

Sec. 732-214. Special regulations.

(a) Minimum front setback lines and front yards. Front setbacks, having a minimum depth in accordance with the following setback standards, shall be provided along all public and private street right-of-way lines, and the minimum required building setback lines shall be as follows:

(1) No part of any building shall be built closer to the proposed right-of-way lines of the following streets than:

Ten (10) feet from the proposed right-of-way or seventy (70) feet from the centerline, whichever is greater.	Expressway, freeway, primary arterial, parkway, secondary arterial (as designated on the Official Thoroughfare Plan for Marion County, Indiana)
Ten (10) feet from the proposed right-of-way.	Collector street, local street, marginal access street (including marginal access streets with a coinciding right-of-way boundary immediately paralleling either a federal interstate highway route or any thoroughfare), cul-de-sac or any private street.

Subject to the following:

- a. Any required front transitional yard shall have a minimum depth of twenty (20) feet, rather than ten (10) feet. However, there shall be no transitional yard requirement for expressways, freeways or primary arterials, which shall only be required to provide the required front yard setback of ten (10) feet.
- b. The required front yard and setback shall be located outside of and adjacent to the proposed right-of-way line of the street while paralleling and extending the full length of such right-of-way line, except when interrupted by driveway(s).
- c. The uses of required front yards and required transitional yards shall be those permitted in the provisions of the use of required yards and required transitional yards sections of the applicable commercial zoning district.
- d. Canopies, eaves, cornices or other laterally supported extensions may extend a maximum of four (4) feet into a required front yard.
- e. In the case where a proposed right-of-way line does not exist, as determined by the Official Thoroughfare Plan for Marion County, Indiana, or where the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.

(2) No part of any structure, including parking areas, parking spaces, interior access drives, and interior access driveways, shall be built closer than twenty (20) feet to the right-of way line of a federal interstate highway route.

(3) Structures, including parking areas, parking spaces, interior access drives and interior access driveways may be located within the front setback in an area designated as proposed right-of-way under the following provisions:

- a. Streets not designated as a priority in the Official Thoroughfare Plan for Marion County, Indiana. A required landscape strip shall be provided, measured from the existing right-of-way, and shall have a minimum depth of ten (10) feet. The required landscape strip shall be located outside of and adjacent to the existing right-of-way line of the street while paralleling and extending the full length of such right-of-way, except when interrupted by driveway(s).

- b. Streets designated as a priority in the Official Thoroughfare Plan for Marion County, Indiana. A required landscape strip shall be provided, measured from the existing right-of-way, and shall have a minimum depth of ten (10) feet. The required landscape strip shall be located outside of and adjacent to the existing right-of-way line of the street while paralleling and extending the full length of such right-of-way line, except when interrupted by driveway(s).

In addition, sufficient off-street parking shall be provided on the site outside of the proposed right-of-way so that the applicable off-street parking requirements for the use(s) are met.

In addition, if the Department of Public Works would acquire the proposed right-of-way for thoroughfare development or expansion, the Department of Public Works shall have no obligation to pay for any structure located within the proposed right-of-way.

In the event of dedication of right-of-way as a result of rezoning or other methods for both nonpriority and priority streets, such dedication shall not alleviate the right to use the right-of-way in the manner provided above, until such time as the Department of Public Works determines that the additional right-of-way is needed for widening.

(b) Integrated shopping center or complex - plan requirements for Improvement Location

Permit issuance: Prior to Improvement Location Permit issuance for any building or structure within an integrated shopping center or complex, three (3) copies of the site plans and landscape plans for the entire integrated center shall be on file with the Department of Metropolitan Development.

(c) Street requirements:

(1) **Clear sight triangular area.** The following provisions shall apply to all streets, whether public or private: All landscape plantings, structural barriers, shrubs, trees, structures or other objects, temporary or permanent, shall permit completely unobstructed vision within a clear sight triangular area between the heights of two and one-half (2 1/2) and nine (9) feet above the crown of the streets, drives, or driveways. A clear sight triangular area shall be established as one (1) of the following (see section 732-217, Diagram E):

- a. On a corner lot, the clear sight triangular area is formed by the street right-of-way lines, the pavement edge of the drives or driveways and the line connecting points twenty-five (25) feet from the intersection of such street right-of-way lines and pavement edge lines; or in the case of a round or cut property corner, from the intersection of the street right-of-way lines and pavement edge lines extended; or
- b. On a lot adjacent to an at-grade railroad crossing, the clear sight triangular area is formed by the lot line coterminous with the railroad right-of-way, the street right-of-way line or pavement edge line, and the line connecting points twenty-five (25) feet from the intersection of such lines; or
- c. On a lot which has a driveway, abuts an alley or which is next to a lot which has a driveway, the two (2) clear sight triangular areas are formed by the street right-of-way line, both sides of either the alley right-of-way or of the surface edge of the driveway, and the line connecting points ten (10) feet from the intersection of the street right-of-way line and driveway or alley lines extended.

(2) **Requirements for public streets.**

- a. All public streets shall be dedicated to the public, accepted for public maintenance by the Department of Public Works, and improved and constructed in accordance with the standards required by the Department of Public Works Standards for Street and Bridge Design and Construction, or as approved by the director of the Department of Public Works.

- b. The right-of-way of any streets within an integrated center which are indicated on the Official Thoroughfare Plan for Marion County, Indiana, or which has been required by zoning, variance, or platting commitment, condition or covenant to be developed as public streets, is to be constructed to specific standards based upon their proposed functional classification and shall be dedicated to the public, or the right-of-way thereof shall be reserved for the future.

(3) Requirements for private streets, driveways, interior access driveways and interior access drives:

- a. All private streets, driveways, interior access driveways and interior access drives shall meet the minimum standards for construction, materials or use in construction and design as specified by the "Standard Specifications," Indiana Department of Transportation (8-17-1-39), 1988 Edition, the Indiana Department of Transportation Supplemental Specifications, and the Indianapolis Department of Public Works (DPW) Standards for Street and Bridge Design and Construction. In the event DPW specifications conflict with the IDOT Standard Specifications, the most stringent specifications shall govern.

The "Standard Specifications" of the IDOT are incorporated into this chapter by reference. Two (2) copies of the "Standard Specifications" are on file and available for public inspection in the office of the division of planning.

Provided, however, that the standard specifications incorporated into this chapter shall be modified as follows:

Private interior streets, private interior access drives and private interior access driveways shall have a minimum width, including gutters, curbing, and off-street parallel parking spaces, if provided, of:

- One-way, no parking: Twelve (12) feet
 - One-way, parallel parking on one (1) side of the street only: Twenty (20) feet
 - Two-way, no parking: Twenty (20) feet
 - Two-way, parallel parking on one (1) side of the street only: Twenty-seven (27) feet
 - Two-way, parallel parking on both sides of the street: Thirty-six (36) feet
- b. Private streets, interior access drives and interior access driveways shall be privately maintained (not by governmental agencies) in good condition and free of chuckholes, standing water, weeds, dirt, trash and debris.
 - c. Interior access drives and driveways shall be designed and maintained with sufficient width to provide for the passage of emergency vehicles at all times.
 - d. Private streets, interior access drives and interior access driveways within any commercial zoning district may be used to provide ingress and egress to any other commercial zoning district and to any other zoning district having a less intense use, which would include all protected districts.

(4) Sidewalk Requirements in the C-1, C-2, C-3, C-3C, C-4, C-5, C-6, C-7, and C-ID Districts. On any freestanding lot or integrated center that is not served by either an existing public sidewalk or a public sidewalk alternative authorized by the City of Indianapolis, sidewalks shall be provided in compliance with the following regulations.

- a. Placement.

1. Sidewalks shall be provided along all abutting eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator.
 2. Sidewalks shall extend along the full length of the freestanding lot or integrated center's eligible public streets.
 3. Unless a different location is approved by the Administrator, the sidewalks shall be provided within the public right-of-way, one (1) foot from the right-of-way line.
 4. Where sidewalks exist in the public right-of-way in front of an adjacent lot and extend to a point equal to the common lot line extended, the sidewalks shall fully connect with such existing sidewalks on the adjacent property to provide a continuous, unobstructed walkway along the public street.
- b. Construction.
1. Sidewalks shall consist of the walkway and any curb ramps or blended transitions.
 2. Sidewalks shall meet the Standards for Street and Bridge Design and Construction (G.O. 49, 1972/Standards for Acceptance of Streets and Bridges of the City-County Council of Indianapolis and Marion County, Indiana), as amended.
 3. Sidewalks constructed to comply with this section shall be a minimum width of five (5) feet, exclusive of the width of any curb. A minimum clear width of four (4) feet shall be provided. The clear width shall be fully unobstructed by utility poles, traffic signs, mailboxes, fire hydrants or other similar items.
 4. Sidewalks shall be a minimum of four (4) inches in thickness of Portland cement concrete, except where sidewalks cross concrete drives or driveways the thickness shall be a minimum of six (6) inches, conforming to subsection 604 of the current Indiana Department of Transportation Design Standards and Specifications. Sidewalks along frontages that are identified in the Marion County Greenways Plan, Marion County Comprehensive Plan, or IndyParks Connectivity Plan as a greenway or linear path may be constructed with alternate materials and depth standards as approved by the Administrator.
- c. Site Considerations. In locations where site conditions cause extreme difficulty in the construction of sidewalks, the Administrator may, upon written request, waive that portion of sidewalks. Examples of extreme difficulty include, but not limited to, waterway crossings, significant elevation change, existing deep drainage swales in the right-of-way, and grades steeper than 3:1. The request shall include supporting documentation. The waiver would be pursuant to a written agreement and subject to a contribution in lieu of sidewalks that shall be made to the City for the provision of sidewalks in Marion County. The amount shall be \$25 per linear foot of required sidewalk waived. The rate per linear foot shall be increased by \$0.60 annually beginning January 1, 2009.
- d. Compliance with the Americans with Disabilities Act (ADA). Sidewalks and any alternative pedestrian walkway shall comply with the Americans with Disabilities Act. Where this ordinance exceeds the Americans with Disabilities Act, any such improvement shall meet or exceed the provision of this ordinance.
- e. Requirements for sidewalks for new development. Sidewalks shall be provided in connection with the initial development of a freestanding lot or integrated center when a building is constructed, erected, or relocated. Sidewalks shall be provided for the

reconstruction of a freestanding lot or integrated center upon which at least 2/3 of all buildings have been removed, demolished, or destroyed.

- f. Internal accessibility for new development. Within a freestanding lot or integrated center, walkways shall be provided in accordance with a pedestrian plan that shall include a walkway system that functionally connects all of the building's main front entrances with the sidewalk located in the public right-of-way of each of the freestanding lot or integrated center's eligible public streets. The walkways may be constructed of asphalt, concrete, pavers, or other materials meeting ADA guidelines. Such private walkways shall provide for identifiable pedestrian crossing treatments along functional pedestrian routes wherever the private walkways cross an interior access drive or interior access driveway.
- g. Requirements for sidewalks for redevelopment or additions. When improvements are proposed for:
 - (i) a freestanding lot or integrated center upon which a building on a permanent foundation exists prior to July 1, 2008; or,
 - (ii) a lot upon which no building on permanent foundation exists and is located within an integrated center upon which a building on a permanent foundation exists prior to July 1, 2008,

sidewalks for the redevelopment or the additions shall be provided in compliance with the following regulations:

1. Sidewalks shall be required when a building is constructed, erected, enlarged, extended, reconstructed, relocated, or converted to a commercial use; except a building that was destroyed or damaged by fire or natural causes and is reconstructed on substantially the same foundation and of substantially the same gross floor area.
2. Sidewalks shall be provided at a minimum rate of 5 linear feet of sidewalk per 100 square feet or fraction thereof of the gross floor area of the constructed, erected, enlarged, extended, reconstructed, converted to a commercial use, or relocated building or addition. The linear amount of sidewalk required shall not exceed the cumulative length of the eligible public streets of the freestanding lot or integrated center, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator.
3. The provision of the sidewalks shall be in accordance with the following options with the first option being preferred:
 - i. Sidewalks shall be constructed; or
 - ii. Pursuant to a written agreement, a contribution in lieu of sidewalks shall be made to the City for the provision of sidewalks in Marion County. The amount shall be \$25 per linear foot of required sidewalk. The rate per linear foot shall be increased by \$0.60 annually beginning January 1, 2009.
4. Where this subsection would result in the partial installation of sidewalks along an eligible public street, the Administrator shall determine the location along the eligible public street where the sidewalks shall be installed. The criteria for the sidewalk location shall be the greatest improvement to the public health, safety, welfare and convenience.

5. The provision of the sidewalks shall be required for each addition to the site until the sidewalks are constructed along all eligible frontages or the equivalent contribution has been made for the sidewalks.

[2007-AO-2; G.O. 4, 2008]

(5) Sidewalks in the C-S District. Pedestrian accessibility shall be provided along all eligible public streets in accordance with the site and development plan approved with the adoption of the C-S district and the following regulations. If the adopted C-S site and development plan fails to specify pedestrian accessibility, sidewalks shall be provided in accordance with the provisions of Section 732-214(c)(4).

- a. Pedestrian Accessibility shall be provided along eligible public streets and to available public transit. The pedestrian accessibility may be sidewalks, paths, trails, or combination thereof. Prior to the approval of a path or trail, documentary assurances shall be filed indicating that the path or trail shall be provided with regular maintenance and repair, including, but not limited to surface, subgrade, subsurface drainage, trailside drainage, lights, signs, traffic control signs, and traffic control signals, as applicable, and that this maintenance obligation shall be met by the adjoining property owner in perpetuity. Such documentary assurances shall be recorded in the Office of the Recorder of Marion County, Indiana, or otherwise provided for through legally binding perpetual agreements as approved by the Administrator.
- b. Internal accessibility. Within a lot or integrated center, walkways shall be provided in accordance with a pedestrian plan that shall include a walkway system that functionally connects all of the building's main front entrances with the sidewalk located in the public right-of-way of each of the lot or integrated center's eligible public streets. The walkways may be constructed of asphalt, concrete, pavers, or other materials meeting ADA guidelines. Such private walkways shall provide for identifiable pedestrian crossing treatments along functional pedestrian routes wherever the private walkways cross an interior access drive or interior access driveway.
- c. Compliance with the Americans with Disabilities Act (ADA). Sidewalks and any alternative pedestrian walkway shall comply with the Americans with Disabilities Act. Where this ordinance exceeds the Americans with Disabilities Act, any such improvement shall meet or exceed the provision of this ordinance.

[2007-AO-2; G.O. 4, 2008]

(d) Requirements for recycling operations and containers:

(1) Requirements for recycling center operations. Materials permitted for collection at neighborhood recycling collection points and recycling stations as defined in section 732-217, located within a C-3, C-3C or C-4 commercial district shall include the following:

- aluminum cans
- plastics
- paper products
- tin and metal cans
- glass containers

In addition to the materials listed above, other household scrap and minor automobile parts made of aluminum, brass, copper, or steel may also be collected at these facilities in the C-3, C-3C and C-4 commercial districts. However, all materials collected for delivery to the recycling facilities in the C-3, C-3C and C-4 commercial districts shall be in amounts that allow delivery by vehicles which do not exceed a maximum load capacity of three-quarters (3/4) of a ton. All deliveries that necessitate the use of vehicles in excess of this size shall be required to deliver the recyclable materials to a more intensive recycling facility. This restriction is

intended to protect the community character of the C-3, C-3C and C-4 commercial districts and minimize traffic created by larger hauling vehicles.

In the C-3, C-3C and C-4 commercial districts, those collection points and recycling stations that utilize a trailer as its primary structure shall be limited to one (1) trailer per site. The facility shall be manned during all hours of operation and located during off hours. In addition to these requirements, the requirements for recycling containers (as specified in section 732-214(d)(2)) shall also apply to trailer facilities.

In addition to those requirements outlined for recycling activities in the C-3, C-3C, and C-4 districts, recycling activities permitted within the C-5, C-6, C-7 and C-ID commercial districts shall also be within a completely enclosed structure and may include the crushing or compacting of the recyclable materials in order to facilitate their handling and transport. This processing step is considered to be an incidental aspect of a recycling operation, rather than a characteristic of the use itself.

(2) Requirements for recycling containers. Recycling containers as defined in section 732-217 shall be subject to the following requirements:

- a. The use or structure shall not be located within any required yard or required transitional yard or within any street right-of-way and shall meet the minimum setback requirements of the district.
- b. When the structure is an accessory use located in the parking area of the primary use, the structure shall be located completely within a striped, off-street parking space(s) on the site and shall not be within a drive or maneuvering area.
- c. A minimum of three (3) off-street parking spaces shall be provided on-site. These off-street parking spaces are in addition to the required parking provided for the primary use. A suitable maneuvering area for access and turning shall also be provided as specified in Architectural Graphic Standards, Eighth Edition, Ramsey/Sleeper John Wiley and Sons, Inc., New York, New York.
- d. All recyclable materials shall be stored within a recycling container and the surrounding lot areas shall be maintained free of litter and debris on a daily basis.
- e. The recycling containers shall be clearly marked to identify the type of material which may be deposited; and the name and telephone number of the operator and the hours of operation, and shall display a notice stating that no material shall be left outside the recycling containers.
- f. The recycling container shall not reduce the amount of any required landscaping as provided by this chapter for the primary or accessory use.
- g. The recycling containers shall be emptied or exchanged with a new container at or before the time the existing container becomes completely filled.
- h. The recycling container shall not be located within one hundred (100) feet, measured in any direction, of a dwelling district. The measurement shall be taken from the exterior of the container to the zoning boundary of the dwelling district except when such container is separated from such dwelling district by an intervening street (see section 732-217, Diagram J).
- i. Recycling containers are prohibited as accessory structures on lots of less than ten thousand (10,000) square feet in area. Recycling containers shall be permitted as accessory uses on lots of ten thousand (10,000) square feet in area or greater provided that the combined total square footage utilized for recycling containers on the lot does not exceed one-half (1/2) of one (1) percent of the total gross square footage of the lot.

- j. An Improvement Location Permit shall be obtained prior to the placement of the recycling container on the commercial lot.

(e) Requirements for temporary use structures or buildings: Temporary use structures shall be permitted in all commercial districts, under a temporary Improvement Location Permit issued by the Administrator subject to the temporary use requirements specified below:

- (1) Temporary use structures or buildings shall comply with all setback requirements for a primary building on the site.
- (2) Any floodlights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
- (3) A temporary Improvement Location Permit for a temporary use structure shall be valid for a maximum of eighteen (18) months. An extension of time, not to exceed one hundred eighty (180) days, may be granted by the Administrator for good cause shown. Such request for extension must be filed with the Administrator prior to the termination date of the temporary Improvement Location Permit.
- (4) All structures, buildings, appurtenances, trash or debris associated with the temporary use structure shall be removed from the site immediately upon completion or cessation of the temporary use.

(f) Requirements for temporary seasonal retail sales uses:

- (1) The use or structure must comply with all setback requirements for a primary building on the site.
- (2) A minimum of three (3) off-street parking spaces shall be provided on-site for the temporary seasonal retail sales use. The location of the temporary seasonal retail sales uses and its required minimum reservation of off-street parking spaces shall not utilize any required off-street parking spaces for the primary/permanent use of the site.
- (3) The location of the temporary seasonal retail sales use, and any structure associated with such use, shall be completely within a striped, off-street parking space(s) for the primary/permanent use on the site and shall not be located within a drive or maneuvering area for that primary/permanent use.
- (4) Final site plans, showing the location of the temporary seasonal retail sales use within the site, shall be subject to Administrator's review and approval prior to the issuance of an Improvement Location Permit.
- (5) Signs for the temporary seasonal retail sales shall comply with the regulations regarding wall signs within integrated centers contained in Chapter 734 of this Code.

(g) Landscaping, screening, and grounds maintenance: Subject to the allowed uses in required yards, landscaping, screening and grounds maintenance shall be provided and maintained, for all development in all commercial districts in accordance with the following regulations:

(1) Landscaping and screening in required yards.

- a. All required yards shall be landscaped. The landscaping of these yards shall, at a minimum, consist of a combination of living vegetation such as trees and shrubs as specified in section 732-214(g)(1)b. and c. and grasses or ground cover materials, planted or transplanted and maintained, or preserved as existing natural vegetation areas (e.g., woods or thickets). Loose stone, rock or gravel may be used as a landscaping accent, but shall not exceed twenty (20) percent of the area of the required yard in which it is used.
- b. **Landscaping and screening of the required front yard** shall be provided and maintained according to the following minimum standards:

1. Landscaping in the required front yard shall consist of trees planted in accordance with one (1) of the two (2) following alternatives:

- i. If deciduous shade (overstory) trees are used:

There shall be one (1) tree planted at a maximum of every forty (40) feet on center of linear distance along all required front yards.

These required trees may be grouped together in the required front yard, however, in no case shall spacing between the trees exceed eighty (80) feet (refer to section 732-217, Diagram F); or

- ii. If deciduous ornamental (understory) trees are used:

There shall be one (1) tree planted at a maximum of every twenty-five (25) feet on center of linear distance along the required front yard.

These required trees may be grouped together in the required front yard, however, in no case shall spacing between the trees exceed fifty (50) feet (refer to section 732-217, Diagram F).

Deciduous shade trees and deciduous ornamental trees may be grouped together in the required yards, however, in no case shall spacing between a deciduous shade tree and a deciduous ornamental tree exceed fifty (50) feet.

2. Screening in the required front yard of the project may include:

- i. Wall or fence - an ornamental, decorative fence or masonry wall, not more than forty-two (42) inches in height if solid, or six (6) feet if the sight barrier is less than fifty (50) percent, may be used in conjunction with the required landscaping; or
- ii. Berm - an earthen berm may be used in conjunction with the required landscaping. It shall be a maximum height of forty-two (42) inches, have a minimum crown width of two (2) feet, a side slope of no greater than three to one (3:1), and shall be planted and covered with live vegetation (a retaining wall may be used on one (1) side of the berm in lieu of a side slope, if desired); or
- iii. Plant material screen - a compact hedge of evergreen or densely twigged deciduous shrubs may be used in conjunction with the required landscaping.

Provided, however, for all parking areas between the building line, as extended, and the street, there shall be provided and maintained along the front line of the parking area a screen of a minimum height of thirty-six (36) inches along a minimum of seventy-five (75) percent of the linear distance of the parking area (excluding the linear width of driveways) with a solid wall, solid fence, berm, or plant material screen. In addition, no linear open space between the above noted screening techniques shall be greater than thirty (30) feet.

The ground area between such wall, fence, berm, or plant material screen and the front proposed right-of-way line shall be planted and maintained in grass or other suitable ground cover.

A minimum of half of the required trees shall also be planted between the proposed right-of-way and the wall, fence, berm, or plant material screen.

- c. **Landscaping and screening in the required side and rear yards** shall be provided and maintained according to the following minimum standards:
1. Landscaping in the required side and rear yards shall consist of trees planted in accordance with one (1) of the two (2) following alternatives:
 - i. If deciduous shade (overstory) trees are used:

There shall be one (1) tree planted at a maximum of every sixty (60) feet on center of linear distance along all required side and rear yards.

These required trees may be grouped together in the required side and rear yards, however, in no case shall spacing between the trees exceed eighty (80) feet (refer to section 732-217, Diagram F); or
 - ii. If deciduous ornamental (understory) trees are used:

There shall be one (1) tree planted at a maximum of every forty (40) feet on center of linear distance along all required side and rear yards.

These required trees may be grouped together in the required side and rear yards, however, in no case shall spacing between the trees exceed fifty (50) feet (refer to section 732-217, Diagram F).

Deciduous shade trees and deciduous ornamental trees may be grouped together in the required yards, however, in no case shall spacing between a deciduous shade tree and a deciduous ornamental tree exceed fifty (50) feet.
 2. Screening in the required side and rear yard of the project may include:
 - i. Wall or fence - an ornamental, decorative fence or masonry wall up to a maximum height of ten (10) feet may be used in conjunction with the required landscaping; or
 - ii. Berm - an earthen berm may be used in conjunction with the required landscaping. It shall have a maximum height of ten (10) feet, have a minimum crown width of two (2) feet, a side slope of no greater than three to one (3:1), and shall be planted and covered with live vegetation; or

- iii. Plant material screen - a compact hedge of evergreen or densely twigged deciduous shrubs may be used in conjunction with the required landscaping.
- d. All landscape plantings, architectural screens (fences, walls), shrubs, trees, structures or other objects shall permit completely **unobstructed vision within a clear sight triangular area** as noted in section 732-214(c).
- e. **No** architectural screen fronting upon or abutting a protected district shall be **electrified** with the intent of providing for an electrical shock if touched.
- f. **Barbed wire, razor wire** and similar type wires shall not be permitted within the front yard setback, or in front of any existing building in the C-1, C-2, C-3, C-3C, C-4, C-5, or C-6 commercial districts.
- g. The **minimum size** of all required landscape plant materials, at the time of planting, including substituting or replacement trees and shrubs, shall be as follows:
 - 1. Deciduous shade (overstory) trees - two-and-one-half-inch caliper at six (6) inches above the ground.
 - 2. Deciduous ornamental (understory) trees - one-and-one-half-inch caliper at six (6) inches above the ground.
 - 3. Multi-stemmed trees - eight (8) feet in height.
 - 4. Evergreen trees - five (5) to six (6) feet in height.
 - 5. Deciduous or evergreen shrubs - twenty-four (24) inches in height. Shrubs are to be planted at a maximum of four (4) feet on center of linear distance along the required yard.

Except, however, shrubs used to screen parking in front of the building facade of an automotive dealership (new, used, or rental) shall be eighteen (18) inches in height.

- h. All trees and shrubs shall be planted or transplanted in accordance with the standards contained in American Standards for Nursery Stock, copyrighted in 1986 by the American Association of Nurserymen and approved May 2, 1986, by the American National Standards Institute, Inc. (a copy of which is on file in the office of the division of planning and is hereby incorporated by reference and made a part hereof). All trees and shrubs shall be mulched and maintained to give a clean and weed-free appearance.
- i. In computing the number of trees to be planted in a required yard or a required transitional yard, a fraction of one-half (1/2) or greater shall be rounded up to count as an additional tree.
- j. Existing trees may fulfill the requirements for tree planting in required yards or required transitional yards as long as the standards specified for required yards (section 732-214(g)(2)b. or c.) or required transitional yards (section 732-214(g)(3)b. or c.) are met.
- k. The removal from any minimum required yard or any minimum required transitional yard of any existing live deciduous tree over four-inch caliper measured at four and one-half (4 1/2) feet above ground or of any existing shrub or evergreen tree over six (6) feet in height shall be prohibited except to facilitate the placement of utilities or to provide for necessary easements or drainage improvements. Removal of such tree(s) shall require the replanting of replacement tree(s) so that the total number of trees replanted equals the total number of trees removed. Replacement trees shall be of the same species as those trees removed unless approved otherwise by the

Administrator. Replanting of these replacement trees shall occur within six (6) months of removal, or the next planting season, whichever occurs first.

- I. All existing trees which are to be preserved shall be maintained without injury and with sufficient area for the root system to sustain the tree. Protective care and physical restraint barriers at the dripline, such as temporary protective fencing, shall be provided to prevent alteration, compaction or increased depth of the soil in the root system area prior to and during groundwork and construction. Heavy equipment traffic and the storage of construction equipment or materials shall not occur within the dripline of the tree.

(2) **Landscaping and screening of required transitional yards:** Landscaping and screening of yards fronting upon or abutting a protected district shall be provided and maintained, for all development in all commercial districts in accordance with the following regulations in addition to section 732-214(g)(1)d. through k.

- a. All required transitional yards shall be landscaped. The landscaping of these yards shall, at a minimum, consist of a combination of living vegetation such as trees, shrubs, hedges, and grasses or ground cover as specified in section 732-214(g)(2)b. and c., planted or transplanted and maintained, or preserved as existing natural vegetation areas (e.g., woods or thickets). Loose stone, rock or gravel may be used as a landscaping accent, but shall not exceed twenty (20) percent of the area of the required yard in which it is used.
- b. **Landscaping and screening of required front transitional yards** shall be provided and maintained according to the following minimum standards:
 1. Landscaping in front transitional yards shall consist of trees planted in accordance with the standards specified for required front yards. See section 732-214(g)(1)b.1.
 2. Screening in front transitional yards shall be provided in an open pattern to partially screen the commercial use.

Provided, however, for any parking areas between the building line, as extended, and the street, there shall be provided and maintained along the front line of the parking area a buffer screen of a minimum of one (1) of the following:

- i. Architectural screen - a wall or fence of ornamental block, brick, solid wood fencing or combination thereof. Such wall or fence shall be a maximum of forty-two (42) inches and a minimum of thirty-six (36) inches in height and shall be so constructed to such minimum height to restrict any view therethrough: or
- ii. Berm - an earthen berm shall be a maximum height of forty-two (42) inches and a minimum height of thirty-six (36) inches, a minimum crown width of two (2) feet, a side slope of no greater than three to one (3:1), and shall be planted and covered with live vegetation (a retaining wall may be used on one (1) side of the berm in lieu of a side slope, if desired).

Exception: The earthen berm may be combined with shrubs to attain the minimum height of thirty-six (36) inches.
- iii. Plant material screen - a compact hedge of evergreen or densely twigged deciduous shrubs. Such shrubs shall attain a minimum height of thirty-six (36) inches at maturity; and

The ground area between such wall, fence, berm, or hedge and the front right-of-way line shall be planted and maintained in grass or other suitable ground cover. A minimum of half of the required trees shall also be planted between the proposed right-of-way and the wall, fence, berm, or hedge.

- c. **Required side and rear transitional yards** shall be landscaped and have an effective screening of the commercial use.
1. Landscaping and screening required side and rear transitional yards using a solid wall or fence shall be provided and maintained according to the following minimum standards:
 - i. Landscaping standards for required side or rear transitional yards using a solid wall or fence.

Trees shall be planted along all side and rear transitional yards according to the standards specified for tree planting in front required yards. See section 732-214(g)(2)b.1.
 - ii. Screening standards for required side and rear transitional yards using a solid wall or fence:
 - (a) The finished side of the fence shall face the protected district. Such fence or wall shall be constructed to a height of not less than six (6) feet and no more than ten (10) feet.
 - (b) A berm may be used in place of a solid fence or wall so long as the berm is a minimum of six (6) feet in height to a maximum of ten (10) feet, has a minimum crown width of two (2) feet, a side slope no greater than three to one (3:1), and shall be planted and covered in live vegetation.

Exception: The earthen berm may be combined with shrubs to attain the minimum height of six (6) feet.
 2. Landscaping and screening in the required side and rear transitional yards, if a solid wall or solid fence is not used, shall be provided and maintained according to one (1) of the following minimum standards:
 - i. A combination of trees and shrubs:
 - (a) Trees - trees shall be planted in accordance with the standards specified for required front yards (see section 732-214(g)(2)b.); and
 - (b) Shrubs - shrubs shall be planted so that one hundred (100) percent of the linear distance of the required transitional yard is screened. Shrubs shall be planted at a maximum of four (4) feet on center of linear distance along the required transitional yard. The shrubs shall have a minimum ultimate height of six (6) feet and shall be either evergreen or densely twigged deciduous shrubs: or
 - ii. Low branching and densely twigged deciduous ornamental trees shall be planted to maintain a spacing of twelve and one-half (12 1/2) feet on center; or
 - iii. Densely branched evergreen trees shall be planted to maintain a spacing of twelve and one-half (12 1/2) feet on center; or

iv. A combination of i., ii., or iii. to be maintained so that one hundred (100) percent of the linear distance shall be screened.

Exception: Existing trees and shrubs may be used to screen commercial uses. However, required transitional yards must be supplemented where sparsely vegetated to maintain a dense visual barrier to a height of six (6) feet.

3. Landscaping and screening in the required side and rear transitional yards may be achieved by combining elements from 1. and 2. of this subsection, so long as the minimum standards set forth for that element utilized is satisfied.

(3) **Additional landscaping requirements - interior of parking lots:** The purpose of interior landscaping is to help reduce glare and heat buildup; to promote interior islands for pedestrian safety and traffic separation; to visually break up large expanses of pavement; and to reduce surface runoff. The interior of any parking lot shall be landscaped based on the following minimum standards:

<u>Total Number of Parking Spaces</u>	<u>Required Interior Landscaped Area</u>
<i>Less than 100 spaces required</i>	<i>None required</i>
<i>100 or more spaces required</i>	<i>Minimum 15 square feet per parking space</i>

- a. The minimum size of a required interior landscaping area shall be one hundred eight (108) square feet. No planting area shall be less than six (6) feet in dimension, measured from the inside of the permanent barrier to inside of permanent barrier, except those portions created by turning radii or angles or parking spaces (refer to section 732-217, Diagram G).
- b. Required interior landscaped areas shall be in-ground and not placed upon a pavement surface.
- c. A permanent barrier, such as curbing or wheel stops, shall enclose each interior landscaped area so as to minimize damage from vehicles, pedestrians and improve parking lot maintenance.
- d. For each twenty (20) parking spaces or fraction thereof, one (1) tree shall be provided. Trees located at the end of a parking bay shall be deciduous shade (overstory) or deciduous ornamental (understory). Trees located in any other portion of the interior landscaped area may be deciduous shade (overstory), deciduous ornamental (understory) or evergreen. The minimum size for trees shall be:
 - Two and one-half-inch caliper at six (6) inches above the ground at time of planting (deciduous shade (overstory)).
 - One and one-half-inch caliper at six (6) inches above the ground at the time of planting (deciduous ornamental (understory)).
 - Five (5) to six (6) feet in height at the time of planting (evergreen trees).
- e. Each tree shall be a minimum of two and one-half (2 1/2) feet away from the outside of any permanent barrier of a landscaped area or edge of the parking area.

- f. Hardy ground cover or grasses shall be planted to cover each interior landscaped area completely within three (3) years. All ground cover shall have a mature height of not more than two and one-half (2 1/2) feet.
- g. Space devoted to required interior landscaped areas shall be in addition to any required front, side or rear yard or required front, side or rear transitional yard.
- h. Fifty (50) percent of the required interior landscaped areas shall be installed at the end of parking bays (refer to section 732-217, Diagram G). The balance of the required interior landscaped area may be installed anywhere on the lot outside of the required front, side or rear yard or required front, side or rear transitional yard.

Exceptions to interior parking lot landscaping:

- a. The requirements of this subsection shall not apply to parking garages or parking decks.
- b. The requirements of this subsection shall not apply to the parking lots of commercial developments, legally established prior to August 2, 1993 unless there is additional square footage added to the development that is equal to or in excess of fifteen (15) percent of the development, in which case the additional parking that would be required shall meet the requirements of this section for the additional square footage, but the existing parking would not be subject to these landscaping requirements.

(4) Landscape plan requirements: A landscape plan shall:

- a. Be drawn on a copy of the site plan (or a simplified scale drawing thereof) and show exact locations and outline of all rights-of-way (both existing and proposed by the Official Thoroughfare Plan for Marion County), structures, buildings, sidewalks and pedestrian ways, streets, trash enclosures, project access and interior access drives and driveways, individual and project storage, permanent lighting fixtures, signs, benches, screens, walls, fences, natural vegetation areas, open space, recreational areas, transitional yards, adjacent property zones, and all underground and overhead lines within areas to be landscaped (with depths or heights indicated at intervals where lines change direction or where terminals or connections are provided);
- b. Show dimensioned detailed elevation or section drawings of walls and fences;
- c. Show all existing elevations and proposed land contour lines having at least two-foot intervals;
- d. Show location and nature of existing and proposed drainage systems and their flow;
- e. Include a tree survey of required yards or required transitional yards indicating the exact location of existing trees over four-inch caliper at four and one-half (4 1/2) feet above the ground and all flowering trees, shrubs and evergreens over six (6) feet in height.
- f. Include the exact location of any existing tree two and one-half-inch caliper or greater at four and one-half (4 1/2) feet above the ground which will be counted as a required tree. Such trees, shrubs and evergreens shall be accurately labeled in the tree survey with species and caliper size indicated as either existing to remain or existing to be removed or transplanted.
- g. Show all proposed planting by labeling the species, size, and spacing (on center).

- (5) **Grounds maintenance:** The project owner or management shall:
- a. Maintain the landscaping by keeping lawns mowed, all plants maintained as disease-free, and planting beds groomed, except in naturally occurring vegetation areas, such as thickets; and
 - b. Replace any required planting(s), which are removed or die after the date of planting per the previously approved plans on file. Such replacement shall occur during the next planting season.
- (6) **Administrator approval of alternate plans:** The Administrator, upon request by the applicant, shall have the power to modify any landscape requirements and approve alternatives for those requirements as long as the alternative plan is appropriate for the site and its surroundings and is compatible and consistent with the intent of the stated standards. Such modification shall be noted on the alternative landscape plan, stamped approved by the Administrator and become a part of the file and requirements for the Improvement Location Permit.

(h) Appeal. In all sections of this chapter where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to bring such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval.

(i) Application of section 732-214. This section shall be applicable to all commercial districts.

(G.O. 2, 2002, § 13)