate an outdoor area where any service or activity is conducted shall comply with the requirements of section 2.09, 5, e.

Further, it shall be prohibited to:

(1) Light an area by the use of stringers of unshielded incandescent lamps in which the entire lamp envelope is designed to function as a light emitter.

(2) Make use of attention attracting lighting from apparatus of a type used by emergency vehicles.

2. REQUIRED FRONT YARD, MINIMUM SETBACK Same as C-3 DISTRICT regulations of section 2.03, B, 2.
3. REQUIRED CORNER SIDE YARD, DOUBLE FRONTAGE LOT MINIMUM SETBACK Same as C-3 DISTRICT regulations of section 2.03, B, 3.
4. REQUIRED SIDE YARDS, MINIMUM SIDE SETBACK Same as C-3 DISTRICT regulations of section 2.03, B, 4.
5. REQUIRED REAR YARD, MINIMUM REAR SETBACK Same as C-3 DISTRICT regulations of section 2.03, B, 5.
6. USE OF REQUIRED YARDS Same as C-3 DISTRICT regulations of section 2.03, B, 6.
7. TRANSITIONAL YARDS Same as C-3 DISTRICT regulations of section 2.03, B, 7.
8. HEIGHT OF BUILDINGS AND STRUCTURES Maximum height of buildings and structures shall be sixty-five (65) feet.  
  
Provided however, within two hundred (200) feet of any residential DISTRICT, the maximum height shall be thirty-five (35) feet.
9. SIGNS Signs and advertising devices shall comply with the sign regulations of Ordinance 71-AO-4, SIGN REGULATIONS of Marion County, Indiana.
10. OFF-STREET PARKING Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 2.09.
11. OFF-STREET LOADING Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 2.10.

SECTION 2.07 C-7 HIGH INTENSITY COMMERCIAL DISTRICT

PURPOSE OF THE C-7 DISTRICT:

*The C-7 DISTRICT is designed to provide specific areas for retail commercial uses which have unusually incompatible features relative to other commercial uses, such as major outdoor storage and/or display of sizeable merchandise, outdoor parking and storage of trucks, materials and/or equipment essential to the operation of these uses. Because of the character and intensity of these uses, the district will be suitably located on major commercial arterial thoroughfares but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food and merchandising, etc.*

A. PERMITTED C-7 DISTRICT USES

The following uses shall be permitted in the C-7 DISTRICT. All uses in the C-7 DISTRICT shall conform to the general regulations and performance standards of section 2.00 and the C-7 DISTRICT development standards of section 2.07, B.

1. ANY USE PERMITTED IN THE C-1, C-3, C-4, C-5 or C-6 DISTRICTS (except Convalescent Home, Nursing Home, Day Nursery and Kindergarten).
2. BOAT SALES AND SERVICE.
3. CEMETERY MONUMENTS AND TOMBSTONES, including engraving.
4. CUSTOM GLASS FABRICATION AND INSTALLATION.
5. HEAVY AND LIGHT EQUIPMENT AND AUTO TRAILER RENTAL.
6. MOBILE HOME SALES AND SERVICE.
7. TRAVEL TRAILER, RECREATIONAL VEHICLE SALES AND RENTAL.
8. TRUCK CLEANING, SERVICE, REPAIR AND RENTAL.
9. TRUCK (over 1/2 ton), TRACTOR (over-the-road), TRAILER AND FARM EQUIPMENT SALES AND SERVICES.
10. RETAIL LUMBER YARD, including millwork.
11. HOME REMODELING SUPPLIES AND MATERIALS.
12. MODEL DISPLAY HOME, GARAGE, OUTBUILDING or other similar display structure.
13. OTHER USES SIMILAR AND COMPARABLE IN CHARACTER TO THE ABOVE PERMITTED USES.
14. ACCESSORY USES AND STRUCTURES, subordinate, appropriate and incidental to the above permitted primary uses.

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

B. C-7 DISTRICT DEVELOPMENT STANDARDS

1. USE

a. Merchandise and products for sale; storage of materials, products, machinery and equipment; and operations incidental to the primary use may be located outdoors, provided:

b. The outdoor display of boats, cemetery monuments and tombstones, mobile homes and recreational vehicles, and merchandise or products similar and comparable in characteristics, offered for sale shall be permitted, provided:

(1) Any major repair and service is conducted within enclosed buildings.

(2) Outdoor display of products for sale shall be located not less than twenty (20) feet from the front lot line; provided a twenty (20) foot wide strip of the required front yard, paralleling and measured from the front lot line, and extending the full length thereof (except for walks, access cuts and driveways) shall be landscaped in grass and shrubbery, trees and/or hedge.

(3) Any lighting used to illuminate an outdoor display area or any outdoor area where any service or activity is conducted shall comply with the requirements of section 2.09, 8, c.

(4) Further, it shall be prohibited to:

(a) Light an area by the use of stringers or unshielded incandescent lamps in which the entire lamp envelope is designed to function as a light emitter.

(b) Make use of attention attracting lighting from apparatus of a type used by emergency vehicles.

2. REQUIRED FRONT YARD, MINIMUM SETBACK

Same as C-3 DISTRICT REGULATIONS OF SECTION 2.03, B, 2.

3. REQUIRED CORNER SIDE YARD, DOUBLE FRONTAGE LOT MINIMUM

Same as C-3 DISTRICT regulations of section 2.03, B, 3.

4. REQUIRED SIDE YARDS, MINIMUM SIDE SETBACKS A side yard and setback of not less than (10) feet shall be provided along each side lot line.
5. REQUIRED REAR YARD, MINIMUM REAR SETBACK A rear yard and setback of not less than ten (10) feet shall be provided along the rear lot line.
6. USE OF REQUIRED YARDS All required yards shall be landscaped in grass and shrubbery, trees and/or hedge, or in combination with other suitable ground cover materials, except:
- a. Required front yards may include:
- (1) Pedestrian walks, flag poles and similar appurtenant uses.
- (2) Access cuts and driveways, provided they are not located within forty (40) feet of a side lot line abutting a residential DISTRICT.
- (3) Off-street parking, provided however, a six (6) foot wide strip of the required front yard, paralleling and measured from the front lot line, and extending the full length thereof (except for walks, access cuts and driveways), shall be maintained as a landscaped portion of the front yard as required above.
- b. Except as prohibited by section 2.07, B, 7, required side and rear yards may include:
- (1) Pedestrian walks, flag poles and similar appurtenant uses.
- (2) Access cuts and driveways, provided they are not located within forty (40) feet of a lot line abutting a residential DISTRICT.
- (3) Off-street parking, provided it is not located within forty (40) feet of a lot line abutting a residential DISTRICT.
7. TRANSITIONAL YARDS a. MINIMUM FRONT, SIDE AND REAR TRANSITIONAL YARDS AND SETBACKS

Yards Fronting Upon or Abutting A Residential DISTRICT

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

Provided however, the front yard use of such minimum required transitional front yard shall not include

off-street parking if said abutting street is a Collector, Local or Marginal Access, Cul-de-Sac or Parkway. If the abutting street is an Expressway, Primary or Secondary Thoroughfare, the front yard may include off-street parking provided a twenty (20) foot wide strip of said required front yard paralleling and measured from the front lot line, and extending the full length thereof (except for walks, access cuts and driveways) shall be maintained as a landscaped portion of the yard in conformance with section 2.07, B, 7.

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

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

(3) Transitional Yards Exception The transitional yard requirements of section 2.07, B, 7 shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful non-conforming use, exists upon such adjoining property or abutting frontage property, although residentially zoned.

b. SCREENING AND LANDSCAPING OF TRANSITIONAL YARDS

Yards Fronting Upon or Abutting A Residential DISTRICT

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

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

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

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

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

(2) Side and rear transitional yards (abutting a residential DISTRICT) shall be landscaped in grass and shrubbery, trees and/or hedge to form an effective screening of the commercial use. An ornamental, decorative fence or masonry wall may be used in conjunction with the landscaping.

Provided however, driveways, off-street parking and loading areas shall not be permitted in the side or rear transitional yards. If any side or rear portion of a lot other than the transitional yards is to be used for a driveway, off-street parking area and/or loading area, there shall be provided and maintained along the length of the drive and/or parking or loading area at the lot line or up to a distance of forty (40) feet from the lot line, and to the front setback line, a landscape screen, wall or fence of opaque landscape materials, ornamental block, brick, solid wood fencing or combination thereof. Said screen, wall or fence shall be designed and constructed to a height of not less than six (6) feet nor more than ten (10) feet and shall be constructed to restrict any view therethrough. The yard shall be landscaped for its length in grass with shrubbery and/or trees planted and maintained at intervals of ten (10) feet on center and to a minimum height of thirty six (36) inches for shrubbery and six (6) feet for trees at time of planting, or comparable treatment.

No materials or equipment shall be stored to a height greater than said screen, wall or fence.

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

ment Location Permit.

8. HEIGHT OF BUILDINGS AND STRUCTURES      Maximum height of buildings and structures shall be thirty-five (35) feet.
9. SIGNS      Signs and advertising devices shall comply with the sign regulations of Ordinance 71-AO-4, SIGN REGULATIONS of Marion County, Indiana.
10. OFF-STREET PARKING      Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 2.09.
11. OFF-STREET LOADING      Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 2.10.

SECTION 2.075 C-ID COMMERCIAL-INDUSTRIAL DISTRICT

PURPOSE OF THE C-ID DISTRICT:

*The C-ID DISTRICT is designed to accommodate the commercial/industrial type of land uses which by the nature of operation and/or appearance are more compatible with industrial than retail commercial activities. These uses generally are not visited by customers, but rather involve service operations from headquarters with some on-site fabrication of parts and, in some cases, substantial open air storage of large service vehicles, raw materials or finished products.*

A. PERMITTED C-ID DISTRICT USES

The following uses shall be permitted in the C-ID DISTRICT. All uses in the C-ID DISTRICT shall conform to the general regulations and performance standards of section 2.00 and the C-ID DISTRICT development standards of section 2.075 B.

1. CONSTRUCTION COMPANY.
2. CONTRACTORS, such as:
  - PAINTING; DECORATING; ELECTRICAL; PLUMBING; BUILDING; ROOFING;  
SHEET METAL; SEPTIC SYSTEM; STORM DOORS; WINDOWS; AWNINGS; SIGN  
CONTRACTORS.
3. CRATING AND PACKAGING SERVICE.
4. HOME REMODELING COMPANY.
5. INDUSTRIAL LAUNDRY AND DRY CLEANING PLANT.
6. TESTING LABORATORY.
7. UPHOLSTERER, FURNITURE REPAIR.
8. WHOLESALER, WAREHOUSER, DISTRIBUTOR, STORAGE AND TRANSFER ESTABLISHMENT.
9. OTHER USES SIMILAR AND COMPARABLE IN CHARACTER TO THE ABOVE PERMITTED USES.
10. ACCESSORY USES AND STRUCTURES, subordinate, appropriate and incidental to the above permitted primary uses including supportive services directly related to and located in the same building with the primary use, provided no exterior signage announcing such services shall be permitted.
11. TEMPORARY STRUCTURES, including temporary signs, fences, walls, buildings, barricades and similar temporary structures incidental to the development of land during construction, to be included in the Improvement Location Permit for the primary use and to be removed concurrently with completion of construction of the primary use.

B. C-1D DISTRICT DEVELOPMENT STANDARDS

1. USE Merchandise and products for sale; storage of materials, products, machinery and equipment; and operations incidental to the primary use may be located outdoors, provided:
  - (1) Any major repair and service is conducted within enclosed buildings.
  - (2) Any lighting used to illuminate any outdoor area where any service or activity is conducted shall comply with the requirements of section 2.09, 8, e.
  - (3) It shall be prohibited to:
    - (a) Light an area by the use of stringers or unshielded incandescent lamps in which the entire lamp envelope is designed to function as a light emitter.
    - (b) Make use of attention attracting lighting from apparatus of a type used by emergency vehicles.
2. REQUIRED FRONT YARD, MINIMUM SETBACK Same as C-3 DISTRICT regulations of section 2.03, B, 2.
3. REQUIRED CORNER SIDE YARD DOUBLE FRONTAGE LOT MINIMUM Same as C-3 DISTRICT regulations of section 2.03, B, 3.
4. REQUIRED SIDE YARD, MINIMUM SIDE SETBACK A side yard and setback of not less than ten (10) feet shall be provided along each side lot line.
5. REQUIRED REAR YARD, MINIMUM REAR SETBACK A rear yard and setback of not less than ten (10) feet shall be provided along the rear lot line.
6. USE OF REQUIRED YARDS All required yards shall be landscaped in grass and shrubbery, trees and/or hedge, or in combination with other suitable ground cover materials, except:
  - a. Required front yards may include:
    - (1) Pedestrian walks, flag poles and similar appurtenant uses.
    - (2) Access cuts and driveways, provided they are not located within forty (40) feet of side lot line abutting a residential DISTRICT.
    - (3) Off-street parking, provided however, a six (6) foot wide strip of the required front

yard, paralleling and measured from the front lot line, and extending the full length thereof (except for walks, access cuts and driveways), shall be maintained as a landscaped portion of the front yard as required above.

b. Except as prohibited by section 2.08 B. 7, required side and rear yards may include:

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

(2) Access cuts and driveways, provided they are not located within forty (40) feet of a lot line abutting a residential DISTRICT.

(3) Off-street parking, provided it is not located within forty (40) feet of a lot line abutting a residential DISTRICT.

7. TRANSITIONAL YARDS

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

Yards Fronting Upon or Abutting A Residential DISTRICT

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

The front yard use of such minimum required transitional front yard shall not include off-street parking if said abutting street is a Collector, Local or Marginal Access, Cul-de-Sac or Parkway. If the abutting street is an Expressway, Primary or Secondary Thoroughfare, the front yard may include off-street parking provided a twenty (20) foot wide strip of said required front yard, paralleling and measured from the front lot line and extending the full length thereof (except for walks, access cuts and driveways), shall be maintained as a landscaped portion of the yard in conformance with section 2.08, B, 7.

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

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

(3) Transitional Yards Exception The transitional yard requirements of section 2.075, B, 7 shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although residentially zoned.

b. SCREENING AND LANDSCAPING OF TRANSITIONAL YARDS

Yards Fronting Upon or Abutting A Residential DISTRICT

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

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

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

Plant Material Screen -- a compact hedge of evergreen or deciduous shrubs, at least 36 inches in height at the time of planting. Ground area between such wall, fence or hedge and the front lot line shall be planted and maintained in grass, other suitable ground cover, shrubbery and/or trees. All shrubs and trees shall be planted or transplanted with a ball of earth and shall meet the standards of the American Association of Nurserymen, (a copy of which is on file in the office of the Division of Planning and Zoning of the Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof).

(2) Side and rear transitional yards (abutting a residential DISTRICT) shall be landscaped in grass and shrubbery, trees and/or hedge to form an effective screening of the commercial use. An

ornamental, decorative fence or masonry wall may be used in conjunction with the landscaping.

Provided, however, driveways, off-street parking and loading areas shall not be permitted in the side and rear transitional yards. If any side or rear portion of a lot other than the transitional yards is to be used for a driveway, off-street parking area and/or loading area, there shall be provided and maintained along the length of the drive and/or parking or loading area at the lot line or up to a distance of forty (40) feet from the lot line, and to the front setback line, a landscaped screen, wall or fence of opaque landscape materials, ornamental block, brick, solid wood fencing or combination thereof. Said screen, wall or fence shall be designed and constructed to a height of not less than six (6) feet nor more than ten (10) feet and shall be constructed to restrict any view therethrough. The yard shall be landscaped for its length in grass with shrubbery and/or trees planted and maintained at intervals of ten (10) feet on center and to a minimum height of thirty six (36) inches for shrubbery and six (6) feet for trees at time of planting, or comparable treatment.

No materials or equipment shall be stored to a height greater than said screen, wall or fence.

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

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| 8. HEIGHT OF BUILDINGS AND STRUCTURES | Maximum height of buildings and structures shall be thirty-five (35) feet.   |
| 9. SIGNS                              | Signs and advertising devices shall comply with the sign regulations of Ordinance 71-AO-4, SIGN REGULATIONS of Marion County, Indiana. |
| 10. OFF-STREET PARKING                | Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 2.09.                 |
| 11. OFF-STREET LOADING                | Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 2.10.                 |

SECTION 2.08 C-S SPECIAL COMMERCIAL DISTRICT

PURPOSE OF C-S DISTRICT:

*The C-S SPECIAL DISTRICT is designed to permit, within a single DISTRICT, multi-use complexes or land use combinations of commercial and non-commercial uses, or single-use commercial projects, which due to excellence of planning, design or function, can be intermixed, grouped or otherwise uniquely located with maximum cohesiveness, attractiveness and compatibility. Thus, the DISTRICT provides flexibility and procedural economy, by permitting the broadest range of land use choices within a single DISTRICT, with adequate land use controls. Under the C-S classification, particular regard can be given property with unique features or significance -- such as unusual topography or landscape amenities, historical, architectural or social significance, or other special land characteristics. The C-S DISTRICT can include high-rise or low-rise developments, can be applied to large or small land areas, appropriately located throughout the metropolitan area -- and can be useful in areas of urban renewal or redevelopment.*

*The C-S DISTRICT is intended to encourage greater creativity in land planning, superior site and structural design and development; to encourage an efficient, aesthetic and desirable use of open space; to provide for a use of land with high functional and aesthetic values; to assure compatibility of land uses, both within the C-S DISTRICT and with adjacent areas. It is intended to provide maximum flexibility in zoning districting and controls -- to meet the changing, diverse developmental needs of the metropolitan area.*

A. PERMITTED C-S DISTRICT USES

The following shall be permitted C-S DISTRICT uses. Provided, however, all land use within the C-S DISTRICTS shall be limited to the use or uses specified in the applicable rezoning petition or ordinance redistricting and zoning the particular land to the C-S DISTRICT classification.

A site and development plan for a proposed C-S DISTRICT shall be filed with the zoning petition and approved by the Metropolitan Development Commission. The Commission may approve, amend or disapprove the plan and may impose any reasonable conditions upon its approval. If such plan submitted is a preliminary rather than final plan, the Commission's approval shall be conditioned upon the approval, by the Administrator of the Division of Planning and Zoning, of a final site and development plan, in total or in phases. Such final plan approval by the Administrator shall be conditioned upon the Administrator's finding that the final plan is consistent and in substantial conformity with the preliminary plan, as approved by the Metropolitan Development Commission.

In addition to said regulations of section 2.00 and 2.08, all land use within the C-S DISTRICTS shall be subject to any further standards, restrictions and/or requirements specified in such rezoning petition or ordinance, and to all requirements of section 1, B, 3 of Ordinance 71-AO-1, the IMPROVEMENT LOCATION PERMIT ORDINANCE of Marion County, Indiana, relative to plans (including exhibits, site plans, renderings, plans for buildings, signs or other structures, fencing, landscaping, off-street parking and loading areas, utilities, drainage, sewage or other developmental or land use plans) and

covenants filed, made or presented in support of such rezoning petition.

1. PUBLIC AND SEMIPUBLIC STRUCTURES AND USES, PARKS AND OPEN SPACE, including but not limited to museums, assembly halls, auditoriums, theaters, amphitheaters, exhibition halls or exhibition spaces, libraries, civic center, university or college campus or other educational institution, governmental office complexes, malls, greenways or other appropriate uses and accessory facilities therefor.
2. COMMERCIAL OFFICE-APARTMENT COMPLEX, or other planned complex, which may include business, professional and consumer service offices, retail sales and service uses, including but not limited to restaurant (subject to all regulations of section 2.03 applicable to restaurants), gasoline service station (subject to all regulations of section 2.03 applicable to gasoline service stations), or other appropriate uses and accessory facilities therefor.
3. REGIONAL, COMMUNITY OR NEIGHBORHOOD SHOPPING CENTER - OFFICE - APARTMENT COMPLEX, APARTMENT HOTELS, HOTELS, MOTOR-HOTELS or other multi-use planned complex, which may include business, professional and consumer service offices, retail sales and service uses, including but not limited to restaurant (subject to all regulations of section 2.03 applicable to restaurants), gasoline service station (subject to all regulations of section 2.03 applicable to gasoline service stations), or other appropriate uses and accessory facilities therefor.
4. OFFICE-COMMERCIAL-INDUSTRIAL RESEARCH AND DEVELOPMENT PARK OR COMPLEX OR OTHER COMMERCIAL-INDUSTRIAL USE COMBINATION (subject to all standards, requirements and regulations of section 2.05) I-1-U Restricted Industrial Urban District Regulations) of Ordinance 63-AO-4, the INDUSTRIAL ZONING ORDINANCE of Marion County, Indiana, as amended), and accessory facilities therefor.
5. RESIDENTIAL-RECREATIONAL-COMMERCIAL PLANNED COMPLEX, including MULTI-FAMILY DWELLINGS, TOWNHOUSES, CONDOMINIUM, CLUSTER-HOUSING OR OTHER PLANNED RESIDENTIAL DEVELOPMENT in combination with open space, recreational-commercial development including golf course, country club, riding stable, tennis or swimming club, marina, lake development or other recreational, public or semi-public, commercial or non-commercial uses, and accessory facilities therefor.
6. ANY OTHER APPROPRIATE PLANNED LAND USE, COMPLEX OR COMBINATION OF LAND USES as designated and specified in the amending petition or ordinance zoning land to the C-S SPECIAL COMMERCIAL DISTRICT.

B. C-S DISTRICT DEVELOPMENT STANDARDS

1. USE All C-S DISTRICT uses shall:
  - (a) be so planned, designed, constructed and maintained as to create a superior land development, in conformity with the Comprehensive or Master Plan of Marion County, Indiana;
  - (b) create and maintain a desirable, efficient and economical use of land with high functional

and aesthetic value, attractiveness and compatibility of land uses, within the C-S DISTRICT and with adjacent uses;

(c) provide sufficient and well-designed access, parking and loading areas;

(d) provide traffic control and street plan intergration with existing and planned public streets and interior access roads;

(e) provide adequately for sanitation, drainage and public utilities; and

(f) allocate adequate sites for all uses proposed-- the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive or Master Plan of Marion County, Indiana.

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| 2. REQUIRED FRONT YARD,<br>MINIMUM SETBACK                                 | Same as the C-2 DISTRICT regulations of section 2.02, B, 2.  |
| 3. REQUIRED CORNER<br>SIDE YARD, DOUBLE<br>FRONTAGE LOT<br>MINIMUM SETBACK | Same as the C-2 DISTRICT regulations of section 2.02, B, 3.  |
| 4. REQUIRED SIDE YARDS,<br>MINIMUM SIDE SETBACK                            | Same as C-2 DISTRICT regulations of section 2.02, B, 5.  |
| 5. REQUIRED REAR YARD,<br>MINIMUM REAR SETBACK                             | Same as C-2 DISTRICT regulations of section 2.02, 5.   |
| 6. USE OF REQUIRED<br>YARDS  | Same as C-2 DISTRICT regulations of section 2.02, B, 6.  |
| 7. TRANSITIONAL YARDS  | Same as C-2 DISTRICT regulations of section 2.02, B, 7.  |
| 8. HEIGHT OF BUILDINGS<br>AND STRUCTURES                                   | No height limitation.  |
| 9. SIGNS   | Signs and advertising devices shall comply with the sign regulations of Ordinance 71-AO-4, SIGN REGULATIONS of Marion County, Indiana. |
| 10. OFF-STREET PARKING   | Off-street parking facilities shall be provided in accordance with the off-street parking regulations of section 2.09.                 |
| 11. OFF-STREET LOADING   | Off-street loading facilities shall be provided in accordance with the off-street loading regulations of section 2.10.                 |

SECTION 2.09 OFF-STREET PARKING REGULATIONS

Off-street parking facilities for motor vehicles accessory to the uses in the COMMERCIAL DISTRICTS shall be provided in accordance with the following regulations.

Regulations for commercial parking facilities (i.e. offering parking spaces for fees) are contained in General Ordinance Number 256, 1970 of the City of Indianapolis and Marion County.

1. APPLICATION OF REGULATIONS

a. BUILDINGS, STRUCTURES, USES HEREAFTER ESTABLISHED--EXCEPTION PERMITS PREVIOUSLY ISSUED.

For all buildings and structures erected and all uses of land established after the effective date of this ordinance, accessory parking facilities shall be provided in accordance with the regulations of this section. However, where Improvement Location and Building Permits have been issued prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, but not to exceed two (2) years after the issuance of said building permit, parking facilities in the amounts required for issuance of said permits may be provided in lieu of any different amounts required by the off-street parking regulations of this ordinance.

b. BUILDINGS, STRUCTURES, USES EXISTING OR HEREAFTER ESTABLISHED -- INCREASED INTENSITY OF USE.

When the intensity of use of any building, structure or premises (existing on the effective date of this ordinance or hereafter established) shall be increased (through addition of gross floor area or other unit of measurement specified herein for required parking facilities), parking facilities as required herein shall be provided for such increase in intensity of use. However, no building or structure lawfully erected or use lawfully established prior to the effective date of this ordinance shall be required to provide such additional parking facilities unless and until the aggregate increase in units of measurement shall equal not less than fifteen percent (15%) in which event parking facilities as required herein shall be provided for the total increase.

c. CHANGE OF USE

Whenever the use of a building, structure or premises shall hereafter be changed to a new use permitted by this ordinance, parking facilities shall be provided as required for such new use.

d. EXISTING PARKING FACILITIES

Accessory off-street parking facilities in existence on the effective date of this ordinance shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirement for such a new building or use under the provisions of this ordinance.

e. NEW OR EXPANDED PARKING FACILITIES

Nothing in this ordinance shall be deemed to prevent the establishment or expansion of off-street parking facilities to serve any existing use of land or building, provided that all regulations herein governing the location, design and operation of such facilities shall be adhered to.

2. LOCATION

Accessory off-street parking areas shall be provided on the same lot as the building or use served, or as provided in section 2.09, 3 below.

3. COMMON OR COMBINED PARKING AREAS

A common or combined accessory off-street parking area may be provided to serve two or more primary buildings or uses, provided:

a. Such common or combined off-street parking area shall be so planned, designed, constructed and maintained as to create a desirable, efficient and well planned off-street parking area with high functional and aesthetic value, attractiveness and compatibility with adjacent land uses, and consistent with the character of the COMMERCIAL DISTRICT.

b. Such common or combined off-street parking area shall be located within five hundred (500) feet of all primary uses served therein.

c. A site and development plan for each such common or combined parking area shall be filed with the Division of Planning and Zoning of the Department of Metropolitan Development and approved by the Metropolitan Development Commission or the Administrator of the Division of Planning and Zoning if so authorized by said Commission, prior to the development and use thereof and prior to the issuance of an Improvement Location Permit for any use served thereby.

Said site and development plan:

(1) Shall indicate:

(a) adjacent streets, alleys and lots.

(b) all individual primary uses to be served, including the location, use, and number of parking spaces for each such use as required by section 2.09, 9 hereof.

(c) vehicular entrances, exits and turn-off lanes.

(d) the parking area layout, including vehicular driveways or aisles; off-street parking spaces; total number and dimensions thereof.

(e) setbacks.

(f) all landscaping and screening, walls, fences; proposed lighting, if any; type of paving proposed.

(g) identification sign or signs, including location, size and design thereof.

(h) storm drainage facilities.

(i) location and type of parking space barriers and/or curbing, if any.

(2) shall demonstrate compliance with all applicable standards of this ordinance.

(3) shall be amended and reapproved to indicate any change or other modification of uses served, or number of parking spaces provided therefor.

d. The minimum total number of spaces contained in such combined off-street parking area shall at all times equal the sum of the minimum required parking spaces for all individual uses served therein. Provided, however:

In order to encourage the development of such well-planned common or combined off-street parking facilities in accordance with the standards of this ordinance, said total number of required spaces may be reduced to the extent of 10% below such combined total-- if such reduction is indicated on the approved site and development plan demonstrating compliance with the above standards.

e. Said common or combined off-street parking area shall be developed, maintained and used only in accordance with said approved site and development plan and all other requirements of this ordinance.

4. MINIMUM PARKING LOT AND PARKING SPACE DIMENSIONS
- a. The entrances, exits, aisles, bays and traffic circulation for parking lots and parking garages shall be designed and constructed at not less than the recommended specifications contained in Architectural Graphic Standards, Sixth Ed., Ramsey and Sleeper, John Wiley and Sons, Inc., New York, New York (a copy of which is on file in the office of the Division of Planning and Zoning, Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof); except that parking spaces (or stalls) shall be provided as set forth below.
- b. A required off-street parking space shall have, regardless of angle of parking, a usable parking space measuring not less than nine (9) feet in width (measured perpendicularly from the sides of the parking space) and eighteen (18) feet in length; provided, however, that the total usable parking space area shall be, in no instance, less than one hundred eighty (180) square feet in total area.
5. ACCESS TO AND FROM PARKING AREAS
- a. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
- b. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as to minimize interference with traffic movement and shall be so designed and located that vehicles shall not back from or into a public street.
6. SCREENING AND LANDSCAPING
- Ground area between the required off-street parking area setback and any lot line abutting a residential DISTRICT shall be screened and landscaped in accordance with the COMMERCIAL DISTRICT'S regulations for screening and landscaping transitional yards.
7. USE OF PARKING AREA
- a. The parking area shall not be used for the storage, display, advertisement, sale, repair, dismantling or wrecking of any vehicles, equipment or materials.
- b. The required parking area shall not be used for the storage of any commercial vehicles.
- c. Buildings or structures shall be permitted for shelters for guards, attendants or watchmen; however, any such structure shall not occupy required off-street parking space.

8. SURFACE OF  
PARKING AREA

d. Loading and unloading spaces and maneuvering area, as required in section 2.10, shall not constitute required off-street parking space; nor shall any off-street parking area be used for off-street loading purposes.

a. Open and Enclosed Parking Spaces: Off-street parking spaces may be open to the sky, covered or enclosed in a building. In any instance where a building is constructed or used for parking, it shall be treated as any other major structure and subject to all requirements thereof.

b. All open off-street parking areas shall be paved with concrete, or improved with a compacted macadam base, and surfaced with an asphaltic pavement to adequately provide a durable and dust-free surface which shall be maintained in good condition and free of weeds, dirt, trash and debris, except that:

A gravel surface may be used for a period not exceeding one (1) year after the parking area is opened for use where ground conditions are not immediately suitable for permanent surfacing as specified above.

c. The surface shall be graded and drained in such a manner that there will be no free flow of water onto either adjacent properties or public sidewalks.

d. The parking area(s) shall be so lined or designated where abutting a required yard that no part of the parked vehicles shall extend beyond the boundary of the established parking area into any minimum required yard or into adjoining property.

e. (1) When parking areas are illuminated, the lighting equipment shall provide good visibility with a minimum of direct glare.

(2) In applying exterior floodlighting, equipment shall be of those types or distribution that are appropriate to lighting within the property line. The lighting equipment shall be so located, shielded and directed that the lighting distribution is confined to the area to be lighted.

(3) Objectionable spill light onto adjacent properties or streets shall be avoided to prevent direct glare of disability glare.

(4) Lighting levels for outdoor parking areas shall meet the following minimum average maintained horizontal footcandles (as specified in the Illuminating Engineering Society Lighting Handbook, 4th Revision, 1966, a copy of which is on file in the office of the Division of Planning and Zoning of the Department of Metropolitan Development of Marion County, Indiana and is hereby incorporated by reference and made a part herof):

Self parking area 1.0 footcandles  
Attendant parking area 2.0 footcandles

9. AMOUNT OF PARKING  
AREA REQUIRED

a. Off-street parking spaces shall be provided and maintained for uses in the COMMERCIAL DISTRICTS in accordance with the following minimum requirements:

(1) HOTELS, APARTMENT-HOTELS, MOTELS AND MOTOR-HOTELS

(a) One (1) parking space for each rental sleeping unit.

(b) Parking requirements for dwelling units in APARTMENT-HOTELS shall be in accordance with section 2.10 (D-9 DWELLING DISTRICT NINE REGULATIONS) or section 2.11 (D-10 DWELLING DISTRICT TEN REGULATIONS), as appropriate, of Ordinance 66-AO-2, the DWELLING DISTRICTS ZONING ORDINANCE of Marion County, Indiana, as amended.

(c) If, in addition to dwelling units and/or sleeping units, there are other uses or accessory uses located within or operated in conjunction with the hotel, apartment-hotel, motel or motor-hotel, the following percentages of additional off-street parking spaces shall be provided for such other uses or accessory uses as would be required by this section if such uses were primary and separate from the hotel, apartment-hotel, motel or motor-hotel.

- |  |     |
|--|-----|
| 1. Retail Stores, Offices, Service Establishments        | 50% |
| 2. Restaurants, Dining Rooms, Bars, Night Clubs          | 35% |
| 3. Ball Rooms, Banquet Halls, Meeting Rooms, Auditoriums | 50% |

(2) SANITARIUMS, NURSING AND CONVALESCENT HOMES, HOMES FOR THE AGED:

One (1) parking space for each three (3) patient beds, plus one (1) parking space for each two employees and each two staff doctors on the premises during the largest work shift.

(3) DAY NURSERIES, PRIVATE KINDERGARTENS:

One (1) parking space per employee plus one (1) parking space for each five hundred (500) square feet of gross floor area.

(4) MUSEUMS, COMMUNITY CENTERS, CIVIC CLUBS, PHILANTHROPIC AND ELEEMOSYNARY INSTITUTIONS:

One (1) parking space for each four hundred (400) square feet of gross floor area.

(5) CHURCHES, AUDITORIUMS, ASSEMBLY HALLS, RECITAL HALLS:

One (1) parking space for each four seats at calculated capacity.

(6) LIBRARY:

One (1) parking space for each two hundred (200) square feet of floor area open to the public use.

(7) FIRE STATION

One (1) parking space for each two employees on the premises during the largest work shift.

(8) MEDICAL OR DENTAL CLINICS:

One (1) parking space for each one hundred (100) square feet of gross floor area.

(9) BUSINESS, PROFESSIONAL OR GOVERNMENTAL OFFICE, POST OFFICE, BANK:

One (1) parking space for each two hundred (200) square feet of gross floor area.

(10) BUSINESS, VOCATIONAL AND TRADE SCHOOLS:

One (1) parking space for each one hundred (100) square feet of gross floor area in the building.

(11) COMMERCIAL RECREATIONAL AND AMUSEMENT ESTABLISHMENTS INVOLVING THE ASSEMBLING OF PERSONS, EXCEPT THEATERS AND BOWLING ALLEYS:

One (1) parking space for each two hundred (200) square feet of gross floor area in the building.

(12) THEATERS:

One (1) parking space for each three (3) seats.

(13) BOWLING ALLEYS:

Four (4) parking spaces for each alley.

(14) RESTAURANTS, LUNCH COUNTERS, TAVERNS, BARS AND NIGHT CLUBS, EXCEPT DRIVE-INS:

One (1) parking space per each two (2) employees per shift plus one (1) parking space for each

three (3) customer seats.

(15) DRIVE-IN RESTAURANT OR REFRESHMENT STAND, including any drive-in place or premises used for sale, dispensing, or serving of food, refreshments or beverages, and any establishments where customers may serve themselves, or carry out and consume food, refreshments or beverages on the same premises:

Two (2) parking spaces for each one hundred (100) square feet of gross floor area.

DRIVE-IN RESTAURANT WITH TEN PER CENT (10%) OR LESS CARRY-OUT BUSINESS

One (1) parking space per employee, plus one (1) parking space per three (3) seats, plus a number of spaces equivalent to ten per cent (10%) of the total calculation of spaces for customer seats to accommodate carry-out customers.

(16) RETAIL STORES GENERATING HEAVIER AUTO TRAFFIC, including but not limited to, SUPER-MARKETS AND OTHER FOOD STORES, ICE CREAM PARLORS, BAKERIES, DRUG STORES, BEAUTY AND BARBER SHOPS, DIME STORES:

One (1) parking space for each one hundred fifty (150) square feet of gross floor area for any:

- (a) individual use,
- (b) group of two or more uses in one structure, or
- (c) uses in a planned shopping center or comparably integrated group of uses or structures in which all uses included do not exceed 50,000 square feet in total gross floor area;

Provided, however, that in no case shall any use or uses in the same structure provide less than five (5) parking spaces.

(17) RETAIL STORES GENERATING LIGHTER AUTO TRAFFIC, including but not limited to FURNITURE, JEWELRY, GIFTS, HARDWARE, APPLIANCE STORES AND THE LIKE; PERSONAL SERVICES SHOPS; HOUSEHOLD OR EQUIPMENT REPAIR SHOPS; CLOTHING AND SHOE REPAIR SHOPS; INTERIOR DECORATING SHOPS; WEARING APPAREL:

One (1) parking space for each three hundred (300) square feet of gross floor area for any:

- (a) individual use,
- (b) group of two or more uses in one structure, or

(c) uses in a planned shopping center or comparably integrated group of uses or structures in which all uses included do not exceed 50,000 square feet in total gross floor area;

Provided however, that in no case shall any use or uses in the same structure provide less than three (3) parking spaces.

(18) SPECULATIVE COMMERCIAL STRUCTURES CONSTRUCTED FOR POTENTIAL USES SPECIFIED IN SECTIONS (9), (16) AND (17) ABOVE:

If any site and building(s) or center of less than 50,000 square feet of gross floor area is to be developed on a speculative basis for commercial uses, or for which no specific use or uses are contracted, off street parking spaces shall be provided at a rate of one (1) parking space for each one-hundred fifty (150) square feet of gross floor area of all buildings on the site.

(19) PLANNED SHOPPING CENTER OR INTEGRATED GROUPING OF ESTABLISHMENTS SPECIFIED IN SECTIONS (16) and (17) ABOVE:

(a) If the total gross floor area of the center is between 50,000 and 275,000 square feet -  
One (1) parking space for each one hundred sixty (160) square feet of gross floor area.

(b) If the total gross floor area of the center is 275,000 square feet or greater - 5.5 spaces for each one thousand (1000) square feet of gross leasable area. (Gross leasable area shall include the total floor area of the center designed for tenant occupancy and exclusive use for retail sales, services, inventory and storage, including basements, mezzanines, upper floors, if any -- and portions of mall or concourse space leased or utilized for retail purposes). Parking spaces for business offices not included in the above classifications, theater space and integrated center management shall be provided in addition to that for the gross leasable area. Provisions of 3.d of this section 2.09 shall not apply.

(20) MORTUARY

One (1) parking space for each fifty (50) square feet of floor area in parlors and assembly rooms.

(21) WHOLESALING, DISTRIBUTING, WAREHOUSING, STORAGE, TRANSFER FIRMS; CONTRACTORS, CUSTOM FABRICATORS, UPHOLSTERERS; INDUSTRIAL LAUNDRIES; LUMBER YARDS, JUNK YARDS, COAL YARDS:

One (1) parking space for each two persons on the premises, computed on the basis of the greatest number of persons at any one period or work shift. Any space in the establishment devoted to RETAILING shall require additional customer parking space in the amount specified elsewhere in this section for the type of retailing involved.

(22) USES NOT SPECIFIED:

For any COMMERCIAL DISTRICT use not specified above, the requirements for off-street parking for a specified use to which said use is most similar shall apply.

SECTION 2.10 OFF-STREET LOADING REGULATIONS

Off-street loading facilities accessory to uses in the COMMERCIAL DISTRICTS shall be provided and maintained in accordance with the following regulations.

1. MINIMUM AREA  
A required off-street loading space shall be at least twelve (12) feet in width by at least fifty-five (55) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fifteen (15) feet.
2. ACCESS TO AND FROM OFF OFF-STREET LOADING AREA  
  - a. Each required off-street loading space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such loading space.
  - b. All off-street loading facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as to minimize interference with traffic movement.
3. LOCATION AND SETBACK  
  - a. All required loading spaces shall be located on the same lot as the use served, and shall be so designed and located that trucks shall not back from or into a public street.
  - b. No open loading space shall be located in a minimum required front yard.
  - c. No loading space shall be located in a minimum required side or rear yard.
4. SCREENING  
All motor vehicle loading spaces on any lot abutting a residential DISTRICT or separated by an alley from a residential DISTRICT shall be enclosed within a building or screened and landscaped in accordance with the COMMERCIAL DISTRICT'S regulations for screening and landscaping transitional yards.
5. USE OF LOADING AREA  
Space allotted to off-street loading spaces and maneuvering area shall not be used to satisfy the off-street parking space requirements.
6. SURFACE OF LOADING AREA  
  - a. Open and Enclosed Loading Areas: Off-street loading spaces may be open to the sky, covered or enclosed in a building. In any instance where a building is constructed or used for loading, it shall be treated as any other major structure and subject to all requirements thereof.
  - b. All open off-street loading areas shall be paved with concrete, or improved with a compacted macadam base, and surfaced with an asphaltic pavement to adequately provide a durable and dustfree

surface which shall be maintained in good condition and free of weeds, dirt, trash and debris, except that:

A gravel surface may be used for a period not exceeding one (1) year after the loading area is opened for use where ground conditions are not immediately suitable for permanent surfacing as specified above.

c. The surface shall be graded and drained in such a manner that there will be no detrimental flow of water onto adjacent properties or public sidewalks.

d. When lighting facilities are used to illuminate a loading area, the lighting equipment shall be such that it is so located, shielded and directed that the lighting distribution is confined to the area to be lighted. Objectionable spill light onto adjacent properties and streets shall be avoided to prevent direct glare or disability glare.

7. AMOUNT OF LOADING  
AREA REQUIRED

Off-street loading space shall be provided and maintained in accordance with the following minimum requirements:

a. For each retail store, planned shopping center or commercial establishment, having an aggregate gross floor area of:

(1) Over 10,000 square feet but not over 25,000 square feet: 1 space

(2) Over 25,000 square feet but not over 60,000 square feet: 2 spaces

(3) Over 60,000 square feet but not over 120,000 square feet: 3 spaces

(4) Over 120,000 square feet but not over 200,000 square feet: 5 spaces

(5) Over 200,000 square feet but not over 290,000 square feet: 5 spaces

(6) For each additional 90,000 square feet exceeding 290,000 square feet or fraction thereof: 1 additional space

b. For each auditorium, hotel, apartment-hotel, office building or similar use, having an aggregate gross floor area of:

(1) Over 10,000 square feet but not over 40,000 square feet: 1 space

(2) For each additional 60,000 square feet  
exceeding 40,000 square feet or fraction thereof:  
1 additional space

c. For any wholesale, warehouse, distributor,  
storage or transfer establishment; heavy commercial  
use such as contractor, custom fabrication, crating  
and packaging, tire recapping, testing laboratories,  
lumber or coal yard; or similar use, having aggregate  
gross floor area of:

(1) From 0 to 40,000 square feet: 1 space

(2) Over 40,000 square feet but not over 200,000  
square feet: 2 spaces

(3) Over 100,000 square feet but not over 200,000  
square feet: 3 spaces

(4) For each additional 200,000 square feet  
exceeding 200,000 square feet, or fraction thereof:  
1 additional space

d. For any COMMERCIAL DISTRICT use not specified  
above, the requirements for off-street loading for  
a specified use to which said use is most similar  
shall apply.

SECTION 3.00      SEVERABILITY

If any section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion of this ordinance shall be held to be unconstitutional or invalid by any court or competent jurisdiction, such holding or decision shall not affect or impair the validity of this ordinance as a whole or any part thereof, other than the section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion so held to be unconstitutional or invalid.

*NOW BE IT FURTHER ORDAINED* that an emergency exists for the passage of this ordinance and that the same shall be in full force and effect from and after its passage.

CITY-COUNTY COUNCIL OF INDIANAPOLIS  
AND OF MARION COUNTY, INDIANA

Date \_\_\_\_\_

\_\_\_\_\_  
President (or Presiding Officer)

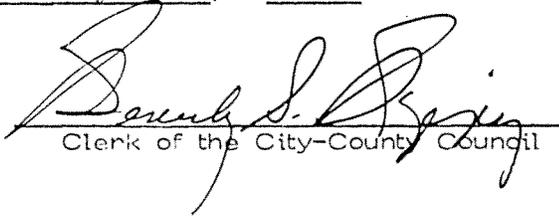
Attest: \_\_\_\_\_  
(Clerk)

legal draft -- 6/11/76  
as amended 6/16/76

STATE OF INDIANA, MARION COUNTY )  
 )  
 ) ss  
CITY OF INDIANAPOLIS )

I, Beverly S. Rippy, Clerk of the City-County Council, Indianapolis, Marion County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of City-County Proposal No. 289, 1976, a Proposal for a General Ordinance, passed by the City-County Council on the 26th day of July 19 76, retitled General Ordinance No. 79 19 76, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this 28th day of July, 1976.

  
Clerk of the City-County Council

(SEAL)

Passed in Council July 26, 1976

Bert Swaas President

Dwight S. Dwyer City Clerk