

DWELLING DISTRICTS ZONING ORDINANCE

OF

MARION COUNTY, INDIANA

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DWELLING DISTRICTS ZONING ORDINANCE

OF

MARION COUNTY, INDIANA

WHEREAS, Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, establishes a single planning and zoning authority in counties having first-class cities, and grants certain powers relative to the zoning and districting of land to the Metropolitan Plan Commission and the County Council of such counties having first-class cities, in order to unify the planning and zoning functions thereof; and

WHEREAS, no uniform regulations for the zoning and districting of land within the various political units within and a part of Marion County, Indiana, had heretofore existed, although the conditions relating to the use and development said land are in many cases identical; and

WHEREAS, the Metropolitan Plan Commission of Marion County, Indiana, has adopted and certified, pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, various segments of its ORIGINAL COMPREHENSIVE OR MASTER PLAN OF MARION COUNTY, INDIANA, including a LAND USE MAP OF MARION COUNTY, INDIANA, adopted by Resolution 62-CPS-R-2 on August 8, 1962, and a COMPREHENSIVE GENERAL LAND USE PLAN FOR MARION COUNTY, INDIANA, adopted by Resolution 65-CPS-R-1 on May 12, 1965; and

WHEREAS, said Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, empowers the Metropolitan Plan Commission of Marion County, Indiana, after such comprehensive plan certification, to recommend to the County Council an ordinance or ordinances for the zoning or districting of all lands

within the County to the end that adequate light, air, convenience of access, and safety from fire, flood, and other danger may be secured; that congestion in the public streets may be lessened or avoided; that property values may be preserved; that the public health, safety, comfort, morals, convenience and general welfare may be promoted;

NOW THEREFORE BE IT ORDAINED by the Marion County Council of Marion County, Indiana, that Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council on March 28, 1957, and subsequently amended pursuant to Section 85 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, and all zoning ordinances adopted as parts thereof, be amended pursuant to said Chapter 283, by the addition of the following provisions and the repeal of all portions thereof in conflict herewith:

CHAPTER 1

ESTABLISHMENT OF DWELLING ZONING DISTRICTS

SECTION 1.00

The following primary DWELLING ZONING DISTRICTS for Marion County, Indiana, are hereby established, and land within said County, including the incorporated and unincorporated portions thereof, is hereby classified, divided and zoned into said districts as designated on the DWELLING ZONING MAPS, which maps are attached hereto, incorporated herein by reference and made a part of this ordinance:

<u>DWELLING ZONING DISTRICTS</u>	<u>ZONING DISTRICT SYMBOLS</u>
DWELLING SUBURBAN DISTRICT	D-S
DWELLING DISTRICT ONE	D-1
DWELLING DISTRICT TWO	D-2
DWELLING DISTRICT THREE	D-3
DWELLING DISTRICT FOUR	D-4
DWELLING DISTRICT FIVE	D-5
DWELLING DISTRICT SIX	D-6
DWELLING DISTRICT SIX II	D-6 II
DWELLING DISTRICT SEVEN	D-7
DWELLING DISTRICT EIGHT	D-8
DWELLING DISTRICT NINE	D-9
DWELLING DISTRICT TEN	D-10
DWELLING DISTRICT ELEVEN	D-11
DWELLING DISTRICT TWELVE	D-12
PLANNED UNIT DEVELOPMENT DISTRICT	D-P

CHAPTER 11

DWELLING DISTRICT REGULATIONS

SECTION 2.00

The following regulations shall apply to all land within the DWELLING DISTRICTS.

A. After the effective date of this ordinance:

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

Provided further, however, any previously officially recorded, platted lot having less than the minimum lot area and/or minimum lot width required by the applicable DWELLING DISTRICT regulations of this ordinance for a one-family dwelling, shall be deemed an exception to such minimum lot area requirement, and a one-family dwelling may be constructed thereon provided all other requirements of this ordinance, including minimum yard and setback requirements, shall be met.

Provided further, however, any legally established nonconforming use public elementary, junior high or high school (including any structures, facilities and parking areas accessory thereto) may be constructed, erected, converted, enlarged, extended, reconstructed or relocated for such public elementary, junior high or high school use on the same lot or parcel, provided such school building, structure, facilities and parking area shall conform to the minimum yard and setback requirements of the applicable DWELLING DISTRICT.

- B. 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 vibrations or concussions detectable beyond the lot lines without the aid of instruments.
2. SMOKE                No use shall emit smoke of a density equal to or greater than No. 2 according to the Ringlemann Scale, as now published and used by the U. S. Bureau of Mines, which scale is on file in the office of the Metropolitan Planning Department of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof.
3. DUST                 No use shall cause dust, dirt or fly-ash of any kind to escape beyond the lot lines in a manner detrimental to or endangering the public health, safety or welfare or causing injury to property.
4. 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.
5. ODOR                 No use shall emit across the lot lines odor in such quantity 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.
6. 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.
7. HEAT  
AND  
GLARE                 No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
8. 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 the State of Indiana or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

(D-S REGULATIONS)

SECTION 2.01 D-S DWELLING SUBURBAN DISTRICT REGULATIONS

A. PERMITTED D-S USES

The following uses shall be permitted in the D-S DISTRICT. All uses in the D-S DISTRICT shall conform to the D-S Development Standards (section 2.01, B) and the Dwelling District Regulations of section 2.00.

1. ONE-FAMILY DWELLING.
2. TEMPORARY USES, as regulated in section 2.14.
3. ACCESSORY USES, as regulated in section 2.15.
4. HOME OCCUPATIONS, as regulated in section 2.16.

B. D-S DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA Minimum lot area: 1 acre

Provided, however:

Any plat of a subdivision consisting of 5 lots or more submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum lot area of 20% of the total number of lots within said plat, to the extent of 20% below such 1-acre requirement, provided the average size of all lots within said approved plat shall then be at least 1 acre.

2. MINIMUM LOT WIDTH AND STREET FRONTAGE Minimum lot width at the setback line: 150 feet

Provided, however:

Any plat of a subdivision consisting of 5 lots or more submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum width of 20% of the total number of lots within said plat, to the extent of 20% below such 150-foot requirement.

Each lot shall have at least 75 feet of frontage on a public street, and shall gain access from said street.

3. SETBACK LINES AND MINIMUM YARDS
  - a. SETBACK LINE AND MINIMUM FRONT YARD:  
Yards having a minimum depth in accordance with the setback requirements of section 2.17, A, shall be provided along all public street right-of-way lines.
  - b. MINIMUM REAR YARD: 25 feet
  - c. MINIMUM SIDE YARD: Aggregate: 35 feet  
Provided, however, no side yard shall be less than 15 feet.
  
4. MINIMUM OPEN SPACE  
Open space (as defined in section 2.19) shall comprise at least 85% of the lot area.
  
5. MAXIMUM HEIGHT
  - a. Primary building: 35 feet
  - b. Accessory building: 20 feet
  
6. MINIMUM FLOOR AREA  
Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:  
  
One-story building: 1,200 sq. ft.  
  
Building higher than one story:  
800 sq. ft.
  
7. OFF-STREET PARKING AND PUBLIC STREETS  
Off-street parking areas and public streets shall be provided in accordance with section 2.17, E and C.

(D-1 REGULATIONS)

SECTION 2.02 D-1 DWELLING DISTRICT ONE REGULATIONS

A. PERMITTED D-1 USES

The following uses shall be permitted in the D-1 DISTRICT. All uses in the D-1 DISTRICT shall conform to the D-1 Development Standards (section 2.02, B) and the Dwelling District Regulations of section 2.00.

1. ONE-FAMILY DWELLING.
2. TEMPORARY USES, as regulated in section 2.14.
3. ACCESSORY USES, as regulated in section 2.15.
4. HOME OCCUPATIONS, as regulated in section 2.16.

B. D-1 DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA Minimum lot area: 24,000 sq. ft.

Provided, however:

Any plat of a subdivision consisting of 5 lots or more submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance may reduce said minimum lot area of 20% of the total number of lots within said plat, to the extent of 20% below such 24,000 sq. ft. requirement, provided the average size of all lots within said approved plat shall then be at least 24,000 sq. ft.

2. MINIMUM LOT WIDTH AND STREET FRONTAGE Minimum lot width at the setback line: 90 feet

Provided, however:

Any plat of a subdivision consisting of 5 lots or more submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum width of 20% of the total number of lots within said plat, to the extent of 20% below such 90-foot requirement.

Each lot shall have at least 45 feet of frontage on a public street, and shall gain access from said street.

3. SETBACK LINES AND MINIMUM YARDS
  - a. SETBACK LINE AND MINIMUM FRONT YARD: Yards, having a minimum depth in accordance with the setback requirements of section 2.17, A, shall be provided along all public street right-of-way lines.
  - b. MINIMUM REAR YARD: 25 feet
  - c. MINIMUM SIDE YARDS: Aggregate: 22 feet. Provided, however, no side yard shall be less than 8 feet.
4. MINIMUM OPEN SPACE  
Open space (as defined in section 2.19) shall comprise at least 80% of the lot area.
5. MAXIMUM HEIGHT
  - a. Primary building: 35 feet
  - b. Accessory building: 20 feet
6. MINIMUM FLOOR AREA  
Minimum main floor area of the primary building, exclusive of garages, carports and open porches:  

One-story building: 1,200 sq. ft.

Building higher than one story:  
800 sq. ft.
7. OFF-STREET PARKING AND PUBLIC STREETS  
Off-street parking areas and public streets shall be provided in accordance with section 2.17, E and C.

SECTION 2.03 D-2 DWELLING DISTRICT TWO REGULATIONS

A. PERMITTED D-2 USES

The following uses shall be permitted in the D-2 DISTRICT. All uses in the D-2 DISTRICT shall conform to the D-2 Development Standards (section 2.03, B) and the Dwelling District Regulations of section 2.00.

1. ONE-FAMILY DWELLING.
2. TWO-FAMILY DWELLING, (permitted on corner lots only).
3. TEMPORARY USES, as regulated in section 2.14.
4. ACCESSORY USES, as regulated in section 2.15.
5. HOME OCCUPATIONS, as regulated in section 2.16.

B. D-2 DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA

Minimum lot area:  
 One-family Dwelling: 15,000 sq. ft.  
 Two-Family Dwelling: 20,000 sq. ft.

Provided, however:  
 Any plat of a subdivision consisting of 5 lots or more submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum lot area of 20% of the total number of lots within said plat, to the extent of 20% below such 15,000 sq. ft. requirement, provided the average size of all lots within said approved plat shall then be at least 15,000 sq. ft.

2. MINIMUM LOT WIDTH

Minimum lot width at the setback line:  
 One-Family Dwelling: 80 feet  
 Two-Family Dwelling: 120 feet (on each street).

Provided, however:  
 Any plat of a subdivision consisting of 5 lots or more submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum width of 20% of the total number of lots within said plat, to the extent of 10% below such 80-and 120-foot requirements.

Each lot shall have at least 40 feet of frontage on a public street, and shall gain access from said street.

3. SETBACK LINES AND MINIMUM YARDS
  - a. SETBACK LINE AND MINIMUM FRONT YARD:  
Yards having a minimum depth in accordance with the setback requirements of section 2.17, A, shall be provided along all public street right-of-way lines.
  - b. MINIMUM REAR YARD: 25 feet
  - c. MINIMUM SIDE YARDS: Aggregate: 19 feet. Provided, however, no side yard shall be less than 7 feet.
4. MINIMUM OPEN SPACE  
Open space (as defined in section 2.19) shall comprise at least 75% of the lot area.
5. MAXIMUM HEIGHT
  - a. Primary building: 35 feet
  - b. Accessory building: 20 feet
6. MINIMUM FLOOR AREA  
Minimum main floor area of the primary building, exclusive of garages, carports, and open porches:  
  
One-story building: 1,200 sq. ft.  
for each dwelling unit.  
  
Building higher than one story: 800 sq. ft. for each dwelling unit in the building.
7. OFF-STREET PARKING AND PUBLIC STREETS  
Off-street parking areas and public streets shall be provided in accordance with section 2.17, E and C.

SECTION 2.04 D-3 DWELLING DISTRICT THREE REGULATIONS

PERMITTED D-3 USES

The following uses shall be permitted in the D-3 DISTRICT. All uses in the D-3 DISTRICT shall conform to the D-3 Development Standards (section 2.04, B) and the Dwelling District Regulations of section 2.00.

1. ONE-FAMILY DWELLING.
2. TWO-FAMILY DWELLING (permitted on corner lots only).
3. TEMPORARY USES, as regulated in section 2.14.
4. ACCESSORY USES, as regulated in section 2.15.
5. HOME OCCUPATIONS, as regulated in section 2.16.

B. D-3 DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA
  - a. Minimum lot area:  
One-Family Dwelling: 10,000 sq. ft.  
Two-Family Dwelling: 15,000 sq. ft.

Provided, however:

Any plat of a subdivision consisting of 5 lots or more submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum lot area of 20% of the total number of lots within said plat, to the extent of 20% below such 10,000 sq. ft. requirement, provided the average size of all lots within said approved plat shall then be at least 10,000 sq. ft.

- b. An additional 5,000 sq. ft. of lot area shall be required for any lot utilizing a septic tank or other individual sewage disposal system.

2. MINIMUM LOT WIDTH AND STREET FRONTAGE
  - Minimum lot width at the setback line:  
One-Family Dwelling: 70 feet  
Two-Family Dwelling: 105 feet (on each street).

Provided, however:

Any plat of a subdivision consisting of 5 lots or more submitted for plat approval

in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum width of 20% of the total number of lots within said plat, to the extent of 10% below such 70-and 105-foot requirements.

Each lot shall have at least 35 feet of frontage on a public street, and shall gain access from said street.

3. SETBACK LINES AND MINIMUM YARDS
  - a. SETBACK LINE AND MINIMUM FRONT YARD: Yards, having a minimum depth in accordance with the setback requirements of section 2.17, A, shall be provided along all public street right-of-way lines.
  - b. MINIMUM REAR YARD: 20 feet
  - c. MINIMUM SIDE YARDS: Aggregate: 16 feet. Provided, however, no side yard shall be less than 6 feet.
4. MINIMUM OPEN SPACE

Open space (as defined in section 2.19) shall comprise at least 70% of the lot area.
5. MAXIMUM HEIGHT
  - a. Primary building: 35 feet
  - b. Accessory building: 20 feet
6. MINIMUM FLOOR AREA

Minimum main floor area of the primary building, exclusive of garages, carports, and open porches:

One-story building: 900 sq. ft. for each dwelling unit.

Building higher than one story: 660 sq. ft. for each dwelling unit in the building.
7. OFF-STREET PARKING AND PUBLIC STREETS

Off-street parking areas and public streets shall be provided in accordance with section 2.17, E and C.

(D-4 REGULATIONS)

SECTION 2.05 D-4 DWELLING DISTRICT FOUR REGULATIONS

A. PERMITTED D-4 USES

The following uses shall be permitted in the D-4 DISTRICT. All uses in the D-4 DISTRICT shall conform to the D-4 Development Standards (section 2.05, B) and the Dwelling District Regulations of Section 2.00.

1. ONE-FAMILY DWELLING.
2. TWO-FAMILY DWELLING (permitted on corner lots only).
3. TEMPORARY USES, as regulated in section 2.14.
4. ACCESSORY USES, as regulated in section 2.15.
5. HOME OCCUPATIONS, as regulated in section 2.16.

B. D-4 DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA
  - a. Minimum lot area:  
One-Family Dwelling: 7,200 sq. ft.  
Two-Family Dwelling: 10,000 sq. ft.

Provided, however:

Any plat of a subdivision consisting of 5 lots or more submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum lot area of 20% of the total number of lots within said plat, to the extent of 20% below such 7,200 sq. ft. requirement, provided the average size of all lots within said approved plat shall then be at least 7,200 sq. ft.

- b. An additional 5,000 sq. ft. of lot area shall be required for any lot utilizing a septic tank or other individual sewage disposal system.

2. MINIMUM LOT WIDTH AND STREET FRONTAGE
  - Minimum lot width at the setback line:  
One-Family Dwelling: 60 feet  
Two-Family Dwelling: 90 feet (on each street).

Provided, however:

Any plat of a subdivision consisting of 5 lots or more submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of the ordinance, may reduce said minimum width of 20% of the total number of lots within said plat, to the extent of 10% below such 60-and 90-foot requirements.

Each lot shall have at least 30 feet of frontage on a public street, and shall gain access from said street.

3. SETBACK LINES AND MINIMUM YARDS
  - a. SETBACK LINE AND MINIMUM FRONT YARD:  
Yards, having a minimum depth in accordance with the setback requirements of section 2.17, A, shall be provided along all public street right-of-way lines.
  - b. MINIMUM REAR YARD: 20 feet
  - c. MINIMUM SIDE YARDS: Aggregate: 13 feet. Provided, however, no side yard shall be less than 5 feet.
4. MINIMUM OPEN SPACE  
Open space (as defined in section 2.19) shall comprise at least 65% of the lot area.
5. MAXIMUM HEIGHT
  - a. Primary building: 35 feet
  - b. Accessory building: 20 feet
6. MINIMUM FLOOR AREA  
Minimum main floor area of the primary building, exclusive of garages, carports, and open porches:  

One-story building: 900 sq. ft. for each dwelling unit.

Building higher than one story: 660 sq. ft. for each dwelling unit in such building.
7. OFF-STREET PARKING AND PUBLIC STREETS  
Off-street parking areas and public streets shall be provided in accordance with section 2.17, E and C.

SECTION 2.06 D-5 DWELLING DISTRICT FIVE REGULATIONS

A. PERMITTED D-5 USES

The following uses shall be permitted in the D-5 DISTRICT. All uses in the D-5 DISTRICT shall conform to the D-5 Development Standards (section 2.06, B) and the Dwelling District Regulations of section 2.00.

1. ONE-FAMILY DWELLING.
2. TWO-FAMILY DWELLING (permitted on corner lots only).
3. TEMPORARY USES, as regulated in section 2.14.
4. ACCESSORY USES, as regulated in section 2.15.
5. HOME OCCUPATIONS, as regulated in section 2.16.

B. D-5 DEVELOPMENT STANDARDS

1. MINIMUM LOT AREA  
Minimum lot area:  
One-Family Dwelling: 5,000 sq. ft.  
Two-Family Dwelling: 9,000 sq. ft.

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

2. MINIMUM LOT WIDTH AND STREET FRONTAGE  
Minimum lot width at the setback line:  
One-Family Dwelling: 50 feet  
Two-Family Dwelling: 90 feet (on each street).

Each lot shall have at least 30 feet of frontage on a public street, and shall gain access from said street.

3. SETBACK LINES AND MINIMUM YARDS
  - a. SETBACK LINE AND MINIMUM FRONT YARD:  
Yards, having a minimum depth in accordance with the setback requirements of section 2.17, A, shall be provided along all street right-of-way lines.
  - b. MINIMUM REAR YARD: 20 feet
  - c. MINIMUM SIDE YARDS: Aggregate: 10 feet. Provided, however, no side yard shall be less than 4 feet.

4. MINIMUM OPEN SPACE                      Open space (as defined in section 2.19) shall comprise at least 60% of the lot area.
  
5. MAXIMUM HEIGHT              a. Primary building: 35 feet  
   b. Accessory building: 20 feet
  
6. MINIMUM FLOOR AREA              Minimum main floor area of the primary building, exclusive of garages, carports, and open porches:  
  
   One-story building: 720 sq. ft. for each dwelling unit.  
  
   Building higher than one story: 600 sq. ft. for each dwelling unit in the building.
  
7. OFF-STREET PARKING AND PUBLIC STREETS              Off-street parking areas and public streets shall be provided in accordance with section 2.17, E. and C.

SECTION 2.07 D-6 DWELLING DISTRICT SIX REGULATIONS

A. PERMITTED D-6 USES

The following uses shall be permitted in the D-6 DISTRICT. All uses in the D-6 DISTRICT shall conform to the D-6 Development Standards (section 2.07, B) and the Dwelling District Regulations of section 2.00.

1. ATTACHED MULTI-FAMILY DWELLINGS.
2. DETACHED SINGLE-FAMILY CLUSTER DWELLINGS.
3. TEMPORARY USES, as regulated in section 2.14.
4. ACCESSORY USES, as regulated in section 2.15.
5. HOME OCCUPATIONS, as regulated in section 2.16.

B. D-6 DEVELOPMENT STANDARDS

1. MINIMUM PROJECT AREA  
There shall be no required minimum project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3, and 5 of this subsection B
2. MINIMUM PROJECT FRONTAGE  
Each project shall have at least 150 feet of frontage on a public street, and shall gain access from said street.
3. MINIMUM YARDS
  - a. Minimum yards shall be provided in accordance with section 2.17, A, wherever the project or lot abuts a public street.
  - b. Minimum yards of at least 30 feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.
  - c. In projects containing two or more buildings, minimum yards (in addition to the requirements of a. and b. above) shall be provided between all buildings, in accordance with the following standards:
    - (1) The required minimum depth of such yards shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:

Wall Containing Windows

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

height plus one foot for each fifteen (15) feet in length of such wall.

Wall Containing No Windows

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

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

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

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

d. Open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in section 2.19) may project into minimum yards required by paragraphs b. and c. above. In addition, such yard areas may be used for parking areas, driveways and interior access roads. In no case, however, shall the facilities permitted by this paragraph d. be located closer than 10 feet to the project boundaries.

4. MAXIMUM HEIGHT

- a. Primary building, Attached Multi-Family Dwellings: 35 feet but not to exceed 3 floors containing a dwelling unit or units.
- b. Primary building, Detached Single-Family Cluster Dwelling: 35 feet but not to exceed 2 floors above grade level.
- c. Accessory building: 25 feet

5. DEVELOPMENT AMENITIES

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

(D-6 REGULATIONS)

- a. Maximum Floor Area:  
floor area ratio(FAR) 0.20
- b. Minimum Open Space  
open space ratio(OSR) 3.85
- c. Minimum Livability Space:  
livability space ratio (LSR) 2.60
- d. Minimum Major Livability Space:  
major livability space ratio  
(MLSR) 0.18
- e. Minimum Parking Space:  
total car ratio (TCR) 1.60

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

SECTION 2.075 D-6 II DWELLING DISTRICT SIX II REGULATIONS

A. PERMITTED D-6 II USES

The following uses shall be permitted in the D-6 II DISTRICT. All uses in the D-6 II DISTRICT shall conform to the D-6 II Development Standards (section 2.075, B) and the Dwelling District Regulations of Section 2.00.

1. ATTACHED MULTI-FAMILY DWELLINGS.
2. DETACHED SINGLE-FAMILY CLUSTER DWELLINGS.
3. TEMPORARY USES, as regulated in section 2.14.
4. ACCESSORY USES, as regulated in section 2.15.
5. HOME OCCUPATIONS, as regulated in section 2.16.

B. D-6 II DEVELOPMENT STANDARDS

1. MINIMUM PROJECT AREA  
There shall be no required minimum project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3, and 5 of this subsection B.
2. MINIMUM PROJECT FRONTAGE  
Each project shall have at least 150 feet of frontage on a public street, and shall gain access from said street.
3. MINIMUM YARDS
  - a. Minimum yards shall be provided in accordance with section 2.17, A, wherever the project or lot abuts a public street.
  - b. Minimum yards of at least 25 feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.
  - c. In projects containing two or more buildings, minimum yards (in addition to the requirements of a. and b. above) shall be provided between all buildings, in accordance with the following standards:

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

Wall Containing Windows

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

Wall Containing No Windows

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

- (2) The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.
  - (3) The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards. However, required yards may overlap provided such overlapping does not decrease the above minimum yard distances separating buildings.
  - (4) Walls forming interior courts and serving only one building shall be exempt from the provisions of this paragraph c.
- d. Open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in section 2.19) may project into minimum yards required by paragraphs b. and c. above. In addition such yard areas may be used for

parking areas, driveways and interior access roads. In no case, however, shall the facilities permitted by this paragraph d. be located closer than 10 feet to the project boundaries.

4. MAXIMUM HEIGHT

- a. Primary building, Attached Multi-Family Dwellings: 35 feet but not to exceed 3 floors containing a dwelling unit or units.
- b. Primary building, Detached Single-Family Cluster Dwelling: 35 feet but not to exceed 2 floors above grade level.
- c. Accessory building: 25 feet

5. DEVELOPMENT AMENITIES

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

- a. Maximum Floor Area:  
floor area ratio (FAR) 0.28
- b. Minimum Open Space:  
open space ratio (OSR) 2.65
- c. Minimum Livability Space:  
livability space ratio (LSR) 1.65
- d. Minimum Major Livability Space:  
major livability space ratio (MLSR) 0.16
- e. Minimum Parking Space:  
total car ratio (TCR) 1.50

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

SECTION 2.08 D-7 DWELLING DISTRICT SEVEN REGULATIONS

A. PERMITTED D-7 USES

The following uses shall be permitted in the D-7 DISTRICT. All uses in the D-7 DISTRICT shall conform to the D-7 Development Standards (section 2.08, B.) and the Dwelling District Regulations of section 2.00.

1. ATTACHED MULTI-FAMILY DWELLINGS
2. TEMPORARY USES, as regulated in section 2.14.
3. ACCESSORY USES, as regulated in section 2.15.
4. HOME OCCUPATIONS, as regulated in section 2.16.

B. D-7 DEVELOPMENT STANDARDS

1. MINIMUM PROJECT AREA  
There shall be no required minimum project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3 and 5 of this subsection B.
2. MINIMUM PROJECT FRONTAGE  
Each project shall have at least 150 feet of frontage on a public street, and shall gain access from said street.
3. MINIMUM YARDS
  - a. Minimum yards shall be provided in accordance with section 2.17, A, wherever the project or lot abuts a public street.
  - b. Minimum yards of at least 20 feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.
  - c. In projects containing two or more buildings, minimum yards (in addition to the requirements of a. and b. above) shall be provided between all buildings, in accordance with the following standards:
    - (1) The required minimum depth of such yards shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:

Wall Containing Windows

If the wall contains one or more windows, the minimum depth of its yard shall be ten (10)

feet, plus two (2) feet for each story in height plus one foot for each fifteen (15) feet in length of such wall.

Wall Containing No Windows

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

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

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

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

d. Open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in section 2.19) may project into minimum yards required by paragraphs b. and c. above. In addition, such yard areas may be used for parking areas, driveways and interior access roads. In no case, however, shall the facilities permitted by this paragraph d. be located closer than 10 feet to the project boundaries, unless an architectural or landscape wall or screen at least six feet in height, designed by an architect or landscape architect, is provided and maintained between the project boundaries and these facilities.

4. MAXIMUM HEIGHT

- a. Primary building, Attached Multi-Family Dwellings: 35 feet but not to exceed 3 floors containing a dwelling unit or units.
- b. Accessory building: 25 feet.

5. DEVELOPMENT AMENITIES

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

(D-7 REGULATIONS)

- |  |      |
|--|------|
| a. Maximum Floor Area<br>floor area ratio (FAR)                              | 0.35 |
| b. Minimum Open Space:<br>open space ratio (OSR)                             | 2.10 |
| c. Minimum Livability Space<br>livability space ratio (LSR)                  | 1.25 |
| d. Minimum Major Livability Space:<br>major livability space ratio<br>(MLSR) | 0.14 |
| e. Minimum Parking Area:<br>total car ratio (TCR)                            | 1.40 |

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

SECTION 2.09 D-8 DWELLING DISTRICT EIGHT REGULATIONS

A. PERMITTED D-8 USES

The following uses shall be permitted in the D-8 DISTRICT. All uses in the D-8 DISTRICT shall conform to the D-8 Development Standards (section 2.09, B) and the Dwelling District Regulations of section 2.00.

1. URBAN DWELLING OR DWELLINGS, including one-family dwellings, two-family dwellings, attached multi-family dwellings, detached single-family cluster dwellings, or any other form of residential dwelling.
2. TEMPORARY USES, as regulated in section 2.14.
3. ACCESSORY USES, as regulated in section 2.15.
4. HOME OCCUPATIONS, as regulated in section 2.16.

B. D-8 DEVELOPMENT STANDARDS

1. MINIMUM LOT OR PROJECT AREA            There shall be no required project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3 and 5 of this subsection B. Provided, further, attachment to public or semi-public water and sanitary sewer facilities shall be mandatory for development in this district.
2. MINIMUM PROJECT FRONTAGE            Each project shall have at least 30 feet of frontage on a public street and shall have a minimum width of 30 feet at the front setback line.
3. MINIMUM YARDS
  - a. Front: As required by section 2.17, A.
  - b. Rear: 15 feet
  - c. Side: At least 20% of the project width measured at the front setback line shall be devoted to aggregate side yards, except not more than 15 feet for any one side yard need be so devoted. The least dimension of a side yard shall not be less than 4 feet.
  - d. In projects containing two or more buildings, minimum yards, (in addition to the other requirements of this paragraph) shall be provided between all buildings, in accordance with the following standards:
    - (1) The required minimum depth of such yards shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:

Wall Containing Windows

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

Wall Containing No Windows

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

- (2) The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.
  - (3) The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards. However, required yards may overlap provided such overlapping does not decrease the above minimum yard distances separating buildings.
  - (4) Walls forming interior courts and patio courts serving only one building shall be exempt from the provisions of this paragraph (4).
- e. Open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in section 2.19) may project into minimum yards required by paragraphs b., c. and d. above. In addition, such yard areas may be used for parking areas, driveways and interior access roads. In no case, however, shall the facilities permitted by this paragraph e. be located closer than 4 feet to the project boundaries, unless an architectural or landscape wall or screen at least six feet in height, designed by an architect or landscape architect, is provided and maintained between the project boundaries and these facilities.

4. MAXIMUM HEIGHT

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

5. DEVELOPMENT AMENITIES

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

(D-8 REGULATIONS)

- |   |      |
|---|------|
| (1) Maximum Floor Area:<br>floor area ratio (FAR)                             | 0.60 |
| (2) Minimum Open Space:<br>open space ratio (OSR)                             | 1.18 |
| (3) Minimum Livability Space:<br>livability space ratio (LSR)                 | 0.66 |
| (4) Minimum Major Livability Space:<br>major livability space ratio<br>(MLSR) | 0.11 |
| (5) Minimum Parking Area:<br>total car ratio (TCR)                            | 1.00 |
- b. In addition: site plans, public streets, interior access roads or driveways, and off-street parking areas shall be provided in accordance with section 2.17.

SECTION 2.10 D-9 DWELLING DISTRICT NINE REGULATIONS

A. PERMITTED D-9 USES

The following uses shall be permitted in the D-9 DISTRICT. All uses in the D-9 DISTRICT shall conform to the D-9 Development Standards (section 2.10, B) and the Dwelling District Regulations of section 2.00.

1. ATTACHED MULTI-FAMILY DWELLINGS.
2. TEMPORARY USES, as regulated in section 2.14.
3. ACCESSORY USES, as regulated in section 2.15.
4. HOME OCCUPATIONS, as regulated in section 2.16.

B. D-9 DEVELOPMENT STANDARDS

1. MINIMUM PROJECT AREA                      There shall be no required minimum project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3 and 5 of this subsection B.
2. MINIMUM PROJECT FRONTAGE                      Each project shall have at least 150 feet of frontage on a public street, and shall gain access from said street.
3. MINIMUM YARDS                      a. Minimum yards shall be provided in accordance with section 2.17, A, wherever the project or lot abuts a public street.  
b. Minimum yards of at least 20 feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.  
c. In projects containing two or more buildings, minimum yards (in addition to the requirements of a. and b. above) shall be provided between all buildings, in accordance with the following standards:  
  - (1) The required minimum depth of such yards shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:

Wall Containing Windows

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

Wall Containing No Windows

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

- (2) The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.
- (3) The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards. However, required yards may overlap provided such overlapping does not decrease the above minimum yard distances separating buildings.
- (4) Walls forming interior courts and patio courts serving only one building shall be exempt from the provisions of this paragraph c.

d. Open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in section 2.19) may project into minimum yards required by paragraphs b. and c. above. In addition, such yard areas may be used for parking areas, driveways, and interior access roads. In no case, however, shall the facilities permitted by this paragraph d. be located closer than 10 feet to the project boundaries unless an architectural or landscape wall or screen at least six feet in height, designed by an architect or landscape architect, is provided and maintained between the project boundaries and these facilities.

4. MAXIMUM HEIGHT

- a. Primary building, Attached Multi-Family Dwellings: unlimited.
- b. Accessory building: 25 feet

5. DEVELOPMENT AMENITIES

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

- a. Multi-Family Dwellings: Less than 4 stories.
  - (1) Maximum Floor Area:
 

floor area ratio	0.50
------------------	------

- (2) Minimum Open Space:  
open space ratio (OSR) 1.45
- (3) Minimum Livability Space:  
livability space ratio (LSR) 0.84
- (4) Minimum Major Livability Space:  
major livability space ratio  
(MLSR) 0.12
- (5) Minimum Parking Area:  
total car ratio (TCR) 1.20
- b. Multi-Family Dwellings: 4 to 5 stories
  - (1) Maximum Floor Area:  
floor area ratio (FAR) 0.80
  - (2) Minimum Open Space:  
open space ratio (OSR) 0.87
  - (3) Minimum Livability Space:  
livability space ratio (LSR) 0.49
  - (4) Minimum Major Livability Space:  
major livability space ratio  
(MLSR) 0.095
  - (5) Minimum Parking Area:  
total car ratio (TCR) 1.00
- c. Multi-Family Dwellings: 6 to 11 stories
  - (1) Maximum Floor Area:  
floor area ratio (FAR) 1.50
  - (2) Minimum Open Space:  
open space ratio (OSR) 0.45
  - (3) Minimum Livability Space:  
livability space ratio (LSR) 0.29
  - (4) Minimum Major Livability Space:  
major livability space ratio  
(MLSR) 0.071
  - (5) Minimum Parking Area:  
total car ratio (TCR) 1.00

- d. Multi-Family Dwellings: 12 stories or higher
- (1) Maximum Floor Area:  
floor area ratio (FAR) 2.70
  - (2) Minimum Open Space:  
open space ratio 0.29
  - (3) Minimum Livability Space:  
livability space ratio (LSR) 0.20
  - (4) Minimum Major Livability Space:  
major livability space ratio  
(MLSR) 0.054
  - (5) Minimum Parking Area:  
total car ratio (TCR) 1.00

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

SECTION 2.11 D-10 DWELLING DISTRICT TEN REGULATIONS

A. PERMITTED D-10 USES

The following uses shall be permitted in the D-10 DISTRICT. All uses in the D-10 DISTRICT shall conform to the D-10 Development Standards (section 2.11, B) and the Dwelling District Regulations of section 2.00.

1. ATTACHED MULTI-FAMILY DWELLINGS.
2. TEMPORARY USES, as regulated in section 2.14.
3. ACCESSORY USES, as regulated in section 2.15.
4. HOME OCCUPATIONS, as regulated in section 2.16.

B. D-10 DEVELOPMENT STANDARDS

1. **MINIMUM PROJECT AREA**                      There shall be no required minimum project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3 and 5 of this subsection B.
2. **MINIMUM PROJECT FRONTAGE**                      Each project shall have at least 100 feet of frontage on a public street, and shall gain access from said street.
3. **MINIMUM YARDS**
  - a. Minimum yards shall be provided in accordance with section 2.17, A, wherever the project or lot abuts a public street.
  - b. Minimum yards of at least 20 feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.
  - c. In projects containing two or more buildings, minimum yards (in addition to the requirements of a. and b. above) shall be provided between all buildings, in accordance with the following standards:
    - (1) The required minimum depth of such yards shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:

Wall Containing Windows

If the wall contains one or more windows, the minimum depth of its yard shall be ten (10) feet, plus two (2) feet for each story

in height plus one foot for each fifteen (15) feet in length of such wall.

Wall Containing No Windows

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

- (2) The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.
- (3) The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards. However, required yards may overlap provided such overlapping does not decrease the above minimum yard distances separating buildings.
- (4) Walls forming interior courts and patio courts serving only one building shall be exempt from the provisions of this paragraph c.

d. Open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in section 2.19) may project into minimum yards required by paragraphs b. and c. above. In addition, such yard areas may be used for parking areas, driveways, and interior access roads. In no case, however, shall the facilities permitted by this paragraph d. be located closer than 10 feet to the project boundaries, unless an architectural or landscape wall or screen at least six feet in height, designed by an architect or landscape architect, is provided and maintained between the project boundaries and these facilities.

4. MAXIMUM HEIGHT

- a. Primary building, Attached Multi-Family Dwellings: unlimited.
- b. Accessory building: 25 feet

5. DEVELOPMENT AMENITIES

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

- a. Multi-Family Dwellings: Less than 4 stories

- |  |  |       |
|--|--|-------|
| (1)  | Maximum Floor Area:<br>floor area ratio (FAR)                              | 0.60  |
| (2)  | Minimum Open Space:<br>open space ratio (OSR)                              | 1.18  |
| (3)  | Minimum Livability Space:<br>livability space ratio (LSR)                  | 0.66  |
| (4)  | Minimum Major Livability Space:<br>major livability space ratio<br>(MLSR)  | 0.11  |
| (5)  | Minimum Parking Area:<br>total car ratio (TCR)                             | 1.00  |
| b. Multi-Family Dwellings: 4 to 5 stories  |  |       |
| (1)  | Maximum Floor Area:<br>floor area ratio (FAR)                              | 0.80  |
| (2)  | Minimum Open Space:<br>open space ratio (OSR)                              | 0.87  |
| (3)  | Minimum Livability Space:<br>livability space ratio (LSR)                  | 0.49  |
| (4)  | Minimum Major Livability Space:<br>major livability space ratio<br>(MLSR)  | 0.095 |
| (5)  | Minimum Parking Area:<br>total car ratio (TCR)                             | 0.94  |
| c. Multi-Family Dwellings: 6 to 11 stories |  |       |
| (1)  | Maximum Floor Area:<br>floor area ratio (FAR)                              | 1.50  |
| (2)  | Minimum Open Space:<br>open space ratio (OSR)                              | 0.45  |
| (3)  | Minimum Livability Space:<br>livability space ratio (LSR)                  | 0.29  |
| (4)  | Minimum Major Livability Space:<br>major livability space ratio:<br>(MLSR) | 0.071 |
| (5)  | Minimum Parking Area:<br>total car ratio (TCR)                             | 0.75  |

- d. Multi-Family Dwellings: 12 to 23 stories
  - (1) Maximum Floor Area  
floor area ratio (FAR) 3.00
  - (2) Minimum Open Space:  
open space ratio (OSR) 0.28
  - (3) Minimum Livability Space:  
livability space ratio (LSR) 0.19
  - (4) Minimum Major Livability Space:  
major livability space ratio  
(MLSR) 0.052
  - (5) Minimum Parking Area:  
total car ratio (TCR) 0.75
  
- e. Multi-Family Dwellings: 24 stories or higher
  - (1) Maximum Floor Area:  
floor area ratio (FAR) 3.20
  - (2) Minimum Open Space:  
open space ratio (OSR) 0.27
  - (3) Minimum Livability Space:  
livability space ratio (LSR) 0.19
  - (4) Minimum Major Livability Space:  
major livability space ratio  
(MLSR) 0.05
  - (5) Minimum Parking Area:  
total car ratio (TCR) 0.75

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

SECTION 2.12 D-11 DWELLING DISTRICT ELEVEN REGULATIONS

A. PERMITTED D-11 USES

The following uses shall be permitted in the D-11 DISTRICT. All uses in the D-11 DISTRICT shall conform to the D-11 Development Standards (section 2.12, B) and the Dwelling District Regulations of section 2.00.

1. MOBILE HOME DWELLINGS.
2. TEMPORARY USES, as regulated in section 2.14.
3. ACCESSORY USES, as regulated in section 2.15.
4. HOME OCCUPATIONS, as regulated in section 2.16.

B. D-11 DEVELOPMENT STANDARDS

1. MINIMUM PROJECT AREA  
There shall be no required minimum project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3 and 5 of this subsection B.
2. MINIMUM PROJECT FRONTAGE  
Each project shall have at least 150 feet of frontage on a public street, and shall gain access from said street.
3. MINIMUM YARDS
  - a. Minimum yards shall be provided in accordance with section 2.17, A, wherever the project or lot abuts a public street.
  - b. Minimum yards of at least 20 feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.
  - c. In projects containing two or more buildings, minimum yards (in addition to the requirements of a. and b. above) shall be provided between all buildings, in accordance with the following standards:
    - (1) The required minimum depth of such yards shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:

Wall Containing Windows

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



(D-11 REGULATIONS)

- c. Minimum Livability Space:  
livability space ratio (LSR) 3.20
- d. Minimum Major Livability Space:  
major livability space ratio  
(MLSR) 0.20
- e. Minimum Parking Area:  
total car ratio (TCR) 1.80

To determine the required Development Amenities for mobile home dwellings, floor area for each dwelling unit shall be computed on the basis of the largest unit anticipated to be located within the project.

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

SECTION 2.13 D-12 DWELLING DISTRICT TWELVE REGULATIONS

A. PERMITTED D-12 USES

The following uses shall be permitted in the D-12 DISTRICT. All uses in the D-12 DISTRICT shall conform to the D-12 Development Standards (section 2.13 B) and the Dwelling District Regulations of Section 2.00.

- 1. TWO-FAMILY DWELLING.
- 2. DETACHED SINGLE-FAMILY CLUSTER DWELLINGS.
- 3. TEMPORARY USES, as regulated in section 2.14.
- 4. ACCESSORY USES, as regulated in section 2.15.
- 5. HOME OCCUPATIONS, as regulated in section 2.16.

B. D-12 DEVELOPMENT STANDARDS

- 1. MINIMUM  
LOT OR  
PROJECT  
AREA

- a. Two-Family Dwelling  
Minimum lot area: 12,000 sq. ft.

Provided, however:

Any plat of a subdivision consisting of 5 lots or more submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum lot area of 20% of the total number of lots within said plat, to the extent of 20% below such 12,000 sq. ft. requirement, provided the average size of all lots within said approved plat shall then be at least 12,000 sq. ft.

An additional 5,000 sq. ft. of lot area shall be required for any lot utilizing a septic tank or other individual sewage disposal system.

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

- 2. MINIMUM  
LOT WIDTH;  
PROJECT  
FRONTAGE

- a. Two-Family Dwelling  
Each lot shall front upon a public street and shall have a minimum width of 100 feet (measured at the front setback line).

3. MINIMUM  
YARDS

- b. Detached Single-Family Cluster Dwelling  
Each project shall have at least 150 feet of frontage on a public street, and shall gain access from said street.
- a. Two-Family Dwelling
  - (1) Front: As required by section 2.17, A.
  - (2) Rear: 20 feet
  - (3) Side: Aggregate of both side yards: 18 feet. Provided, however, no side yard shall be less than 7 feet.
- b. Detached Single-Family Cluster Dwelling
  - (1) Minimum yards shall be provided in accordance with section 2.17, A, wherever the project or lot abuts a public street.
  - (2) Minimum yards of at least 20 feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.
  - (3) In projects containing two or more buildings, minimum yards (in addition to the other requirements of this paragraph) shall be provided between all buildings, in accordance with the following standards:
    - (a) The required minimum depth of such yards shall be determined in relation to the height and length of each such building wall and placement of windows therein, as follows:

Wall Containing Windows

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

(D-12 REGULATIONS)

- (b) The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.
  - (c) The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards. However, required yards may overlap provided such overlapping does not decrease the above minimum yard distances separating buildings.
  - (d) Walls forming interior courts and patio courts serving only one building shall be exempt from the provisions of this paragraph (3).
- (4) Open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in section 2.19) may project into minimum yards required by paragraphs (2) and (3) above. In addition, such yard areas may be used for parking areas, drive-ways and interior access roads. In no cases, however, shall the facilities permitted by this paragraph (4) be located closer than 10 feet to the project boundaries.
4. MAXIMUM HEIGHT
- a. Primary building, Two-Family Dwelling: 35 feet
  - b. Primary building, Detached Single-Family Cluster Dwelling: 35 feet
  - c. Accessory building: 25 feet
5. DEVELOPMENT AMENITIES
- a. Two-Family Dwellings  
Open space (as defined in section 2.19) shall comprise at least 65% of the lot area.
  - b. Detached Single-Family Cluster Dwellings  
Floor area, open space, livability space, recreation space and parking area shall be provided for each project in accordance with the

(D-12 REGULATIONS)

following required ratios (all as defined in section 2.19):

- (1) Maximum Floor Area:  
    floor area ratio (FAR)           0.12
- (2) Minimum Open Space:  
    open space ratio (OSR)         6.70
- (3) Minimum Livability Space:  
    livability space ratio (LSR)   5.10
- (4) Minimum Major Livability Space:  
    major livability space ratio  
    (MLSR)                         0.23
- (5) Minimum Parking Area:  
    total car ratio (TCR)           2.10

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

SECTION 2.135 D-P PLANNED UNIT DEVELOPMENT DISTRICT REGULATIONS

A. PERMITTED D-P USES

The following uses shall be permitted in the D-P DISTRICT. All uses in the D-P DISTRICT shall conform to the Dwelling District Regulations of section 2.00.

1. PLANNED UNIT DEVELOPMENT, pursuant to the D-P Terms and Conditions (section 2.135, B).
2. TEMPORARY USES, as regulated in section 2.14.
3. ACCESSORY USES, as regulated in section 2.15.
4. HOME OCCUPATIONS, as regulated in section 2.16.

B. D-P TERMS AND CONDITIONS

1. STATEMENT OF PURPOSE
  - a. To encourage a more creative approach in land and building site planning.
  - b. To encourage an efficient, aesthetic and desirable use of open space.
  - c. To encourage variety in physical development pattern.
  - d. To achieve flexibility and incentives for residential development which will produce a wider range of choice in satisfying the changing needs of the metropolitan area.
  - e. To encourage renewal of older areas in the metropolitan region where new development and restoration are needed to revitalize the area.
  - f. To permit special consideration of property with unique features, including, but not limited to, ~~historical significance, unusual topography,~~ landscape amenities, and size and shape.
  - g. To convert land so poorly developed as to be a public liability.
  - h. To simplify processing of development proposals for developers and the Metropolitan Plan Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.

(D-P REGULATIONS)

2. PROCEDURE

- a. The authorization of a Planned Unit Development shall be subject to the procedures expressed herein.
- b. Upon a petition of the owners of property of 50% or more of the area involved in the petition, or upon a petition initiated by the Metropolitan Plan Commission of Marion County, a preliminary plan for any area proposed for development as a Planned Unit Development shall be first presented to the Executive Director of the Metropolitan Planning Department of Marion County, Indiana. At such presentation, three (3) copies of a preliminary plan of the proposed development, containing the following information, shall be submitted for staff advice:
  - (1) Proposed dimensioned layout to scale not to exceed 100' = 1" of any streets, buildings, open space, lots and other elements basic to the proposed use in relationship to site conditions.
  - (2) Proposed locations, amounts and types of non-residential uses within the area proposed to be developed.
  - (3) Proposed plan for handling vehicular traffic, parking, sewage disposal, drainage, water supply, site perimeter treatment and other pertinent site development features.
  - (4) Elevation drawings which demonstrate visually the general architectural features of each proposed building or architecturally distinct group or type of buildings.
  - (5) The preliminary plan may be a freehand pencil drawing but it shall include any other graphic mediums which will explain the features to be contained within the development or engineering feasibility.
  - (6) If the Planned Unit Development is to supersede an original plat being vacated, the original plat shall be shown by dotted lines in relationship to the lines of the new plat, the new plan being clearly shown in solid lines.

(D-P REGULATIONS)

(7) The plan shall show the boundary lines of adjacent subdivided and unsubdivided land and the existing zoning of the area proposed to be developed as well as the land adjacent thereto. In the case of a petition by owners, the plan shall also show which property within the area proposed for development is owned by such owners.

(8) An enumeration of covenants, in general terms, proposed to be made a part of the Planned Unit Development.

(9) A statement expressing the order and estimated time of development.

(10) A statement expressing in what manner the proposed development relates both to the purposes of this section and to the Comprehensive General Land Use Plan for Marion County, Indiana.

- c. Within fifteen (15) days of such presentation, the Executive Director or his representative shall consult with the petitioner regarding the preliminary plan. After such consultation, the petitioner may make modifications to the petition which are deemed appropriate.
- d. Application for approval of the planned development shall then be submitted to the Metropolitan Plan Commission with nine (9) copies of the preliminary plan (with modifications, if any) and any other desired supporting documents at a regular meeting of the Commission as a petition for zoning ordinance amendment and subject to the procedures applicable thereto. The Commission may approve the plan submitted, amend and approve the plan as amended, or disapprove the plan. The Commission may impose any reasonable conditions upon its approval, including the recording of covenants. If approved, the preliminary plan with amendments, if any, shall be stamped "Approved Preliminary Planned Unit Development" and be signed by the President or Vice-President of the Plan Commission and one copy shall be permanently retained in the office of the Metropolitan Planning Department.

(D-P REGULATIONS)

- e. The approved Preliminary Planned Unit Development shall then be certified to the County Council for adoption as a D-P District pursuant to the laws governing adoption of zoning ordinances.
- f. Upon adoption by the County Council, the planned development shall be returned to the Metropolitan Plan Commission which shall thereafter exercise continuing jurisdiction. Before any development takes place, the Plan Commission shall approve a detailed plan specifying the location, composition, and general engineering features of all lots, drainage, sewage, water supply facilities, recreational facilities, site perimeter treatment and other pertinent site development features including general locations and architectural features of proposed buildings. (Such approval shall be conditioned upon a finding by the Plan Commission that the detailed plan is consistent with the approved Preliminary Planned Unit Development.) The approved detailed plan shall be stamped "Approved Detailed Planned Unit Development" and be signed by the President or Vice-President of the Plan Commission and one copy shall be permanently retained in the office of the Metropolitan Planning Department. Approval of a detailed plan shall be obtained within one (1) year after adoption by the County Council, unless an extension of time is granted by the Plan Commission. Provided, however, if all or a part of the Planned Unit Development requires platting, only a preliminary plat shall be required within the said one (1) year period and final platting may be undertaken in sections or phases at a later time. In cases of platting the petitioner shall file with the Metropolitan Plan Commission an application for approval of the Preliminary Plat within said one (1) year period, and such approval shall be conditioned upon a finding by the Plan Commission that the Preliminary Plat is consistent with the approved Preliminary Planned Unit Development and be so stamped and signed by the President or Vice-President of the Plan Commission and one copy

(D-P REGULATIONS)

shall be permanently retained in the office of the Metropolitan Planning Department. Approval of the Preliminary Plat shall in all instances precede final plat approval and in cases of platting, the Final Plat shall mean and be the same as an "Approved Detailed Planned Unit Development", excepting such approval shall be obtained from the Plat Committee of the Metropolitan Plan Commission under the terms and conditions hereinafter set forth, and said approval shall be obtained within two (2) years from the date of the adoption of the D-P District zoning ordinance by the County Council. Extensions of the time for approval may be granted by the Plan Commission to allow for phasing or for any reasonable purpose, in its discretion. A refusal by the Plan Commission or the Plat Committee in the case of Final Plats, to approve a detailed plan shall not be construed as a denial, and any such refusal shall not operate as a limitation on the right of the petitioner to seek approval at a later date nor shall it impair the right of the petitioner to obtain an extension of time for approval. In the event that approval of a detailed plat is not obtained, the Plan Commission shall initiate an amendment of the zoning ordinance so that the land will be zoned into the category or categories it held before being zoned as a D-P District.

- g. The Plan Commission may allow the petitioner to develop the property involved in phases. If such phasing is permitted, the Plan Commission may allow the petitioner to submit partial detailed plans which correspond to the phases involved. Such partial detailed plans, when approved, shall be treated in the same manner as approved detailed plans for an entire Planned Unit Development.
- h. Where a platting, replatting or vacation of streets within all or a portion of the land involved is contemplated, the Plat Committee of the Metropolitan Plan Commission shall handle such matters in accordance with its regular procedures, but it is not required to adhere to the qualitative

(D-P REGULATIONS)

and quantitative requirements of the Subdivision Control Ordinance of Marion County, Indiana (Ordinance 58-A0-13, as amended), where such requirements are not in keeping with an approved Planned Unit Development and are not necessary to safeguard the public health, safety, morals, or welfare; provided, however, in those instances where a Final Plat is substantially at variance with the Preliminary Plat approved by the Metropolitan Plan Commission then such Final Plat shall be referred to the full Commission for approval.

- i. No construction or installation work shall be done on any public improvements until satisfactory plans and specifications therefor (as required by Section 2.06 of the Subdivision Control Ordinance of Marion County, Indiana - Ordinance 58-A0-13, as amended) have been submitted to the Executive Director and the petitioner has, at least twenty-four (24) hours in advance, notified the Executive Director of his intention to begin such work, in order that inspections may be made as the work progresses.
- j. In the exercise of its continuing jurisdiction, the Plan Commission may from time to time modify the approved Detailed Planned Unit Development or the Preliminary Plat in a manner consistent with the approved Preliminary Planned Unit Development to allow for changed circumstances and conditions unforeseen at the time of original approval.
- k. All development shall be in conformity with the approved Detailed Planned Unit Development. In the exercise of its continuing jurisdiction, the Plan Commission shall take cognizance of any material deviations from the approved Detailed Planned Unit Development and direct the Metropolitan Planning Department to take appropriate enforcement action.
- l. Approval by the Commission shall expire after a period of five (5) years from the approval of a detailed plan unless the development is fifty per cent (50%) completed in terms of public improvements including streets, parks, walkways

(D-P REGULATIONS)

and utility installations such as power, gas, water and sanitary sewers, in which latter instance an extension of time may be granted by the Plan Commission not to exceed five (5) successive periods of two (2) years each.

m. All proceedings brought under this section shall be subject to the Rules of Procedure of the Metropolitan Plan Commission, where not inconsistent with the procedure otherwise stated herein, except that notice by publication shall be sufficient notice for proceedings related solely to approval and modification of Detailed Planned Unit Developments and Preliminary Plat approval.

3. NON-RESIDENTIAL  
USE

A Planned Unit Development may contain non-residential uses which are an integral part of a residential development logically oriented to and coordinated with the total planned unit.

4. ABANDONMENT  
OR  
EXPIRATION

Upon the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved Detailed Planned Unit Development for twenty-four (24) consecutive months), or upon the expiration of five (5) years from the approval by the Plan Commission of a Detailed Planned Unit Development for a development which has not been completed (or the expiration of an extension granted by the Plan Commission pursuant to section 2.135, B.2.k.), the Plan Commission shall initiate an amendment to the zoning ordinance so that the land will be zoned into a category or categories which most nearly approximate its then existing use or such other zoning category or categories which it deems appropriate.

5. RECORDING

All approved Detailed Planned Unit Developments and modifications thereof shall be recorded in the appropriate plat books in the offices of the Marion County Recorder within two (2) years after approval by the Plan Commission.

6. PERMIT

No improvement location permit shall be issued for a D-P District by the Metropolitan Planning Department unless all recording required by section 2.135, B.5. has been effected. No improvement location permit shall be issued for a D-P District unless the approved Detailed Planned Unit Development with modifications, if any, is adhered to.

7. COVENANTS AND  
MAINTENANCE

- a. Covenants, when required by the Plan Commission as an ingredient for stability and longevity of the Planned Unit Development, shall be set forth in detail and shall provide for an automatic termination date, or, in the alternative, a provision for the release of such restriction by execution of a document so stating and suitable for recording, signed by the Executive Director upon authorization by the Plan Commission and all of the owners of property in the area involved in the petition for whose benefit the covenant was created. Such covenants shall provide that their benefits run to the Plan Commission as well as other parties designated by the Plan Commission, and shall be specifically enforceable by the Plan Commission.
- b. The Plan Commission may require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes wherever necessary in conformity with the Comprehensive General Land Use Plan for Marion County. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioner shall then submit for approval by the Plan Commission a modified detailed plan for such land consistent with the approved Preliminary Planned Unit Development. Such modified detailed plans, when approved, shall be treated in the same manner as approved detailed plans for an entire Planned Unit Development.
- c. The Plan Commission and the Plat Committee in the case Final Plats may require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in a Planned Unit Development. Such development standards may include, but are not limited to, requirements as to the following:

(D-P REGULATIONS)

- (1) Lot area.
- (2) Floor area.
- (3) Ratios of floor space to land area.
- (4) Area in which structures may be built. ("Buildable area").
- (5) Open space.
- (6) Setback lines and minimum yards.
- (7) Building separations.
- (8) Height of structures.
- (9) Signs.
- (10) Off-street parking and loading space.
- (11) Design standards.
- (12) Phasing of development.

- d. The petitioner shall provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of the Subdivision Control Ordinance of Marion County, Indiana (Ordinance 58-A0-13, as amended).
- e. Adequate provision shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the Planned Unit Development, and, in such instance, legal assurances shall be provided which show that the private organization is self-perpetuating and adequately funded to accomplish its purposes.

- f. Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and non-discriminatory rate of charge to the beneficiaries thereof. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.
- g. All private streets shall be maintained by the aforesaid private organization in such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, sanitation and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area.

8. LIMITATION  
ON  
REZONING

The Plan Commission shall not initiate any amendments to the zoning ordinance concerning the property involved in a Planned Unit Development before completion of the development as long as development is in conformity with the approved Detailed Planned Unit Development, and proceeding is in accordance with the time requirements imposed by section 2.135, B.2.k.

(TEMPORARY USES)

SECTION 2.14 TEMPORARY USES

A. PERMITTED TEMPORARY USES

The following Temporary Uses shall be permitted in all Dwelling Districts, under Temporary Permit issued by the Executive Director of the Metropolitan Planning Department subject to the Temporary Use Requirements of section 2.14, B.

TEMPORARY OFFICE, MODEL HOME, OR EQUIPMENT STORAGE, incidental and necessary for the sale, rental, lease, or construction of real property or premises in the zoning district (maximum 18 months).

B. TEMPORARY USE REQUIREMENTS

Temporary Uses shall be subject to the following requirements in addition to all other regulations of the applicable Dwelling District.

1. For temporary offices or model homes, adequate access and parking area shall be provided, which shall not interfere with traffic movement on adjacent streets.
2. No public address systems or other noise producing devices shall be permitted.
3. Any floodlights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
4. The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.

SECTION 2.15 ACCESSORY USES

A. PERMITTED ACCESSORY USES

The following Accessory Uses shall be permitted in all Dwelling Districts subject to the Accessory Use Requirements of section 2.15, B, and the Dwelling District Regulations of section 2.00:

1. Accessory garages; carports; canopies; patios; outdoor fireplaces; porte-cocheres; bathhouses; cabanas; children's play houses; swings and other play structures or equipment; greenhouses and other accessory buildings or structures.
2. Off-street motor vehicle parking areas, as regulated in section 2.17, E.
3. Signs, as regulated in section 2.18.
4. Private swimming pools, as regulated in section 2.15, B3.
5. Amateur radio sending and receiving antennae, provided the height thereof (including masts) shall not exceed 75 feet measured from finished lot grade.
6. Management office in multiple-family districts and other facilities normally associated with tenants' convenience, such as vending machines and washing machines, provided, however, there is no exterior display.
7. Fallout shelters (either contained in other permitted structures or constructed separately), as regulated in section 2.15, B4.
8. Residential occupancy of no more than two nontransient guests; provided that at least one off-street parking space shall be provided for each guest bedroom, that no sign shall be displayed and no separate culinary facilities are maintained in connection with such accessory use.
9. Residential occupancy by domestic employees employed on the premises.
10. Foster family care where children unrelated to the residents by blood or adoption are cared for; provided that no sign shall be displayed.
11. Day care of preschool children unrelated to the residents by blood or adoption when no more than five such children are cared for; provided, that at least one additional off-street parking space shall be provided, and that no sign shall be displayed.

B. ACCESSORY USE REQUIREMENTS

Accessory Uses in all Dwelling Districts, shall comply with the following requirements:

(ACCESSORY USES)

1. GENERAL  
ACCESSORY  
USE RE-  
QUIREMENTS

Accessory Uses:

- a. Shall be customarily incidental accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot.
- b. Shall be operated and maintained under the same ownership and on the same lot as the primary use.
- c. Shall be subordinate in area, extent, and purpose to the primary use of building served.
- d. Unless otherwise specified in this ordinance, accessory buildings:
  - (1) Shall not be located closer to any front or side lot line than the required minimum front and side yard distances of the Dwelling District, and,
  - (2) In D-S, D-1, D-2, D-3, D-4, D-5, and D-8 Dwelling Districts shall not be located closer to any rear lot line than five feet, but in no case shall it encroach upon any easement.
- d. Shall not be permitted prior to the erection of the primary building.

2. APPUR-  
TENANCES

- a. Such appurtenant features as walks, driveways, curbs, drainage installations, mailboxes, lamp posts, bird baths and structures of like nature, shall be permitted on any lot.
- b. The growing of vegetables, grasses, fruits, flowers, shrubs, vines, and trees, provided such operations are not for profit, shall be permitted on any lot.
- c. Fences and walls shall be permitted provided they do not impede the view of street and/or railroad intersections.

3. ADDITIONAL  
REQUIREMENTS  
FOR ACCESSORY  
PRIVATE SWIM-  
MING POOLS

The following additional requirements shall apply to accessory private swimming pools permitted in all Dwelling Districts:

- a. A swimming pool shall not be located closer to any front, side or rear lot line, than the required minimum front, side and rear yard distances of the Dwelling District.

(ACCESSORY USES)

- b. The pool area shall be enclosed by a substantial protective barrier, which shall be adequate to prevent persons, children or animals from danger or harm, and shall be equipped with a self-closing, self-latching back gate. Such protective barrier shall be chain-link or ornamental fence, solid fence or wall, and shall be not less than five (5) feet in height.
- c. A buffer screen shall be provided and maintained between the pool and the lot lines.
- d. No pool shall be erected or constructed until an improvement Location Permit has been obtained therefor.

4. ADDITIONAL  
REQUIRE-  
MENTS FOR  
ACCESSORY  
FALLOUT  
SHELTERS

The following additional requirements shall apply to accessory Fallout Shelters permitted in all Dwelling Districts.

- a. A fallout shelter shall not be located closer to any front, side or rear lot line than the required minimum front, side and rear yard distances of the Dwelling District. Except, however, subject to the following requirements, any underground shelter, or portion thereof, may be located within said minimum required yards, but not closer than three (3) feet to any lot line:
  - (1) Such shelter or portion thereof shall be totally below ground level, with no appurtenances, air circulation equipment, vent pipes or other accessory equipment, or part thereof, projecting above ground level within said minimum required yards.
  - (2) No shelter entrance shall be located within said minimum required yards.
- b. No fallout shelter shall be erected or constructed until an Improvement Location Permit has been obtained therefor.

(HOME OCCUPATIONS)

SECTION 2.16 HOME OCCUPATIONS

A. PERMITTED HOME OCCUPATIONS

In all Dwelling Districts, Customary Home Occupations, which are incidental to the permitted residential use of the lot, shall be permitted subject to the requirements of section 2.16, B, and the Dwelling District Regulations of 2.00. Permitted Customary Home Occupations shall be personal service occupations of a domestic crafts or professional nature, including:

1. Such domestic crafts as dressmaking, millinery, sewing, tailoring, weaving, furniture repair, washing and ironing, carpentry work and television or radio repair; and
2. Such professions as law, medicine, dentistry, architecture, engineering, real estate, insurance, notary public, manufacturer's agent, teaching, clergy, writing, painting, music, dance instruction, photography.

B. HOME OCCUPATION REQUIREMENTS

1. The primary use of the structure of dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the structure or dwelling unit.
2. The home occupation shall be incidental and subordinate to the primary dwelling use of the lot.
3. The operator conducting the home occupation shall be the sole entrepreneur.
4. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business or commercial appearance shall be permitted.
5. Such home occupation shall be conducted entirely within the dwelling unit used as the residence.
6. No additional and separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the home occupation.
7. No provision for off-street parking or loading facilities, other than the requirements of the Dwelling District in which the use is located, shall be permitted; and no part of a minimum required yard shall be used for such off-street parking or loading purposes; no additional driveway, to serve such home occupation, shall be permitted.
8. No display of goods or external evidence of the home occupation shall be permitted other than one incidental sign as regulated in Section 2.18.

(HOME OCCUPATIONS)

9. No stock in trade or commodities, other than those prepared, produced, or created on the premises by the operator of the home occupation, shall be kept or sold on the premises.
10. No electrical or mechanical equipment shall interfere with local radio and television reception or violate the performance standards of section 2.00, B.
11. Permitted home occupations shall comply with all standards set forth in Section 2.00 B; and in addition thereto, no permitted home occupation shall interfere with the reasonable enjoyment of adjoining properties.

SECTION 2.17 SPECIAL REGULATIONS

A. BUILDING SETBACK LINES

Yards, having a minimum depth in accordance with the following setback requirements, shall be provided along all public street right-of-way lines, and building setback lines shall be as follows:

1. Expressway, Parkway or Primary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana).

No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall build closer than 60 feet to any right-of-way line of an expressway, parkway or primary thoroughfare.

Except, however, in D-8 or D-10 Dwelling Districts the required setback distance shall be 60 feet measured from the center-line of the thoroughfare or 15 feet to the right-of-way line, whichever is greater.

2. Secondary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana).

No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall be built closer than 40 feet to any right-of-way line of a secondary thoroughfare.

Except, however, in D-8 or D-10 Dwelling Districts the required setback distance shall be 60 feet measured from the center-line of the thoroughfare or 15 feet to the right-of-way line, whichever is greater.

3. Collector Street

No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall be built closer than 30 feet to any right-of-way line of a collector street.

Except, however, in D-8 or D-10 Dwelling Districts the required setback distance shall be 15 feet to said right-of-way line.

4. Local Street, Marginal Access Street or Cul-de-Sac

No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall be built closer than 25 feet to any right-of-way line of a local street, marginal access street or cul-de-sac,

with the exception of the vehicular turnaround thereof. No part of any structure (except an eave or cornice overhang not exceeding 4 feet) shall be built closer than 20 feet to any right-of-way line of the vehicular turnaround of a cul-de-sac.

Except, however, in D-8 or D-10 Dwelling Districts the required setback distance shall be 15 feet to said right-of-way line.

Provided, however, that in any block in which an existing yard depth is established (by existing legally established structures within the same Dwelling District) for more than twenty-five per cent (25%) of the frontage of the block (or a distance of four hundred (400) feet, whichever is the lesser), the required yard depth and setback for any new building shall be the average of such established yards.

Further, provided, that along the right-of-way line of any street, highway, or thoroughfare where access rights thereto have been purchased or otherwise acquired by the governmental agency having jurisdiction thereof, yards having a minimum depth in accordance with the following requirements shall be provided:

- a. D-S, D-1, D-2: 25 feet for primary buildings.
- b. D-3, D-4, D-5, and D-12: 20 feet for primary buildings.
- c. As required by sections:

D-6 District:	2.07, B 3, b and d.
D-6 II District:	2.075, B 3, b and d.
D-7 District:	2.08, B 3, b and d.
D-8 District:	2.09, B 3, b, c, and e.
D-9 District:	2.10, B 3, b and d.
D-10 District:	2.11, B 3, b and d.
D-11 District:	2.12, B 3, b and d.
D-12 District:	2.13, B 3, b (2) and (4).

B. ATTACHED MULTI-FAMILY DWELLINGS, SINGLE-FAMILY CLUSTER DWELLINGS AND MOBILE HOME DWELLINGS - SITE PLAN REQUIREMENT TO IMPROVEMENT LOCATION PERMIT ISSUANCE

Prior to improvement location permit issuance for any structure within an attached multi-family dwellings, single-family cluster dwelling, or mobile home dwelling project, two copies of the site plan for the entire project shall be filed with the Metropolitan Planning Department.

C. PUBLIC STREET REQUIREMENTS

1. All public streets shall be dedicated to the public and improved and constructed in accordance with the standards set forth in the Sub-division Regulations for Marion County, Indiana, Ordinance 58-A0-13, as amended.
2. The right-of-way of all streets indicated on the Official Thoroughfare Plan for Marion County, Indiana, within the project shall be dedicated to the public, or the right-of-way thereof shall be reversed for future dedication or acquisition.

D. REQUIREMENTS FOR PRIVATE INTERIOR ACCESS ROADS OR DRIVEWAYS - ATTACHED MULTI-FAMILY DWELLINGS, SINGLE-FAMILY CLUSTER DWELLINGS AND MOBILE HOME DWELLINGS.

1. All interior access roads (within a multiple dwelling project) and driveways shall be paved with concrete or improved with a compacted aggregate base, and surfaced with an asphaltic pavement, to adequately provide a durable and dust-free surface.
2. Interior access roads and driveways shall be privately maintained (not by governmental agencies) in good condition and free of weeds, dirt, trash and debris.
3. Where interior access roads or driveways intersect with public streets, a turning radius of not less than 10 feet shall be provided.
4. No fence, wall, hedge, tree, shrub, or other sight obstruction shall be located within the turning radius described in 3 above to materially impede the view of any street, highway or railroad intersection with an interior access road or driveway.
5. Interior access roads and driveways shall be designed with sufficient width to provide at all times for the passage of emergency vehicles.
6. Interior access roads or driveways shall be located a minimum distance of twenty-five (25) feet from the nearest point of intersecting street right-of-way lines. Such locations shall further conform to all requirements of traffic engineering departments having jurisdiction thereof.

E. OFF-STREET PARKING REQUIREMENTS

Off-street parking facilities shall be provided and maintained, for all uses permitted in the Dwelling Districts, in accordance with the following regulations:

1. Number of Spaces Required
  - a. For every one-family dwelling or two-family dwelling in the D-S, D-1, D-2, D-3, D-4, D-5, and D-12 Dwelling Districts, there shall be provided at least two off-street parking spaces.
  - b. For every attached multi-family dwelling, detached single-family cluster dwelling, mobile home dwelling and urban dwelling in the D-6, D-611, D-7, D-8, D-9, D-10, D-11, and D-12 Dwelling Districts, parking spaces shall be provided in accordance with the Development Amenities of each district.
2. Development Requirements
  - a. Parking areas for uses in 1, a. above need not be paved.
  - b. Parking areas for uses in 1, b. above shall be subject to the following requirements:
    - (1) Off-street parking entrances or exits shall be located a minimum distance twenty-five (25) feet from the nearest point of two intersecting street right-of-way lines. Such access cuts from a public street shall further conform to all requirements of traffic engineering departments having jurisdiction thereof.
    - (2) The parking area shall not be used for permanent storage, or the display, advertisement, sale, repair, dismantling or wrecking of any vehicle, equipment or materials.
    - (3) Parking areas shall be paved with concrete or improved with a compacted aggregate base and surfaced with an asphaltic pavement, to adequately provide a durable and dust-free surface. Parking areas shall be maintained in good condition and free of weeds, dirt, trash and debris.
    - (4) 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 sidewalks.
    - (5) The parking area shall be provided with bumper guards or wheel guards so located that no part of the parked vehicles will extend beyond the boundary of the established parking area.

(SPECIAL REGULATIONS)

- (6) Lighting facilities used to illuminate the parking areas shall be so located, shielded and directed upon the parking area that they do not glare onto or interfere with street traffic, adjacent buildings, or adjacent uses.

F. APPLICATION OF THIS SECTION

This section shall be applicable to all Dwelling Districts, with the exception of the D-P Planned Unit Development District where it shall not be applicable.

(SIGN REGULATIONS)

SECTION 2.18 DWELLING DISTRICT SIGN REGULATIONS

A. PERMITTED SIGNS

The following signs as defined in section 2.19, shall be permitted in all Dwelling Districts, subject to the development standards and requirements of section 2.18, B, and the Dwelling District Regulations of section 2.00:

1. ADVERTISING SIGNS (permitted only on a lot having a minimum frontage of 500 feet, with no dwelling unit other than the principal homestead located within 1000 feet of the sign structure, as provided in section 2.18, B.2.).
2. BUSINESS SIGNS (permitted only on a lot having a minimum frontage of 500 feet, with no dwelling unit other than the principal homestead located within 1000 feet of the sign structure, as provided in section 2.18, B. 3., or accessory to platted subdivisions or attached multi-family projects containing twenty-five (25) or more dwelling units, as provided in section 2.18, B. 3. b.).
3. INCIDENTAL SIGNS

Provided, however, that signs incorporated in and built and maintained in conformity with an approved Detailed Planned Unit Development in a D-P Planned Unit Development District shall be permitted, and shall not be subject to the regulations of this section.

B. DEVELOPMENT STANDARDS

The following development standards shall apply to all signs and sign structures in the Dwelling Districts:

1. GENERAL REGULATIONS
  - a. No sign or sign structure attached to the wall of a building shall extend above the roof or parapet line of such building.
  - b. Roof top signs or sign structures shall not be permitted.
  - c. Signs may be illuminated.
  - d. Signs or sign structures located on a marquee or canopy shall be affixed flat to the surface thereof and shall not:
    - (1) be greater than three (3) feet in vertical measurement above the marquee;
    - (2) extend vertically below the marquee or canopy limits;
    - (3) extend horizontally more than eighteen (18) inches beyond the marquee or canopy limits.

(SIGN REGULATIONS)

- e. Signs located on an awning shall be affixed flat to the surface thereof, shall not extend vertically or horizontally beyond the limits of the awning, shall not be illuminated, and may indicate only the name and/or address of the use.
- f. No sign structure, except a projecting sign structure, attached to the wall of a building shall extend more than eighteen (18) inches horizontally from such wall.
- g. All signs permitted in the Dwelling Districts may be projecting signs. Provided, however, not more than one projecting sign structure shall be allowed for each lot and the total surface area of such sign shall not exceed two hundred forty (240) square feet per side. (Only one side of a projecting sign shall be considered in computing total allowable sign surface area.) No sign structure shall project closer than eighteen (18) inches to an imaginary perpendicular vertical plane at the street pavement line and in no case shall the sign structure extend more than eight (8) feet from or beyond its supporting building, structure, or column. No projecting sign or sign structure (except for the supporting building, structure or column) shall be, at its lowest point, less than nine (9) feet above grade level.
- h. No sign or sign structure shall be placed on private or public property without the written consent of the owner or agent thereof.
- i. No sign or sign structure other than official highway markers shall be placed upon any street or highway right-of-way.
- j. No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No rotating beam, beacon or flashing illumination resembling an emergency light shall be used in connection with any sign display.
- k. No sign or sign structure shall be located in such a manner as to materially impede the view of any street or highway intersection; or in such a manner as to materially impede the view of the intersection of a street or highway with a railroad grade crossing.

(SIGN REGULATIONS)

- l. One temporary sign, not exceeding thirty-two (32) square feet in surface area, shall be permitted for each lot frontage to announce construction, remodeling, rebuilding, sale, lease or rental. Such sign shall be removed when construction, lease, sale or other indicated purpose is completed.
- m. Signs or sign structures shall be set back in accordance with the minimum yard requirements and building setback lines required by the Dwelling District. Provided, however, those advertising or business signs so located that no dwelling unit other than the principal homestead is within one thousand (1000) feet of the sign structure may be set back twenty-five (25) feet or more from the right-of-way line. Provided further, however, incidental signs shall be set back a minimum of fifteen (15) feet from the street right-of-way line, or if the building setback line established for the lot is less than fifteen (15) feet, in accordance with such established setback line. In case the supporting building, structure, or column for a projecting sign is located closer than eight (8) feet to the building setback line, the projecting sign may extend in front of said setback line, but not more than eight (8) feet beyond its supporting building, structure or column.
- n. If a street elevation to which the sign is oriented is more than ten (10) feet greater than the grade elevation at the base of the sign structure, the street elevation may be used in determining the permitted height; however, in no case shall height above grade elevation at the base of the sign structure exceed eighty (80) feet. This provision shall apply to all sign structures erected upon the ground.
- o. Maintenance and Removal.
  - (1) All signs and sign structures shall be kept in repair and in proper state of preservation;
  - (2) Signs which are no longer functional or are abandoned shall be removed or relocated in compliance with the provisions of this ordinance, within thirty (30) days following such disfunction;
  - (3) Any legally established nonconforming sign shall be permitted without alteration in size or location. If such sign is damaged exceeding two-thirds (2/3) of its replacement value, it shall

(SIGN REGULATIONS)

not be rebuilt; provided, however, that nothing herein shall prevent maintenance, repainting or posting of legally established nonconforming signs.

2. ADVERTISING SIGNS

- a. The face of an advertising sign shall not be greater than eighteen (18) feet in vertical dimension nor greater than fifty-five (55) feet in horizontal dimension, except as provided in c. below, and shall not contain more than two (2) advertising signs per facing.
- b. One advertising sign structure shall be permitted on a lot having a minimum frontage of five hundred (500) feet; provided, however, that:
  - (1) no dwelling unit other than the principal home-stead is within one thousand (1,000) feet of the sign structure, and provided further that if a dwelling structure is subsequently erected within one thousand (1,000) feet of said sign structure such sign structure shall be removed within thirty (30) days after the start of construction of the dwelling;
  - (2) the full face of the sign can be viewed along the line of travel to which it is exposed for a distance of at least five hundred (500) feet along the centerline of the frontage street measured from a point opposite the center of the sign and perpendicular to the street's centerline; provided, however:
    - (a) in the case of a sign parallel (or within twenty (20) degrees of parallel) to a one-way street, the required viewing distance shall be at least eight hundred (800) feet;
    - (b) in the case of a sign which is from three (3) to twenty (20) degrees of parallel to a two-way street, the required viewing distance shall be at least eight hundred (800) feet;
    - (c) in the case of a sign parallel (or within three (3) degrees of parallel) to a two-way street, the required viewing distance shall be at least five hundred (500) feet in each direction; (in the case of a sign so placed that it can be viewed from more than one street, the above viewing distance requirements shall be applicable to only one street.)

(SIGN REGULATIONS)

- (3) if a sign is erected in conformance with this ordinance and subsequently the view of the full face of the sign at any point described in (2) above is materially obstructed, said sign shall be considered no longer functional and shall be removed or relocated in accordance with section 2.18, B 1, o. (An obstruction shall be deemed to be of a material character when it renders the essential elements of the sign unreadable.)
- c. The vertical dimension of the sign face may be increased to twenty-two (22) feet provided:
    - (1) the required viewing distance in b. (2) above is increased to one thousand (1,000) feet;
    - (2) said facing contains only one sign; and
    - (3) the sign is perpendicular or within fifteen (15) degrees of being perpendicular to the frontage street.
  - d. The maximum height of advertising signs erected upon the ground shall not exceed forty (40) feet above grade level at the base of such structure, or as permitted in section 2.18, B 1, n.
  - e. Flashing, intermittent or rotating signs shall be permitted, subject to the provisions of section 2.18, B 2, b.
  - f. Projecting signs shall be permitted, subject to the provisions of section 2.18, B 2, b. and provided the total surface area shall not exceed two hundred forty (240) square feet per side.

3. BUSINESS SIGNS

- a. One business sign structure, with no more than one sign per facing, shall be permitted on a lot having a minimum frontage of five hundred (500) feet; provided, however, that:

No dwelling unit other than the principal home-  
stead is within one thousand (1,000) feet of the  
sign structure, and provided further, that:

- (1) If a dwelling structure is subsequently erected within one thousand (1,000) feet of said sign structure, such sign structure shall be removed within thirty (30) days after the start of construction of the dwelling structure.

- (2) The sign surface area shall not exceed an amount equal to five per cent (5%) of the building facade or other architectural elevation to which the sign is oriented, or three hundred (300) square feet, whichever is the lesser.
- (3) The maximum height shall not exceed forty (40) feet above grade level at the base of the structure or as permitted in section 2.18, B. 1, n.
- (4) Flashing, intermittent or rotating signs shall be permitted, subject to the provisions of (1) above.

b. Platted Subdivisions and Attached Multi-Family Projects Containing Twenty-Five (25) or More Dwelling Units

The following development standards shall apply only to residential subdivisions, the plats of which have been recorded or conditionally and/or finally approved by the Metropolitan Plan Commission (or Plat Committee thereof) prior to recording, and to attached multi-family projects containing twenty-five (25) or more dwelling units:

- (1) One business sign structure identifying and/or providing information regarding the subdivision or project shall be permitted at the main entrance to such subdivision or project.
- (2) One additional business sign structure identifying and/or providing information regarding the subdivision or project shall be permitted at each of not more than two auxiliary subdivision or project entrances, provided such entrances front on separate collector streets or thoroughfares. Such business sign structure may contain two (2) facings, provided said facings are within 15 degrees of parallel of each sign face.
- (3) The maximum size of each such business sign shall be three hundred (300) square feet in surface area. Provided, however, if such sign is a projecting sign, the maximum sign surface area thereof shall not exceed two hundred forty (240) square feet per side.
- (4) The maximum height of each such business sign shall be twenty-five (25) feet above grade level.
- (5) No sign shall be located on a building.

(SIGN REGULATIONS)

- (6) One sign, not exceeding sixteen (16) feet in surface area, may be erected for each dwelling which is used for display or as a model home or model apartment. The sign shall be located in the required front yard of a lot containing a model home and near the entrance of a model apartment.
- (7) Business signs permitted in (1) and (2) above shall be removed:
  - (a) in the case of platted subdivisions, within eighteen (18) months after the issuance date of the sign improvement location permit therefor or when all lots within the subdivision have been sold, whichever occurs first;
  - (b) in the case of attached multi-family projects, within eighteen (18) months after the issuance date of the sign improvement location permit therefor or upon completion of construction, whichever occurs first.

Provided, however, upon application to the Executive Director of the Metropolitan Planning Department, extensions thereof for a period of six months may be granted, if in the case of platted subdivisions, two or more lots remain unsold eighteen (18) months after such original issuance date or for other good cause shown.

- (8) Business signs permitted in (6) above shall be removed when a display or model home or model apartment is no longer so used.

4. INCIDENTAL SIGNS

- a. One incidental sign, indicating only the name, occupation, or address of the occupant, shall be permitted for each dwelling unit for each street frontage. Such sign shall not exceed one (1) square foot in surface area.
- b. For multiple-family dwellings, one incidental sign not exceeding thirty-two (32) square feet in surface area shall be permitted for each street frontage. Said sign shall indicate only the name and/or address of the building or use, the name and address of the management thereof, or associated information.
- c. Real estate and trespassing signs shall be permitted as incidental signs, provided there shall be only one sign, not exceeding nine (9) square feet in surface area, for each lot street frontage.

(SIGN REGULATIONS)

- d. Incidental signs shall be set back a minimum of fifteen (15) feet from the street right-of-way line. Provided, however, if the building setback line established for the lot is less than fifteen (15) feet, incidental signs may be set back in accordance with such established building setback line.
- e. Incidental signs accessory to parking areas shall be permitted, subject to the following:
  - (1) Directional signs for traffic, pedestrian or other control designating entrances or exits to or from a parking area, and limited to one sign for each such entrance and exit, shall be permitted. Said signs shall not exceed two (2) square feet in surface area per sign.
  - (2) One sign, of maximum surface area of sixteen (16) square feet, announcing a parking area, shall be permitted for each street frontage of such parking area. Said sign may include the name of the owner and/or name of the establishment for which it is provided.
  - (3) Signs accessory to parking areas shall be set back a minimum of two (2) feet from any lot line unless attached flat to a building wall.
- f. One permanent, incidental sign shall be permitted at any main entrance to a recorded, platted residential subdivision. Such sign shall be of ornamental metal, stone, masonry or other permanent material, and shall indicate only the name of such subdivision. Such sign shall not exceed twenty-four feet in surface area.

(DEFINITIONS)

SECTION 2.19 DEFINITIONS

1. ADVERTISING SIGN A sign which directs attention to any business, product, activity, or service; provided, however, that such sign shall not be related or make reference to the primary use, business, activity or service conducted on the premises.
2. ATTACHED MULTI-FAMILY A structure for multi-family use, having common or party wall or walls.
3. BUILDING AREA The total ground area, within the lot or project, covered by enclosed residential building space plus garages, carports and other accessory buildings.
4. BUSINESS SIGN A sign which identifies a building or directs attention to a business, product, activity or service manufactured, sold, or offered upon the premises as the primary use(s) where such sign is located.
5. CAR AREA Open space area (uncovered and covered) used for car traffic, maneuvering and parking. Included are all parking areas, driveways, interior access roads and right-of-way of all streets within the project, plus the area of half of any abutting alley or street right-of-way.
6. COVERED OPEN SPACE All exterior space within the project, which is open on its sides, but not open above to the sky. It includes roofed porches, roofed carports, covered exterior balconies and exterior spaces covered by portions of buildings.
7. DETACHED SINGLE FAMILY CLUSTER DWELLING A structure for single-family use, having no common or party walls; and utilizing common open space with other detached single-family cluster dwellings arranged in close proximity to one another.
8. FACING The surface of the sign upon, against or through which the message of the sign is exhibited.
9. FLOOR AREA The sum of the horizontal areas of the one or several floors and basements of all buildings or portions thereof, within the project, and devoted to permitted uses.  
  
Not including, however:
  - a. floor or basement floor area devoted to off-street parking or loading facilities, including aisles, ramps and maneuvering space;
  - b. floor or basement floor area provided for recreational use available to occupants of two or more living units within the project; or
  - c. basement floor area provided for storage facilities, allocated to serve individual living units within the project.

(DEFINITIONS)

10. FLOOR AREA RATIO (FAR) The total Floor Area of all stories of all buildings within the project divided by the Land Area.
11. INCIDENTAL SIGN A name plate or sign relating to the lot or use thereof and designating accessory uses, direction, identification, information, or real estate for sale, rent, or lease.
12. LAND AREA The total area within the project boundaries, plus the area of half of any abutting alley or street right-of-way plus half the area of any abutting open space, such as a river, lake, public park, playground or golf course, with reasonable expectation of perpetuity; provided, however, that no portion of such open space located more than 80 feet from the project boundaries shall be included in computing such open space area.
13. LIVABILITY SPACE The Open Space minus the Car Area within the Open Space.
14. LIVABILITY SPACE RATIO (LSR) The Livability Space divided by the Floor Area.
15. MAJOR LIVABILITY SPACE The total area provided for outdoor recreation, relaxation, amusement, pleasure and for similar use within the project, which area may or may not be improved; however, all livability space countable for purposes of the Major Livability Space Ratio shall be at least 20 feet away from any residential wall containing one or more windows on the ground floor and shall have a minimum dimension averaging 80 feet, except that an area of lesser dimension is countable if:
- a. the total required Major Livability Space is less than 6,400 square feet, or
  - b. the shape or topography of the site prevents compliance with the minimum dimension.

(DEFINITIONS)

16. MAJOR LIVABILITY SPACE RATIO (MLSR)      The total Major Livability Space of countable size divided by the total Floor Area.
17. OPEN SPACE      The total horizontal area of all Uncovered Open Space plus one-half of the total horizontal area of all Covered Open Space.
18. OPEN SPACE RATIO      The Open Space divided by the Floor Area.
19. PARKING SPACE      A portion of the Car Area at least nine feet in width and twenty feet in length, which shall be used only for the off-street parking of a vehicle.
20. PROJECT      A lot or parcel of contiguous land to be developed for a use or uses permitted in the D-6, D-611, D-7, D-8, D-9, D-10, and D-11 Dwelling Districts, which at the time of development is under one ownership or control, and subsequently may be subdivided, developed, and/or conveyed into smaller lots or parcels. For permitted multi-family dwelling, detached single-family cluster dwelling uses, or mobile home dwellings, such smaller lots or parcels within the Project may front upon private interior access roads provided said Project meets the minimum street frontage requirements of sections 2.07, B 2; 2.075, B 2; 2.08, B 2; 2.09, B 2; 2.10, B 2; 2.11, B 2; 2.12, B 2; and 2.13, B 2 of this ordinance.
21. PROJECTING SIGN      A sign suspended from or supported by a building, structure, or column and projecting out therefrom more than eighteen (18) inches.
22. SIGN      Any outdoor announcement, declaration, device, demonstration, or insignia used for direction, information, identification or to advertise or promote any business, produce, activity, services or interests.
23. SIGN STRUCTURE      The supports, uprights, bracing and framework for the sign. In the case of a sign structure consisting of two or more sides, where the angle formed between any of the sides (or the projection thereof) exceeds fifteen (15) degrees, each side shall be considered a separate sign structure.
24. SIGN SURFACE      The entire area within a single, continuous perimeter enclosing all elements of the sign which form an integral part of the display.

(DEFINITIONS)

25. TOTAL CAR RATIO (TCR) The total number of Parking Spaces divided by the number of living units.
26. UNCOVERED OPEN SPACE  
In D-6, D-611, D-7, D-8, D-9, D-10 and D-11 Districts, and D-12 District Detached Single-Family Cluster Dwellings:  
The Land Area, minus the Building Area, plus the Usable Roof Area.  
  
In D-S, D-1, D-2, D-3, D-4 and D-5 Districts; and D-8 and D-12 District Two-Family Dwellings; and D-8 Single-Family Dwellings:  
The Lot Area, minus the Building Area.
27. USABLE ROOF AREA The total roof area, within the project, or residential buildings, garages and accessory buildings which has been improved for outdoor uses of occupants. Roof areas used for car storage are included.

CHAPTER III

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 of competent jurisdiction, such hold 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.

NOT 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 this date.

Beurt R. SerVaas

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James A. Buck

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H. Norris Cottingham

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Ronald E. Bingman

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Harry E. Foxworthy

---

William A. Brown

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THE MARION COUNTY COUNCIL  
OF  
MARION COUNTY, INDIANA

DATED: July 18, 1966

ATTEST: John T. Sutton

AUDITOR OF MARION COUNTY, INDIANA